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SPORTS COMPETITIONS AND THE PRINCIPLE OF NON-DISCRIMINATION: CIVIL LAW PROFILES OF GENDER IDENTITY

This article examines the evolving relationship between gender identity and civil law principles in the context of sports competitions, emphasizing the principle of non-discrimination. It begins by exploring the recognition of gender beyond traditional registry classifications, focusing on the legal relevance of transsexuality and its alignment with an evolving interpretation of normative frameworks. This alignment seeks to adapt legal rights to changing factual circumstances, accounting for anatomical prerequisites and the psychological-social dimensions that define a “polymorphic” subjectivity.

The discussion addresses the binary conception of sexuality and its implications for competitive fairness in sports, particularly between transgender and cisgender athletes. It further analyzes intersex conditions and differences in sexual development (DSD), emphasizing the balance of values and the unified nature of human personality.

The article also explores the legal rectification of gender, public legal notifications, and alternative mechanisms for recognizing gender identity. These include anticipatory measures such as mandatory annotations and “alias careers” with a particular focus on their immediate and direct effects in marriage and civil unions. The analysis underscores the importance of teleological approaches in fostering human personality recognition within evolving societal and legal contexts.