

## Statement on the IOC Genetic Sex Testing Policy

In March 2026, the International Olympic Committee adopted a new eligibility policy that requires athletes to undergo SRY gene screening as a condition of eligibility for women's events.<sup>1</sup> Athletes who screen positive are treated as ineligible for the women's category unless they pursue further evaluation and are found to fall within narrow exceptions for some variations in sex characteristics.

The Association of Russian Speaking Intersex (ARSI) condemns the International Olympic Committee's new policy that makes SRY genetic screening a condition for eligibility in the women's category for the following reasons.

### I. The policy is epistemically defective.

The policy is justified on the basis that certain athletes are said to possess a competitive advantage in the women's category because of male sex development. It then assumes that SRY status can identify that advantage for eligibility purposes. However, this justification is epistemically defective because:

1. **Athletic performance does not arise from one biological trait.** It is produced by the interaction of numerous biological, developmental, environmental, and social factors, including muscle mass, skeletal structure, limb length, body composition, haemoglobin levels, red blood cell mass, cardiac output, lung capacity, oxygen uptake, capillary density, tendon stiffness, bone density, reaction time, neuromuscular coordination, training history, nutrition, sleep, injury history, coaching quality, access to facilities, equipment, funding, and competition exposure. The SRY gene does not tell us anything about these sport-relevant traits.
2. **Where biological traits may be relevant to performance, they are discipline-specific.** A trait that may matter in one event or discipline may have little or no relevance in another. A single Olympic-wide criterion of "sex" or "advantage" therefore reflects administrative convenience rather than scientific precision or ethical principles. Administrative convenience is not a sufficient justification for regulating participation on the protected ground of sex characteristics.
3. **The SRY gene does not by itself determine the full range of a person's sex characteristics at a particular moment.** The presence of

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<sup>1</sup> See, International Olympic Committee, "[Policy on the Protection of the Female \(Women's\) Category in Olympic Sport](#)", 26 March 2026.

the SRY gene cannot, by itself, establish that an athlete has the particular physiological characteristics that might matter for performance in a given event. Besides the narrow exception for complete androgen insensitivity, intersex women with other variations in sex characteristics might have the SRY gene, while their bodies develop in ways that do not produce the androgen effects the rule treats as decisive. Moreover, the absence of the SRY gene does not, by itself, establish the absence of performance-relevant traits. Some intersex women without SRY develop sex characteristics that the policy associates with male sex through other genetic pathways. The inference therefore fails in both directions: the presence of SRY does not prove performance advantage, and the absence of SRY does not disprove the existence of relevant traits.

Any inference drawn from SRY status is further limited by the possibility of false positive results, false negative results, laboratory and sampling error, chain-of-custody failures, contamination, administrative or data-processing error, interpretive uncertainty, incomplete detection of relevant genetic variation, inconsistent testing protocols, later reinterpretation of results, subsequent disputes about validity, repeat testing demands, and other factors.

Therefore, the policy pursues a goal of eliminating unfair advantages by an exclusionary rule based on a proxy that does not determine whether a person has the specific physiological traits that might matter for performance in a particular sport and, therefore, an "unfair" advantage.<sup>2</sup>

## **II. The policy is deeply incompatible with the right to private life.**

Information about genetic sex characteristics is uniquely intimate, as it concerns a person's body, identity, and social recognition, and it is difficult to contain once collected. That is why international human rights law affords genetic data heightened protection and prohibits its processing except in narrow circumstances, such as explicit, voluntary, and informed consent or a clearly established substantial public interest pursued through necessary and proportionate means. The policy fails all of these requirements:

- It fails the necessity requirement because there is insufficient scientific evidence establishing a reliable connection between the SRY gene and actual unfair advantage in all sports disciplines.

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<sup>2</sup> The policy assumes, rather than justifies, its own conception of fairness that consists in preserving a protected category by excluding bodies associated with certain sex characteristics. However, fairness based around binary sex categories is a normative judgment about which exactly differences matter, why they matter, and when they warrant exclusion. Where that judgment is made on a protected ground, and where the scientific basis for the chosen proxy remains weak, the concept of fairness itself might require reassessment.

- It fails the proportionality requirement because it imposes a categorical exclusion rather than adopting sport-specific rules tailored to demonstrated risks or advantages.
- It fails the requirement of voluntary consent because it requires athletes to surrender highly intimate genetic information as a condition of participation in sport, while refusal results in exclusion from a lifetime career, which amounts to indirect coercion.

Moreover, it creates an inevitable risk that private and confidential information about intersex persons' bodies and sex characteristics will become known, inferred, contested, or circulated beyond what is strictly necessary, potentially exposing intersex persons to stigma, surveillance, outing, social suspicion, mental distress, and other negative consequences.

### **III. The policy violates the principle of non-discrimination.**

Firstly, it establishes differential treatment by reference to the protected grounds of sex, sex characteristics, and genetic characteristics rather than an individualized demonstration of disproportionate advantage or unpreventable risk in a specific sport or event. This differential treatment is tantamount to direct discrimination because it does not pursue a legitimate aim through necessary and proportionate means (see I and II). Moreover, the policy bears a core hallmark of direct discrimination: a categorical exclusion triggered by a protected ground used as a proxy for other traits based on generalised assumptions about the persons who possess it.

In addition, insofar as the policy is framed as a general rule for the women's category, it imposes distinctive and disproportionate burdens on intersex and endosex women whose bodies do not fit dominant expectations of female embodiment. Intersex athletes are therefore placed at a systematic disadvantage because their sex characteristics are more likely to trigger suspicion, scrutiny, testing, classification, disclosure, repeat challenges, and possible exclusion. All of that may amount to indirect discrimination against intersex women.

For these reasons, ARSI calls on the International Olympic Committee to immediately repeal mandatory SRY screening as an unscientific, disproportionate, and discriminatory measure incompatible with privacy and equality. Participation in sport must not depend on simplified criteria that do not reliably establish competitive advantage while creating a high risk of arbitrary exclusion, stigmatization, and disclosure of highly sensitive information. Any policy in this area must be based on robust scientific evidence, account for the specificities of particular disciplines, comply with international human rights standards, and respect dignity, bodily autonomy, and the equal participation of all athletes, including women with variations in sex characteristics.

**References:**

1. Independent Expert on Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity; Special Rapporteur in the Field of Cultural Rights; Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health; and Working Group on Discrimination against Women and Girls, “[Joint Statement on Fairness, Inclusion and Non-Discrimination in Sport](#)”, 25 February 2026.
2. International Commission of Jurists, “[Joint Statement from Legal Experts on Genetic Sex Testing in Sport](#)”, 26 March 2026.
3. Organisation Intersex International Europe, “[IOC Establishes Genetic Testing as a Requirement in a Policy Driven by Politics, Not Scientific Evidence](#)”, 26 March 2026.