

CCES comments on the Court of Arbitration for Sport decision to suspend the IAAF Hyperandrogenism Regulation

The Canadian Centre for Ethics in Sport (CCES) commends Ms. Dutee Chand for her steadfast determination to appeal the ruling against her by the International Association of Athletics Federations (IAAF) under its Regulation Governing Eligibility of Females with Hyperandrogenism to Compete in Women's Competition ("Hyperandrogenism Regulations"). In taking this matter to the Court of Arbitration for Sport (CAS), Ms. Chand raised several important challenges which warrant very careful and thoughtful examination. As a witness in the appeal, it was the view of the CCES that the Hyperandrogenism Regulations were discriminatory, disproportionate and inconsistent in its application – in sum: "objectionable on moral, ethical and legal grounds."

The [CAS interim award](#) was released on July 27, 2015. The interim award suspends the IAAF Rule for a period of up to two years and invites the IAAF to respond to the Panel's concerns, including the requirement to provide scientific evidence on the "actual degree of athletic performance advantage sustained by hyperandrogenic female athletes as compared to non-hyperandrogenic female athletes." Should the evidence not be provided for consideration by CAS within this period, the Hyperandrogenism Regulation will be declared null and void. The Award also permits Ms. Chand to compete in national and international competition in the interim.

The CCES further acknowledges CAS for its willingness to carefully examine these evolving and complex issues that begin to explore sex and gender on a continuum rather than the "binary model" of male and female. This approach is welcomed as more and more evidence suggests that our understanding of sex and gender does not fall neatly into two clearly bounded categories (i.e. "female" and "male") in our society, and therefore, sport must contemplate the way forward.

The CCES is working to develop policy guidance for sport organizations who will need to examine how such issues will affect their current paradigms. Although controversial at the moment, the CCES envisions through Ms. Chand's case that further athlete-centred processes allowing inclusive competition will be developed and adopted globally.

The CCES is an independent, national, not-for profit organization with a responsibility to administer the CADP. We recognize that true sport can make a great difference for individuals, communities and our country. The CCES acknowledges funding, in part, from the Government of Canada. We are committed to working collaboratively to activate a values-based and principle-driven sport system; protecting the integrity of sport from the negative forces of doping and other unethical threats; and advocating for sport that is fair, safe and open to everyone.