



## Atletes and Human Rights

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## 1. Introduction

The Olympic Movement is more than a sports organization. Pierre de Coubertin, the founder of the modern Olympic Games, saw beyond sport to the potential of athletic training and competition to advance the fullest possibilities of human self-realization. As the Olympic Charter declares:

“The goal of Olympism is to place everywhere sport at the service of the harmonious development of man, with a view to encouraging the establishment of a peaceful society concerned with the preservation of human dignity. To this effect, the Olympic Movement engages, alone or in cooperation with other organizations and within the limits of its means, in actions to promote peace”

IOC, 2003: Fundamental Principle #3

In this and other ways, the modern Olympic Movement has resonated with the broadest aspirations for human rights and justice. The concept of the self-actualizing athlete at the core of Coubertin's project is very similar to the concept of the self-realizing individual that underlies much of liberal political and economic theory. The Olympic Movement's symbolic links to the Games of ancient Greece evoke the freedom-loving values of classical Athenian democracy. The universalist philosophy of Olympism that Coubertin set out for his Games has much in common with other idealistic ventures of the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, such as the World's Fair Movement, Scouting, the International Red Cross, and the movement to develop a universal language (Esperanto) (MacAloon, 1981 ; Quanz, 1995 ; Hoberman, 1995). It was a period that witnessed the beginnings of globalization and the expression of the idea of a shared humanity.

The Olympic Movement has not always lived up to its liberal, humanitarian promise. In the earliest years, it discriminated against athletes on the basis of class and gender, and it has only recently afforded athletes the basic rights of 'natural justice' in disputes over selection and discipline. There are some who fear that in its uncritical celebration of champions, it turns a blind eye to training regimes which undermine the athlete's health, education and intercultural awareness (Kidd, 1991 ; MacAloon, 1986). Others have argued that it has often turned a blind eye to human rights (Hoberman, 1986). Yet the rhetoric of the modern Olympic

Movement puts it squarely on the side of human rights, and in practice, the Olympic Movement has often been an important arena for the advocacy, struggle over and realization of athletes' and human rights.

This lesson sets out the rights athletes and others have achieved in connection with sport and the Olympic Movement, and the sports-related human rights that have been won through the United Nations. It also identifies the areas where athletes and others are still struggling to have rights recognized and respected. In both cases, it recommends further resources where readers can go for more information.

## **2. Rights for sportspersons**

By extolling the moral virtues and the promise of sport, the Olympic Movement has become a beacon of support for the athletes' rights movement, a site of grievance when injustices occur. Abuses to athletes and the denial of their rights are simply incompatible with the Movement's stated spirit. Consequently the Olympic Movement has been an important venue for the advocacy, struggle for and subsequent realization of rights.

The rights outlined below have been largely achieved, and institutionalized in national and international sport organizations.

### **2.1. The right to participate in sport**

Despite the familiar moral claims of sports – the rhetoric of universality, fair play, character, and a 'level playing field' – few of the initial proponents of modern sports ever intended them to be universal and inclusive. On the contrary, sports were developed in the 19<sup>th</sup> century as socialization and pleasure for imperial upper-class males. In the context of the growing demands for democracy, however, the moral claims of sport paved the way for excluded groups to demand their place on the field, while the educational promise of sport encouraged progressive sports leaders to extend opportunities to the excluded and disadvantaged. The realization of the right of the initially excluded – working-class boys and men, girls and women, persons from colonized and developing countries and persons with a disability – to participate

has involved a long and complex process, often requiring political struggle. The history of that process is inseparable from the history of sport.

For example, the struggle for girls and women to participate fully in sport has taken more than a century and continues to this day. Internationally, it took the threat of women staging their own Olympic Games during the 1920s before the IOC begrudgingly agreed to include women's events on the program for every Games. Despite the recent addition of many more women's events in the Games – for example, the inclusion of curling and ice hockey for women at Nagano; of modern pentathlon, taekwondo, triathlon, waterpolo, and weightlifting for women in Sydney; and bobsleigh for women in Salt Lake – women still do not enjoy the same number of playing or medal opportunities as do men. At the national level, women have won the right to participate in sport through political pressure, court challenges, and the inspirational example of their own performances, in step with their entry to higher education, the professions and all other aspects of modern societies. Title IX of the Civil Rights Act in the United States is one example where legislation has been instrumental in forcing public institutions to expand opportunities for women. But this right remains unrealized in many parts of the world.

The right of racial minorities to participate in sport has also been assisted by broader legislation against discrimination, although not in the same way that women have sought parity. In North American professional sport leagues, overt discrimination gave way to implicit understandings among league owners to bar racial minorities. However, political campaigns by Afro-American and Communist newspapers during the 1930s, and the distinguished contributions of racial minorities to the armed forces in Second World War, made it more and more difficult for team owners to deny extremely talented athletes their place. Today, even traditionally elitist sports like tennis and golf have become more open to ethno-cultural and racial minorities, with highly talented African American champions like Venus and Serena Williams and Tiger Woods.

In terms of Olympic Sport, the Olympic Games have continually provided opportunities for racial harmony by allowing athletes from all over the world the opportunity to meet in the spirit of friendly competition. At the 1936 Olympic Games in Berlin, despite Hitler's racist

derogation of black athletes, the German long jumper Lutz Long befriended Jesse Owens, an African-American. Lutz, encouraged by the spirit of the Games, even helped Owens to a gold medal jump.

The Olympic Movement has also greatly assisted participation by admitting to membership virtually every national community in the world.

Athletes with a disability have made great strides in achieving the right to participate, as there is a growing network of training opportunities and competitions. The premiere event today is the Para-Olympics, which ever since the 1988 Olympic Games in Seoul has been held immediately following the Olympic Games in the same city and facilities. The Special Olympics provides a similar opportunity for athletes with a mental disability. The case of disabled athletes competing equitably with able-bodied athletes is another issue, however. The recent success of Casey Martin in challenging the Professional Golfers' Association under the Americans with Disabilities Act has paved the way for future advances in this arena. The broad scope of the term 'disabled' however, means that advances in this area will likely progress on a case-by-case basis, rather than through broad strokes.

Of course, the legal right to participate may ring hollow if those who wish to pursue sport lack the economic means, instruction and leadership, facilities and so on to do so. Inequality within and between societies, and barriers to participation such as the high cost of equipment and user fees disenfranchise many who would otherwise love to engage in sports. In some countries, women only participate in closed surroundings by religious choice or requirement. But few anywhere in the world today deny that the right to participate in sports should be enjoyed by all.

## **2.2. The right to participate in governance**

For members of democratic societies, the right to participate in government and decision-making is taken for granted. Athletes, however, have had to fight for the right to participate in the governance of their own sports. Participation in governance, within the world of athletics, has been achieved through two different avenues; directly, by the election of athletes to decision-making bodies, and indirectly, through collective bargaining and union



representation. Both strategies have been important in the protection of athletes' rights. National and international sports organizations and professional sport franchises are monopolies, and as such have tremendous power.

Within the Olympic Movement, the right to elected athlete representation has now been achieved at the highest level of decision-making, the IOC. Elected athletes represent the opinions and perspectives of their peers. The IOC Athletes Commission was created in 1981, following the opposition by many athletes around the world to the decision by their NOCs to boycott the Moscow Olympics, to provide a better link between active athletes and the IOC. But up until 2000, the Athletes' Commission was only advisory. It was only with the recommendations of the IOC 2000 Commission, appointed on the heels of the Salt Lake City scandals, that elected athletes were given the right to voice and vote on the IOC itself. Today, athlete representatives are elected by their fellow athletes at every Olympic and Winter Olympic Games. The members of the Athletes Commission also sit on other Olympic Commissions to present the point-of-view of their broad constituencies. The Athletes Commission has been instrumental in the fight for drug-free Olympic sport and women's participation in Olympic sport. The next stage in the struggle for the right to participate in governance will be for athletes to win the right to elect representation on their respective National Olympic Committees and International Federations – at present, they have only won this right in a small number of cases – and to develop effective systems of communication and accountability between active athletes and their elected representatives.

In North American professional sport, players have sought to influence the decisions affecting their careers and their sports through another route – union representation and collective bargaining. The emergence of professional players' associations began in the 1950s, but it took them another two decades, and the frequent use of the strike weapon and court action to win full recognition. Arguably, the four professional sports unions in North American professional sport enjoy more power vis-à-vis their employers than Olympic athletes vis-à-vis their governing bodies.

### 2.3. The right to fair and impartial decisions

Sport organizations wield tremendous power over athletes. Decisions made regarding selection, training, and discipline can make or break an athlete's career. Athletes and advocates have used the legal protections that exist in democratic societies to ensure that athletes are treated fairly. The right to fair and impartial decisions – in selection, discipline, doping, training and testing – are grounded in two important legal concepts, the rule of law and natural justice.

The 'rule of law' states that the conduct of human societies must be based on established rules, not discretionary decisions. For athletes, the requirements of the 'rule of law' usually result in the following:

- a) the rules of their sport organization must be approved and passed by the constitutionally proper procedures– this is usually done at the annual general meeting, and;
- b) rules must be exhaustive and clear so as not to create situations where interpretation and misunderstanding take place.

The 'rule of law' creates procedural requirements that safeguard athletes' rights in the creation of rules within their sports organization.

'Natural justice' is required in circumstances where the rules are unclear, or there is conflict with regards to their application, especially with respect to selection, discipline, doping, training and testing. The first requirement of natural justice is fair procedure. Natural justice also demands that the following requirements be met in the case of disciplinary decisions:

- right to notice of the case to be met;
- right to notice of a hearing;
- right to a hearing;
- absence of bias;
- right to representation;
- right to call and cross-examine witnesses;
- right to a written decision;
- right to the record of the hearing;

- right to appeal.

Two additional legal requirements protect the athlete's right to fair and impartial decisions. The rules of sport organizations must be in conformity with the law, and disciplinary sentences must reflect the severity of the infraction.

In most countries, these protections are grounded in the legislated and/or common law protections afforded to all citizens, so athletes could use the court system to resolve conflicts. However, the nature of high-level sport is such that conflicts must be resolved quickly, as lengthy delays could spell the end of an athlete's career. In order to ensure athletes have a quick, fair mechanism for addressing international conflicts in a fair and impartial manner, the IOC created the Court of Arbitration for Sport (CAS). CAS is independent of any sports organization and "provides services in order to facilitate the settlement of sport related disputes through arbitration or mediation" (Court of Arbitration for Sport). The arbitral decisions made by CAS have the same enforceability as the judgements of ordinary courts. CAS offers athletes and officials a quick method for conflict resolution, with access to professionals with sport-specific knowledge. CAS has proven very effective, especially at the time of Olympic Games, where a panel of internationally respected arbitrators is available around the clock to adjudicate disputes. As a result of CAS, many national governments and sports organizations are establishing similar mechanisms on a national basis. A recent Canadian example is the Sport Dispute Resolution Centre of Canada created by the Physical Activity and Sport Act of 2003.

#### **2.4. The right to participate in sport drug-free**

An athlete must be permitted the opportunity to compete, excel, and win, without having to subject their body to harmful chemicals, or to face competitors strengthened by prohibited performance-enhancing substances. To this end, athletes have fought for the right to compete on a level playing field through the promotion of drug-free sport. The definition of what is considered acceptable for athletes to consume, either to improve their performance (i.e., vitamins, nutritional supplements), or to improve their general health (i.e., cough medicine, prescription medication like Prozac) continues to develop. As scientific research improves knowledge in this area, the definition of a drug-free athlete will continue to change.

The key right for athletes in the fight for drug-free sport and sound health generally is the right of informed consent. The elements of informed consent are:

- consent must be given in a free and voluntary manner;
- the athlete must understand the general nature of the training, or testing, or treatment, and the expected results, alternatives and possible side effects;
- consent must be specific to a particular procedure, test or operation.

The right of informed consent requires coaches, sports physicians and other sport leaders to inform and educate athletes about their training, supplementation, testing, as well as the national and international rules regarding banned substances. It also puts a greater burden on the athletes, in that they have the obligation to inform themselves. The recommendations of the International Athletes' Forum, with respect to the fight against doping, convey the magnitude of what 'informed consent' means: "The athletes should assume total responsibility for the intake of any substance, including food supplements, that may result in a positive doping sample" (IOC, 2002:1).

As a competitor, the athlete has the right only to face challengers who are drug-free, and the obligation to be drug-free himself or herself.

The World Anti-Doping Agency leads and co-ordinates the fight for drug-free sport in international and Olympic Sport. Established in 1999 by the IOC and national and international governments, the WADA sets unified standards for anti-doping work and operates as an independent international agency.

### **3. Developing rights for sportspersons**

Not all rights that athletes and their supporters believe that they deserve have been recognized and respected. The following rights are still in the advocacy stage. In some cases, the issues are still being debated, while in others the issues are clear but the related rights have not yet been widely recognized, let alone protected.

### 3.1. Media rights

Media coverage of high-level sports is a billion-dollar business. The astronomical sums of money paid for broadcast rights, for professional sports and special events like the Olympic Games, are contingent upon the 'exclusivity' of the information. That is, sports organizations can continue to reap vast sums of money from the sale of broadcast rights, so long as they can control the flow of information through the 'exclusive' rights holder. If information cannot be contained and controlled, the 'exclusive' rights become worthless. Debates about who owns information, and to what extent sports organizations have the right to control the outflow of information, are the central issues with respect to athletes' media rights.

When a sport governing body grants broadcast rights to a media outlet, who then owns the images of the individual athletes? As representatives of a sports organization/ club/ national team, does the sport governing body effectively 'own' the athlete's image, and do they have the right to 'sell' these images? What recourse does an athlete have if their image is used in a way they disagree with?

The ownership of information extends beyond the athlete's image, and is also inextricably linked to the control of that information. At the Sydney Olympic Games, athletes were not allowed to publish their diaries during the course of the Games (Barringer, 2000). The economic foundation of the IOC is at risk, if they cannot sell 'exclusive' broadcasting rights, and should they not have the right to protect their organization? On the other hand, an athlete should be free to express their opinions, experiences, and personal feelings whenever and wherever they choose. Some scholars have advocated that athletes should have access to their own broadcasting facilities at the time of the Olympic Games, so that they could directly communicate their views and impressions to the sporting public.

As the world-at-large grapples with the legal complexities stemming from the advent of the Internet, cellular-technology, and other advances in communication, the impact on the world of sport remains to be seen. Many of the issues raised by the advances in communication technology are being debated and resolved in the courts, and these legal precedents will shape the future of athletes' media rights.

### 3.2. Medical rights

The professionalization of sport has resulted in increased use of scientific methods as a means of improving performance. Medical testing and treatment are often used in athlete training, assessment, and in the case of injury and rehabilitation. Medical clearance, or non-clearance can significantly impact an athlete's career, and this can have huge ramifications on the athlete's life (i.e., loss of endorsements, loss of a scholarship, etc.). The key legal issues with respect to medical rights for athletes include: 'informed consent' and 'right to confidentiality in medical records'. The elements of informed consent are:

- consent must be given in a free and voluntary manner;
- the athlete must understand the general nature of the training, or testing, or treatment, and the expected results, alternatives and possible side effects;
- consent must be specific to a particular procedure, test or operation.

In the case of medical testing or examination by a medical professional, the athlete is entitled to:

- a full report of the results;
- the right to confidentiality (verbal, written, or otherwise);
- medical results or records being released only with the written consent of the athlete.

The issues of confidentiality and consent are critical when athletes are being treated by doctors employed by their league or sports organization.

### 3.3. Educational rights

Given the origins of the Olympic Movement and the educational philosophy of Pierre de Coubertin, it is ironic that athletes now find themselves in a position to have to fight for their right to an education. Organized sport in the industrial era has long been seen as an important component of well-balanced education. However the increased competition, pressure to excel and professionalization of sport has forced athletes to devote the majority of their time and energy towards their athletic endeavours. Education is pushed aside, or ignored, until the end of the athlete's career. Athletes recognize that a total focus on athletics does little to prepare

them for their life after sport, and so the right to a good education is critical. Athletes should enjoy the right to enroll in courses, or programs of study, of their own choice. Additionally, athletes should enjoy the right to have practices, games and competitions scheduled so that they will not conflict with classes and examinations. Athletes should also be afforded some flexibility from educational institutions so that they can successfully balance their academic and athletic careers.

#### **4. The struggle for human rights and their application to sport**

The struggle for human rights continues throughout the world. In some countries the basic freedoms of speech, thought, expression, association, and assembly are still contested. In other parts of the world, the right to an adequate standard of living, health, education and cultural life are sought. What links the enormous range of issues, cultures, experiences, laws, religions, and politics is the universal belief that all humans enjoy certain basic rights and freedoms. The Universal Declaration of Human Rights is the expression of these rights and freedoms. The Universal Declaration, a legally binding agreement for signatory nations, has prompted countless improvements in the rights of international citizens, across all spheres of life – work, play, education, sport, government. The Universal Declaration of Human Rights has also inspired the creation and adoption of International Conventions which seek to redress the rights of specific groups, for example, the rights of women, children, and racial minorities (International Convention on the Rights of the Child, Convention on the Elimination of all Forms of Racial Discrimination, Convention on the Elimination of all Forms of Discrimination against Women). These International Conventions are also legally binding for signatory nations.

Within the world of sport, the inspiration of the rights movement has led to the creation of sport specific charters, like the International Charter of Physical Education and Sport, the European Sports Charter, and the Bill of Rights for Young Athletes. While these charters do not carry the weight of international law, they provide moral pressure on governments to improve the quality of physical activity for its citizens.

#### 4.1. The Universal Declaration of Human Rights

The Universal Declaration of Human Rights, approved by the United Nations in 1948 and subsequently ratified by virtually every government in the world, was arguably the last major achievement of the international coalition which banded together to defeat fascism during the Second World War. The rights set out in the Declaration are not an expression of absolute universal values, but rather are the rights determined by international consensus among the world's governments that should be available to all persons. The genius of the Universal Declaration is that it drew upon both of the two great political traditions of the 19<sup>th</sup> and 20<sup>th</sup> centuries, the individual freedoms espoused by the liberal political tradition and the collectivist aspirations championed by the socialist and/or communal political traditions. The basic rights of the Declaration are:

- equality before the law;
- freedoms of thought, expression, association and assembly;
- prohibition of discrimination, arbitrary arrest, and unfair punishment;
- rights to work, rest and leisure;
- rights to adequate standard of living, education, health, and cultural life.

While there are legitimate critiques of the Declaration, particularly with respect to individualism and cultural imperialism (see Howard, 1996), the Declaration's comprehensive statement of rights has served as a rallying cry for the protection and improvement of the lives of people throughout the world.

#### 4.2. Sport specific charters

The International Charter on Physical Education and Sport, adopted by the General Conference of UNESCO in 1978, is one example of the various declarations of physical activity as a human right. The key elements of the UNESCO Charter are that physical education and sport:

- Are a fundamental right for all;
- Are essential to lifelong education;
- Must meet individual and social needs;



- Must be performed by qualified personnel;
- Require adequate facilities and equipment;
- Promote ethical and moral values;
- Promote positive mass media.

The Fundamental Principles of the Olympic Movement also promote sport as a human right (Principle 8), as contributing to education and moral values (Principle 2, Principle 6), and as a potential mechanism for contributing to peace and human dignity (Principle 3).

Other sport specific charters also serve to reinforce the right to high quality sport and physical activity experiences. While none of these charters or declarations carry legal obligation, they do provide powerful impetus to governments and sports bodies to enact positive change. They enable citizens to mount pressure through moral suasion and they provide a visible banner for public campaigns.

### **4.3. Examples of the application of human rights to sport**

#### **4.3.1. Women's rights**

The fight for women's equal participation in sport has been supported by the human rights movement as well as the sport-specific charters that promote sport for all. For example, the Brighton Declaration on Women and Sport, adopted by the 1<sup>st</sup> International Conference on Women and Sport in 1994, explicitly links equality and equity for women in sport to human rights:

- a) Every effort should be made by state and government machineries to ensure that institutions and organizations responsible for sport comply with the equality provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the UN Convention on the Elimination of All Forms of Discrimination against Women;
- b) Equal opportunity to participate and be involved in sport whether for the purpose of leisure and recreation, health promotion or high performance, is the right of every woman, regardless of race, colour, language, religion, creed, sexual orientation, age, marital status, disability, political belief or affiliation, national or social origin;

- c) Resources, power and responsibility should be allocated fairly and without discrimination on the basis of sex, but such allocation should redress any inequitable balance in the benefits available to women and men. (International Working Group on Women, 1998).

The application of human rights legislation has furthered the cause of women's rights in sports by shifting the focus from equality to equity. The fight for equality was an important first step, providing equal opportunities for girls and women in sports and physical activity. Title IX of the US Civil Rights Act is an important example of legislated equality. However, in the years since the principle of equality has been accepted, there has been the further recognition that men and women are not the same – equal treatment is not always fair treatment. Arguments drawing upon human rights legislation can redress this unfairness by promoting equity, rather than equality. Equity means giving all persons fair access to social resources, while recognizing that they may have different interests and needs. In Canada, this has led many public recreation organizations to move away from 'demand-based programming' (i.e., addressing the needs of well-established groups, like hockey organizations that promote boys' participation) to 'needs-based programming' which strives to provide appropriate recreational activities for all community members, whether they are vocal or not.

#### **4.3.2. Anti-apartheid**

The international campaign against apartheid sport provides one of the best examples of the sport system banding together to enhance human rights in sport. During the 1960s and 1970s, in response to the appeals of sport leaders from the disenfranchised and persecuted majority of non-white persons from apartheid South Africa and of their supporters from around the world, the IOC suspended and then expelled the all-white South African Olympic Committee from membership. In the years that followed, as the international campaign against apartheid sport gradually extended the moratorium against sporting relations with apartheid South Africa to all major sports bodies and events – through astute lobbying and political pressure such as the boycott of major games – the IOC contributed its moral suasion to the campaign.

The exclusion of apartheid South Africa from international sporting competition played an important symbolic role in discrediting the apartheid regime in international public opinion and encouraging those struggling against apartheid. It contributed significantly to the ultimate

defeat of apartheid in the early 1990s, providing a telling example of the moral power of sport to change societies, even brutally repressive ones such as the apartheid regime in South Africa. Of course, the sport ethic of equal treatment, fair play, and sport-for-all made it difficult for athletes and administrators to turn a blind eye to such overt racial discrimination in South Africa.

#### **4.4. Challenges to achieving human rights in and through sport**

While there have been notable advances in the assertion of rights – to all peoples, to athletes, to women, to children, and to racial minorities, to name but a few – there are challenges that exist in the realization of all of these rights.

Rights are, by their very nature, political and contingent. That is, the assertion and realization of the rights of a particular group involves negotiation and struggle between competing interests. For example, in order to achieve parity in funding for women's sport, men's sport funding may decrease. While male athletes may acknowledge the rights of women to participate, reductions in funding, equipment, space, and so forth, that may be necessary if resources are to be shared equally may not easily be accepted. In addition, the creation of a right for one person or group also results in a duty, or responsibility, for another person or group. For example, the articulation of athletes' rights increases the responsibility of their sport organizations to ensure that fair procedures are in place, and are followed by coaches and administrators. Rights also require interpretation and enforcement. This power usually resides with the state (and in the case of sport, the sports governing body) and gives the state power to define and interpret what a right is and who receives it. Finally, rights are like muscles – if they are not exercised regularly they get soft and weak. The realization of rights requires continual assertion and struggle, negotiation and communication.

Another challenge in the provision of rights is the conflict between collective rights and individual rights. In Canada, the ban on smoking in public areas, work places, restaurants and so forth is an example of collective rights outweighing the rights of the individual. The health benefits to the many outweigh the right of the individual to engage in a legal, albeit unhealthy activity. In contrast, the emphasis on individual rights in the United States, some would argue, has resulted in inadequate health, social security, and education services for many citizens.

Athletes competing at national and international levels are not excluded from this conflict either. An Olympic athlete represents his or her country, and as such, may not participate in the Games if their NOC decides does not participate. Fortunately, it would appear that the era of boycotts is over, for it was becoming extremely divisive that an athlete could not exert her/his individual right to participate if they disagreed with the decision of their NOC not to participate.

There are genuine limits to the extent to which the Olympic Movement can insist upon athletes' and human rights. The dilemma is that if the Olympic Movement is to include the entire world, it may have to turn a blind eye to undesirable, even reprehensible practices within national communities which participate through their NOCs. Critics score the IOC for awarding Games to countries with sorry human rights records or giving pride of participation to countries which only enter men. John Hoberman has argued that in its refusal to interfere with host countries' and members' domestic policies and actions, the IOC practices 'amoral universalism' (Hoberman, 1986:2). Defenders explain variously that if the IOC only awarded the Games and invited represented countries that honoured human rights, the entry lists would be very short indeed; that as a sport organization, the IOC has little power to influence governments; and that more is to be gained by opening up repressive states to the liberal message and practice of Olympic sport rather than excluding them. But the fact is that the IOC has been silent about many struggles that effect the realization of human rights and democracy around the world. Moreover, despite growing international support for the Olympic Truce at the time of Olympic Games, the IOC has not been very successful at advancing Coubertin's most fervent goal, that of international peace.

But increasingly the IOC is becoming an arena where athletes' rights are respected and athletes can pursue emerging rights. With the creation of CAS and the election of athletes to the IOC, for example, it is highly unlikely that some of the abuses of recent history, such as the arbitrary expulsion of Tommie Smith and John Carlos from the 1968 Olympics for their silent victory podium protest or the highly unscientific early sex-test procedure, could ever be repeated. The IOC's prompt response to public outrage about the Salt Lake City bribing scandal and, when those Games were eventually held, the favouritism shown in the figure skating

judging suggest that it has become much more sensitive to its responsibilities for athletes' rights.

There is no room for complacency, however. Active athletes and their supporters must find ways to keep their elected representatives in touch and accountable lest they become as out-of-touch with the concerns of day-to-day training and competition as the oligarchs of old.

The Olympic Movement can and should also play a stronger role in pushing its own members and governments to extend opportunities and reduce barriers for all persons, to realize sport as a human right.

#### **4.5. Developing human rights in sport**

The scope of human rights in sport has moved beyond the athletes and the conditions of their participation. Two examples of current human rights campaigns that are related to sport are the rights of workers and children's rights.

##### **4.5.1. Rights of workers**

The manufacturing of sports equipment, athletic footwear, and athletic clothing has been closely scrutinized in the context of workers rights. Workers' rights campaigns have been mounted by labour-, church-, and student-led organizations. Based on human rights, environmental and labour legislation, these campaigns have sought to improve the working conditions for children and adults working in the sweatshops of developing and developed nations. These campaigns have been successful in initiating codes of conduct for corporations, and mechanisms for monitoring compliance to the codes. A code of conduct requires signatory sports clubs and universities to ensure that the athletic equipment they use and apparel they market have been manufactured in compliance with the code. Such campaigns are being stepped up in the preparation for the 2004 Olympic Games in Athens, because many of the leading companies will provide equipment to national teams.

While there has been some success in this area, whether codes of conduct can significantly improve working conditions in the sporting good industries remains to be convincingly determined (see Moberg 1999). What these campaigns clearly demonstrate, however, is that

sport has the power to mobilize considerable pressure for the improvement in human rights, even when the perpetrators (in this case multinational corporations) lie outside existing enforcement mechanisms of sports organizations and signatory nation states.

#### 4.5.2. Children and sport

With respect to children and sport, the issue of rights spans several issues. There is the issue of participation, and the nature of that participation. There is also increasing awareness of children's involvement as workers in the production of sports equipment. The extension of human rights legislation to safeguard the unique needs of children has been codified in the International Convention on the Rights of the Child. The Convention contains numerous rights for children, including:

- rights to education, leisure, recreation and cultural activities;
- prohibiting various forms of exploitation;
- right to their own opinion.

These rights, although intended for all spheres of a child's life, have particular relevance to children's sport participation, whether at a recreational level, or at a high-performance level. Concerns about competition, exploitation, exclusion, and safety in children's sport have led to the creation of sport-specific charters, including the Bill of Rights for Young Athletes, and the rights of high-performance child-athletes outlined by Defence for Children International. Once again, the sport-specific charters have only moral standing, however the Convention on the Rights of the Child carries legal standing in signatory nations. Challenges on behalf of the rights of children can use the articles of the Convention to improve the conditions of sport, leisure and recreation for all children.

## 5. Conclusions

Since the ratification of the Universal Declaration of Human Rights more than 50 years ago, there have been significant advances in the articulation and realization of rights for athletes, and for all human beings. However these advances have not been universal – many disadvantaged groups and nations still lack the fundamental rights needed to live a life with

dignity. What can we, as athletes and human beings, do to further the cause of athletes' rights and human rights?

1. Know your rights and exercise them.
2. Be aware of the issues within your sport, and within your country.
3. Be aware of the broader issues and campaigns for rights that are currently being waged.
4. Take advantage of national legislation and international conventions, which have the force of the law.
5. Demand reports from your government on compliance to International Conventions.

The Olympic Movement holds great potential as an instrument of change in the campaign for human rights and athletes' rights. The Olympic Movement is a highly visible, powerful, multi-national, well-established organization that is founded on the principles of fair-play, sport for all, and peace. How can we strengthen the contribution of the Olympic Movement to the realization of human rights?

1. Athletes, administrators and officials must 'walk the talk' of Olympism.
2. The focus of the Olympics should be on the 'pedagogy of Olympic sports' and achievement of this should be rewarded.
3. Pressure the IOC to incorporate human rights as a factor for consideration when awarding bids.
4. Pressure the NOCs to become national advocates for 'sport for all'.
5. Support the IOC's efforts and initiatives that are linked with Human Rights organizations, like the United Nations, UNICEF and the World Health Organization.

This lesson has focused on the large-scale human rights, and athletes' rights efforts. However it is important to acknowledge the countless, anonymous contributions of individuals throughout the world. Broad, legislative changes are crucial to the realization of human rights, however the importance of providing rights at an individual level should not be overlooked. A coach who makes adjustments for a disabled child to participate, the recreation employee who develops a program to meet the unmet needs of immigrant women, or the parent who takes a stand against homophobia on her child's team, for example, all contribute to the realization of

human rights, even if they don't recognize it as such. Whether your contribution is local, or global, it is the culmination of all our efforts which advance the cause of human rights for all.



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<http://www.adrsportred.ca>

Canadian Association for the Advancement of Women and Sport and Physical Activity  
<http://www.caaws.ca/english/index.htm>

Court of Arbitration for Sport  
<http://www.tas-cas.org/>

Defence for Children International  
<http://www.defence-for-children.org/>

International Association of Athletes Against Drugs  
<http://www.iaaad.org/eng/menu.htm>

International Working Group on Women and Sport

<http://www.iwg-gti.org/e/>

International Olympic Committee

<http://www.olympic.org/>

International Paralympic Committee

[www.paralympic.org](http://www.paralympic.org)

IOC Athletes Commission

[http://www.olympic.org/uk/organisation/commissions/athletes/index\\_uk.asp](http://www.olympic.org/uk/organisation/commissions/athletes/index_uk.asp)

IOC Women and Sport Working Group

[http://www.olympic.org/uk/organisation/commissions/women/index\\_uk.asp](http://www.olympic.org/uk/organisation/commissions/women/index_uk.asp)

National Olympic Committee of South Africa

<http://www.nocsa.co.za/>

UNESCO, United Nations Educational, Scientific and Cultural Organization

<http://www.unesco.org/>

UNICEF

<http://www.unicef.org/>

United Nations

<http://www.un.org/english/>

United Students Against Sweatshops

<http://www.people.fas.harvard.edu/~fragola/usas/index.html>

WADA, World Anti-Doping Agency

<http://www.wada-ama.org/en/t1.asp>

Women's Sports Foundation

<http://www.womenssportsfoundation.org/cgi-bin/iowa/index.html>

Worker Rights Consortium

<http://www.workersrights.org/>

World Health Organization

<http://www.who.int/>

## **Atletes and Human Rights**

The Olympic Movement is more than a sports organisation and Pierre de Coubertin saw the potential for athletic training and competition to advance the possibilities of self-realisation. In this lesson, Bruce Kidd explores the various rights of sports people in relation to participation, governance and decision making, and to the issue of doping. Focus is then placed on the development of further rights in the area of media, medicine and education. Media rights concern the notion of ownership of information in rights sales and the control of the athlete over their image. The right to education, which many athletes have to forgo to train and compete, is also discussed. The final part of the lesson relates sporting rights to broader human rights and the need for negotiation and struggle between competing interests to realise the rights of particular groups such as children in sport. The lesson concludes with a view to furthering the cause of athletes' rights and the potential contribution of the Olympic Movement in achieving this. While broader legislative changes are regarded as necessary, the author emphasises the importance of providing human rights at the individual level.

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