

Trans and Intersex: Athletics

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All students should have access to the health, social, and educational benefits of participating in sports. While transgender, nonbinary, and intersex students have been participating in school sports for decades, recently dozens of states have passed laws seeking to ban them from playing. H.R. 734, which recently passed the U.S. House, aims to bar transgender and intersex girls and women from participation in federally funded sports programs.

Today's sports bans evolved from a long history of banning, investigating, abusing, and stigmatizing intersex people (including teens and young adults) in international sporting events. Historically, [intersex women around the world](#) have been targeted by sports bodies and governments under harmful and unscientific "sex verification" policies.

Under these policies, women with intersex traits—often Black and Brown women from the Global South—have been subjected to invasive tests and examinations, public humiliation, and harassment, and have even been pressured into undergoing unwanted medical procedures by these unfair rules.

Current laws targeting young transgender athletes, especially girls are using the same playbook, imposing the same potential harms on K-12 and college students. These laws' vague definitions are sure to sweep in intersex girls and anyone who doesn't conform to gender stereotypes, and the invasive procedures they allow to "verify" a student's sex are likely to be especially traumatic for intersex youth – some of whom have preexisting medical trauma from nonconsensual surgeries or examinations, and some of whom may not yet even be aware of their intersex traits.

Any law or policy that requires a young person to "prove" their sex invites harassment, invasive questioning, and stigma that can be deeply harmful to youth.

Athletics Bill Impacts

- Sports bans can effectively ban trans and intersex students from school sports
 - Like other laws/policies based on restrictive definitions of "sex," they may effectively ban many intersex students from school sports because there is no clear way to apply their unworkably vague definitions. Any way they are applied will exclude many intersex students.
 - Many states provide no clear means for students to "prove" their "sex. About half of state bans permit showing an original (unamended) birth certificate. Many intersex people's birth certificates have been amended at some point since they were born.

- Sports bans can subject both trans and/or intersex athletes to invasive “sex testing”
 - While some trans and intersex athletes may be flying under the radar, others are avoiding or quitting sports.
 - In international competitions, young trans and/or intersex women have faced humiliating physical exams, public shaming, and been pressured into unwanted medical interventions.
- Sports bans encourage public harassment targeting anyone perceived as gender-nonconforming. That includes both trans and intersex girls and young women.
 - These bans encourage scrutiny towards people of all genders based on their appearance or rumors (especially towards girls and women.)
 - Intersex girls and young women may be targeted for harassment because of outward characteristics related to their intersex variation; because they have chosen to be out to their peers as intersex; or because they are outed by someone.

Key Messaging

- Intersex and transgender people deserve freedom from discrimination based on their gender identity, perceived gender identity or sex traits.
- Intersex and transgender students deserve the right to play sports with their peers and have access to the many benefits that sports provide, like any other student.
- Girls and women in sports should not be subjected to invasive “sex testing” and should instead be allowed to participate without scrutiny and harassment.
- Intersex and trans people should not be forced to undergo unwanted medical procedures or hormonal changes to be allowed to participate in athletics.
- People of all genders can be harmed by the scrutinizing of bodies in athletics, such as the case of Natalie Cline, an elected Utah school board member who falsely questioned a high school athlete’s gender on Facebook, leading to online harassment and threats against the athlete.

Avoid

- A focus on competition—this is about participation and access to opportunities that benefit young people especially.
- A focus on debunking biological differences and sex in athletics—this is about discrimination.
- Implying or stating that intersex students aren’t affected, or suggesting that *all* intersex students are affected (without a close analysis of a particular policy).

Critical Data:

- [State-level anti-trans bill tracker](#) (Trans Formations Project)
- [2023 Legislative Attacks with “Intersex Exceptions”](#) (NCTE)