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THE WEIGHT OF FAIRNESS: VINESH PHOGAT'S CASE AND GENDER-RESPONSIVE REGULATIONS IN WEIGHT-CLASS SPORTS

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To maintain fairness and protect integrity, weight-class sports such as wrestling and rowing, among many others, use strict weight regulations, requiring vigorous weight management. These regulations are designed to guarantee fair competition, protect athletes' safety, and serve as a tool of standardisation. However, natural physiological responses and variations are often overlooked by these strict rules, as illustrated by Vinesh Phogat's case, which this article aims to explore in detail. This can result in unfair and overly complex regulations, at times penalising athletes for natural biological processes, such as fluid retention due to menstruation, which can undermine the weight-management process. Because most, if not all, sports have emerged from a predominantly patriarchal background, the regulations are drafted based on male participation, and many, such as wrestling, do not yet have the necessary rules or support for female athletes. This article explores whether and why biological differences should be considered in drafting regulations for sports with separate gender categories to maintain fairness without segregating or marginalising athletes based on their sex.

1 INTRODUCTION

To maintain fairness and protect integrity, sports such as wrestling and rowing, among many others, use strict weight regulations, requiring vigorous weight management by the athletes. These regulations are set to guarantee fair competition and athlete safety, as well as to be a tool in the standardisation of weight-class sports. However, natural physiological responses and variations are often overlooked by these strict regulations, as shown in Vinesh Phogat's case, after she had been disqualified and suspended from participating in the 2024 Olympic wrestling final. Phogat qualified for the final, adhering to all regulations and always passing the weigh-ins before all previous rounds, but resulted in being a mere 100 grammes too heavy to be allowed to participate in the final.

Exceeding the weight class limit is not very common, as most elite wrestlers know how to prepare for a competition and have well-defined weight-cutting practices to ensure they stay below the weight requirement. In fact, up to 94% of elite athletes competing in weight-sensitive sports report dieting and use of extreme weight control measures to achieve their weight target prior to competition (Sundgot-Borgen & Garthe, 2011). A common weight-cutting practice is the dehydration of one's body to get rid of the weight of body fluids, which is a well-controlled process in most cases, although it remains dangerous. However, multi-day competitions such as the Olympics pose certain challenges to the competitors, having to manage their weight whilst recovering from previous matches. Besides the recovery process, there are numerous other reasons why one might struggle to achieve the right weight. Certain inherent physiological processes that are completely out of their control, such as the retention of fluids due to menstruation, can undermine the weight-management procedure, causing the athlete to gain weight due to no fault of their own. This creates an unfair and regulatory complex scenario, often leading to the penalisation of athletes for natural biological processes they cannot control, raising criticism and controversy about the balance between the protection of sport's integrity and accommodating completely natural physiological realities.

A *Framework around Weight Regulations in Olympic Sports*

It is important to remember that the rules regarding weight classes serve a vital purpose and are an integral part of combat sports such as wrestling. The United World Wrestling (UWW) President Nenad Lalovic met up with the Wrestling Federation of India's (WFI) President Singh in the Wrestling House in Paris on the 7th of August 2024 to discuss Phogat's situation, where Lalovic said that "strict rules for weigh-in on competition days were drawn up keeping the wrestlers' long-term health in view. The rules dissuade athletes from competing

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in lower weight categories with weight loss methods that could impact their health in the long term” (United World Wrestling, 2024). Additionally, to protect athlete safety, a recovery period is granted to wrestlers between the weigh-in and the actual competition, allowing them to rehydrate and restore blood glucose and muscle carbohydrate levels.

However, wrestlers in lower weight classes face other dangers resulting indirectly from the weight classification system. The lower one’s weight class is, the more the athlete has to be careful in reaching their competition weight. Severe weight cutting comes with great risks and puts large amounts of both physical and mental stress on the athlete. Chronic weight loss (CWL) is a technique that uses long-term large energy deficits to cut weight, which significantly increases the risk of developing a Relative Energy Deficiency Syndrome in Sport (RED-s), with menstrual dysfunctions as one of the many side effects (Mountjoy et al., 2023). Rapid weight loss (RWL) is another common technique used to cut weight by, inter alia, dehydrating the body, which causes hormonal imbalances and has deep negative effects on an athlete’s mental health, such as a decline in memory, concentration, and self-esteem and an increase in confusion, depression, and aggression (Pettersson et al., 2013; Khodaei et al., 2015). Besides the negative psychological consequences of CWL and RWL, the resulting hormonal imbalances can undermine the intended goal of weight-loss techniques, often leading to fluid retention and, in turn, unpredictable weight gain.

With all the health dangers that come with weight-cutting, which has become an accepted and integral part of the sport under today’s regulations and safety measures, questions could be raised about the morality of the practice and how far it is in line with the spirit of sports. This controversy resulted in medical professionals and sports ethics organisations (Artioli et al., 2016) calling upon the World Anti-Doping Agency (WADA) to include RWL on WADA’s Prohibited List as a prohibited method, due to its serious health risks and its violation of the spirit of sports, to which WADA attaches great importance. RWL is not (yet?) explicitly included on WADA’s prohibited list, whilst it does meet all three criteria set out under Article 4.3. of the WADA Code, which requires a substance or method to (1) have the potential to enhance sport performance, (2) represent an actual health risk to the athlete, and (3) violate the spirit of sport. Firstly, the core purpose of RWL is to enhance performance by maximizing strength while maintaining a weight as low as possible. Secondly, most importantly, such severe body dehydration technique poses a significant health risk. The combination of these two, which respectfully satisfy criteria 1 and 2, violates the spirit of sports, satisfying the third criterion. Consequently, it is increasingly advocated that WADA should prioritise athlete safety, fairness and integrity by stepping up and take steps to ban RWL, refusing it as a legitimate method of competition preparation (Artioli et al., 2017). To include RWL on WADA’s Prohibited List, however, a new category of prohibited methods would need to be created, as RWL would not fit under any of the three existing categories, being M1: Manipulation Of Blood And Blood Components, M2 Chemical And Physical Manipulation, and M3 Gene And Cell Doping. A fourth category (M4), potentially called ‘Extreme Physiological Manipulation’ would be revolutionary, as it would be the first category of prohibited methods focussing specifically on criterion 2 of WADC Art. 4.3, that of the protection of the athlete’s health.

In addition to the before-mentioned dangers of weight-cutting, menstruation presents a specific and unique challenge for female athletes in weight-class sports. Premenstrual symptoms, such as fluid retention, can cause an athlete to exceed the weight limit, even when they maintain the same training and nutrition plan (Constantini et al., 2005). As menstruation is an uncontrollable and natural physiological process, unlike most other factors influencing weight, it disproportionately affects weigh-in results. Many athletes try to reduce the effects the menstrual cycle has on their athletic performance by taking medication (Brown et al., 2020), or to delay the menarche by obtaining energy drains, caused by extremely strenuous exercising. As the study by Brown, Knight, and Forrest (2020) reports, 29% of athletes were using hormonal contraception at the time of the interview, and nearly half (47%) of the 17 participants had used it at some point in their careers. Another study by Van den Berg and Doyle-Baker (2025) reported an even higher amount, with 13 of the 20 (65%) participants using a hormonal contraceptive at the time of the interviews. “An energy drain incurred by women whose energy expenditure exceeds dietary energy intake appears to be the primary factor effecting GnRH (Gonadotropin-releasing hormone) suppression in athletes engaged in sports emphasizing leanness,” such as the lightweight categories in combat sports. “Complications associated with suppression of GnRH include infertility and compromised bone density. Failure to attain peak bone mass and bone loss predispose hypoestrogenic athletes to osteopenia and osteoporosis” (Warren & Perlroth, 2001). Given the health risks associated with suppressing or delaying the menstrual cycle, it would be sensible to better regulate this area. Athletes should not have to

take on additional health risks simply because the regulatory framework lacks flexibility in addressing the effects of menstruation in sports.

Phogat's case highlights this very lack of regulation and awareness in this area. Current weigh-in rules do not accurately reflect the realities of natural weight fluctuations due to menstruation, which can result in disqualification due to uncontrollable factors. In the worst-case scenario, as was Phogat's, it can disqualify you from the Olympus of sports, an Olympic final. There is some light at the horizon however, as Wimbledon's white clothing rule revision and CAS rulings (*Simona Halep v International Tennis Integrity Agency*, 2023; *International Tennis Integrity Agency v Simona Halep*, 2023) on menstruation-related claims in doping cases suggest that other sports have begun acknowledging the need for menstruation-responsive policies.

Some legal documents acknowledge the danger of allowing athletes to compete when they are excessively weak as a result of their weight-cutting practices. For example, Rule 2 (§10 & §18) of the Olympic Charter emphasises the importance of providing a safe environment for and the protection of the health of athletes. Similarly, Article 55 of the UWW Regulations aims to prevent weakened athletes from competing, stating: "Before the competitors weigh in, the doctors shall examine the athletes and evaluate their state of health. If a competitor is considered to be in poor health or in a condition that is dangerous to himself or to his opponent, he shall be excluded from participating in the competition." Also, Article 8 of the UWW Regulations allows for a 2 kg weight tolerance for World Cup competitions and International Tournaments. Achieving competition weight is not at all the same process for all athletes of that weight class due to the natural differences between every athlete's body. At present, there are no widely accepted optimal body weight or fat percentage guidelines, nor is there a universally recognised 'gold standard' for assessing athletes' body composition.

B Overview of Vinesh Phogat's Case (CAS OG 24/17)

Vinesh Phogat qualified for the Olympic wrestling final, set to take place on August 7th, 2024. The morning of the final, Phogat was disqualified for exceeding the 50 kg weight limit by a mere 100 grammes, and therefore failing the weigh-in. UWW rules required a second weigh-in before the final. Initially, she was 150 grammes over the 50kg weight limit. After 15 minutes, Phogat was entitled to an additional weigh-in, in which she resulted to be 100 grammes overweight. Despite the minimal excess, she was disqualified, following the rigid framework of the Olympic regulations on weight-rule compliance. Phogat sought leniency for this minimal deviation, for which the athlete and the Indian Olympic Association (IOA) presented several factors such as the menstrual cycle, water retention, the need to hydrate, and insufficient time to reduce her weight because of the travel time to the Athlete's Village. The IOA stated that "the biological difference in the bodies of male and female wrestlers, particularly in light of the menstruation of women, needs to be taken into account whilst determining the eligibility of female wrestlers on the second day of the weigh-in." The IOA also presented a medical certificate proving Phogat's pre-menstrual status (*Vinesh Phogat v United World Wrestling & IOC*, 2024).

Phogat filed her application with the Court of Arbitration for Sport (CAS) on 7 August 2024, at 16:45 CET. She did not request relief in the form of provisional measures but did request that the challenged decision and all of its effects be set aside, as well as that she remain eligible and qualified to be awarded her silver medal.¹ After all, by winning the semi-finals, Phogat fairly secured herself either the gold or silver medal. The challenged decision was the following:

VINESH Vinesh (IND) failed second day weigh-in. According to Article 11 of the International Wrestling Rules, VINESH Vinesh (IND) will be replaced by the wrestler who lost against her in the Semifinal. Therefore, GUZMAN LOPEZ Yusneylis (CUB) will compete in the Final. Repechage: SUSAKI Yui (JPN) vs. LIVACH Oksana (UKR) will become Bronze Medal Match. (*Vinesh Phogat v United World Wrestling & IOC*, 2024, pp.14)

Article 11 of the UWW Regulations states that "If an athlete does not attend or fail the weigh-in (the 1st or the 2nd weigh-in), he will be eliminated of the competition and ranked last, without rank."

At 18:13 CET, the CAS Ad Hoc division concluded that a final decision could not be rendered before the start of the finals (*Vinesh Phogat v United World Wrestling & IOC*, 2024, pp.20), which were set to happen the same day, at 18:15 CET on August 7th. Phogat could thus not compete in the finals but requested the continuation of the proceedings and was forced to rely on her results in the previous rounds to legally fight her way towards the silver medal.

¹ *Id.*, [14].

In addition to the explanations given by Vinesh Phogat and the IOA, during their appeal, they mostly relied on the inconsistency and ambiguity of the UWW Regulations. Phogat argued that the Olympics are an international tournament and that therefore Article 8 of the UWW Regulations should apply, which provides, as mentioned earlier, for a 2 kg weight tolerance for International Tournaments (Vinesh Phogat v United World Wrestling & IOC, 2024, pp.75). However, the CAS ruled that there is a distinction between “international competitions” and “International Tournaments,” the latter not encompassing the Olympics as per UWW guidelines (Vinesh Phogat v United World Wrestling & IOC, 2024, pp.81). Another point of ambiguity in the Regulations is the use of exclusively male pronouns, raising the question of whether the provisions that specifically use male pronouns apply to female athletes. The Sole Arbitrator also dismissed this argument (Vinesh Phogat v United World Wrestling & IOC, 2024, pp.98).

Phogat sought to avoid the disqualification under Article 11 and to be awarded a silver medal for the merits of making it through the semi-final. Rule 56(1) of the Olympic Charter however provides that all decisions regarding the awarding of medals fall under the exclusive authority of the IOC, based on the final results and rankings established by the International Federations (Rule 46 OC), which would be the UWW in this case. The Sole Arbitrator could not make an order that the IOC grant the Applicant, Vinesh Phogat, an additional silver medal (Vinesh Phogat v United World Wrestling & IOC, 2024, pp.115).

In view of the above considerations, the Court of Arbitration for Sports decided to dismiss Phogat’s application.

C *Natural Physiological Responses vs. Strict Compliance*

Most, if not all, sports have emerged from a predominantly patriarchal background, from the athletes to the coaches to the administrative boards. Luckily the quota has known a positive evolution, with the number of female athletes participating in the Olympics increasing slowly but steadily since the last all-male Olympics of Athens in 1896, with an accelerated process starting around the turn of the millennium. The move towards gender equality (in terms of the number of participants) in the Olympics has taken a very long time to become a true objective of the IOC. Helsinki 1952 was the first edition where over 10% of the participants were female, and Montreal 1976, not even 50 years ago, was the first time the female quota hit 20%. With the 2024 Paris Olympics, 128 (!) years after Athens 1894, the IOC finally reached a quantitative gender-equal Olympics, with 50% of the athletes participating being female.

However, a 50-50 quota should not mislead. The issue in many sports, and even more articulated in more ancient and traditional male sports such as wrestling, is that the regulations are drafted based on male participation. In the UWW Regulations, as Phogat mentioned in her CAS case after her disqualification, only male pronouns are used, referring to all athletes as he/him, even in the revised 2024 edition. This kind of negligence reflects the patriarchal way of drafting regulations, which is present in many sports until this day.

There have been lots of scholarly debates and diverse academic opinions regarding this topic. As Kimmel (1986) notes, “not only do men as a group exert power over women as a group, but historically derived definitions of masculinity and femininity reproduce those power relations.” These outdated gender definitions are evident in the structural biases that shape sporting regulations, where rules were originally created for male athletes and then retrofitted, often inadequately, to include women. In the past decades, the “muscle gap” between male and female athletic performance has narrowed, because of the increased access to coaching and training (Crittenden, 1979; Dyer, 1983; Ferris, 1978, as cited in Messner, 1988). However, Willis (1982) criticizes that “the manner in which this gap is understood and taken into the popular consciousness of our society” is what truly matters. This perception of ‘the gap’ has shaped, and continues to shape, how sports policies are developed, often neglecting the distinct physiological needs of female athletes while treating them as inherently less capable. Burton (2015) confirms that sport leadership remains gendered, with institutionalized practices and leadership expectations reinforcing masculine norms. At the macro and meso levels, sport organizations often uphold gendered leadership cultures that exclude women from governance roles, resulting in regulatory and policy outcomes that inadequately represent or address women’s realities. This notion reflects the tendency to view the male standard as the default, when, in reality, male athletes’ physiological needs could just as easily be considered the ones that differ from those of female athletes. Reynaud (1981) engages in this discussion by emphasizing that “the ABC of any patriarchal ideology is precisely to present that division [between the sexes] as being of biological, natural, or divine essence.” Too many sports regulations assume a one-size-fits-all

approach, in which factors like menstrual cycles and other biological fluctuations are not represented adequately. This is where we find a delicate point, as modifying the fundamental rules of a sport, or *the rules of the game*, specifically for female athletes risks further marginalisation. Instead, broader structures should be adapted to be more inclusive. Separate rules for women often end up risking the confirmation of the usual critique that they “cannot play the real game,” and therefore need an easier, adapted version (Messner, 1988). Instead of promoting equality, this approach extends existing disparities. The solution to the challenge of ensuring fairness lies thus not in altering the core rules of competition, but by integrating gender-sensitive policies into broader structural reforms. For example, instead of creating separate rules for men and women, such provisions could be embedded within the general regulations. A policy granting menstruating athletes a ‘margin of appreciation’ without explicitly referencing gender would promote equity without isolating women’s regulations. Examples of already existing gender-sensitive policies are medical breaks for period cramps, which show that ensuring fairness does not have to mean ignoring physiological differences. Such medical breaks do not alter the rules of the game, rather they address external conditions that could challenge a level playing field. These measures do not lead to the creation of two separate sports between the gender categories, rather, they work similarly to the already widely accepted and implemented water breaks during extreme heat. No self-respecting athlete wants to win a competition or a race simply because of the dehydration of an opponent, similarly, neither would one want to beat an adversary because they could not perform at their best because of period cramps. This kind of gender-sensitive policies ensures the integrity of the sports and of the athletes, without compromising the principle of equal play. Evidently, some athletes may be disproportionately affected by their menstrual cycle, and it is a great challenge to find the ‘perfect policy,’ which would be implemented equitably for all athletes. Whilst a perfect policy might be utopian, the only way to get closer to such policy is by taking action, small steps will eventually build new staircases. Not implementing such measures, however, reinforces the male-centric framework that disadvantages both female athletes and the sports as such.

Although there are female categories in most sports, many, such as wrestling, do not have extra rules nor assistance for the female category, while biological differences, such as hormonal fluctuations in menstruating athletes, can pose specific challenges, particularly in weight-class sports. Current regulations often do not account for these variations, focusing instead on a one-size-fits-all approach. Biological differences should be considered in draughting regulations for sports with separate gender categories to maintain fairness without segregating or marginalising the athletes based on their sex. To reach this, a crucial step is a serious revision of the current regulatory frameworks, stepping away from the persisting male-centric perspective towards a more inclusive and equitable approach that not only acknowledges, but also actively addresses the needs of all athletes. Without such regulatory revolt, the legal and regulatory structures will continue to perpetuate oppression, undermining the very objectives of gender equality and fair competition that international bodies, like the IOC, claim to uphold.

Some important organisations recognise these challenges girls and women are facing in sports by partnering up with major sports bodies, NGOs, and intergovernmental organizations. The United Nations Entity for Gender Equality and the Empowerment of Women, UN Women for short, is one of such movements advocating for women’s rights and safety in, among others, the field of sports. UN Women launched the “Sports for Generation Equality” Initiative with the aim to ‘harness the power of sports to promote gender equality and empower women and girls’. The IOC acknowledges the importance and strengths of such organisations and has recently, in September 2023, renewed their partnership with UN Women. The new agreement focuses, among other things, on promoting gender-responsive policies; ensuring safe and equal opportunities for women and girls to benefit from sport; and strengthening advocacy, communication, collaboration and knowledge-sharing.

D *Implications of the CAS Decision*

The decision to not recognise Phogat’s situation as a valid reason to go (ever so slightly) over the weight limit could be regarded as positive in the way that the Rules are upheld, and the strict adherence to the rules is protected in order to ensure athlete safety and consistency in the application of regulations. However, the decision to disqualify Phogat is a sign that still no meaningful progress has been made in ensuring fair treatment and consideration of women’s natural physiological factors affecting their weight. If we want to talk about inclusivity and gender equality and want to progress as a sport as well as a society, we need to ensure the application of gender-responsive policies, such as menstrual equity. A sport based on weight classes but without menstrual equity is not a gender-inclusive sport, with women having to face challenges simply because of the patriarchal structure behind the rulemaking of the sport. A case as Phogat’s could be a turning point and a step

in the right direction towards full integrity in women's wrestling and women's sports in general. However, there is hope, thanks to initiatives such as the previously mentioned UN Women's "Sports for Generation Equality", focusing on advocacy, partnerships, and awareness-raising.

While the regulatory framework governing sports and the Court of Arbitration for Sport do not work with formal precedents due to the unique nature of each case, instances like Phogat's can still have great impact and serve as persuasive references for future cases involving regulatory compliance regarding natural physiological responses. In some cases, rules of federations provide for flexibility or discretion. For example, in CAS OG 24/05-06-07 (Avancini, Batista, and Bezerra v World Athletics, 2024), the rules allowed for "truly exceptional circumstances" (Vinesh Phogat v United World Wrestling & IOC, 2024, pp.108). The CAS rules, however, that in the present case there is no such discretion provided. Even if Phogat and the IOA did not manage to convince the CAS, the Sole Arbitrator admitted that the ineligibility imposed on Phogat was 'draconian' but remembered the Applicant that "neither the formation nor validity of UWW policy is before the Sole Arbitrator" (Vinesh Phogat v United World Wrestling & IOC, 2024, pp.107).

The United Nations Human Rights Council Resolution 40/5 on the Elimination of Discrimination Against Women and Girls in Sport, calls upon States to "... refrain from developing and enforcing policies and practices that force, coerce or otherwise pressure women and girl athletes into undergoing unnecessary, humiliating and harmful medical procedures in order to participate in women's events in competitive sports, and to repeal rules, policies and practices that negate their rights to bodily integrity and autonomy," such as extreme weight-cutting and menstrual suppression. Despite being primarily aimed at states, Resolution 40/5 also establishes an international legal and ethical standard that private sports organizations must adhere to. This especially since many governing bodies incorporate human rights commitments into their regulatory frameworks, such as the International Olympic Committee (IOC) which enshrines their commitments in both the Fundamental Principles of the Olympic Charter and the IOC Code of Ethics. Private sports organizations can help guarantee that their regulations respect gender equality and bodily autonomy by coordinating their policies with Resolution 40/5. This will help to prevent discriminatory regulations and coercive medical practices.

Had the CAS ruled in favour of Vinesh Phogat, recognising the extra challenges for menstruation athletes, it would have represented a significant step towards translating Resolution 40/5 into the regulatory framework governing athlete rights. While CAS does not establish formal precedents, such a ruling would have been a landmark case in the pursuit of gender-inclusive and -responsive sports regulations, prompting sports bodies to align their practices with international human rights standards and encouraging states to uphold their commitments to gender equality in sports. Whilst Phogat's legal representatives did submit medical evidence confirming her premenstrual phase, the CAS ruled that the weight gain caused by menstruation was not precisely quantified and therefore could not justify exceeding the weight limit by 100 grammes. For this reason, research should be conducted to quantify potential weight gains, and based on such findings, future frameworks could allow narrowly defined, strictly capped, and medically verified tolerances for athletes menstruating at the time of weigh-in. Such allowances would not confer any competitive advantage but would instead uphold a level playing field by preventing exclusion due to natural physiological processes. In any case, it is sure Phogat's case will be comprehensively analysed and used in research towards a future where women and men can be, and feel, truly equal, in and outside sports.

E Practical Proposals for Gender-Responsive Weight Regulations

Research into menstrual equity could focus on policy proposals such as how female wrestlers competing while premenstrual could be allowed a tolerance during the weigh-ins if they were to desire so. To respect their human rights, the athlete might, voluntarily, subject themselves to tests that can certify their claim to be menstruating. This would allow female athletes to compete without being disadvantaged while on their period and would be an important step towards a level playing field. However, there are some complexities that would arise which one would have to take into consideration before implementing such policy. Whilst it would be revolutionary to allow athletes to go slightly over the weight limit due to the consequences of their menstrual cycle, there must be a mechanism in place that controls that the exceeding of weight is in fact due to menstruation, and cannot be used as an excuse for a failed weigh-in. This is crucial, as the lack of such control would result in the erosion of the sports' integrity, rather than its protection and expansion. The easiest solution would be to place the burden of proof that a weigh-in failure is due to menstruation fully on the athlete. It can

be argued, however, that this would not be the most effective, nor the fairest. Rather, a structured documentation process should be installed, through which athletes could confidentially report their menstruation-related weight fluctuations, supported by medical certificates. A large focus should be placed on strict privacy safeguards and streamlining.

To put this into practise, the respective international federation, in Phogat's case the UWW, could establish an independent medical equity council consisting of medical experts. These medical experts and council members could review such cases ad hoc, conducting their examinations on the basis of an international standard, comparable to existing frameworks like WADA's physician guidelines. These could be developed by WADA itself, or by other independent medical bodies that have the resources to establish such protocols, like the WHO. The medical council in question would then assess the confidential evidence provided by the athlete, such as hormonal profiles or verified menstrual tracking, to demonstrate the weight fluctuations associated with their menstrual cycle, and decide whether to grant an allowance or not to the athlete requesting one. This process would be conducted with a strict focus on confidentiality, protecting the athletes' bodily integrity and privacy. Before such a council could become a reality, however, research would be needed to determine the extent to which menstruation causes uncontrollable weight gain. This would help assess whether a spectrum of allowances is necessary and, if so, how large they should be to ensure fairness and prevent competitive advantage, similar to the Therapeutic Use Exemption requirement in Article 2(b) of WADA's International Standard for TUEs.

Medical equity councils could gain legitimacy and recognition by collaborating with associations such as WADA and IOC medical commissions. Partnerships with these global-level athlete health commissions would guarantee the feasibility of such policies and, importantly, ensure that they are medically sound. However, such collaboration would require strict compliance with international data protection regulations, as it would involve the transfer of sensitive medical data from athletes. Clearly defined protocols must be established to ensure that the relevant medical information is processed with informed consent, strict confidentiality, and minimal data retention. The advantage is that, in principle, this would resemble the existing Therapeutic Use Exemption (TUE) process. Therefore, many of the necessary safeguards are already in place. However, certain aspects, such as the extended data retention periods, should be critically reviewed and adjusted to better align with data protection standards. Additionally, the broad scope and recognition of these organisations across virtually all sports would support the expansion of such policies, even beyond combat and weight-class sports, making them universally applicable in competitive sports, ideally spilling over into other areas beyond weigh-in regulations. Furthermore, the international federations and Major Event Organizers should make mandatory training programmes for officials and coaches, to educate them on the possible effects of menstruation on performance, psychological readiness, and, in the case of weight-class sports, on weight fluctuations. This would enable them to make informed decisions when cases such as Phogat's arise, reinforcing fairness and gender equity in competitive sports.

2 CONCLUSION

Winning her semi-final at the biggest sports stage and qualifying for the very Olympic final caused great enthusiasm for Phogat as well as her surroundings and the representing country of India. However, with this happiness strapped away due to just 100 grammes of overweight is a very harsh delusion. This, in combination with the imperative need for women's inclusivity and gender equality in sports, sparked debates over how the impact of natural processes such as menstruation should be taken into account during weigh-ins.

This paper does not seek to argue whether the CAS ruling in Phogat's case was right or wrong. Instead, it highlights how the implementation of gender-responsive policies could have pre-empted such a dispute or, at the very least, ensured a more sensitive and equitable approach to handling menstruation-related weight fluctuations.

This paper aims to highlight the intricate intersection between maintaining the integrity of wrestling and ensuring fairness for athletes facing natural physiological processes, such as menstruation. While weight-class regulations are essential for fair competition and athlete safety, they often overlook gender-specific challenges that can disadvantage women. Phogat's incident underscores the urgent need for sports organisations to adopt gender-responsive policies that account for natural biological variations. Progress in this area is critical to creating truly inclusive sports environments where all athletes can compete on a level playing field, perhaps through the creation of medical equity councils.

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