



## **Caster Semenya's Case against the International Association of Athletics Federations**

### **Background and Talking Points**

#### **Caster Semenya's Case:**

- Caster Semenya is a South African Olympic medal-winning cisgender female runner who was born with a variation of sex characteristics associated with higher naturally occurring testosterone (referred to as “hyperandrogenism”\* in sport policy). She won gold medals for South Africa in both the 2012 and 2016 Olympics in the 800m running event.
- In April 2018, the International Association of Athletics Federations (IAAF) [introduced a regulation](#) that would force cisgender women with higher naturally occurring testosterone levels to undergo medically unnecessary intervention in order to compete in women's sport. This type of eligibility criteria is discriminatory and harmful.
- The regulations target women running events between 400m to one mile – the very space in which Semenya competes.
- Because the regulation targets the events in which Semenya competes, Semenya decided to challenge the regulation at the Court of Arbitration for Sport (CAS). Semenya's case was heard in February of 2019 with the decision postponed until the end of April 2019.
- On May 1, 2019, CAS ruled to uphold the 2018 IAAF regulation that forces cisgender women with higher naturally occurring testosterone levels to undergo medically unnecessary intervention in order to compete in women's sport. This means that Caster Semenya, and female athletes like her running events between 400m to one mile, will be forced to alter their bodies in order to compete.

#### **On the question of competitive advantage:**

- As sports fans, we celebrate the exceptional - we celebrate athletes who excel in sport due to their naturally occurring physical characteristics.



- Many elite athletes have specific genetic factors that correspond with their athletic success, such as swimmers with larger than “normal” feet, or runners with larger than “normal” hearts or lung capacity. Caster Semanya is no different.
- There are so many different factors and levels of complexity that impact athletic performance, including access to better coaches and facilities; money to pay for nutritionists, recovery services, etc. At the highest levels of support, physical characteristics can only get you so far -- [you also need serious technical skill](#) and rigorous, self-motivated training to be able to beat top competitors from around the world.
- We are deeply concerned that women are being asked to undergo medical interventions to continue competing in the female category in sport -- especially when there is not conclusive scientific evidence that higher natural testosterone impacts athletic performance.
- The humiliating practice of “sex testing” reserved for women has been occurring at the highest levels of sport since the late 1960s. These regulations continue this sordid history of policing women’s bodies, which have primarily been used to enforce classifications against competitors who already facing various axes of oppression.
- Sport governing bodies should be ensuring inclusion and not fostering discrimination against athletes like Semanya.

#### **On the intersectional issues at play in Caster’s Case:**

- Caster is a Black South African cisgender woman, who grew up in rural district and who worked hard to become an Olympic runner. She is considered a national hero in South Africa. See her Nike ads [here](#) and [here](#).
- In South Africa, #HandsOffCaster has been an incredibly popular rallying cry because of the deep national pride regarding her achievements, and because the ease with which sports authorities encourage physical alterations of her healthy body resonates as a commonly-experienced injustice of the policing of and violence to female and black bodies.
- The issues that intersect in this case are at least those of race, class, gender, sex characteristics, sexual orientation, and global north/south dynamics in sports. Caster’s case is about her right to compete in her sport, and the outcome has ramifications across many issues for many people and movements. [More on these intersectional issues here.](#)



### **History behind Semenya's Case and Discriminatory IAAF Policies:**

- Caster's case is connected to a related case brought to CAS by Indian sprinter Dutee Chand in 2015.
- Chand, an Olympic hopeful and national champion, was barred from competing against women in 2014 because of her higher natural testosterone. Chand challenged the [2011 IAAF Testosterone Regulations](#) on a few key issues, including that a) they discriminate against female athletes and athletes who possess a natural physical characteristic; and b) they are based on flawed understandings of the actual relationship between testosterone and athletic performance.
- In Chand's case, CAS [ruled](#) in 2015 that there was insufficient evidence that any performance advantage caused by higher natural testosterone warranted excluding female athletes like Chand.
- In fact, CAS carefully weighed an extensive body of scientific evidence and was unable to conclude that the impact of naturally elevated testosterone on women's performance was so much more substantial than the benefits caused by other factors, such as nutrition, access to specialist training facilities and coaching, and other genetic, biological and personal variations.
- CAS gave the IAAF two years to submit additional evidence to be considered. The IAAF failed to do so in given time period. When the IAAF announced its "new" regulation on testosterone in 2018, it was simply a revised version of its suspended regulation.
- The 2018 regulation was a continuation of this attempt on the part of the IAAF to build a case that women with elevated testosterone levels have an edge, despite the fact that scientific evidence does not prove this assertion.

### **On the connection to the International Olympic Committee (IOC) policies:**

- In November 2015, the International Olympic Committee (IOC) met to discuss its 2003 regulations on transgender athletes and also respond to the 2015 CAS ruling in Dutee Chand's case (for more Dutee's case and CAS rulings, see below).



- What came out of that meeting was the [IOC's 2015 Consensus Statement on Sex Reassignment and Hyperandrogenism](#). This policy marks a turning point in codified policy on both trans and intersex\*\* athletes at the highest level of sport.
- **The lived experiences of and challenges faced by trans and intersex athletes are distinct and are often conflated.** Semenya, too, has been incorrectly described as transgender by international media. As such, we focus in this background on the part of the overall meeting and subsequent policy that is directly relevant to Caster's case.
- Unlike previous IOC regulations, the 2015 IOC policy upheld the 2015 CAS decision that found the IAAF's regulation could not be justified given available scientific evidence. Dutee Chand was permitted to run without having to undergo any medically unnecessary intervention to change her testosterone levels.

#### **Additional Background Resources and Readings:**

[Testosterone Limits for Female Athletes Not Backed by Science, Say Academics \(Davis 2019\)](#)

[Stop Talking about Testosterone, There's No Such Thing as True Sex \(Karkazis 2019\)](#)

[Impossible Choices: The Inherent Harms of Regulating Women's Testosterone in Sport \(Karkazis & Carpenter 2018\)](#)

[Track's New Gender Rules Could Exclude Some Female Athletes \(Longman 2018\)](#)

*\*Earlier IAAF clinical guidelines referred to "hyperandrogenism" or elevated natural testosterone levels in a cisgender woman. Hyperandrogenism is a sex-specific clinical sign, not typically a diagnosis in its own right. It can be associated with a number of different intersex variations.*

*\*\*Caster has an intersex variation though she herself uses other terminology. Intersex people are born with sex characteristics that do not fit medical or social norms for male or female bodies. **Intersex people are incredibly diverse and use different terms to understand their bodies and identities.** In large part this is mediated by what intersex persons are taught by society (parents, doctors, et cetera), including in response to stigma and misconceptions. The 2018 IAAF clinical regulations use intersex as a label for a third sex or gender classification; this deploys the category as a form of punishment for women who resist medicalization (Karkazis and Carpenter 2018). This does not*



*respect the diverse lives of intersex people, and has adverse consequences for intersex people who understand themselves in other ways. For more on intersex issues, see [InterACT's resource page](#). For more on information on intersex people in sport, click see [IHRA's resource on intersex](#) people in sport.*

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