

SPORTS EQUALITY IN THE RING: ALL GENDERS CAN CATCH THESE HANDS

GORDON CHAN*

ABSTRACT

*This Article examines the intersection of sports governance, gender identity, and international human rights law, using boxing as a central case study to explore the inclusion of transgender and nonbinary athletes. Tracing the historical and cultural evolution of gender participation in sports from ancient civilizations to contemporary institutions, the Article highlights how colonial, patriarchal, and pseudoscientific ideologies have long shaped the regulatory frameworks of modern sports. The doctrine of *lex sportiva*, which governs international sports through autonomous legal norms, is analyzed for its exclusionary gender practices and resistance to external legal oversight. Focusing on the World Boxing Council (WBC), the Article critiques its 2022 policy creating separate divisions for transgender athletes, arguing that such segregation reinforces marginalization rather than ensuring fairness or safety. The paper then proposes gender-inclusive alternatives grounded in medical, legal, and ethical principles—emphasizing weight classes, experience, and athlete autonomy over biologically reductive criteria. Drawing on international legal instruments such as ICESCR, CEDAW, and CRPD, as well as United States anti-discrimination law, this Article makes the case for sports access as a fundamental human right for all gender expressions. It argues that inclusive policies not only better reflect the realities of athletic performance but also uphold the dignity and rights of all participants. Ultimately, the Article calls for a reimagining of sports governance that centers the lived experiences of transgender and nonbinary athletes and urges legal institutions, policymakers, and governing bodies to adopt structural reforms that prioritize equity, accountability, and inclusion.*

DEDICATION

This Article is dedicated to Isaiah H. Levinson, whose inspiration gave me the strength to write and opened my eyes in more ways than one, making my world exponentially brighter and vibrant. To my fellow boxers and boxing enthusiasts, I hope this article helps push our collective perception of the “sweet science” toward a more inclusive and empathetic direction and, in doing so, creates a deeper appreciation of the sport we all love. I am deeply grateful to my faculty advisor, Heron Greenesmith, and my Note Development Editor, Cameron Bateman, whose guidance and generosity made this Article possible.

Thank you both for the time, insight, and care you devoted to helping me shape a piece of work I am truly proud of. Your support and patience throughout this process have meant more than I can express, and I will remain profoundly thankful for your mentorship. Finally, this Article is for the trans, nonbinary, and queer communities, that have always existed and will continue to exist.

TABLE OF CONTENTS

ABSTRACT 165
 DEDICATION 165
 TABLE OF CONTENTS 166
 I. INTRODUCTION 166
 II. HISTORICAL & CULTURAL CONTEXTS OF SPORTS AND HISTORICAL
 PRACTICES OF GOVERNING BODIES 168
 A. The Intersections of Sports and Gender Throughout Ancient Cultures
 168
 1. Ancient Greece 169
 2. Mongolian Empire..... 170
 3. Pre-Columbian American Indian Tribes 171
 B. The Philosophical Origins of Modern-Day Sports Organization .. 173
 C. The Creation of Lex Sportiva and its Attitudes Toward Gender... 174
 III. DEVELOPMENTS OF SPORTS WITHIN HUMAN RIGHTS LAW 177
 A. Enshrinement of Sports in International Human Rights 177
 B. Establishment of the Court of Arbitration for Sport 180
 C. A Case Study of Boxing and Gender Inclusion 182
 IV. ANTI-INCLUSION LAWS AND REGULATIONS 183
 A. Justifications and Support for Anti-Inclusion Regulations 185
 B. Critiques of Legal Frameworks Supporting Anti-Inclusion Policies
 186
 C. Analysis of Boxing’s Current Gender Inclusion Regulations 188
 V. GENDER-INCLUSIVE ALTERNATIVES TO WBC’S CURRENT GOVERNANCE
 PRACTICES 192
 A. Rationales for Gender-Inclusive Policies in Boxing 193
 B. Proposed Changes for WBC’s Policy on Transgender and Nonbinary
 Boxers..... 196
 C. Legal Alternatives for Trans and Nonbinary Boxers 198
 VI. CONCLUSION 201

I. INTRODUCTION

In recent years, the intersection of sports and human rights has emerged as a crucial arena for legal and ethical debates about gender expression, particularly as access to sports gains international recognition as a human right.¹ While

* Gordon Chan is a dual-degree student pursuing his J.D. and LLM in Taxation at the Boston University School of Law. He graduated from the George Washington University with

sports governing bodies are tasked with enforcing regulations that purportedly ensure fairness and inclusivity, many have faced criticism for perpetuating discriminatory practices and human rights violations under the guise of regulatory compliance.² This issue becomes especially pronounced in cases involving gender verification and eligibility, as seen in the controversies surrounding the cis-female Olympic boxers Imane Khelif and Lin Yu-ting during the Paris 2024 Olympic Games Paris 2024.³ Both athletes faced unwarranted scrutiny due to false accusations of being transgender,⁴ highlighting the profound implications of gender norms in sports and international competitions. By examining the practices of boxing's governing bodies through the lens of international human rights law, this Article argues how recognizing access to sports as a human right for all genders could help reshape regulatory frameworks to advance equality, dignity, and inclusivity for all athletes.

This Article's analysis proceeds in four parts: Part II explores the relevant historical context by diving into the intersectionality of sports and gender throughout various ancient cultures, the origins of modern-day organized sports, and its practices related to human rights law. Part III turns to the legal dimension, tracing the evolution of the relationship between international human rights law and sports, and presents a case study of boxing that analyzes how gender-related policies and regulations have developed within the sport's governing bodies. Part IV provides an overview of anti-inclusion laws and regulations, including definitions, examples, legal justifications, and critiques. Finally, Part V will explore how the enforcement of international law could help shape sports regulations on this issue if access to sport is recognized as a human right for all gender expressions, drawing on Global Action for Trans Equality's ("GATE") 2024 statement addressed to the United Nations ("U.N."). It will also critique boxing's existing gender-inclusive policies and present alternatives to current governance practices in boxing, with supporting rationale, successful case studies from other sports, proposed frameworks, recommendations, and other legal strategies.

a Bachelor's of International Affairs. As a longtime boxer, he hopes this Article encourages readers to confront inequity rather than mindlessly supporting it.

¹ See ALEXANDRA XANTHAKI, GLOB. ACTION FOR TRANS EQUAL., TRANS, GENDER DIVERSE AND INTERSEX INCLUSION IN SPORTS IS A HUMAN RIGHT (2024), https://gate.ngo/wp-content/uploads/2024/10/EN_Trans-Gender-Diverse-and-Intersex-Inclusion-in-Sports-is-a-Human-Right-1.pdf; INT'L OLYMPIC COMM., IOC FRAMEWORK ON FAIRNESS, INCLUSION AND NON-DISCRIMINATION ON THE BASIS OF GENDER IDENTITY AND SEX VARIATIONS (2021), <https://stillmed.olympics.com/media/Documents/Beyond-the-Games/Human-Rights/IOC-Framework-Fairness-Inclusion-Non-discrimination-2021.pdf> [https://perma.cc/Y6HB-YS6G].

² See generally HUM. RTS. WATCH, "THEY'RE CHASING US AWAY FROM SPORT": HUMAN RIGHTS VIOLATIONS IN SEX TESTING OF ELITE WOMEN ATHLETES (2020), <https://www.hrw.org/report/2020/12/04/theyre-chasing-us-away-sport/human-rights-violations-sex-testing-elite-women>.

³ Rachel Treisman, *What to Know About the Gender Controversy Sweeping Olympic Boxing*, NPR (Aug. 2, 2024, 1:33 PM), <https://www.npr.org/2024/08/02/nx-s1-5061280/olympic-womens-boxing-gender-imane-khelif-lin-yuting>.

⁴ See *id.*

II. HISTORICAL & CULTURAL CONTEXTS OF SPORTS AND HISTORICAL PRACTICES OF GOVERNING BODIES

A. *The Intersections of Sports and Gender Throughout Ancient Cultures*

Sports have been an essential part of civilization for millennia, as the earliest evidence of sports dates back to 15,000 to 17,000 years ago, with depictions of wrestling in the Lascaux caves in France.⁵ The early development of sports throughout the ancient world was closely linked to physical survival and associated skills.⁶ For example, archery and variations of wrestling were nearly universal to all ancient cultures, as they were seen to have martial value.⁷ As humanity developed sedentary agricultural civilizations from disparate groups of hunter-gatherers, complex social structures arose from these higher population densities that would generally see societal divisions by labor specialization.⁸ In turn, this led to further stratifications based on intersecting categories such as social hierarchy, sex, and gender, which affected the organization of and participation in sports.⁹ Sex, gender, and sports have long interacted in ways that reflect contemporary understandings of sex and gender, and many historical cultures and civilizations were male-dominated, effectuating societal sex-and-gender-based limitations on athletic participation.¹⁰ Despite these developments, women and individuals beyond the gender binary have historically engaged in sports within these societies in diverse and evolving roles.¹¹

The following examples are understandably not representative of all ancient and historical cultures worldwide, but the historical evidence derived from their respective practices highlights that organizational sports throughout human civilizations have consistently wrestled with the role of gender norms. Additionally, significant instances that overturn and counter historically Western presumptions of one gender's superiority in sports over others serve as evidence that gender equality in sports participation has been achievable in the past.¹²

⁵ TIM DELANEY & TIM MADIGAN, *THE SOCIOLOGY OF SPORTS: AN INTRODUCTION* 67-68 (3d ed. 2021).

⁶ *See id.* at 67-69.

⁷ *See id.*

⁸ *See* PETER J. RICHERSON & ROBERT BOYD, *INSTITUTIONAL EVOLUTION IN THE HOLOCENE: THE RISE OF COMPLEX SOCIETIES 1* (2000), <https://sites.santafe.edu/~bowles/Holocene.pdf>.

⁹ *See* Alberto Alesina, Paola Giuliano & Nathan Nunn, *On the Origins of Gender Roles: Women and the Plow*, 128 Q. J. ECON. 469, 528 (2013).

¹⁰ *See* Emily Subden, *Sport: A Reinforcer of Gender Norms or a Force for Change?*, *ADVANCING LEARNING & INNOVATION ON GENDER NORMS* (July 22, 2021), <https://www.alignplatform.org/resources/sport-reinforcer-gender-norms-or-force-change?> [<https://perma.cc/LPR4-MRKV>].

¹¹ *See generally* Betty Spears, *A Perspective of the History of Women's Sport in Ancient Greece*, 11 J. SPORT HIST. 32, 32-47 (1984).

¹² *See infra* Sections II(A)(1)-(3).

1. Ancient Greece

In Ancient Greece, free, unmarried women often participated in foot races during the Heraea (also known as the Heraean Games), which was held in Olympia as early as the 6th century BCE and was the first recorded women's athletic competition.¹³ The festival was a female religious equivalent to the male-dominated Olympic games, in which all free males were allowed to participate as Olympic athletes, but women were not.¹⁴ While unmarried women were allowed to spectate at the Olympic Games, married women were banned from doing so on pain of death, although it is unclear whether this law was enforced.¹⁵ The story of Kallipateira exemplifies a woman who defied prevailing rules and gender norms of the Olympics by disguising herself as a male wrestling instructor to watch her son participate in the Olympics.¹⁶ While she was not punished for this crime, a law was subsequently passed “for the future trainers [to] strip before entering the arena” to prevent disguised women from entering, constituting one of the earliest recorded forms of genitalia checks.¹⁷ Despite these limitations, women were recorded as having sponsored chariots in races as owners and were honored as such during celebrations.¹⁸

¹³ See Georgia Tsouvala, *Female Athletes in the Late Hellenistic and Roman Greek World*, in *NEW DIRECTIONS IN THE STUDY OF WOMEN IN THE GRECO-ROMAN WORLD* 139, 140 (Ronnie Ancona & Georgia Tsouvala eds., 2021); *Women in Sports: The Heraean Games*, GEORGE KOKKOS (Apr. 30, 2021), <https://georgekokkos.com/2021/04/30/women-in-sports-the-heraeian-games/>.

¹⁴ Elzbieta Rostkowska, *Women and Sport: A Historical Outline and Contemporary Social and Physiological Issues*, 14 *STUD. PHYSICAL CULTURE & TOURISM* 169, 169-70 (2007).

¹⁵ *Id.* at 169; Lauren Young, *When Ancient Greece Banned Women From Olympics, They Started Their Own*, *ATLAS OBSCURA* (Aug. 10, 2016), <https://www.atlasobscura.com/articles/when-ancient-greece-barred-women-from-even-watching-the-games-they-started-their-own-olympics#:~:text=Elis%20decreed%20that%20if%20a,geographer%20and%20travel%20writer%20Pausanias> [<https://perma.cc/CF52-ZF82>]; Sean Eifert, *Women Weren't Allowed to Attend Ancient Olympics?*, *SNOPE* (Aug. 9, 2024), <https://www.snopes.com/fact-check/olympics-married-women-ancient-greece/> [<https://perma.cc/5VEK-WUF4>].

¹⁶ See *Frequently Asked Questions about the Ancient Olympic Games*, PERSEUS PROJECT (Aug. 13, 2004), <https://www.perseus.tufts.edu/Olympics/faq5.html> [<https://perma.cc/P8J5-5GXE>] (the spelling of Kallipateira varies among sources, sometimes rendered as Callipateira); Jorge Álvarez, *Kallipateira, the Woman Who Sneaked into the Olympic Games Disguised as a Man and Lived to Tell the Tale*, *LBV MAG. CULTURAL INDEP.* (Sept. 3, 2024), <https://www.labrujulaverde.com/en/2024/09/kallipateira-the-woman-who-sneaked-into-the-olympic-games-disguised-as-a-man-and-lived-to-tell-the-tale/> [<http://perma.cc/N87B-B8DL>].

¹⁷ *Frequently Asked Questions about the Ancient Olympic Games*, *supra* note 16. Similar, more modern versions of “nude parades” occurred as recently as 1967, where elite female athletes were required to show they had a vagina. *The 100-Year History of Sex Testing Female Athletes in Elite Sports*, *NPR* (Aug. 2, 2024, 5:09 PM), <https://www.npr.org/2024/08/02/nx-s1-5056212/the-100-year-history-of-sex-testing-female-athletes-in-elite-sports> [<https://perma.cc/U2JV-CTHF>].

¹⁸ Philip Matthew, *Cynisca of Sparta*, *WORLD HIST. ENCYCLOPEDIA* (July 21, 2021), https://www.worldhistory.org/Cynisca_of_Sparta/ [<https://perma.cc/4SWW-9E48>].

2. Mongolian Empire

With warfare, survival, and early sports being inextricably linked in history, the development of different sports in the various human cultures has often reflected the relevant martial skills of their regions.¹⁹ The warfare of the Central Asian steppes, in particular, differed from that of more sedentary civilizations, as the combination of the horse and bow was the main form of combat for steppe tribes.²⁰ While archery requires a degree of strength, it is practice and skillful aim that ultimately prevail over sheer force.²¹ In the pastoral tribes of Central Asia, where boys and girls were expected to help protect their herds and communities, women developed proficiency in archery and horseback riding from adolescence.²² As a result, women in Central Asian nomadic cultures became as skilled in riding and archery as their male counterparts.²³ In contrast, in sedentary civilizations, which focused on infantry armed with heavier melee weapons, men had a general advantage in strength.²⁴

Because both men and women could fulfill roles of martial value, Central Asian societies demonstrated a relatively more equitable approach to men and women's participation in sports compared to many other cultures of the time.²⁵ However, this did not necessarily limit women to participating in sports where strength was not determinative for victory. The most prominent example is the *Naadam Games*, an annual competition that began in 1206 during the Mongol

¹⁹ See NIGEL B. CROWTHER, *SPORT IN ANCIENT TIMES* xxii (2007).

²⁰ See *The Art of Mongolian Horseback Archery*, DISCOVER ALTAI, <https://www.discoveraltai.com/mongolian-horseback-archery/> (last visited Apr. 21, 2025); John Staley, *Archery history: Horseback Archers of the East, Orient and Ancient World*, WORLD ARCHERY (Aug. 27, 2020), <https://www.worldarchery.sport/news/178461/archery-history-horseback-archers-east-orient-and-ancient-world-1> [<https://perma.cc/U7B3-E4W6>].

²¹ See Jae-Young Na, Donghyun Ryu & Ji-Hyun Ko, *Anticipatory Postural Adjustments During an Archery Performance*, 24 EUR. J. SPORT SCI. 458, 458, 464 (2024).

²² Gaukhar Z. Balgabayeva et al., *The Role of Women in Military Organization of Nomads*, 11 INT'L J. ENVN'T & SCI. EDUC. 5273, 5273-75 (2016); see Laura Geggel, *Two 'Warrior Women' From Ancient Mongolia May Have Helped Inspire the Ballad of Mulan*, LIVESCIENCE (May 8, 2020), <https://www.livescience.com/mongolia-warrior-women-mulan.html> [<https://perma.cc/PU76-PUW6>];

²³ See Anna Melyukova & Julia Crookenden, *The Scythians and the Sarmatians*, in THE CAMBRIDGE HISTORY OF EARLY INNER ASIA 106 (Denis Sinor ed., 1990).

²⁴ Gregory K. Dow, Leanna Mitchell & Clyde G. Reed, *The Economics of Early Warfare Over Land*, 127 J. DEV. ECON. 297, 298 (2017) (discussing how sedentary foraging and farming groups were more prone to warfare over land than highly mobile foragers); Cayman Frendt, *Twelfth Century Infantry Revolution: Horse-Archer Influences on European Tactics*, WESTMINSTER UNIV., <https://westminsteru.edu/student-life/the-myriad/twelfth-century-infantry-revolution-horse-archer-influences-on-european-tactics.html> (last visited Feb. 21, 2026) (describing the rise of infantry dominance over cavalry and the shift toward foot soldiers engaging knights in close combat); Jack Weatherford, *The Wrestler Princess*, LAPHAM'S Q. (Sep. 27, 2010), <https://www.laphamsquarterly.org/roundtable/wrestler-princess> [<https://perma.cc/QJC4-5C4Y>] (observing that combat dependent on heavy melee weapons favored men due to their greater physical strength).

²⁵ See *Women's Condition in the Mongolian Society*, HORSEBACK MONG., <https://www.mongolia-trips.com/travel-tips/mongolia-few-words/women-condition-in-mongolian-society> (last visited Feb. 21, 2026).

Empire, showcasing traditional steppe sports, such as archery, horseback riding, and wrestling, in which both men and women participate.²⁶ In the 13th century, the Mongolian wrestling tradition did not operate with size or weight classes, as any wrestler could challenge another.²⁷ The victors of these matches were seen to be blessed by the spirits, and unlike its Hellenic Olympic counterpart, historical wrestling in Mongolia was not a sport strictly limited to men.²⁸ One particularly famous champion was Khutulun, a great-granddaughter of Genghis Khan, an undefeated wrestling champion in the late 13th century and eventually owned a herd of over a thousand horses from her various awards.²⁹ Due to her victories and reputation as being blessed by the spirits, she often accompanied her father on war campaigns, serving not only as a symbol of morale but also as an active participant in battle—so much so that Marco Polo recorded that she would, on many occasions, ride ahead of the army, seize an enemy soldier from horseback, and return to her father with her captive.³⁰ While Khutulun is a famous outlier, she was not unique among the women of 13th-century Mongolia or before who wrestled or possessed other martial skills.³¹ However, since her reign as champion, male wrestlers have only challenged other men in the *Naadam* Games to this day.³²

3. Pre-Columbian American Indian Tribes

While the women of American Indian tribes also participated in sports such as foot races, swimming, stick-and-ball games, and wrestling contests, many American Indian societies' views on gender historically greatly differ from those of Europe and Asia.³³ Notable members of various tribes were known as two-spirit individuals who occupied a gender space beyond the binary male-female dichotomy.³⁴ While their roles and perceptions varied across the numerous

²⁶ Weatherford, *supra* note 24; Maggie Hiufu Wong & Karla Cripps, *What is Naadam? The story behind Mongolia's 'Three Manly Games'*, CNN (Feb. 3, 2025, 12:53 AM), <https://www.cnn.com/travel/naadam-festival-mongolia-three-manly-games-cmd> [<https://perma.cc/99US-DHJF>].

²⁷ Weatherford, *supra* note 24.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*; see, e.g., Geggel, *supra* note 22.

³² Weatherford, *supra* note 24.

³³ See Jon Reyhner, *Native American Games and Contests*, EBSCO, <https://www.ebsco.com/research-starters/sports-and-leisure/native-american-games-and-contests> [<https://perma.cc/T58A-TRGA>] (last visited Feb. 21, 2026); Jennifer Guiliano & Beth Eby, *American Indian Sport History*, in ROUTLEDGE HANDBOOK OF SPORTS HISTORY 306 (2021); *Two Spirit and LGBTQ+ Identities: Today and Centuries Ago*, HUM. RTS. CAMPAIGN (Nov. 23, 2020), <https://www.hrc.org/news/two-spirit-and-lgbtq-identities-today-and-centuries-ago> [<http://perma.cc/QLK7-U9HK>].

³⁴ *Two Spirit and LGBTQ+ Identities*, *supra* note 33; Mary Kate Brogan, *For centuries, Two-Spirit People Had to Carry Out Native Traditions in Secret. Now, They're 'Making Their Own History'*, VA. COMMONWEALTH UNIV. NEWS (Apr. 25, 2022), <https://news.vcu.edu/article/2022/04/for-centuries-two-spirit-people-had-to-carry-out-traditions-in-secret>.

American tribes that recognized this category, several tribes regarded two-spirit individuals as venerated members who demonstrated exceptional skill in traditional tasks associated with both men and women.³⁵ In the Navajo tribe, two-spirit tribe members are known to be skillful healers and basket weavers, which were skills traditionally taught separately to men and women.³⁶ As they occupy spaces in male and female traditions, there have also been records of two-spirit assigned female-at-birth individuals occupying critical roles as chiefs and war leaders.³⁷

Like in Greek traditions, the origins of Native American sports were closely connected to survival skills, including those related to martial arts and war.³⁸ One of the best-known examples is the modern sport of lacrosse, which originated in the Haudenosaunee tribe and was known as *Little Brother of War* for the various tribes which played the sport and its variations.³⁹ However,

³⁵ See Isabella Thurston, *The History of Two-Spirit Folks*, INDIGENOUS FOUND., <https://www.theindigenousfoundation.org/articles/the-history-of-two-spirit-folks> [https://perma.cc/PL3K-XAP9] (last visited Feb. 22, 2026) (illustrating how Two-Spirit folks existed long before European colonizers arrived on Turtle Island, and “were seen as gifted and honoured in their community because they carried two spirits with them, both male and female”); Logan Metzger, *Native American Two-Spirit Identity Mixes Gender Roles*, IOWA STATE DAILY (Nov. 6, 2019), <https://iowastatedaily.com/6712/news/native-american-two-spirit-identity-mixes-gender-roles/> [https://perma.cc/M64A-VY54] (explaining that Two-Spirit people were traditionally men, women, and intersex individuals who combined activities of both men and women with traits unique to their status); Nancy A. Dunnahoe, *Indigenous Peoples’ Day: Five Learnings Honoring the Healing Power of Two-Spirit Identity*, UNIV. N.M. HEALTH SCI. LIBR. & INFORMATICS CTR. (Oct. 11, 2021), <https://web.archive.org/web/20250319052756/https://libguides.health.unm.edu/blogs/hslc/Indigenous-Peoples-Day-Five-learnings-honoring-the-healing-power-of-two-spirit-identity> [https://perma.cc/BK5S-FMLK] (demonstrating that “[t]wo-spirit males could become experts in traditional arts such as pottery making and basket weaving, and two-spirit females engaged in hunting and warfare, even becoming war chiefs.”); *Two-Spirit*, INDIAN HEALTH SERVICE, <https://www.ihs.gov/lgbt/twospirit/> [https://perma.cc/75XU-LF74] (last visited Feb. 22, 2026) (“Two-Spirit individuals were experts in traditional arts - such as pottery making, basket weaving, and the manufacture and decoration of items made from leather. Among the Navajo, Two-Spirit males often became weavers, usually women and men’s work, as well as healers, which was a male role.”); Luis Hernandez, *‘Being Thunder’ – Sherenté Harris’ Journey as a Two-Spirit Narragansett Dancer*, R.I. PBS (May 11, 2023), <https://thepublicradio.org/episode/being-thunder-sherent-harris-journey-as-a-two-spirit-narragansett-dancer/> (showcasing how two-spirit individuals continue to play important roles in their respective tribes and nations).

³⁶ Metzger, *supra* note 35; *Two-Spirit*, *supra* note 35.

³⁷ Metzger, *supra* note 35.

³⁸ CROWTHER, *supra* note 19.

³⁹ Lesley Kennedy, *The Native American Origins of Lacrosse*, HISTORY (Nov. 6, 2025), <https://www.history.com/articles/lacrosse-origins-native-americans> [https://perma.cc/8C8U-B5SQ]; Danielle M. Lazore, *UPDATE: Native North America: Sports and the Native Spirit*, CULTURAL SURVIVAL (Mar. 25, 2010), <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/update-native-north-america-sports-and-native-spirit> [https://perma.cc/X7FC-PKAB]; *Traditional Cherokee Sports and Games*, CHEROKEE N.C., <https://visitcherokeenc.com/culture/cherokee-sports-and-games/> [https://perma.cc/PY4A-DEGT] (last visited Feb. 22, 2026).

specific historical records detailing the involvement of two-spirit individuals in these sports are scarce. Given their respected status, the inclusive nature of many indigenous societies, and their known roles as war leaders, it is plausible that two-spirit individuals participated and were skilled in sports, as it related to martial skills and other leadership roles. However, confirming the extent or nature of their participation is difficult without concrete historical documentation.

B. The Philosophical Origins of Modern-Day Sports Organization

Despite this history of mixed-gender competitions throughout various ancient cultures, a significant number of other cultures did not allow women to participate in competitive sports with men.⁴⁰ More pertinently, Christianity's dominance in Europe during the post-Classical and Middle Ages reinforced the Western patriarchal belief that women were the weaker sex and, thus, inherently unfit for physical activities like sports.⁴¹ This perspective persisted for centuries, shaping 19th-century philosophies and spreading globally through European colonialism and imperialism.⁴² The systematic suppression of non-European religious and cultural traditions—often through genocide—further entrenched these gendered ideologies worldwide.⁴³

The cultural organization of modern sports can be traced to Victorian English educational ideals, particularly the doctrine of muscular Christianity, which linked athletic participation with constructs of masculinity, race, and national identity.⁴⁴ This ideology, which developed in the mid-19th and early-20th centuries, was used to justify bureaucratized nascent sports organizations formed

⁴⁰ *A Brief History of Women in Sports*, CSP GLOBAL, <https://kinesiology.csp.edu/sports-coaches-and-trainers/a-brief-history-of-women-in-sports/> [https://perma.cc/2C8M-483G] (last visited Feb. 23, 2026).

⁴¹ *Tracing the Challenging History of Women's Participation in Sport*, SPORTS & DEV. (Mar. 22, 2021), <https://www.sportanddev.org/latest/news/tracing-challenging-history-women's-participation-sport> [https://perma.cc/BZZ2-J8KH]; see generally Pierre Hégy & Joseph Martos, *Understanding The Dynamics Of Gender Roles: Towards The Abolition Of Sexism In Christianity*, in EQUAL AT THE CREATION 181-200 (Joseph Martos & Pierre Hégy eds., 1998); see Chad Carlson, Paul E. Putz & Brian Bolt, *Introduction: Sport-Gender Orthodoxy and Muscular Christian Values*, 39 INT'L J. HIST. SPORT 343, 343-44 (June 1, 2022).

⁴² See *1850-1950 Women's Lives Under Imperialism*, THE REMEDIAL HERSTORY PROJECT, <https://www.remedialherstory.com/25-1850-1950-imperialism.html#/> [https://perma.cc/2C8M-483G] (last visited Feb. 23, 2026).

⁴³ See Alok V. Menon, *The Gender Binary is White Supremacy*, MIGRANTS' RTS. NETWORK (July 14, 2023), <https://migrantsrights.org.uk/2023/07/14/the-gender-binary-is-white-supremacy> [https://perma.cc/NV7F-K6A2]; Jenna Meredith Pagel, #Aminext: The Link Between European Colonization and Gender-Based Violence in Contemporary South Africa (May 12, 2021) (B.A. thesis, Arcadia University) (on file with the College of Arts & Sciences, Arcadia University); Thurston, *supra* note 35 (explaining that colonization and the residential school system imposed heteronormative Christian norms on Indigenous communities and suppressed traditional gender roles).

⁴⁴ Carlson, Putz & Bolt, *supra* note 41.

in the United States and the United Kingdom.⁴⁵ It also served as a response by Protestant churches to the perceived feminization of Christianity, as the few men who attended church during this period were not regarded by American and British clergy as embodying strength or traditional masculinity.⁴⁶

These Victorian ideals strongly influenced the exclusion of women from sports throughout the 19th century, a stance that was further reinforced by widespread pseudoscientific theories as justification.⁴⁷ It was generally believed that women were too fragile or lacked the constitution to handle the rigors of social life, including long hours of study, work, or exercise.⁴⁸ Victorian-era medical experts, in turn, would advise that “engaging in these types of behaviors could lead to a range of health conditions, including the inability to bear healthy children, and a host of other negative ramifications.”⁴⁹ Contemporary physicians also believed girls going through puberty were “at [particular] risk . . . of depleting their ‘vital force’ or lifetime energy capacity,” and their decisions to engage in vigorous activity would lead to sterility, weakness, and increased masculinity.⁵⁰

The dual notion of women’s weakness and male superiority has endured into the modern age, exemplified by the 1973 “Battle of the Sexes,” in which Bobby Riggs, a fifty-five-year-old male former Wimbledon champion and self-proclaimed chauvinist, competed and lost against twenty-nine-year-old Billie Jean King, the top ranked player in women’s professional tennis at the time.⁵¹ Riggs, who had a cocky and outspoken reputation, made public comments before this match “such as ‘she’s a woman and they don’t have the emotional stability [to win]’ and ‘women belong in the bedroom and kitchen, in that order.’”⁵²

C. *The Creation of Lex Sportiva and its Attitudes Toward Gender*

As many of the world’s major governing bodies of sports are based in Western countries, this flawed historical and cultural perspective has influenced many of the modern issues surrounding gender in sports today, particularly trans-

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Elizabeth A. Gregg & Vanessa H. Gregg, *Women in Sport: Historical Perspectives*, 36 *CLINICS SPORTS MED.* 603, 603 (2017).

⁴⁸ *Id.*; see, e.g., *Muller v. Oregon*, 208 U.S. 412, 421-23 (1908) (holding that a state’s legitimate strong interest in preserving health of women as members of the “weaker sex” is not restricted by 14th Amendment); *Minor v. Happersett*, 88 U.S. 162, 178 (affirming lower court decision denying suffrage of plaintiff on account of them being a woman).

⁴⁹ Gregg & Gregg, *supra* note 47.

⁵⁰ *Id.* at 603-04.

⁵¹ Tricia Escobedo, *Bobby Riggs Said He Could Beat the Top Women’s Players. 50 Years Ago Today, He Got His Chance*, CNN SPORTS (Sep. 20, 2023, 5:30 AM), <https://www.cnn.com/2023/09/20/sport/battle-of-the-sexes-tennis-match-billie-jean-king/index.html> [<https://perma.cc/59PJ-CTX4>]; Adam Augustyn, *Battle of the Sexes*, *ENCYCLOPEDIA BRITANNICA*, <https://www.britannica.com/topic/Battle-of-the-Sexes-tennis> (last updated Feb. 21, 2026).

⁵² Augustyn, *supra* note 51.

exclusionary rules and their rationale.⁵³ European sports' governing bodies have historically operated with significant autonomy under the principle of *lex sportiva*, a set of transnational self-regulated legal rules governing international sports, primarily developed through the autonomous developments of international sports governing bodies and federations, such as the International Olympic Committee ("IOC"), the Court of Arbitration for Sport ("CAS"), and Fédération Internationale de Football Association ("FIFA").⁵⁴ This principle creates a distinct legal system from the wider sporting community. It originates in the medieval European mercantile concept of *lex mercatoria*, the law of the merchants that created a system of self-regulated rules for the commercial sphere.⁵⁵ Similarly to its predecessor, *lex sportiva* has deep philosophical, religious, and cultural roots in Europe, which have inevitably shaped its development and are reflected in the historical gender policies and regulations of various sports governing bodies.⁵⁶

Since *lex sportiva*'s inception in the late 19th century, sports' governing bodies were traditionally insulated from other bodies of law, including international human rights law.⁵⁷ The primary justification for this separation was to preserve the perceived "neutrality" of sport by entrusting its governance to independent regulatory bodies.⁵⁸ For example, the Olympic Charter promotes

⁵³ Eleni Theodoraki, *Improving the Governance of International Sport Organizations for Sustainable Development*, INT'L OLYMPIC COMM., <https://www.ioa.org.gr/post/improving-the-governance-of-international-sport-organizations-for-sustainable-development> (last visited Mar. 21, 2026); see Paul Putz, *Muscular Christianity and Moral Formation Through Sports*, BAYLOR FAITH & SPORTS BLOG (Jan. 31, 2022), <https://blogs.baylor.edu/faithsports/2022/01/31/muscular-christianity-and-moral-formation-through-sports/> [<https://perma.cc/6KLB-CA77>] (supporting the historical entrenchment of muscular Christianity within American sport culture and institutions, shaping enduring moral and gender norms in athletics); Carlson, Putz & Bolt, *supra* note 41, at 343 (explaining how modern sport operates through an "orthodox gender ideology" rooted in male dominance and binary assumptions, which persist globally beyond the United States); Nick J. Watson et al., *The Development of Muscular Christianity in Victorian Britain and Beyond*, 7 J. RELIGION & SOC'Y 1, 13 (2005) (tracing muscular Christianity's origins in Victorian Britain and its connection to Anglo-Saxon superiority, linking sport, race, and Western moral ideology); Anna Posbergh et al., *Sports and the Limits of the Binary: An Introduction*, 41 SOCIO. SPORT J. 325, 326 (2024) (documenting contemporary trans-exclusionary policies and political mobilization across Western nations that restrict participation based on sex assigned at birth); Roland Martin, *Muscular Christianity*, ENCYCLOPEDIA BRITANNICA (Aug. 29, 2024), <https://www.britannica.com/topic/Muscular-Christianity/> (describing the Victorian English origins of muscular Christianity and its profound influence on the development of modern Western sport institutions, including the Olympics and collegiate athletics).

⁵⁴ Antoine Duval, *Embedded Lex Sportiva: The Swiss Roots of Transnational Sports Law and Governance*, in THE EUROPEAN ROOTS OF THE LEX SPORTIVA, 18 SWEDISH STUD. IN EUR. L. 1, 17 (Antoine Duval et al. eds.).

⁵⁵ *Law Merchant Definition*, LEXISNEXIS, <https://www.lexisnexis.co.uk/legal/glossary/law-merchant> [<https://perma.cc/VQ79-J4DP>] (last visited Feb. 24, 2026).

⁵⁶ See Duval, *supra* note 54, at 7.

⁵⁷ See *id.* at 1.

⁵⁸ *Id.*

political neutrality and regulatory independence while discouraging governmental interference in sports, principles that the U.N. General Assembly has actively supported.⁵⁹ However, the emphasis on non-intervention and autonomy allowed for implicit human rights concerns, such as racial discrimination in global sports, where Black athletes were excluded from international competitions by certain sports bodies in the 20th century.⁶⁰

Likewise, the late 19th and early 20th centuries saw limitations on women's participation in sports, strongly influenced by the notion that women were biologically and socially unsuited for physical activities.⁶¹ *Lex sportiva* codified these gender-based exclusions by embedding them into rules and governance structures of the various sporting bodies.⁶² Notably, the early 20th century Olympics had excluded women from participation. When the rules changed to allow women to compete, there were limitations on which physical activities and sports were permitted for women based on pseudoscience in women's reproductive health, as well as "femininity standards," which required women's clothing to be "appropriate."⁶³ Both the IOC and FIFA maintained gender-based segregationist policies about men's and women's competitions, tacitly reinforcing the idea that women's sports were secondary.⁶⁴

As the post-World War ("WW") II era granted increased access for women to elite sports, *lex sportiva* continued to limit equal-gender participation in other ways; in particular, many Western governing bodies introduced sex verification policies to enforce rigid gender categories.⁶⁵ In the 1960s, the IOC and World Athletics introduced mandatory biological sex testing, such as chromosomal and

⁵⁹ *Declaration by the IOC Against the Politicisation of Sport*, INT'L OLYMPIC COMM. (Mar. 19, 2024), <https://www.olympics.com/ioc/news/declaration-by-the-ioc-against-the-politicisation-of-sport> [<https://perma.cc/9BYZ-NCJY>]; U.N. GAOR, 78th Sess., 38th plen. mtg. at 1, 4, U.N. Doc. A/RES/78/10 (Nov. 27, 2023).

⁶⁰ Ronen Ainbinder, *The History of Racism in Sports*, SPORTS, TECH, BIZ (June 5, 2020), <https://www.sportstechbiz.com/p/the-history-of-racism-in-sports> [<https://perma.cc/Y6DG-TCCE>].

⁶¹ Richard C. Bell, *A History of Women in Sport Prior to Title IX*, THE SPORT J. (Mar. 14, 2008), <https://thesportjournal.org/article/a-history-of-women-in-sport-prior-to-title-ix/> [<https://perma.cc/C5GM-TYVD>].

⁶² Michele Krech, *Gender Equality in World Athletics: Transnational Norm Development by Private International Organizations*, 119 AM. J. INT'L LAW 1, 12 (2025).

⁶³ Yannick Ripa, *Women and the Olympic Games*, EHNE DIGIT. ENCYCLOPEDIA OF EUR. HIST. (June 22, 2020), <https://ehne.fr/en/encyclopedia/themes/gender-and-europe/gendered-body/women-and-olympic-games> [<https://perma.cc/YW3D-QE8S>] (explaining that women were limited to "feminine" sports deemed compatible with fragility and fertility and required to meet standards of decency in dress).

⁶⁴ Moya Dodd & Catherine Ordway, *FIFA Governance: How Crisis Opened the Door for Gender Equality Reforms 1* (The Jean Monnet Program, Working Paper No. 14/20, 2020), <https://jeanmonnetprogram.org/wp-content/uploads/JMWP-14-Moya-Dodd-Catherine-Ordway.pdf>; see Ripa, *supra* note 63.

⁶⁵ See James L. Rupert, *Genitals to Genes: The History and Biology of Gender Verification in the Olympics*, 28 CAN. J. HEALTH HIST. 339, 340 (2011) (explaining that from the mid-1960s onward, female athletes were subjected to sex verification testing to police eligibility and enforce a binary, biologically determined model of gender).

hormone tests, to confirm “female” eligibility.⁶⁶ While gender equality has generally improved in the decades following the 1960s, disparities in funding, media coverage, and institutional power persist systematically.⁶⁷

III. DEVELOPMENTS OF SPORTS WITHIN HUMAN RIGHTS LAW

Modern international human rights law is a relatively recent development to the broader corpus of international law.⁶⁸ Before the emergence of modern international human rights law prior to WWII, international law from the 15th to 19th centuries only regulated relations between individual states, and often legitimized some of the gravest human rights abuses, including colonialism and the Transatlantic Slave Trade.⁶⁹ While there were some attempts after WWI to form a human rights system under the short-lived League of Nations, it was WWII’s degree of global destruction, various war-time genocides, and reconceptualization of an international legal system which expanded beyond two states that propelled modern conceptions of internationally recognized human rights through the founding of the U.N.⁷⁰

A. Enshrinement of Sports in International Human Rights

The *Universal Declaration of Human Rights* (“UDHR”), which was adopted by the U.N. General Assembly in 1948, is the foundation of international human rights law and has influenced the formation of many other modern-day human

⁶⁶ PETER DONNELLY & MICHELE K. DONNELLY, *SEX TESTING, NAKED INSPECTIONS AND THE OLYMPIC GAMES: A CORRECTION TO THE LONDON 2012 OLYMPICS: A GENDER EQUALITY AUDIT 4* (Peter Donnelly ed., 2013), <https://kpe.utoronto.ca/sites/default/files/donnelly-donnelly---sex-testing-naked-inspections-the-olympic-games.pdf> (note that World Athletics was formerly known as the “International Amateur Athletic Federation” or “IAAF”).

⁶⁷ Joshua A. Senne, *Examination of Gender Equity and Female Participation in Sport*, *THE SPORT J.* (Feb. 26, 2016), <https://thesportjournal.org/article/examination-of-gender-equity-and-female-participation-in-sport/> [<https://perma.cc/92WU-P5MR>].

⁶⁸ Frans Viljoen, *International Human Rights Law: A Short History*, *U.N. CHRONICLE* (Jan. 1, 2009), <https://www.un.org/en/chronicle/article/international-human-rights-law-short-history> [<https://perma.cc/G2AA-LQR9>].

⁶⁹ *Treaty of Tordesillas*, *ENCYCLOPEDIA BRITANNICA*, <https://www.britannica.com/event/Treaty-of-Tordesillas> (last visited Feb. 24, 2026) (describing the 1494 Treaty of Tordesillas, which divided newly “discovered” lands between Spain and Portugal without regard to Indigenous sovereignty); Nigel Pocock & Victoria Cook, *The Business of Enslavement*, *BBC* (Feb. 17, 2011), https://www.bbc.co.uk/history/british/abolition/slavery_business_gallery_06.shtml (explaining the Crown’s formal authorization and financial participation in the slave trade through royal monopolies and the asiento system). “International law, as studied through a traditional framework, included two types of normative systems: one promulgated by states themselves . . . the other promulgated among states for inter-state relations.” See Milena Sterio, *The Evolution of International Law*, 31 *B.C. INT’L & COMPAR. L. REV.* 213, 214 (2008) (tracing traditional international law as a system governing relations among sovereign states, with little recognition of individual rights).

⁷⁰ Viljoen, *supra* note 68.

rights treaties.⁷¹ Among the rights enumerated in the UDHR is the recognition of participation in sports as a human right, framed as a part of the broader right to “[participation] in the cultural life of the community.”⁷² The body of treaties regarding this internationally recognized right has since been expanded and further elaborated in specific contexts and for particular groups.⁷³ The U.N., in their *Declaration on the Rights of the Child*, *Convention on the Rights of the Child*, and the United Nations Educational, Scientific and Cultural Organization’s (“UNESCO”) *International Charter of Physical Education, Physical Activity and Sport* have not only expanded the purview of the right to access sports to specific groups but also reinforced international recognition and legitimacy of this right.⁷⁴ The Geneva Conventions of 1949 also protected war prisoners’ and civilian internees’ rights to physical exercise, including sports and games, further expanding protections for other categories of people.⁷⁵ While the UDHR is non-binding, it forms the foundation of legally binding treaties, such as the *International Covenant on Economic, Social and Cultural Rights* (“ICESCR”) in 1966 and the *Convention on the Elimination of All Forms of Discrimination Against Women* (“CEDAW”) in 1979.⁷⁶ ICESCR expanded on the UDHR by creating legal obligations for states to ensure economic, social, and cultural rights, including participation in cultural life and sports.⁷⁷ At the same time, CEDAW specifically addressed gender-based discrimination by requiring states to take action to promote women’s equal participation in all areas of life, including sports.⁷⁸ Analogously, the Council of Europe’s *Sport for All* charter, introduced in 1975 and revised in 1992 as the *European Sports Charter*, promotes the right of all individuals to participate in sports, places emphasis on inclusivity and access, and provides guidelines for European

⁷¹ *The Foundation of International Human Rights Law*, U.N., <https://www.un.org/en/about-us/udhr/foundation-of-international-human-rights-law> [<https://perma.cc/4YSB-FLU9>] (last visited Feb. 24, 2026); see G.A. Res. 217 (III) A, Universal Declaration of Human Rights (Dec. 10, 1948).

⁷² Universal Declaration of Human Rights, *supra* note 71, art. 27.

⁷³ *The Foundation of International Human Rights Law*, *supra* note 71.

⁷⁴ See G.A. Res. 1386 (XIV), Declaration on the Rights of the Child (Nov. 20, 1959) (one of the first international instruments to link physical activity and education); G.A. Res. 44/25, Convention on the Rights of the Child (Nov. 20, 1989) (enshrines children’s right to play); *International Charter of Physical Education, Physical Activity and Sport*, UNESCO, <http://unesdoc.unesco.org/images/0023/002354/235409e.pdf> (last visited Feb. 24, 2026) (declares participation in sports as a human right).

⁷⁵ Geneva Convention Relative to the Treatment of Prisoners of War art. 38, Aug. 12, 1949, 6 U.S.T. 3316, 75 U.N.T.S. 166.

⁷⁶ See generally G.A. Res. 2200A (XXI), International Covenant on Economic, Social and Cultural Rights (Dec. 16, 1966) [hereinafter ICESCR]; G.A. Res. 34/180, Convention on the Elimination of All Forms of Discrimination Against Women (Dec. 18, 1979) [hereinafter CEDAW].

⁷⁷ ICESCR, *supra* note 76, art. 15 (discussing the right to participate in cultural life and creative activity); see generally Rep. of the G.A., U.N. Doc. A/79/299 (2024) (Alexandra Xanthaki (Special Rapporteur) (right to participate in sports deemed an element of the right to participate in cultural life).

⁷⁸ CEDAW, *supra* note 76, arts. 10(g), 13(c).

governments to develop sports policies that promote those principles.⁷⁹ The most recent treaty regarding access to sports was the U.N. *Convention on the Rights of Persons with Disabilities* (“CRPD”), which specifically protects disabled people’s participation and access to sports as a human right.⁸⁰ Simultaneously the CRPD provides a legal framework for recognizing equal access for disabled people to cultural life, recreation, leisure, and sports.⁸¹

The recent 2024 report submission to the U.N. by Global Action for Trans Equality (“GATE”) argues that the right to participate in sports is also a human right for trans, gender-diverse, and intersex individuals and should be protected as such.⁸² The report builds on established international laws promoting anti-discriminatory practices based on sex and gender.⁸³ However, the report fails to draw stronger parallels to the CRPD’s enshrining of disabled persons’ rights to access sports, as it does not use the frameworks from the CRPD to propose more robust protections for trans and nonbinary athletes. It also falls short in calling for more concrete and stronger commitments from private entities within sports, such as the governing bodies that comprise *lex sportiva* and other international organizations. Unlike public human rights commissions or courts, these private entities are not always compelled to adopt or enforce robust anti-discrimination protections, unless pressured by calls for reforms or through major legal challenges in state or EU courts.⁸⁴ Regardless of these shortcomings, the report builds onto an internationally recognized human right by various intergovernmental bodies and their signatories.

Despite these advancements in sports protection in international human rights documents, traditional international law does not officially have any formal enforcement mechanisms when engaging with *lex sportiva*.⁸⁵ The self-contained nature of the system creates a detachment from international and state law, even as *lex sportiva* and its associated governing bodies and federations account for developments in international human rights.⁸⁶ While a lack of enforcement is

⁷⁹ COUNCIL OF EUR., COMM. OF MINISTERS, Recommendation CM/Rec(2021)5 on the Revised European Sports Charter (Oct. 13, 2021) (all member states of the European Union have signed the European Sports Charter); see Coopers & Lybrand, *Report: The Impact of European Union Activities on Sport*, 17 LOY. L.A. INT’L & COMPAR. L. REV. 245, 255-56 (1995).

⁸⁰ G.A. Res. A/RES/61/106, Convention on the Rights of Persons with Disabilities, art. 30(5) (Dec. 12, 2006).

⁸¹ *Id.* art. 30.

⁸² XANTHAKI, *supra* note 1.

⁸³ *Id.*

⁸⁴ Hans E. Næss, *In Pursuit of Clarity: A Critique of Sports Governing Bodies’ Conceptual Inconsistency in Human Rights Work*, 38 NORDIC J. HUM. RTS. 205, 205-06 (2020).

⁸⁵ See Tom Serby, *Sports Corruption: Sporting Autonomy, Lex Sportiva and the Rule of Law*, 15 ENT. SPORTS L.J. 1, 2 (2017); Klaus Dieter Wolf, *The Non-Existence of Private Self-Regulation in the Transnational Sphere and its Implications for the Responsibility to Procure Legitimacy: The Case of the Lex Sportiva*, 3 GLOB. CONSTITUTIONALISM 275, 277 (2014) (“private” transnational self-regulation ultimately operates under the shadow of state-based regulation and lacks fully autonomous enforcement authority).

⁸⁶ Ken Foster, *Lex Sportiva: Transnational Law in Action*, SSRN ELEC. J. 1, 7 (Apr. 6, 2011), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1803472.

not to say that governing bodies within *lex sportiva* have not attempted to adapt to international human rights standards, many have continued to engage in discriminatory practices and dubious regulations.⁸⁷ This separation of *lex sportiva* was originally based on the principle of maintaining independence from any international disputes, but this has also allowed for the perpetuation of aforementioned historical and current human rights abuses by international sports governance bodies that are mostly insulated from international law and state law.⁸⁸

B. Establishment of the Court of Arbitration for Sport

Lex sportiva's independence from legal enforcement mechanisms also necessitated a separate dispute resolution mechanism within its doctrines.⁸⁹ Prior to the 1980s, no independent body existed with the jurisdiction to adjudicate domestic and international disputes regarding sports.⁹⁰ Challenges to rules or regulations between athletes, sports organizations, and other governing bodies were often decided through ad hoc arrangements, which lacked legal enforcement capabilities, or through national courts, which lacked specialization in those matters.⁹¹ This institutional gap led the IOC to form the Court of Arbitration for Sport ("CAS") in 1984, envisioned as the "Supreme Court" of sports law.⁹² CAS plays a central role in ensuring uniformity, predictability, and finality in rulings that impact governing bodies, athletes, or teams.⁹³ While the CAS functions as an enclosed legal order, separate from national laws and international human rights treaties, its decisions are binding and may be enforceable under the New York Convention of Arbitration of 1958, which requires courts of contracting states to recognize and enforce arbitration awards of other signatories.⁹⁴ While its decisions are ultimately available for appeal with

⁸⁷ Examples of discriminatory practices and dubious regulations include compulsory physical examinations and medical tests. Shiwali Patel, *The "Protection of Women and Girls in Sports Act" Reinforces Sexism and Abuse in Sports*, NAT'L WOMEN'S L. CTR. (Jan. 13, 2025), <https://nwlc.org/the-protection-of-women-and-girls-in-sports-act-reinforces-sexism-and-abuse-in-sports/> [<https://perma.cc/UDR6-NPBU>]; see INT'L OLYMPIC COMM., *supra* note 1; CT. ARB. SPORT, SPORT AND HUMAN RIGHTS: OVERVIEW FROM A CAS PERSPECTIVE 1 (2023), https://www.tas-cas.org/fileadmin/user_upload/CAS_Human_Rights_in_Sport_November_2023.pdf; see, e.g., *Lex Sportiva*, UNIV. MONTPELLIER (Nov. 21, 2023), <https://www.umontpellier.fr/en/articles/lex-sportiva> [<https://perma.cc/K4WX-5LYJ>] (female player required to "pull down her knockers to show her genitals" for a femininity test).

⁸⁸ Serby, *supra* note 85, at 3.

⁸⁹ Lorenzo Casini, *The Making of a Lex Sportiva by the Court of Arbitration for Sport*, 12 GER. L.J. 1317, 1321 (2011).

⁹⁰ Darren Kane, *Twenty Years On: An Evaluation of the Court of Arbitration for Sport*, 4 MELBOURNE J. INT'L L. 611, 612 (2003).

⁹¹ *Id.*

⁹² Richard H. McLaren, *Twenty-Five Years of the Court of Arbitration for Sport: A Look in the Rear-View Mirror*, 20 MARQ. SPORTS L. REV. 305, 305 (2010).

⁹³ Casini, *supra* note 89, at 1318-19; Leonardo V. P. de Oliveira, *Lex Sportiva as the Contractual Governing Law*, 17 INT'L SPORTS L.J. 101, 106 (2017).

⁹⁴ See *Frequently Asked Questions*, CT. ARB. SPORT, <https://www.tas-cas.org/en/general->

the Swiss court system, this lack of reciprocal judicial enforcement grants CAS significant latitude concerning its rulings.⁹⁵ Additionally, the Swiss court system's main functionality concerning CAS is ensuring that proper procedures and principles of fairness are followed in CAS proceedings, which limits its jurisdiction over any substantive arguments being made.⁹⁶

While *lex sportiva* and the CAS are based on a well-developed body of sports law and governance mechanisms, their influence on boxing is more limited than that of other sports organizations, such as the IOC and FIFA.⁹⁷ The sport of professional boxing is governed by four main independent bodies: the World Boxing Council ("WBC") based in Mexico, the World Boxing Association ("WBA") based in Panama, the World Boxing Organization ("WBO") based in Puerto Rico, and the International Boxing Federation ("IBF") based in New Jersey.⁹⁸ Because boxing's governing bodies are all based in North and Central America, their interactions with the CAS generally have historically been limited.⁹⁹ Instead, each of the major bodies established its dispute resolution system within their organizations, with their procedures and regulations, utilizing a mix of mediation, arbitration, and appeals processes.¹⁰⁰ However, in 2022, the WBA officially joined the CAS as its official dispute resolution body,

information/frequently-asked-questions.html [https://perma.cc/Z3HA-89J7] (last visited Feb. 24, 2026).

⁹⁵ See Vitus Derungs, *Appeal Against CAS Decisions Before the Swiss Federal Tribunal*, LINKEDIN (Aug. 19, 2024), <https://www.linkedin.com/pulse/appeal-against-cas-decisions-before-swiss-federal-tribunal-derungs-xag8e/> [https://perma.cc/H69K-3SZF]; see also Marc Anthony de Boccard, *How to Challenge a CAS Award at the Swiss Federal Supreme Court: A Guide for Athletes & Sports Organisations*, LAWINSPO (Sept. 20, 2024), <https://www.lawinsport.com/topics/item/how-to-challenge-a-cas-award-at-the-swiss-federal-supreme-court-a-guide-for-athletes-sports-organisations>.

⁹⁶ See Despina Mavromati, *The Role of the Swiss Federal Tribunal and Its Impact on the Court of Arbitration for Sport (CAS)*, SSRN ELEC. J. 1, 1 (Sep. 29, 2016), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2845237.

⁹⁷ Telephone Interview with Gregory Smith, Attorney, The Maloney Firm (Feb. 10, 2025) (Smith is an attorney with extensive experience representing professional boxers, whose clients have included former and current world champions such as Saul "Canelo" Alvarez, Shane Mosley, Teofimo Lopez, George Kambois Jr., Xander Zayas, Franchon Crews-Dezurn, and Richardson Hitchens).

⁹⁸ Eli Cloutier, *The Four Belt Era: Boxing's Belt Problem*, THE DAILY FREE PRESS (Feb. 3, 2023), <https://dailyfreepress.com/2023/02/03/the-four-belt-era-boxings-belt-problem/> [https://perma.cc/5K46-KGVT].

⁹⁹ Smith, *supra* note 97.

¹⁰⁰ See *Rules of World Boxing Association*, WORLD BOXING ASS'N 34 (Apr. 22, 2024), <https://www.wboboxing.com/wp-content/uploads/2023/11/WBA-Rules-11.08.2023.pdf>; *WBO Appeal Regulations*, WORLD BOXING ORG.1-3 (Oct. 16, 2018), <https://www.wboboxing.com/wp-content/pdf/wbo-appeal.pdf>; *Rules & Regulations Of The World Boxing Council ("WBC")*, WORLD BOXING COUNCIL 31-33 (Aug. 19, 2015), <https://wbcboxing.com/downloads/WBCRulesandRegulationsamendedandapproved13Dec2011.pdf> [hereinafter WBC]; *IBF Rules Governing Championship Contests*, INT'L BOXING FED'N 27-28 (Jan. 1, 2019), <https://www.ibf-usba-boxing.com/wp-content/uploads/IBFChampionshipContestRules0119.pdf>.

bridging the historic gap across the Atlantic Ocean and integrating more with *lex sportiva*.¹⁰¹

C. A Case Study of Boxing and Gender Inclusion

The inclusion of women in sanctioned boxing events by the sport's major governing bodies was a gradual process influenced by international human rights law developments, societal pressures, and increasingly progressive perspectives on gender equality.¹⁰² Modern advocacy efforts for including women began in the 1990s, with several boxing organizations accepting women as athletes in varying degrees.¹⁰³ Another significant driving force for women accessing boxing was gender discrimination lawsuits, particularly in the U.S.; these lawsuits against American-based organizations, such as USA Boxing and the Golden Gloves Tournament, helped pave the way for women competing on the amateur level by striking discriminatory rules and regulations prohibiting them from competing.¹⁰⁴ By 1993, USA Boxing was among the first organizations to sanction women's boxing in the amateur circuits, which was soon followed by the International Boxing Association ("AIBA") the following year.¹⁰⁵ During this decade, several other countries—including Canada, Russia, Hungary, Denmark, Sweden, Norway, and Finland—also formally sanctioned women's boxing.¹⁰⁶ The IOC also received increased advocacy efforts from women's sports organizations and activists to include women's boxing in the Olympics,

¹⁰¹ Jesús Milano, *WBA Joins the Court of Arbitration for Sport*, WORLD BOXING ASS'N (Sept. 12, 2022), <https://www.wbaboxing.com/boxing-news/wba-joins-the-court-of-arbitration-for-sport> [<https://perma.cc/WQH9-ZRP4>].

¹⁰² See Isis O'Regan, *Fight Like a Girl / A Brief History of Women in Boxing*, THE TIME IS NOW, <https://tin.uk/fight-like-a-girl> (last visited Feb. 24, 2026); see Amelia Perkins, *Breaking Barriers: The Evolution of Women's Boxing*, BRONX BEYOND BOXING (Aug. 18, 2023), <https://www.bronxldn.com/post/breaking-barriers-a-journey-through-the-evolution-of-women-s-boxing> [<https://perma.cc/25HF-NR8V>].

¹⁰³ Nigel Collins et al., *Women in Boxing*, ENCYCLOPEDIA BRITANNICA (Feb. 9, 2026), <https://www.britannica.com/sports/boxing/Women-in-boxing>; "Chronological events that occurred in women's boxing.", WOMEN BOXING ARCHIVE NETWORK, <https://www.womenboxing.com/historic.htm> (last visited Feb. 25, 2026) ("USA Boxing didn't recognize female boxers until 1993, and only then after losing a landmark court case.").

¹⁰⁴ See, e.g., MALISSA SMITH, A HISTORY OF WOMEN'S BOXING 285 (1ST ED. 2017) (describing Dallas Malloy's 1993 sex-discrimination lawsuit in Washington state court that led to an injunction against USA Boxing and opened amateur competition to women); Jennifer Huberdeau, *Gail Grandchamp: A True Fighter Against Sexual Discrimination*, THE BERKSHIRE EAGLE (Mar. 29, 2019), https://www.berkshireeagle.com/history/gail-grandchamp-a-true-fighter-against-sexual-discrimination/article_d44625c4-cd32-5e1b-acd1-ba38f7414478.html [<https://perma.cc/8XHE-GPTV>] (describing Gail Grandchamp's successful 1992 sex-discrimination lawsuit striking down USA Boxing's bylaw prohibiting women from being licensed as amateur boxers).

¹⁰⁵ *History of Amateur Boxing*, U.S.A. BOXING, <https://www.usaboxing.org/about-us/history-of-amateur-boxing> [<https://perma.cc/8ZH3-7YDG>] (last visited Feb. 25, 2026); *Unorthodox Presents a History of Womens Boxing (Part 1)*, UNORTHODOXX (July 16, 2025), <https://www.unorthodox.co.uk/post/unorthodox-presents-a-history-of-womens-boxing-part-1>.

¹⁰⁶ Collins et al., *supra* note 103.

but it was not until the 2012 London Olympic Games that the IOC formally recognized women's boxing as a category.¹⁰⁷

With significant advances at the amateur level, women were increasingly able to progress into professional boxing, following the traditional pathway long established for men.¹⁰⁸ Yet despite this entry into the professional ranks, women's early experiences in the sport were marked by significant challenges; even though prominent promoters such as Bob Arum and Don King had represented and managed women since the 1990s, barriers to organizing matches persisted.¹⁰⁹ During this time, women in boxing had various issues in drawing large audiences, maintaining popularity, and attaining quality training expected of elite-level boxers.¹¹⁰ Additionally, boxing promoters, organizers, and its governing bodies initially gave a large portion of the spotlight to professional boxers who were the daughters of boxing legends, such as Laila Ali, Jacqui Frazier-Lyde, and Irichelle Durán,¹¹¹ whose paternal legacies often overshadowed other women's accomplishments both in fight purses and publicity.¹¹²

IV. ANTI-INCLUSION LAWS AND REGULATIONS

Recently, there has been a growing number of global laws and regulations introduced to restrict transgender (also referred to as "trans") and nonbinary¹¹³ athletes.¹¹⁴ The gender

¹⁰⁷ Anne Tjønddal, *The Inclusion of Women's Boxing in the Olympic Games: A Qualitative Content Analysis of Gender and Power in Boxing*, 12 QUALITATIVE SOCIO. REV. 84, 85 (2016).

¹⁰⁸ See, e.g., *Checking In on Katie Taylor's Move From Amateur to Professional*, PRO BOXING FANS (Dec. 15, 2016), https://www.proboxing-fans.com/checking-in-on-katie-taylor-move-from-amateur-to-professional_121516/ [<https://perma.cc/JSQ9-QG4Q>]; James Pratt, *Cindy Ngamba on Advice from "Amazing Role Model" Lauren Price for Pro Debut in Historic Women's Boxing Event - Exclusive*, OLYMPICS (Mar. 5, 2025, 1:53 PM), <https://www.olympics.com/en/news/cindy-ngamba-advice-role-model-lauren-price-womens-pro-boxing-event-exclusive> [<https://perma.cc/5LQ3-AEV7>].

¹⁰⁹ Collins et al., *supra* note 103.

¹¹⁰ *Why No One Watches Women's Boxing*, WARRIOR CODE (Mar. 4, 2024, 5:14 AM), <https://warriorcode.com/en/article/why-no-one-watches-womens-boxing>.

¹¹¹ Laila Ali, Jacqui Frazier-Lyde, and Irichelle Durán's fathers were boxing legends Muhammad Ali, Joe Frazier, and Roberto Durán, respectively.

¹¹² Collins et al., *supra* note 103.

¹¹³ Transgender is an umbrella term for people whose internal sense of gender or gender identity differs from the sex they were assigned at birth. *Transgender People*, U.N. HUM. RTS., <https://www.ohchr.org/en/sexual-orientation-and-gender-identity/transgender-people> (last visited Feb. 25, 2026); nonbinary is a gender identity which does not conform to traditional binary beliefs of gender (i.e. not identifying exclusively as male or female). *Non-Binary*, OXFORD ENGLISH DICTIONARY, https://www.oed.com/dictionary/non-binary_adj?tl=true [<https://perma.cc/WU7B-83W3>] (last visited Feb. 25, 2026).

¹¹⁴ See Elana Redfield, *The Impact of Transgender Sports Participation Bans on Transgender People in the US*, UCLA SCH. L. WILLIAMS INSTITUTE (Feb. 2025), <https://williamsinstitute.law.ucla.edu/publications/impact-trans-sports-ban-eo/>; Amanda Davies, *World Athletics' Policy Limiting Trans Women Participation is 'Here to Stay.'* Says

controversies surrounding boxers Imane Khelif and Lin Yu-ting (neither of whom are transgender) in the 2024 Summer Olympics underscored ongoing tensions over athlete eligibility, revealing how gender-based regulations disproportionately scrutinize certain athletes and raising broader concerns about the legitimacy and impact of anti-inclusion policies in sports.¹¹⁵

Anti-inclusion laws and policies function to restrict athletes, particularly transgender and nonbinary individuals, from competing in divisions aligning with their gender identity.¹¹⁶ These regulations have been implemented on multiple levels, from national laws prohibiting trans participation in school sports to international policies imposing strict hormone-level requirements on female athletes.¹¹⁷ In the U.S., several states have implemented laws imposing these bans, such as Iowa, which removed gender identity protection from the state civil rights code and effectively barred trans athletes from participating in sports in alignment with their gender, and Texas, whose officials have pressured the National Collegiate Athletic Association (“NCAA”) to implement biological sex screenings to determine eligibility.¹¹⁸

Similar issues exist on the international scale.¹¹⁹ For example, the IOC’s published guidelines surrounding equal-gender participation emphasize that no athlete should be excluded solely based on unverified gendered assumptions of competitive advantage, but this framework shifts responsibility to individual sports federations to establish eligibility standards.¹²⁰ These governing bodies

President Sebastian Coe, CNN SPORTS (Mar. 7, 2024, 8:48 AM), <https://www.cnn.com/2024/03/02/sport/sebastian-coe-world-athletics-transgender-policy-spt-intl/index.html> [<https://perma.cc/SQ4L-EHMC>].

¹¹⁵ Treisman, *supra* note 3.

¹¹⁶ See Brandon Drenon, *NCAA Changes Transgender Athletes Policy After Trump Ban*, BBC NEWS (Feb. 7, 2025), <https://www.bbc.com/news/articles/cvgez0k3mno> [<https://perma.cc/EB6B-9ERU>]; Redfield, *supra* note 114; Davies, *supra* note 114.

¹¹⁷ See *IAAF Introduces New Eligibility Regulations for Female Classification*, WORLD ATHLETICS (Apr. 26, 2018), <https://worldathletics.org/news/press-release/eligibility-regulations-for-female-classifica>; Matthew Arrojas, *States With Bans on Transgender Athlete Participation in College Sports*, BESTCOLLEGES (Apr. 3, 2025), <https://www.bestcolleges.com/news/trans-college-athlete-bans/> [<https://perma.cc/4E6U-PEBC>].

¹¹⁸ See generally 2025 Iowa Acts 1-7 (removing gender identity as a protected class); see also Hannah Fingerhut, *Iowa Approves Bill Removing Gender Identity Protections Despite Massive Protests*, PBS NEWS (Feb. 27, 2025), <https://www.pbs.org/newshour/politics/iowa-approves-bill-removing-gender-identity-protections-despite-massive-protests> [<https://perma.cc/LY8T-98JT>]; *Texas AG Asks Court to Require NCAA to Begin Gender Testing as Part of New Transgender Policy*, INDEPENDENT (Feb. 20, 2025, 10:46 PM), <https://www.independent.co.uk/news/ncaa-texas-republican-donald-trump-charlie-baker-b2701963.html> [<https://perma.cc/6KQS-GRE8>]; Arrojas, *supra* note 117 (“Over a dozen states unilaterally ban transgender college students from participating on sports teams matching their gender identity.”).

¹¹⁹ See, e.g., *Performance, Inclusion and Elite Sports - Transgender Athletes*, UK PARLIAMENT POST 3-4 (Oct. 2022), <https://researchbriefings.files.parliament.uk/documents/POST-PN-0683/POST-PN-0683.pdf>.

¹²⁰ *Id.* at 3.

have long implemented eligibility criteria based on hormone and chromosome tests.¹²¹ Sports federations such as World Athletics and the AIBA (which is not recognized as a major boxing governing body) have adopted testosterone-based eligibility criteria that disproportionately impact transgender women, intersex athletes, and cisgender (also commonly shortened to “cis”) women¹²² who do not conform to traditional gender norms, particularly athletes from marginalized communities and the Global South.¹²³

A. Justifications and Support for Anti-Inclusion Regulations

Proponents of these policies argue that they are legally necessary to maintain competitive fairness and protect women’s sports.¹²⁴ Claims that biological sex differences in transgender women create competitive disparities when compared to cisgender women have been used to justify various exclusionary policies.¹²⁵

¹²¹ Pierre Bydovsky, *Transgender Athletes in International Sports Federations*, CHARLES RUSSEL SPEECHLYS (Dec. 4, 2023), <https://www.charlesrussellspeechlys.com/en/insights/expert-insights/sport/2023/the-status-of-transgender-and-intersex-athletes-in-international-sports-federations/> [https://perma.cc/9XKY-NAR8].

¹²² Intersex refers to a natural condition where an individual’s sex characteristics (e.g. chromosomes, hormones, genitals) do not fit traditional or typical definitions of male or female. *What’s Intersex?*, PLANNED PARENTHOOD, <https://www.plannedparenthood.org/learn/gender-identity/sex-gender-identity/whats-intersex> [https://perma.cc/RL7H-DW6F] (last visited Feb. 25, 2026). Cisgender describes individuals whose internal sense of gender corresponds with their sex assigned at birth. *What Does ‘Cisgender’ Mean?*, MERRIAM-WEBSTER DICTIONARY, <https://www.merriam-webster.com/wordplay/cisgender-meaning> (last visited Feb. 25, 2026).

¹²³ Dan Treacy, *Imane Khelif Gender Eligibility Test, Explained: Why IOC Doesn’t Recognize ‘Sudden and Arbitrary’ Disqualification from IBA World Championship*, THE SPORTING NEWS (Aug. 3, 2024, 8:40 AM), <https://www.sportingnews.com/us/olympics/news/imane-khelif-gender-eligibility-test-ioc-iba-championship/f36302ed5889c11046e5c704> (explaining AIBA’s gender eligibility disqualification of female boxers based on chromosome testing and the IOC’s rejection of that process as arbitrary and lacking due process); Kate Sosin, *New Report Reveals Alleged Horrors of Sex Testings in International Sports*, THE 19TH NEWS (Dec. 4, 2020), <https://19thnews.org/2020/12/human-rights-watch-report-sex-testing-elite-women-athletes/> (reporting that sex-testing regulations are applied only to women and have been widely criticized as discriminatory and harmful to women athletes’ bodily autonomy and rights); see generally HUM. RTS. WATCH, *supra* note 2 (documenting World Athletics’ testosterone-based eligibility rules, their coercive medical requirements, and their disproportionate impact on women—particularly athletes from the Global South—through discriminatory and racialized gender scrutiny).

¹²⁴ *The Legal Status of Women-Only Sport*, SEX MATTERS (Nov. 26, 2024), <https://sex-matters.org/posts/sport/the-legal-status-of-women-only-sport/> [https://perma.cc/X9LN-CQQ7]; *UK Athletics Wants Open Category for Male and Transgender Athletes*, BBC SPORT (Feb. 3, 2023), <https://www.bbc.com/sport/athletics/64514819> [https://perma.cc/VFH6-SE7S].

¹²⁵ See Sean Ingle, *World Athletics Mandates Cheek Swabs to ‘Doggedly Protect Female Category’*, THE GUARDIAN (Mar. 25, 2025, 7:41 AM), <https://www.theguardian.com/sport/2025/mar/25/world-athletics-mandates-cheek-swabs-to-doggedly-protect-female-category> [https://perma.cc/69VM-VZZV]; Ruth Padawer, *The*

Additionally, legal defenses of such policies often use the protection of women's sports as an appeal despite inconsistencies in enforcing these measures.¹²⁶ While justification is often framed around safeguarding fairness, in practice, these policies function more as mechanisms for policing gender rather than as genuine attempts to create an equitable playing field.¹²⁷

The most common justification for anti-inclusion policies is that transgender women and other assigned-male-at-birth ("AMAB") athletes retain physiological advantages due to male puberty, such as increased muscle mass, bone density, and oxygen capacity as compared to cis women and other assigned-female-at-birth ("AFAB") individuals.¹²⁸ Supporters of banning trans and nonbinary athletes argue that allowing AMAB individuals to compete in women's sports would create a competitive imbalance, compromising both fairness and safety, particularly in combat sports like boxing.¹²⁹

B. Critiques of Legal Frameworks Supporting Anti-Inclusion Policies

Opponents of exclusionary sports regulations argue that they are based on flawed scientific assumptions, and that trans-exclusionary practices often reinforce various forms of discrimination rather than uphold fairness in competition.¹³⁰ Much of the science used to support biological difference

Humiliating Practice of Sex-Testing Female Athletes, THE N.Y. TIMES MAG. (June 28, 2016), https://www.nytimes.com/2016/07/03/magazine/the-humiliating-practice-of-sex-testing-female-athletes.html?_r=0 [<https://perma.cc/2DWU-B98E>].

¹²⁶ See Karson Taylor, Mikaela Wells & Cross Conrad, *The Evolving Role of Title IX in Women's Sports*, THE REGUL. REV. (Feb. 1, 2025), <https://www.theregreview.org/2025/02/01/seminar-the-evolving-role-of-title-ix-in-womens-sports/> [], <https://perma.cc/PKT5-LMRW>] (describing how legal defenses of transgender sports bans invoke the protection of women's athletics, despite evidence of minimal participation by transgender athletes and ongoing legal challenges); Catherine Forshaw & Jason Smith, *Transgender Athletes: Inclusion vs Fairness (Part 2)*, BRABNERS (Dec. 19, 2022), <https://www.brabners.com/insights/sport/transgender-athletes-inclusion-vs-fairness-part-2> [<https://perma.cc/V3UA-Z23R>] (explaining that governing bodies justify restrictive eligibility policies as necessary to protect fairness and safety in women's sport, while adopting differing and evolving standards across jurisdictions).

¹²⁷ Tori Porter, Briana A. Savage & Dresden J. Frazier, *Breaking Boundaries: A Critical Trans Framework Analysis of Anti-Transgender Sports Policies in Education*, 2 J. QUEER & TRANS STUD. EDUC. 1, 3, 8 (2024).

¹²⁸ See Douglas J. Oberlin, *Sex Differences and Athletic Performance. Where Do Trans Individuals Fit Into Sports and Athletics Based on Current Research?*, 5 FRONTIERS SPORTS & ACTIVE LIVING 1, 3-7 (2023).

¹²⁹ Nitin K. Sethi & Victor Khabie, *Transgender Athletes in Boxing: Is It Fair and Safe?*, 7 MOJ SPORTS MED. 78, 78 (2024) ("Higher testosterone level, differences in body fat, musculature and bony structure give the transgender boxer an advantage over her cisgender competitor."); Zachary Rogers, *World Boxing Council Raises Safety Concerns About Transgender Boxers Facing Non-Trans Opponents*, NBC 15 NEWS (Aug. 15, 2022, 4:23 PM), <https://myabc15.com/news/nation-world/world-boxing-council-raises-safety-concerns-about-transgender-boxers-facing-non-trans-opponents>.

¹³⁰ See Daniela Heerdt, *Transgender Women Athlete Exclusion in Disguise*, VERFASSUNGSBLOG (July 8, 2022), <https://verfassungsblog.de/transgender-women-athlete-exclusion-in-disguise/> [<https://perma.cc/YTW3-XDJN>]; Helen Breese, *Expert Blog: Why*

arguments is highly debated within the scientific community; while some studies indicate that testosterone levels have a marked impact on athletic performance, others point to the diversity of natural genetic advantages among all athletes.¹³¹ This argument also often turns on the basis that going through male puberty and the subsequent increase of testosterone tend to give AMAB individuals physical advantages over cis women.¹³² However, elite sports are not based on statistically average people; professional athletes are highly trained individuals whose physical abilities and attributes vary widely.¹³³ For instance, Michael Phelps, the former competitive swimmer and most decorated Olympian of all time, has various physiological and chemical traits, such as an extended wingspan, a proportionately longer torso than his competitors, an unusually high lung capacity, and ability to produce less lactic acid than a typical athlete, giving him significant competitive edges in swimming.¹³⁴ Yet, these advantages are generally not viewed or debated as being unfair, as compared to the supposed genetic or biological advantages of trans athletes.

Among the most glaring issues with anti-inclusion policies is the inconsistency with which they are applied.¹³⁵ Regulations overwhelmingly focus on restricting transgender women's participation, while transgender men often

World Athletics' Transgender Policies Must Balance Science With the Law, NOTTINGHAM TRENT UNIV. (Mar. 29, 2023), <https://www.ntu.ac.uk/about-us/news/news-articles/2023/03/expert-blog-why-world-athletics-must-balance-science-with-the-law-in-its-transgender-policies>.

¹³¹ See Maayan Sudai, *The Testosterone Rule—Constructing Fairness in Professional Sport*, 4 HARV. J. L. & BIOSCIENCES 181, 182 (2017) (discussing empirical studies suggesting testosterone may correlate with strength and aerobic performance in certain events, while noting conflicting findings); Grace Huckins, *Hormone Levels Are Being Used to Discriminate Against Female Athletes*, SCI. AM. (Feb. 1, 2021), <https://www.scientificamerican.com/article/hormone-levels-are-being-used-to-discriminate-against-female-athletes/> [<https://perma.cc/537A-S6N8>] (explaining that evidence linking endogenous testosterone to performance is mixed and that natural biological advantages, like height or muscle composition, are common among elite athletes).

¹³² Dan Avery, *Trans Women Retain Athletic Edge After a Year of Hormone Therapy, Study Finds*, NBC NEWS (Jan. 5, 2021, 1:30 AM), <https://www.nbcnews.com/feature/nbc-out/trans-women-retain-athletic-edge-after-year-hormone-therapy-study-n1252764> [<https://perma.cc/J36R-NCE2>].

¹³³ See *Olympic Athletes vs Average People: What Separates the “Best” From Your Personal Best*, UC HEALTH (July 27, 2021), <https://www.uchealth.com/en/media-room/articles/olympic-athletes-vs-average-people> [<https://perma.cc/E2YA-AGFE>].

¹³⁴ Colleen de Bellefonds, *Why Michael Phelps Has the Perfect Body for Swimming*, BIOGRAPHY (May 14, 2020, 2:54 PM), <https://www.biography.com/athletes/michael-phelp-perfect-body-swimming> [<https://perma.cc/2X6L-GBEU>]; Monica Hesse, *We Celebrated Michael Phelps's Genetic Differences. Why Punish Caster Semenya For Hers?*, WASH. POST (May 2, 2019), https://www.washingtonpost.com/lifestyle/style/we-celebrated-michael-phelpss-genetic-differences-why-punish-caster-semenya-for-hers/2019/05/02/93d08c8c-6c2b-11e9-be3a-33217240a539_story.html [<https://perma.cc/TBL3-VR92>].

¹³⁵ See Allie Reynolds & Alireza H. Jahromi, *Transgender Athletes in Sports Competitions: How Policy Measures Can Be More Inclusive and Fairer to All*, 3 FRONTIER SPORTS & ACTIVE LIVING 1, 2-3.

face little to no scrutiny when competing in male divisions.¹³⁶ If unfairness were the driving purpose for these policies, the difference in the degree of scrutiny on trans women athletes as compared to trans men highlights the inconsistencies in that principle.¹³⁷ It suggests that these policies are, in reality, about enforcing narrow definitions and standards of womanhood in sports.¹³⁸ The Olympic boxing controversies surrounding Imane Khelif and Lin Yu-ting are modern illustrations of how gender scrutiny in sports frequently extends beyond transgender athletes to include any competitor who does not conform to narrow definitions of femininity, even if those competitors are cis women.¹³⁹

Beyond gender identity, these regulations often disproportionately affect globally marginalized groups, particularly Black athletes and competitors from the Global South.¹⁴⁰ Many of the gender verification tests implemented by governing bodies have historically targeted African and Caribbean athletes, and the checking of genitalia, testing of hormone levels, and blood and/or urine tests are often incredibly invasive for these athletes.¹⁴¹ This not only reinforces broader racial inequities in international sports, but also leads to violations of international human rights law and privacy.¹⁴² The association of higher hormone levels with an increased competitive advantage is also a tenuous argument, as there are instances of elite cis male athletes having lower testosterone levels than some of their cis female counterparts.¹⁴³

C. Analysis of Boxing's Current Gender Inclusion Regulations

Of the four major boxing governing bodies, only the WBC has published a public policy regarding the participation of transgender and nonbinary athletes.¹⁴⁴ In 2022, the WBC announced plans to introduce a separate

¹³⁶ Sudai, *supra* note 131, at 186; see Bethany A. Jones et al., *Sport and Transgender People: A Systematic Review of the Literature Relating to Sport Participation and Competitive Sport Policies*, 47 SPORTS MED. 701, 708 (2017).

¹³⁷ *See id.*

¹³⁸ EDUCATION L. CTR., EQUITY IN SCHOOL SPORTS FOR TRANSGENDER, GENDER-DIVERSE, AND INTERSEX STUDENTS 2 (2025).

¹³⁹ Treisman, *supra* note 3.

¹⁴⁰ HUM. RTS. WATCH, *supra* note 2, at 3; Maria Dugas, *Gender According to World Athletics: The Regulation of Racialized Athletes from the Global South*, 48 DALHOUSIE L.J. 465, 472 (2024).

¹⁴¹ HUM. RTS. WATCH, *supra* note 2, at 83.

¹⁴² *Id.*; see Universal Declaration of Human Rights, *supra* note 71, arts. 2, 12; Letter from Dainius Pūras, Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical & Mental Health, Nils Melzer, Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, & Ivana Radačić, Chair-Rapporteur of the Working Group on the Issue of Discrimination Against Women in Law & in Practice, to Sebastian Coe, President of World Athletics 6-8 (Sept. 18, 2018), https://www.ohchr.org/sites/default/files/Documents/Issues/Health/Letter_IAAF_Sept2018.pdf.

¹⁴³ Huckins, *supra* note 131 (noting that studies have found no consistent association between endogenous testosterone levels and performance, and that a significant percentage of elite male athletes have testosterone levels below the typical male range).

¹⁴⁴ See Nitin K. Sethi, *World Boxing Council Statement/Guidelines Regarding*

transgender category to ensure safety and inclusion; under this policy, transgender athletes would compete exclusively against others who share the same gender assigned at birth.¹⁴⁵ The WBC has emphasized that bouts between transgender and cisgender athletes would not be permitted, citing concerns regarding the fairness of competition and fighters' safety.¹⁴⁶ The WBA, IBF, and the WBO have not provided specific guidelines or regulations addressing the participation or inclusion of transgender or nonbinary athletes in their respective sanctioned events. However, with the WBA joining the CAS in 2023, many key cases decided by the Court regarding trans athletes will likely influence the WBA's treatment of trans boxers.¹⁴⁷ The CAS has at times ruled against some sports organizations' hormone testing practices and regulations, such as *Chand v. Athletics Fed'n of India*, the Court has generally espoused the independence of sports organizations, ruling against South African runner Caster Semenya, a cis woman, and American swimmer Lia Thomas, a transgender woman.¹⁴⁸

However, the WBC's approach to transgender inclusion exemplifies many of the broader challenges inherent in exclusionary policies, despite its stated attempt to promote inclusivity.¹⁴⁹ With so few transgender boxers in the professional ranks, forcing them into a segregated category effectively

Transgender Athletes Participation in Professional Combat Sports, WORLD BOXING COUNCIL (Aug. 15, 2022), <https://wbcboxing.com/en/world-boxing-council-statement-guidelines-regarding-transgender-athletes-participation-in-professional-combat-sports/> [<https://perma.cc/9L2E-MGZG>].

¹⁴⁵ Jeff Wagenheim, *WBC Planning Category for Transgender Fighters in 2023*, ESPN (Dec. 29, 2022, 7:14 PM), https://www.espn.com/boxing/story/_/id/35343673/wbc-planning-category-transgender-fighters-2023&sa=D&source=docs&ust=1745475430883690&usg=AOvVaw27aCn6D9_RlyGIInZ24c1Lw.

¹⁴⁶ *Id.*

¹⁴⁷ Milano, *supra* note 101.

¹⁴⁸ See COURT OF ARBITRATION FOR SPORT, CAS BULLETIN (2015), https://www.tas-cas.org/fileadmin/user_upload/Bulletin_2015_2_internet_.pdf; COURT OF ARBITRATION FOR SPORT, EXECUTIVE SUMMARY (2019), https://www.tas-cas.org/fileadmin/user_upload/CAS_Executive_Summary_5794_.pdf; *Chand v. Athletics Federation of India & International Association of Athletics Federations*, 2014/A/3759, Arbitral Award, Court of Arbitration for Sport [Ct. Arb. Sport], 112 (July 24, 2015), <https://jurisprudence.tas-cas.org/Shared%20Documents/3759-PA.pdf> (holding that IAAF hyperandrogenism regulations barring women with naturally high testosterone levels from competing in female category unless they reduced those levels, were prima facie discriminatory and unsupported by sufficient scientific evidence); *Semenya v. International Association of Athletics Federations*, 2018/O/5798 (2019), Arbitral Award, Court of Arbitration for Sport [Ct. Arb. Sport], 172 Apr. 30, 2019), <https://jurisprudence.tas-cas.org/Shared%20Documents/5794,%205798.pdf> (holding that despite IAAF's Differences of Sexual Development regulations being discriminatory, these regulations were justified as necessary, reasonable, and proportionate means of preserving fair competition in female category); *Thomas v. World Aquatics*, 2023/O/10000, Arbitral Award, Court of Arbitration for Sport [Ct. Arb. Sport], 24 (Sept. 6, 2023), https://www.tas-cas.org/fileadmin/user_upload/10000_Arbitral_Award_for_publ_.pdf (noting that only World Aquatics is able to decide when and to whom its eligibility policy applies).

¹⁴⁹ See Emma Smith, *Transgender Boxing: WBC's Proposals for Transgender Category Draw Mixed Response*, BBC (Feb. 13, 2023), <https://www.bbc.com/sport/boxing/64432533>.

eliminates their ability to compete for meaningful championship titles or significant fight purses, which is further exemplified by the fact that currently, the WBC does not sanction any transgender boxers.¹⁵⁰ While this was framed as an inclusive measure, in practice, it isolates transgender athletes and deprives them of meaningful competition.¹⁵¹ This approach highlights a fundamental contradiction in anti-inclusion policies by claiming to promote fairness, but in practice, often functioning to exclude and further marginalize certain groups of athletes.¹⁵²

Additionally, the safety argument for combat sports such as boxing does not hold up under scrutiny. The WBC's policy was also implemented without any input from transgender athletes or advocacy organizations, and the body has yet to conduct dedicated scientific studies into transgender boxers competing at an elite level.¹⁵³ Instead, the WBC's studies into female fighters informed the rationale behind enacting this policy as an extension of the safety arguments for protecting women's boxing divisions.¹⁵⁴ Additionally, female fighters have historically challenged male opponents in comparable weight classes without facing the same level of scrutiny or backlash from the same proponents of anti-trans and nonbinary regulations.¹⁵⁵ For example, when world champion Claessa Shields publicly entertained the idea of fighting Ryan Garcia in May of 2024, the conversation focused on logistics rather than fairness or safety concerns, underscoring the inconsistency in how these debates are conducted.¹⁵⁶ While that example may have been more focused on publicity than realistically organizing a match, it highlights the issue that segregating trans and nonbinary fighters from other combatants also strips the fighters of their autonomy in deciding against who they wish to test their mettle.¹⁵⁷

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² Jonathan Cooper, *Fair Competition and Inclusion in Sport: Avoiding the Marginalisation of Intersex and Trans Women Athletes*, 8 *PHILOSOPHIES* 1, 6-9 (2023).

¹⁵³ Smith, *supra* note 149.

¹⁵⁴ Smith, *supra* note 149.

¹⁵⁵ See Walt Crowley, *Margaret McGregor of Bremerton Defeats Loi Chow in the First Sanctioned Mixed-Gender Professional Boxing Match on October 9, 1999*, HISTORY LINK (Oct. 11, 1999), <https://www.historylink.org/File/1730> [<https://perma.cc/D2K9-RF9X>]; Robert Wood, *Women Boxing Men*, TOPEND SPORTS, <https://www.topendsports.com/sport/boxing/women-versus-men.htm> [<https://perma.cc/D2K9-RF9X>] (last visited Feb. 27, 2026).

¹⁵⁶ See Jorge Alonso, *Women's Boxing Champ Challenges Ryan Garcia to Intergender Boxing Match Amid Social Media Beef*, BROBIBLE (May 9, 2024, 8:20 PM), <https://brobible.com/sports/article/womens-boxing-champ-claessa-shields-ryan-garcia/>; *Shields Challenges Ryan Garcia*, 3KINGZ BOXING WORLDWIDE, <https://3kingsboxing.com/shields-challenges-ryan-garcia/> [<https://perma.cc/7W59-ZRBN>] (last visited Feb. 27, 2026) (noting "there is no way these two fighters ever meet in the ring . . ."); CHZ, "YOUR TANKS B!1CH" Claessa Shields Official FIGHT OFFER to Ryan Garcia, (YouTube, May 17, 2024), <https://www.youtube.com/watch?v=p8KBEMMWj4U>.

¹⁵⁷ See Kimberly A. Yuracko, *Transgender Inclusion And Girls' Sports: A Look at What's at Stake*, 3 *AM. J. L. & EQUAL.* 374, 388 (2023).

Many of the arguments used to support the WBC policy echo those against Jack Johnson, the first Black world heavyweight boxing champion from 1908 to 1915.¹⁵⁸ Johnson faced intense discriminatory opposition throughout his boxing career, as racist pseudoscientific and biological arguments were made against his talents and eligibility to compete against white fighters.¹⁵⁹ Many contemporary white supremacists and pseudoscientists claimed that Black athletes such as Johnson had physical advantages but were intellectually and morally deficient, with some arguing that Black boxers had greater brute strength but lacked the discipline, strategy, and mental fortitude to be worthy of competing at the highest levels of the sport.¹⁶⁰ Despite these claims of being biologically advantaged in strength, Johnson was a highly technical and defensive boxer.¹⁶¹ Other eugenicists argued that allowing Black and white athletes to compete on an equal footing would threaten white dominance, and these pervasive social beliefs influenced both sports regulations and segregation laws.¹⁶²

Analogous to the arguments made against Johnson, trans and nonbinary athletes are experiencing similar treatment regarding their gender identities. The arguments concerning biological advantages in trans women are similarly based on nebulous scientific evidence, and trans participation in sports is also comparably seen as an invasion of women's divisions.¹⁶³ Similarly, the undercurrents of transphobic sentiments and enforcement of binary gender norms have played a substantial role in both the development of anti-trans exclusion legislation, as well as gender-verification practices by athletic organizations.¹⁶⁴

¹⁵⁸ See Patricia Donovan, *Historian Explores Overseas Racial Battles of American Boxer Jack Johnson*, UNIV. BUFFALO REP. (May 31, 2012), https://www.buffalo.edu/ubreporter/archive/2012_05_31/runstedtler_jack_johnson.html [<https://perma.cc/3Q7H-RK2G>]; *Jack Johnson: A Heavyweight Boxer That Defied America*, NAT'L MUSEUM AFR. AM. HIST. & CULTURE, <https://nmaahc.si.edu/explore/stories/jack-johnson-heavyweight-boxer-defied-america> [<https://perma.cc/HV6J-RJSH>] (last visited Feb. 27, 2026).

¹⁵⁹ Donovan, *supra* note 158.

¹⁶⁰ Matthew W. Hughey & Devon R. Goss, *A Level Playing Field? Media Constructions of Athletics, Genetics, and Race*, 661 ANNALS AM. ACAD. POL. & SOC. SCI. 182, 185-86 (2015).

¹⁶¹ *Jack Johnson: A Heavyweight Boxer That Defied America*, *supra* note 158.

¹⁶² See Matthew Brown, *Boxing Darwin's Shadow: Jack Johnson and Joe Louis's Historical Challenges to American Racism* 28 (Apr. 2007) (B.A. thesis, Wesleyan University), https://digitalcollections.wesleyan.edu/_flysystem/fedora/2023-03/22662-Original%20File.pdf.

¹⁶³ Jones et al., *supra* note 136, at 701, 712.

¹⁶⁴ GAY & LESBIAN ALLIANCE AGAINST DEFAMATION, SEX VERIFICATION TESTING, WHAT YOU NEED TO KNOW 5-6 (2025), <https://assets.glaad.org/m/361c34d3aa842a81/original/Inclusion-Playbook-Harms-of-Sex-Verification-Testing.pdf>.

V. GENDER-INCLUSIVE ALTERNATIVES TO WBC'S CURRENT GOVERNANCE PRACTICES

International law and U.S. legal precedent provide strong foundations for the inclusion of transgender and nonbinary athletes in sports, including boxing.¹⁶⁵ As a matter of international human rights law, access to sport is increasingly recognized as a protected right under treaties such as the ICESCR and CEDAW,¹⁶⁶ and growing recognition of gender identity as a protected characteristic under international law reinforces the duty of sports institutions to develop inclusive policies that respect the dignity and autonomy of all athletes.¹⁶⁷ Similarly, U.S. case law and regulations currently offer a valuable framework for challenging exclusionary practices, despite recent U.S. Supreme Court cases weakening protections for trans athletes.¹⁶⁸ While Title IX of the Education Amendments of 1972 opened the door for women to participate in contact sports at the collegiate level, Title VII of the Civil Rights Act of 1964 has served as a powerful tool to dismantle gender-based barriers in professional boxing, as seen in the landmark lawsuits brought by female boxers fighting for access to the sport.¹⁶⁹ More recently, the Supreme Court's decision in *Bostock v. Clayton County* affirmed that discrimination on the basis of gender identity is a form of sex discrimination under Title VII, further supporting the rights of transgender individuals in employment and analogously, access to public institutions and professional spaces.¹⁷⁰ Taken together, these legal developments underscore that sports governing bodies—both national or international—must

¹⁶⁵ See *The Foundation of International Human Rights Law*, *supra* note 71; John Balzar, *COLUMN ONE: Striking a Blow for Equality: Dallas Malloy Has Won Her Fight to be America's First Sanctioned Female Amateur Boxer. The Scrappy 16-Year-Old Knows the Rewards of Blood, Sweat, and a Killer Instinct.*, L.A. TIMES (Oct. 18, 1993, 12:00 AM), <https://www.latimes.com/archives/la-xpm-1993-10-18-mn-47225-story.html>; *Trans Athletes Are Protected Under Law—Here's What You Need to Know*, GENDER JUST. (Feb. 5, 2025), <https://www.genderjustice.us/commentary/trans-athletes-protected-under-law/> [<https://perma.cc/2WU5-KHLZ>].

¹⁶⁶ Aleydis Nissen, *The CESC Committee Champions the Right to Access Sports*, INST. FOR STUDY HUM. RTS.: RTS. VIEWS (FEB. 21, 2024), <https://blogs.cuit.columbia.edu/rightsviews/2024/02/21/the-cescr-committee-champions-the-right-to-access-sports/>.

¹⁶⁷ XANTHAKI, *supra* note 1.

¹⁶⁸ *Trans Athletes Are Protected Under Law*, *supra* note 165. *But see* Dep't of Edu. v. Louisiana, 603 U.S. 866, 867 (2024) (per curium) (denying stay pending appeal of two lower court injunctions prohibiting the implementation of a Biden-era Title IX regulation defining "sex discrimination to 'includ[e] discrimination on the basis of . . . sexual orientation, and gender identity.'" (quoting 89 Fed. Reg. 33886)). Moreover, the Court is expected to uphold laws from West Virginia and Idaho barring transgender women from participating in sports. See Amy Howe, *Supreme Court Appears Likely to Uphold Transgender Athlete Bans*, SCOTUSBLOG (Jan 13, 2026), <https://www.scotusblog.com/2026/01/supreme-court-appears-likely-to-uphold-transgender-athlete-bans/> [<https://perma.cc/S2VF-PYUR>].

¹⁶⁹ *Title IX*, SANCTION PA, <https://www.sanctionpa.com/titleix> [<https://perma.cc/27KX-J5CE>] (last visited Feb. 27, 2026); *Female Boxers: Required Pregnancy Testing: Hearing on A.B. 972 Before the Ass. Comm. on Judiciary*, 2005 Leg., at 5 (Cal. 2005).

¹⁷⁰ 590 U.S. 644, 683 (2020).

address the exclusion of transgender and nonbinary athletes not solely as a matter of policy, but as a legal and human rights obligation.¹⁷¹ By transforming the extant policies of the WBC, boxing can be reformed in light of these legal standards to ensure fair and inclusive participation.

A. Rationales for Gender-Inclusive Policies in Boxing

Gender-inclusive policies in boxing are essential to foster equality, diversity, and fairness within the sport, allowing the sport to uphold international human rights standards, particularly regarding the bodily autonomy of its athletes.¹⁷² Policies that mandate medical procedures or specific physical criteria eligibility can often infringe upon these rights, as seen with the practices of other sports such as running and track.¹⁷³ For instance, requiring that transgender athletes undergo gender reassignment surgery or hormone therapy as a prerequisite for participation infringes upon their bodily autonomy, particularly given that not all transgender individuals seek or have access to such medical interventions.¹⁷⁴ Enforcement of these policies as prerequisites to competing can be discriminatory and further present barriers to entry.¹⁷⁵

By challenging traditional gender norms and stereotypes, gender-inclusive policies can promote equity in boxing, enhance diversity, and enrich the sport.¹⁷⁶ The recent rise of women's boxing in a traditionally male-dominated sport marks a significant step toward gender equality, empowering individuals to pursue their athletic interests regardless of societal expectations.¹⁷⁷ Increasing diverse perspectives can also lead to expanding talent pools, where the participation of fighters from various gender identities can contribute to a broader range of experiences and skills, enhancing the sport's appeal, depth, and

¹⁷¹ Heerdt, *supra* note 130.

¹⁷² See *Equity, Diversity and Inclusion Policy*, BOXING CANADA (Nov. 2020), <https://boxingcanada.org/wp-content/uploads/2020/11/Equity-Diversity-and-Inclusion-Policy.pdf> (“Equity, diversity and inclusion will help to create environments which welcome everyone to be part of the sport of boxing . . . Valuing diversity means respect and appreciation of differences in individuals and in groups and honoring and upholding human rights.”); *Sex and Gender in Sports Policy: a Human Rights Perspective*, CTR. FOR SPORT & HUM. RTS., <https://www.sporhumanrights.org/sex-and-gender-in-sports-policy-a-human-rights-perspective> [<https://perma.cc/YY3H-4AVM>] (last visited Feb. 27, 2026).

¹⁷³ See HUM. RTS. WATCH, *supra* note 2, at 37; *Sex and Gender in Sports Policy: a Human Rights Perspective*, *supra* note 172.

¹⁷⁴ See Fabio Pigozzi et al., *Joint Position Statement of the International Federation of Sports Medicine (FIMS) and European Federation of Sports Medicine Associations (EFSMA) on the IOC Framework on Fairness, Inclusion and Non-Discrimination Based on Gender Identity and Sex Variations*, 8 *BMJ OPEN SPORT & EXERCISE MED.* 1, 1 (2022).

¹⁷⁵ *Sex and Gender in Sports Policy: a Human Rights Perspective*, *supra* note 172.

¹⁷⁶ *Equity, Diversity and Inclusion Policy*, *supra* note 172.

¹⁷⁷ See Larry Lage, *Claressa Shields Fighting For Gender Equality for Women Boxers*, ASSOCIATED PRESS (June 2, 2023), <https://apnews.com/article/claresssa-shields-boxing-mma-24af433f314d615d248f7d43d35374ed> [<https://perma.cc/HLV7-PV3B>]; Christopher R. Matthews & Alex Channon, *The ‘Male Preserve’ Thesis, Sporting Culture, and Men’s Power*, in *ROUTLEDGE INT’L HANDBOOK OF MASCULINITY STUD.* 377 (2020).

revenue streams.¹⁷⁸ For example, the EuroGames, a European LGBTQ+ multi-sport event, embraces inclusivity by allowing participation of all, regardless of sex, age, sexual identity, or physical ability, aligning with globally recognized human rights.¹⁷⁹ In their Savate Boxe Française boxing event, the EuroGames classify competing athletes in a gender-neutral manner, emphasizing their commitment “to promote inclusion and diversity in sport.”¹⁸⁰

Arguments should be made for gender-inclusive policies in boxing by examining the technical aspects and details of the “sweet science.”¹⁸¹ While physical strength and punching power are significant components, the art of boxing is composed of various factors, all considered when organizing matchups between fighters.¹⁸² While many renowned boxers are popularly seen to have been blessed with immense knock-out power, there have also been equally as famous instances where superior technique and defensive skills, such as head movement and ring movement, have out-boxed combatants with greater strength.¹⁸³ Generally, within the boxing community, matches are often determined by an amalgamation of technique, strategy, endurance, and mental acuity rather than sheer physical strength.¹⁸⁴ Recognizing the importance of these attributes supports a more inclusive competition structure that is not heavily reliant on gender. Former and current world champions like Floyd Mayweather Jr., Vasily Lomachenko, and Katie Taylor (all cisgender individuals) exemplify how skill in superior footwork, tactical defense, and effective counterpunching can often outweigh pure physical dominance.¹⁸⁵

¹⁷⁸ See JENNIFER MCCLEAREN, *FIGHTING VISIBILITY: SPORTS MEDIA AND FEMALE ATHLETES IN THE UFC* 3-4 (2021); Cassandra Cousineau, *UFC Women Fighters Driving Viewers, Ratings, Revenues for Las Vegas-Based MMA Promotion*, LV SPORTS BIZ (Apr. 24, 2022), <https://lvsportsbiz.com/2022/04/24/ufc-women-fighters-driving-viewers-ratings-revenues-for-las-vegas-based-mma-promotion/> [<https://perma.cc/S2G8-MHKB>].

¹⁷⁹ *Frequently Asked Questions*, EUROGAMES LYON 2025, <https://lyon2025.com/en/faq/> (last visited Feb. 27, 2026).

¹⁸⁰ *Id.*; *Boxing*, EUROGAMES LYON 2025, <https://lyon2025.com/en/sports/boxing/> [<https://perma.cc/7PXQ-Y9UZ>] (last visited Feb. 27, 2026).

¹⁸¹ Callum Whittaker, *Decoding a Boxing Victory: A Comprehensive Guide*, BRISTOL REFEREES HUB (Jan. 30, 2025), <https://bristolrefs.co.uk/decoding-a-boxing-victory-a-comprehensive-guide> [<https://perma.cc/FC2D-3H6U>].

¹⁸² Gareth Jones, *How Is Boxing Scored? Points, Rules, Scores and Deductions Used by Judges and Referees*, DAZN, <https://www.dazn.com/en-GB/news/boxing/how-is-boxing-scored-points-rules-scores-and-deductions-used-by-judges-and-referees/zncunu9sov881vkqvvqlsu67> [<https://perma.cc/X3DL-QEHR>] (last visited Feb. 27, 2026).

¹⁸³ See Taylor Saipe, *The Punch Debate: Strength or Speed in Boxing*, MADE 4 FIGHTERS (Oct. 11, 2023), <https://made4fighters.com/blogs/beginner-guides-1/strength-vs-speed-in-boxing> [<https://perma.cc/96ZY-385R>].

¹⁸⁴ See *Brain Endurance Training in Martial Arts and Combat Sports*, WARRIOR COLLECTIVE (Nov. 21, 2023), <https://warriorcollective.co.uk/blogs/wcarticles/brain-endurance-training-in-martial-arts-and-combat-sports> [<https://perma.cc/H2CZ-MPE5>].

¹⁸⁵ See *Breaking Down Vasyl Lomachenko's Style of Boxing*, EVOLVE DAILY, <https://evolve-mma.com/blog/breaking-down-vasyl-lomachenkos-style-of-boxing/> [<https://perma.cc/PKT4-BK2N>] (last visited Feb. 27, 2026); Lukasz Fenrych, *Technical Breakdown: How Katie Taylor Avenged a Loss to Chantelle Cameron*, BLOODY ELBOW (Nov.

Organizationally, boxing is categorized into seventeen weight classes to ensure fair competition (*e.g.*, a 100-pound fighter is not matched up against a 225-pound heavyweight fighter); yet, divisions based on gender remain rigid.¹⁸⁶ This dichotomy of categories not only raises questions regarding the necessity and fairness of strict gender segregation, but also implicitly assumes that male fighters are superior to female fighters even in the same weight class. This strict separation by gender, along with weight classes, perpetuates outdated notions of gender capabilities, which is illustrated by boxing's first mixed-gender bout, Margaret McGregor vs. Loi Chow in 1999, where McGregor defeated her male opponent in a sanctioned professional boxing match, demonstrating that gender does not necessarily dictate performance or outcome.¹⁸⁷ Accordingly, boxing's existing structure of seventeen weight classes likely suffices to mitigate safety risks, rendering further gender-based divisions unnecessary and perpetuating antiquated assumptions of male dominance in a sport where strength alone does not determine victory.

As illustrated by the McGregor-Chow fight, gender inclusion in competitions is also not a novel concept for boxing, as various sports have successfully implemented mixed-gender events, including other combat sports.¹⁸⁸ Incorporating such models into boxing could provide equitable opportunities for all athletes regardless of gender expression.¹⁸⁹ Notable examples of such competitions include horse racing, where the skill and weight of the rider is more determinative of victory than gender, and soccer (also known as football), where some leagues have introduced mixed-gender participation, demonstrating that gender segregation is not always necessary for player development.¹⁹⁰ More pertinently, other combat sports, such as karate and Brazilian jiu-jitsu, have held mixed-gender matches based mainly on skill and weight considerations, albeit gender neutral matches of Brazilian jiu-jitsu are rare.¹⁹¹ Such matches serve as

27, 2023, 9:13 AM), <https://bloodyelbow.com/2023/11/27/breakdown-katie-taylor-cameron-2/>.

¹⁸⁶ *Boxing Weight Classes: Everything You Need to Know*, HAYABUSA, <https://www.hayabusafight.com/blogs/community/everything-about-boxing-weight-classes> [<https://perma.cc/J77T-5GTC>] (last visited Feb. 27, 2026).

¹⁸⁷ Crowley, *supra* note 155.

¹⁸⁸ *Mixed-Gender Events: A Sign of Innovation and Greater Gender Diversity at Tokyo 2020*, INT'L OLYMPIC COMM. (July 31, 2021), <https://www.olympics.com/ioc/news/mixed-gender-events-a-sign-of-innovation-and-greater-gender-diversity-at-tokyo-2020> [<https://perma.cc/5K6G-PSN7>].

¹⁸⁹ *Id.*

¹⁹⁰ See Carlos Monterrubio & Katherine Dashper, *Sex Integration in Equestrian Sport: Challenging Male Dominance of Horseracing in Mexico*, 58 INT'L REV. FOR SOCIO. SPORT 1092, 1108-09 (2023); *RAF FA - Mixed Gender Open Age Football Pilot Competitions*, ROYAL AIR FORCE FOOTBALL, <https://www.royalairforcefa.com/news/2022/aug/04/raf-fa-piloting-mixed-gender-open-age-competitions> (last visited Feb. 27, 2026).

¹⁹¹ See *Should Women Compete Against Men in BJJ?*, ELITE, <https://www.elitesports.com/blogs/news/should-women-compete-against-men-in-bjj> [<https://perma.cc/CEJ2-29CC>] (last visited Feb. 27, 2026); Laura Hutton, *The Glasgow Karate Club Where Women Fight Men*, BBC (Dec. 27, 2019), <https://www.bbc.com/news/uk-scotland-glasgow-west-50671825> [<https://perma.cc/2SSQ-WAVG>].

compelling counterexamples to popular views that strength in combat sports is determinative of the outcome.

B. Proposed Changes for WBC's Policy on Transgender and Nonbinary Boxers

While the WBC's policy may have been implemented facially as an inclusive attempt for trans and nonbinary boxers, it effectively sequesters those fighters away from meaningfully competing as professionals.¹⁹² Its many issues make it clear that several improvements could be implemented to achieve more effectiveness while maintaining fairness standards and mitigating risks. Moreover, evolving societal norms and increasing advocacy for adopting gender-inclusive policies necessitate reevaluating these governance practices.¹⁹³

Under the assumption that the U.N. will adopt GATE's recommendation to recognize equal access to sports for all genders, the role of international human rights law will be crucial in enforcing this human right.¹⁹⁴ It would be essential that this principle be incorporated into key human rights treaties that have legal obligations on member states, such as ICESCR and CEDAW.¹⁹⁵ These binding international agreements could commit state parties to mandate prohibitions of gender-based discrimination in sports and affirmative measures for inclusion, which would require robust enforcement.¹⁹⁶ Specific enforcement mechanisms could include state reporting and review mechanisms, requiring states to submit reports to the U.N. periodically on their efforts to promote gender equality in sports, with which the U.N. should conduct peer reviews and issue official recommendations.¹⁹⁷ U.N. treaty bodies, such as the Human Rights Committee, can also issue General Comments to better clarify states' obligations to ensure equal access to sports.¹⁹⁸ However, despite the promise of binding international human rights treaties, domestic enforceability remains limited due to factors such as weak or non-binding enforcement mechanisms, the prevalence of state reservations that undermine treaty obligations, and the lack of direct legal remedies or compulsory compliance measures at the national level.¹⁹⁹

¹⁹² See Smith, *supra* note 149.

¹⁹³ See XANTHAKI, *supra* note 1.

¹⁹⁴ See *UN Experts Urge States to Uphold the Ideal of Sport that is Inclusive of LGBT and Intersex Persons*, U.N. HUM. RTS. (Oct. 31, 2023), <https://www.ohchr.org/en/press-releases/2023/10/un-experts-urge-states-uphold-ideal-sport-inclusive-lgbt-and-intersex>; *Instruments & Mechanisms*, U.N. HUM. RTS., <https://www.ohchr.org/en/instruments-and-mechanisms> (last visited Feb. 27, 2026) (providing overview of current human rights oversight mechanisms).

¹⁹⁵ See ICESCR, *supra* note 76; CEDAW, *supra* note 76.

¹⁹⁶ Yuji Iwasawa, *Various Means of Enforcement in International Law*, 65 HARV. INT'L L.J. 1, 4-5 (2023).

¹⁹⁷ *Instruments & Mechanisms*, *supra* note 194.

¹⁹⁸ *Id.*

¹⁹⁹ Ellinore Ahlgren, *Ratification, Reservations, and Review: Exploring the Role of the CEDAW Compliance Mechanisms in Women's Rights*, J. PUB. & INT'L AFFS. (May 5, 2021), <https://jpia.princeton.edu/news/ratification-reservations-and-review-exploring-role-cedaw-compliance-mechanisms-womens-rights>; Catherine O'Rourke, *Bridging the Enforcement*

As previously discussed, *lex sportiva* operates largely independently of both state and international law.²⁰⁰ The CAS, as it is the determining body over the legality of practices of many global sports organizations.²⁰¹ By contrast, the WBC maintains its own independent dispute resolution system, separate from *lex sportiva* and the CAS.²⁰² To better balance the CAS's significant influence and the WBC's independent arbitration processes, the U.N. could establish its own international sports subcommittee under its Social, Humanitarian, and Cultural Committee, to hear cases regarding discriminatory practices and provide remedies for violations.²⁰³ An alternative practice could also be expanding the jurisdictions of the U.N. Human Rights and CEDAW Committees to address complaints from athletes or groups facing discrimination in sports.²⁰⁴

Fundamentally, enforcing gender equality in sports will require cooperation with international governing bodies, ensuring that organizations such as the WBC align their policies with recognized human rights law, collaborate with the U.N. in standardizing inclusion policies, and establish independent oversight bodies to better monitor and enforce compliance. By cultivating stronger ties with the global community, the WBC has the opportunity to distinguish itself from the WBA, WBO, and IBF by taking a leadership role in implementing international human rights standards into its practices and policies.

The greatest recommendation for the WBC's policy is simple but crucial: incorporate those most impacted by this policy, namely transgender and nonbinary athletes.²⁰⁵ The most glaring issues in the policy are that (1) the WBC seemingly developed its policy regarding trans fighters without input from affected athletes or advocacy organizations, and (2) it relied on studies of cisgender women rather than transgender participants.²⁰⁶ Including impacted communities is recognized as best practice for policy making.²⁰⁷ While the

Gap? Evaluating the Inquiry Procedure of the CEDAW Optional Protocol, 27 AM. UNIV. J. GENDER, SOC. POL'Y & L. 1, 4 (2019).

²⁰⁰ Serby, *supra* note 85, at 2 (“*Lex sportiva* . . . can be distinguished from public international law . . . and is . . . , and is a system of law ‘*sui generis*.’”).

²⁰¹ Casini, *supra* note 89, at 1322 (pervasive role of CAS in transnational sport dispute resolution). The WBA is a member of CAS. *See* Milano, *supra* note 101.

²⁰² WBC, *supra* note 100, at art. V (claim and appeal process within WBC); Milano, *supra* note 101 (noting the WBA joined CAS).

²⁰³ G.A. Res. A/520/Rev.20, Rules and Procedures of the General Assembly, at 27, 29 (2022) (empowering U.N. committees to establish their own rules).

²⁰⁴ *See generally* FREE L. ADVICE CTRS., A GUIDE FOR TAKING INDIVIDUAL COMPLAINTS TO UN HUMAN RIGHTS TREATY BODIES 1-2 (2016), https://www.flac.ie/assets/files/pdf/guide_for_taking_individual_complaints_to_un_treaty_bodies.pdf (explaining current process); CHELSEA PURVIS, THE ROLE OF THE CEDAW COMMITTEE (2011), https://law.yale.edu/sites/default/files/documents/pdf/cglc/Purvis_RoleOfTheCEDAWcommittee.pdf (CEDAW Committee lacks authority beyond States who have ratified the CEDAW Optional Protocol).

²⁰⁵ *See* Smith, *supra* note 149 (explaining impacts of WBC policy on transgender boxers).

²⁰⁶ *Id.*

²⁰⁷ MARTHA FEDOROWICZ & LAUDAN Y. ARON, IMPROVING EVIDENCE-BASED POLICYMAKING: A REVIEW 6 (2021).

WBC's statement asserts that there is no scientific consensus on this question, that should not preclude them from dedicating resources to conducting studies to make informed decisions in their policymaking. A lack of consensus, moreover, does not justify segregation of a group based on gender identity, as segregation has historically been supported by scientific consensus in the past.²⁰⁸ Additionally, basing this decision on studies conducted on cis women in boxing not only shifts the focus from trans athletes to their female counterparts but also transforms the scope of the policy from being trans-inclusive to female-preservative.²⁰⁹ Future changes to the WBC's policy should focus on adopting a more flexible model that prioritizes weight, experience, and guidance by medical professionals for safety, rather than relying on questionable biological or hormonal metrics; such an approach could more effectively support the integration of gender-inclusive practices in the sport. It is also vital that the most relevant stakeholders—transgender and nonbinary athletes themselves—be a part of the discussion and drafting of trans-inclusionary policies, to not only allow them the opportunity to plead their arguments but also to provide important contextual viewpoints when making these important decisions.²¹⁰

In practice, the WBC can implement a more effective policy for trans and nonbinary inclusion in boxing by developing experimental mixed-gender events as other combat sports have done.²¹¹ Additionally, establishing optional open categories where fighters can compete regardless of gender may offer an inclusive alternative to traditional gender-based divisions, instead focusing on skill and weight class as primary determinants of eligibility over unclear and highly debated scientific issues.²¹² Introducing mixed-gender exhibition matches or tournaments can serve as testing grounds for broader policy changes and allow the WBC to assess feasibility and audience reception.²¹³

C. Legal Alternatives for Trans and Nonbinary Boxers

While women's boxing was able to make inroads from a variety of factors, including developments in international human rights and the recognition of women's rights to sports in international agreements such as the *Convention on the Elimination of All Forms of Discrimination Against Women*, the Brighton Declaration on Women and Sport, and later revisions to the Olympic Charter, another important factor was the influence of the famous (or infamous)

²⁰⁸ Sethi, *supra* note 144.

²⁰⁹ Smith, *supra* note 149.

²¹⁰ *Cf. Id.* (The WBC “did not consult with medical experts in transgender sports, or with transgender athletes themselves prior to” implementing its current policy).

²¹¹ Hutton, *supra* note 191.

²¹² *Id.*

²¹³ See Thomas Eisenmann, Eric Ries & Sarah Dillard, *Hypothesis-Driven Entrepreneurship: The Lean Startup*, HARV. BUS. SCH. ENTREPRENEURIAL MGMT. CASE NO. 9-812-095 6 (2013) (“[M]inimum viable products . . . [represent] the smallest set of features . . . needed to . . . test a business model hypothesis . . . [which yields] two benefits. First, [it accelerates] feedback . . . before investing too much time . . . Second . . . revisions in small batches makes it easy to . . . test results and to diagnose problems”).

American adversarial system. This system has historically spurred women's inclusion into the sport of boxing and currently remains a legitimate tool for change by trans and nonbinary athletes.²¹⁴ The enactment of U.S. anti-discrimination laws—such as the Equal Protection Clause of the Fourteenth Amendment—laid the legal foundation for women to challenge discriminatory practices in American boxing.²¹⁵ These legal avenues facilitated their entry into amateur boxing and enabled their progression into the professional ranks.²¹⁶ The legal battle against the New York State Athletic Commission by Jackie Tonawanda in 1975 is considered a landmark case that allowed women to receive boxing licenses under Equal Protection Clause.²¹⁷ Tonawanda's suit began the process of liberalizing American boxing rules, but was hardly the only development in the female boxing world.²¹⁸ While there are numerous amateur boxing organizations worldwide, America's gravitational influence on boxing remains undisputed.²¹⁹ Therefore, women's access to boxing in the U.S. served as a catalyst for broader international inclusion, ultimately influencing organizations such as the WBC, WBA, WBO, and IBF to recognize and support women's participation in the sport in the decades that followed.²²⁰

²¹⁴ See Int'l Working Group on Women & Sport, *Brighton Plus Helsinki 2014 Declaration* (2014), <http://iwgwomenandsport.org/wp-content/uploads/2019/03/Brighton-plus-Helsinki-2014-Declaration-on-Women-and-Sport.pdf>; Tjønndal, *supra* note 107, at 85; Huberdeau, *supra* note 104; *Trans Athletes Are Protected Under Law*, *supra* note 165.

²¹⁵ See, e.g., *Garrett v. New York State Athletic Comm.*, 370 N.Y.S.2d 524, 526 (N.Y. Sup. Ct. 1975) (“The [State’s] claims that the licensing of women as professional boxers would be detrimental to the sport and would create inordinate risk of physical injury among women participants, are highly questionable and require a denial of the respondents’ cross motion.” (first citing *Reed v. Reed*, 404 U.S. 71 (1971), and then citing *Frontiero v. Richardson*, 411 U.S. 677 (1973) (plurality opinion))).

²¹⁶ See Huberdeau, *supra* note 104.

²¹⁷ See L.A. Jennings, *The Women Boxers Who Fought for Their Right to be Pro*, VICE (June 13, 2016, 1:50 PM), <https://www.vice.com/en/article/the-women-boxers-who-fought-for-their-right-to-be-pro/> [<https://perma.cc/XZ8E-JUM4>]; MALISSA SMITH, *A HISTORY OF WOMEN’S BOXING* 169 (2017); *Garrett*, 370 N.Y.S.2d at 526-27 (this decision is one of first successful challenges to sex-based exclusion of women from boxing licensing in New York).

²¹⁸ Christine Aiken, *Women’s Boxing: An Investigation into Perceptions of the Female Fighter* 12-14 (2016) (Ph.D. dissertation, Bond University), https://pure.bond.edu.au/ws/portalfiles/portal/36135856/Christine_Aiken_Thesis.pdf (noting equalization of boxing rules in, *inter alia* Sweden).

²¹⁹ See *IBA Family National Federations*, INT’L BOXING ASS’N, <https://www.iba.sport/federation/> [<https://perma.cc/VKP7-SPHE>] (last visited Feb. 27, 2026); Lucky Singh, *Boxing in the USA: The Heart of a Global Combat Sport*, USA SPORTS TV (Jan. 24, 2025), <https://usasportstv.com/boxing-in-the-usa-the-heart/> [<https://perma.cc/76JB-DVSM>].

²²⁰ See Aiken, *supra* note 217, at 12-13 (describing rise in popularity of female boxing in the United States and elsewhere); Ron Scarfone, *Sanctioning Bodies of Women’s Boxing That Began in the 1990s Remain Relevant*, WOMEN BOXING ARCHIVE NETWORK (Mar. 5, 2024), <https://www.womenboxing.com/NEWS2024/news030524federation-belts.htm> [<https://perma.cc/NVN6-75CF>] (describing history and influence of female boxing sanctioning bodies).

This legal foundation established by women's boxing may also offer a viable pathway for transgender and nonbinary boxers to pursue equal access through litigation against boxing bodies. This approach could circumvent the arbitration mechanisms of the four major governing bodies and the CAS, potentially piercing the veil of *lex sportiva*. The U.S. Supreme Court held in *Bostock v. Clayton County* that Title VII of the Civil Rights Act protects transgender and gay employees from workplace discrimination based on gender identity and sexual orientation.²²¹ Of course, boxers are traditionally not employees of their associations, but rather contractors of their promoters.²²² This complicates the application of employment law, not just for nondiscrimination protections, but for myriad labor issues, including the ability to organize around such concerns as minimum wages and benefits.²²³

However, Donald Trump's second presidential administration from 2025 until 2029 has been marked by an aggressive assault on marginalized communities, notably the trans and nonbinary communities, and a troubling disregard for court rulings, revealing a broader attempt to erode the power of the judiciary.²²⁴ With this consideration, it is also possible that this avenue for trans and nonbinary boxers will become increasingly implausible as the second Trump term continues.²²⁵ Therefore, it is of great importance that international human rights law play a more central role in advocating for and promoting gender equality in access to sports. By placing human rights at the center of this issue, the existing body of internationally recognized human rights can help influence the decision-making and future policies of sports governing bodies, including those of boxing.²²⁶ While this approach may not carry the same global influence

²²¹ *Bostock*, 590 U.S. at 683 (“In Title VII, Congress adopted broad language making it illegal for an employer to rely on an employee’s sex when deciding to fire that employee. We do not hesitate to recognize today a necessary consequence of that legislative choice: An employer who fires an individual merely for being gay or transgender defies the law.”).

²²² RUDY MONDRAGÓN, ABEL VALENZUELA JR., JOSÉ M. HERNÁNDEZ, *DOWN BUT NOT OUT: LABOR STRUGGLES FOR PROFESSIONAL BOXERS IN CALIFORNIA’S RING 4* (2024) (“Since boxers are independent contractors, they have no access to comprehensive work benefits and protections and are not covered by federal labor standards.”).

²²³ *Id.*

²²⁴ See Geoff Mulvihill, *6 Ways Trump’s Executive Orders are Targeting Transgender People*, PBS (Feb. 1, 2025, 4:01 PM), <https://www.pbs.org/newshour/politics/6-ways-trumps-executive-orders-are-targeting-transgender-people> [<https://perma.cc/LK7G-KQTF>]; Katherine Faulders, *Trump Administration Ignores Judge’s Order to Turn Deportation Planes Around: Sources*, ABC NEWS (Mar. 16, 2025, 6:54 PM); Rebecca Beitsch & Zach Schonfeld, *Trump Confronted for Defiance of Court Orders Across Series of Cases*, THE HILL (Apr. 21, 2025, 6:00 AM), <https://thehill.com/homenews/administration/5256539-trump-administration-challenging-judiciary/> [<https://perma.cc/3JA9-EBGG>].

²²⁵ Cheyanne Daniels, *Trump Moves to Repeal Disparate Impact Liability, A Key Civil Rights Tenet*, THE HILL (Apr. 24, 2025, 10:40 AM), <https://thehill.com/homenews/administration/5265021-donald-trump-executive-orders-disparate-impact-civil-rights/>.

²²⁶ *IOC Approves Strategic Framework on Human Rights*, INT’L OLYMPIC COMM. (Sept. 9, 2022), <https://www.olympics.com/ioc/news/ioc-approves-strategic-framework-on-human-rights> [<https://perma.cc/4VBH-JQRU>].

historically exerted by U.S. boxing, the adoption of inclusive policies by international governing bodies—driven by international human rights norms—could potentially reverse the traditional flow of influence, prompting American boxing organizations to follow suit. This would also warrant a process to begin genuine studies into desegregating the sport, allowing fighters of all gender expressions to challenge each other.²²⁷ This would not only enable trans and nonbinary athletes to fully partake in competitions but also broaden the prospective pool of participants and create a more dynamic sport for audiences.

VI. CONCLUSION

The development of modern sports governance has long been a societal battleground regarding the intersection of gender, fairness, and inclusion.²²⁸ Many gender-based restrictions in sports are deeply rooted in historical biases that have influenced the regulatory landscape of international athletic competitions.²²⁹ The cases of Imane Khelif and Lin Yu-ting during the Summer Olympics Paris 2024 exemplify the ongoing challenges faced by athletes who fail to conform to rigid gender norms or expectations of femininity.²³⁰ This broader struggle faced by transgender, nonbinary, and other athletes from marginalized groups underscores the need for a more equitable and inclusive approach to sports governance. An analysis of boxing's governing bodies—particularly the WBC's policies regarding transgender and nonbinary athletes—reveals that contemporary frameworks frequently fall short of fostering meaningful inclusion, instead perpetuating exclusion and restricting access to sports for marginalized communities.²³¹

Recognizing access to sports as a human right in international treaties, such as ICESCR and CEDAW, places a duty on governing bodies to align their practices with broader human rights principles. While historical and contemporary applications of *lex sportiva* have insulated these governing bodies and other sports organizations, there are increasing arguments to integrate international human rights norms into sports regulations. By embracing gender-inclusive policies, sports governance bodies can more effectively foster fairness and equity among their athletes without compromising competitive integrity. Furthermore, the inclusion of diverse athletes often enhances the depth and overall competitiveness of the sport while simultaneously challenging outdated gender stereotypes that continue to play a role in boxing and beyond.

²²⁷ See Smith, *supra* note 149 (interviewing trans boxers expressing a desire to fight in leagues matching their gender identity).

²²⁸ XANTHAKI, *supra* note 1; Subden, *supra* note 10 (“Hegemonic masculinity, the over-emphasizing of stereotypically masculine traits, is rife throughout sport . . .”).

²²⁹ Carlson, Putz & Bolt, *supra* note 41, at 343 (“Historical gender roles, stereotypes, and power imbalances allowed men to participate in the structure of modern sport from its early development in the nineteenth century, receiving attention and encouragement in ways that drove the sport industry to what it is now.”).

²³⁰ Treisman, *supra* note 3.

²³¹ See, e.g., Smith, *supra* note 149.

As this debate inevitably continues, sport's governing bodies, policymakers, and legal institutions must take definitive steps toward ensuring gender-inclusive practices are present in sports. The WBC and other boxing organizations must engage directly with transgender and nonbinary fighters to create policies that substantively reflect their needs and experiences. Additionally, international human rights bodies must advocate for and implement stronger enforcement mechanisms to hold sports organizations accountable for discriminatory practices regarding gender that violate human rights law. Legal instruments, such as expanding the jurisdiction of U.N. human rights tribunals or utilizing domestic anti-discrimination laws, offer viable paths to protect the rights of all athletes.

Ultimately, achieving true inclusion requires a shift in how governing bodies conceptualize the intersectionality of competition, fairness, and gender. By recognizing the limitations of existing policies and pursuing reforms grounded in legal human rights principles, the international sports community can work toward a more just and equitable environment for all athletes, irrespective of gender identity or expression.