



## NEW ZEALAND OLYMPIC COMMITTEE INCLUSION POSITION STATEMENT

*“We may have different religions, different languages, different colored skin, but we all belong to one human race.” Kofi Annan*

### **New Zealand Olympic Committee Purpose**

Our vision is to inspire excellence and pride in New Zealanders and enable athletes to achieve on a world stage. To help achieve this vision, the NZOC has defined what it values, namely:

- Excellence;
- Leadership;
- Integrity;
- Athletes; and
- Respect.

### **Our Statement on Inclusion**

The purpose of this document is to demonstrate NZOC’s commitment to these values in providing NZOC Personnel with an inclusive and accessible environment for work and its athletes with an inclusive and accessible environment in which to compete enabling them to excel at Olympic and Commonwealth Games.

The New Zealand Olympic Committee acknowledges the Treaty of Waitangi as a founding document of New Zealand and is committed to the principles of the Treaty of Waitangi. We acknowledge the importance of a bi-cultural environment for all New Zealanders.

Accordingly, for the NZOC, Inclusion means eliminating barriers of inappropriate practices and attitudes to ensure that everyone has the chance to participate and perform to their full potential and be treated fairly and with respect.

The NZOC encourages all of its Member Federations to adopt policies to foster Inclusion within their own sporting organisations to ensure every athlete has the opportunity to participate and progress within their chosen sport.

### **Documents Supporting Inclusion**

#### **1. Olympic Charter**

As a National Olympic Committee, the NZOC is committed to the Olympic Charter which is the codification of the fundamental principles of Olympism. Two of these fundamental principles are as follows:

##### Principle Four

*“The practice of sport is a human right. Every individual must have the possibility of practising sport, without discrimination of any kind and in the Olympic spirit which requires mutual understanding with a spirit of friendship, solidarity and fair play.”*

##### Principle Six

*“The enjoyment of the rights and freedoms set forth in this Olympic Charter shall be secured without discrimination of any kind, such as race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status”.*



## 2. Commonwealth Games Federation Constitution

As a Commonwealth Games Association, the NZOC is committed to the Commonwealth Games Federation Constitution (which includes the CGF Code of Conduct). The CGF Code of Conduct states:

*“The Federation, Affiliated CGAs and Executive Board Members shall not discriminate against any country or person on any grounds whatsoever including race, colour, gender, religion or politics and shall adhere to the Gleneagles Declaration.”*

The Commonwealth Games Federation’s values are Humanity, Equality, and Destiny.

- Driven by our Humanity we embrace all Commonwealth athletes, citizens, communities and nations;
- Respecting Equality we promote fairness, non-discrimination and Inclusion in all that we do;
- Inspired by Destiny we combine high-performance sport with performances that have impact, helping Commonwealth athletes, citizens and communities realise their aspirations and ambitions.

## 3. NZOC Code of Ethics

Under the NZOC Code of Ethics, all NZOC Personnel must ensure that in the performance of his/her duties, he/she will, at all times:

- Behave professionally, honestly and with integrity and in a way that enhances the good name, success and reputation of themselves, the New Zealand Olympic Committee, the Games and the CGF and the IOC;
- Treat everyone with respect, courtesy and without harassment. All NZOC Personnel will take all reasonable steps to eliminate any form of physical, verbal and emotional abuse, bullying and/or harassment of others; and
- Respect the image and reputation of the New Zealand Olympic Committee and display high standards of personal conduct, reflected in both the manner of appearance and behaviour.

## 4. The NZOC’s Commitment to Inclusion

To respect diversity and encourage Inclusion at NZOC, the NZOC will take the following actions:

- To advocate equal opportunities for men and women through sport.
- Encouraging women to have roles at all levels and in all structures, especially in the executive bodies of national sports-oriented organisations.
- Not tolerate any form of discrimination.
- Provide for gender non-specific and inclusive language in all NZOC documentation.
- Support athletes wishing to compete in Olympic or Commonwealth Games in their Declared gender or on a case by case basis in line with the IOC Consensus and any other eligibility requirements of International Federations, the International Olympic Committee or the Commonwealth Games Federation. It is the NZOC’s view that gender identity should not be a barrier in so far as possible to competing in the Olympic or Commonwealth Games.



## Definitions

**Athlete** means a person who competes in the sport of a NZOC member federation, is a registered member of that Member Federation and is under consideration for the nomination and/or selection for a New Zealand Olympic or Commonwealth Games Team.

**Declared** for the purpose of this Inclusion Position Statement means a declaration under section 28 of the Birth, Deaths and Marriages and Relationships Act 1995. **Declaration** has the same meaning in relation to New Zealand Athletes for the purpose of the IOC Consensus.

**Inclusion** in the context of this Policy means providing a range of options for all people regardless of gender, marital status, religious belief, colour, race, ethnic or national origin, disability, age, political opinion, employment status or sexual orientation, in the most appropriate manner possible.

**IOC Consensus** means the IOC Consensus on Sex Reassignment and Hyperandrogenism attached as Schedule 1).

**NZOC** means the New Zealand Olympic Committee Incorporated.

**NZOC Personnel** means:

- a. All New Zealand Olympic Committee employees, including but not limited to employees engaged by the NZOC on a permanent full-time, permanent part-time, fixed term or casual basis;
- b. Any contractor, consultant, or provider to the NZOC who has entered into a contract for service agreement with the NZOC;
- c. NZOC Board Members;
- d. NZOC Commission and committee members; and
- e. NZOC Olympic Ambassadors.

**Olympic or Commonwealth Games** means any Olympic Games (being summer, winter or youth) or Commonwealth Games (including Commonwealth Youth Games) for which athletes are selected by the NZOC.



## Schedule 1



INTERNATIONAL  
OLYMPIC  
COMMITTEE

### IOC Consensus Meeting on Sex Reassignment and Hyperandrogenism November 2015

#### Participants:

|                                    |                                                                                                                                                                                                                                 |
|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Prof Dr Uğur Erdener               | Chairman, IOC Medical & Scientific Commission                                                                                                                                                                                   |
| Prof Arne Ljungqvist               | Former Chairman, IOC Medical Commission                                                                                                                                                                                         |
| Dr Stéphane Bermon                 | Monaco Institute of Sports Medicine & Surgery, IAAF Medical & Scientific Senior Consultant                                                                                                                                      |
| Michael Beloff, QC                 | Barrister, Blackstone Chambers                                                                                                                                                                                                  |
| Prof Gerard Conway                 | Professor of Clinical Medicine, University College London                                                                                                                                                                       |
| Prof Myron Genel                   | Professor Emeritus of Pediatrics and Senior Research Scientist, Yale Child Health Research Center Yale University School of Medicine                                                                                            |
| Ms Joanna Harper                   | Chief Medical Physicist, Radiation Oncology, Providence Portland Medical Center                                                                                                                                                 |
| Prof Angelica Linden Hirschberg    | Department of Woman & Child Health, Division of Obstetrics & Gynecology, Karolinska Institutet                                                                                                                                  |
| Prof Dr Maria Jose Martinez Patino | Faculty of Sport Sciences, University of Vigo                                                                                                                                                                                   |
| Prof Martin Ritzén                 | Professor Emeritus, Dept of Woman and Child Karolinska Institutet                                                                                                                                                               |
| Dr Eric Vilain                     | Professor of Human Genetics, Pediatrics and Urology Director, Center for Gender-Based Biology Chief, Medical Genetics, Department of Pediatrics<br>Co-director, Clinical Genomic Center David Geffen School of Medicine at UCLA |



|                        |                                                 |
|------------------------|-------------------------------------------------|
| Jonathan Taylor        | Partner, Bird & Bird                            |
| Liz Riley              | Barrister, Bird & Bird                          |
| Dr Robin Mitchell      | Vice-Chair, IOC Medical & Scientific Commission |
| Dr Rania Elwani        | Member, IOC Medical & Scientific Commission     |
| Dr Vidya Mohamed-Ali   | Member, IOC Medical & Scientific Commission     |
| Prof Yannis Pitsiladis | Member, IOC Medical & Scientific Commission     |
| Dr Richard Budgett     | IOC Medical & Scientific Director               |
| Dr Lars Engebretsen    | IOC Head of Scientific Activities               |
| Christian Thill        | IOC Senior Legal Counsel                        |

#### **1) Transgender guidelines**

- A. Since the 2003 Stockholm Consensus on Sex Reassignment in Sports, there has been a growing recognition of the importance of autonomy of gender identity in society, as reflected in the laws of many jurisdictions worldwide.
- B. There are also, however, jurisdictions where autonomy of gender identity is not recognised in law at all.
- C. It is necessary to ensure insofar as possible that trans athletes are not excluded from the opportunity to participate in sporting competition.
- D. The overriding sporting objective is and remains the guarantee of fair competition. Restrictions on participation are appropriate to the extent that they are necessary and proportionate to the achievement of that objective.
- E. To require surgical anatomical changes as a pre-condition to participation is not necessary to preserve fair competition and may be inconsistent with developing legislation and notions of human rights.
- F. Nothing in these guidelines is intended to undermine in any way the requirement to comply with the World Anti-Doping Code and the WADA International Standards.
- G. These guidelines are a living document and will be subject to review in light of any scientific or medical developments.

In this spirit, the IOC Consensus Meeting agreed the following guidelines to be taken into account by sports organisations when determining eligibility to compete in male and female competition:



1. Those who transition from female to male are eligible to compete in the male category without restriction.
2. Those who transition from male to female are eligible to compete in the female category under the following conditions:
  - 2.1. The athlete has declared that her gender identity is female. The declaration cannot be changed, for sporting purposes, for a minimum of four years.
  - 2.2. The athlete must demonstrate that her total testosterone level in serum has been below 10 nmol/L for at least 12 months prior to her first competition (with the requirement for any longer period to be based on a confidential case-by-case evaluation, considering whether or not 12 months is a sufficient length of time to minimize any advantage in women's competition).
  - 2.3. The athlete's total testosterone level in serum must remain below 10 nmol/L throughout the period of desired eligibility to compete in the female category.
  - 2.4. Compliance with these conditions may be monitored by testing. In the event of non-compliance, the athlete's eligibility for female competition will be suspended for 12 months.

## 2) **Hyperandrogenism in female athletes**

In response to the interim award dated 24 July 2015 in Chand v AFI and IAAF CAS 2014/A/3759, the IOC Consensus Meeting recommended:

- Rules should be in place for the protection of women in sport and the promotion of the principles of fair competition.
- The IAAF, with support from other International Federations, National Olympic Committees and other sports organisations, is encouraged to revert to CAS with arguments and evidence to support the reinstatement of its hyperandrogenism rules.
- To avoid discrimination, if not eligible for female competition the athlete should be eligible to compete in male competition.