

HUMAN RIGHTS DEFENDER



Australian Human Rights Institute

Athletes first? The right to health and safety in postponing the Tokyo Olympic Games

HAN XIAO

Superhumans or Sitting Ducks? Examining the Gaps in Elite Athletes' Knowledge and Understanding of their Rights in Sport

DR YETSA A. TUAKLI-WOSORNU

The Human Right of Olympic Athletes to Earn a Living

MAXIMILIAN KLEIN



**SPECIAL ISSUE:
THE HUMAN RIGHTS OF ATHLETES**

MANAGING EDITORS:



ASSOCIATE PROFESSOR CAROLINE LENETTE is an arts-based researcher in the School of Social Sciences, and Deputy Director of the Australian Human Rights Institute at UNSW Sydney. Caroline's research explores how storytelling through creative means can influence decision-makers towards meaningful change, and the ethical considerations of collaborative, arts-based research. Caroline is the Editor-in-Chief for the Human Rights Defender.



DR CLAIRE HIGGINS is a Senior Research Fellow at the Andrew and Renata Kaldor Centre for International Refugee Law, at UNSW Sydney. She is the author of 'Asylum by Boat: origins of Australia's refugee policy' (NewSouth, 2017) and was a Fulbright Postdoctoral Scholar at Georgetown University, Washington DC, in 2018.



DR ANNI GETHIN is a health social scientist with an interest in domestic violence law reform. She coordinates the Brigid Project, a peer support charity for survivors of domestic violence, runs a research consulting business, and lectures in public health and criminology at Western Sydney University. Anni will commence a PhD at Sydney University law school in 2020; her research will be on legal remedies for victims of domestic violence, and perpetrator accountability.



ANGELA KINTOMINAS is a Scientia PhD Scholar at the University of New South Wales and Teaching Fellow at UNSW Law. As a feminist legal researcher, Angela's interests are in the intersections of gender, migration and work. She is a Research Associate with the Migrant Worker Justice Initiative and the Social Policy Research Centre.



ANDY SYMINGTON is a PhD candidate at UNSW Law and an Associate of the Australian Human Rights Institute. He is researching business and human rights, focusing on the extraction of lithium in the high Andean salt flats of South America. In 2018 he was honoured to be the recipient of UNSW's inaugural Judith Parker Wood Memorial Prize for human rights law. He is an experienced freelance writer and journalist.



JOSH GIBSON is a current PhD Candidate and Garth Nettheim Doctoral Teaching Fellow at UNSW. He is a member of the Australian Human Rights Institute and Gilbert + Tobin Centre. Josh's research interests include human rights litigation, public interest issues and the role of the courts in the Australian human rights praxis. Josh has experience teaching public law, and legal research at UNSW, and human rights law at Macquarie University.

PRODUCTION TEAM

Student editor: Rouein Momen

Production manager: Gabrielle Dunlevy

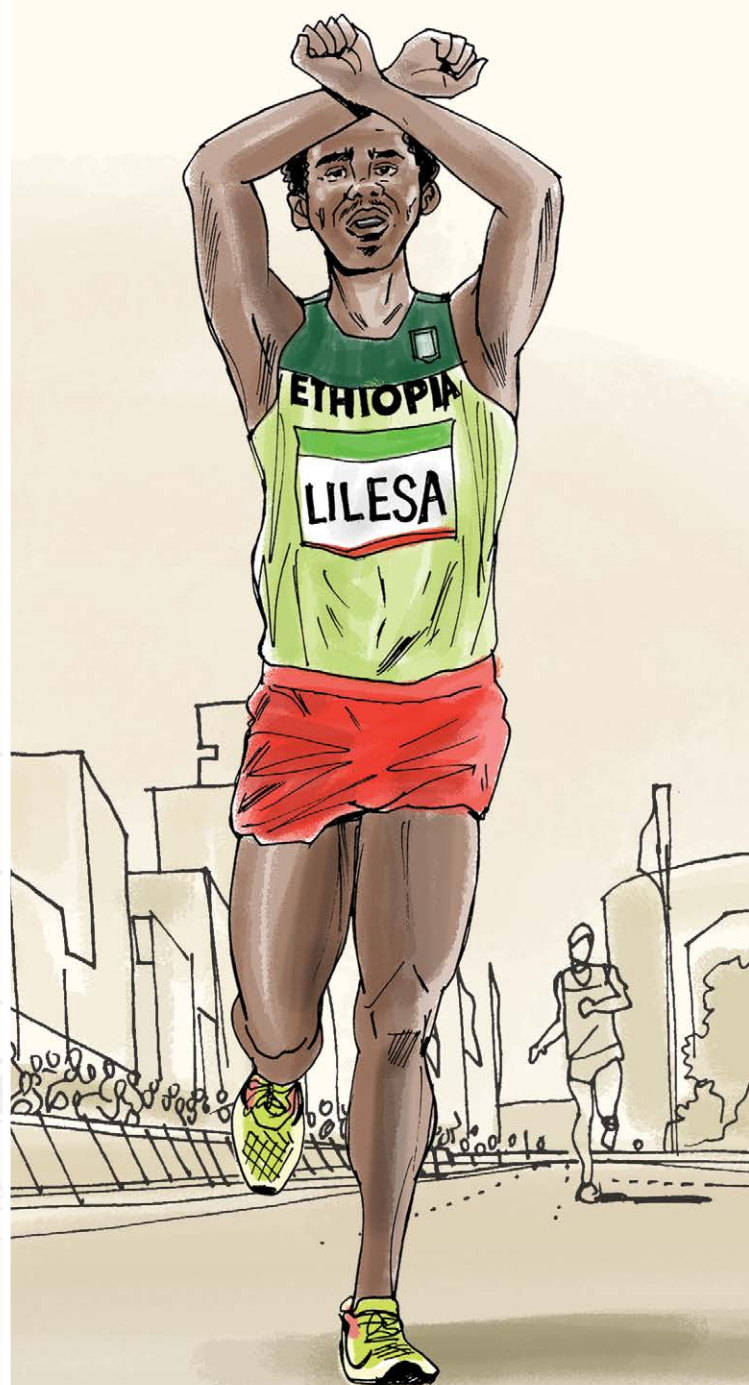
Designer: Stephanie Kay,
[On the Farm Creative Services](#)

Cover and Inside Illustrations:
Dean Mortensen, [ScenesByDean](#)

Guide to acronyms used in this issue

ARRD	Athletes' Rights and Responsibilities Declaration	ILO	International Labour Organization
ASA	Athletics South Africa	IOC	International Olympics Committee
CAS	Court of Arbitration for Sport	NOC	National Olympic Committee
CGF	Commonwealth Games Federation	SGB	Sports Governing Body
CSHR	Centre for Sport and Human Rights	SRA	Sport and Rights Alliance
FIFA	Fédération Internationale de Football Association (French) International Federation of Association Football (English)	UDPR	Universal Declaration of Player Rights
IAAF	International Association of Athletics Federations	UEFA	Union of European Football Associations
IF	International Sports Federation	UDHR	Universal Declaration of Human Rights
		UNGPs	United Nations Guiding Principles on Business and Human Rights

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EDITORIAL



DR NATALIE GALEA OLY

Natalie Galea is a Postdoctoral Fellow in the Australian Human Rights Institute at the University of New South Wales. Her research is focused on human rights and gender justice in the construction sector and elite sport. She is currently studying the impact of a 5 day working on the wellbeing of construction workers and their families. Natalie completed a major industry and government funded research project focused on policy, practice and gender equity in the Australian construction sector. She works closely with the construction sector and is a prominent voice for change. Prior to commencing her career in academia, Natalie worked for almost two decades as construction project manager in Australia and the Middle East. Natalie is also an Australian Olympian competing in the 1996 Olympic Games. She was the Australian judo team section manager in the 2008 Beijing Olympics. Natalie currently sits on the International Judo Federation Athletes Commission. Natalie tweets [@galeainvegas](#).

ROUEIN MOMEN

Rouein Momen is a final year student in the Bachelor of Laws and Arts (Honours) at UNSW Sydney and was the Student Editor for the Human Rights Defender magazine, Term 1, 2020.

Olympic dreams are seeded young. I was eleven years old when Glynis Nunn seeded mine. In the glitz and glamour of the LA Olympic Games, Glynis soared over the high jump bar and I knew then that I wanted to be an Olympian. I was hooked. The Olympic dream was so intoxicating that it became my single focus, and I went on to live that dream, competing for Australia.

But it would be many years until I understood what being an Olympian truly meant. It was only as a retired athlete that I stepped back and recognised that the Olympics are not the dream we are sold.

Olympism, as detailed in the Olympic Charter.¹

“seeks to create a way of life based on social responsibility and respect for universal fundamental ethical principles” and its “goal is to place sport at the service of the harmonious development of humankind, with a view to promoting a peaceful society concerned with the preservation of human dignity”.

All entities involved in the Olympic movement including the International Olympic Committee (IOC), National Olympic Committees (NOC) and International Sports Federations (IFs) must comply with the Olympic Charter.

The Olympic Charter also states that “The practice of sport is a human right” and all forms of discrimination are prohibited². With this Charter in place, it would be assumed that protecting human rights, particularly those of athletes, is the cornerstone of the Olympic movement. This has been the case but only to a point. The Olympic movement has forged ahead in the area of gender discrimination aiming for 50% participation of women athletes at the Games. By comparison to many of the professional football codes internationally, the IOC is way ahead of the game. The IOC also introduced a Refugee Olympic team to ensure displaced athletes are able to compete at the Games.

Yet, in recent years, growing numbers of high profile incidents have brought the human rights of athletes within the Olympic movement into focus: the sexual abuse of over 300 USA gymnasts by the Olympic team doctor Larry Nassar, the detainment by Thai authorities of Bahraini footballer Hakeem Al Araibi, the sexual abuse of players in the Afghanistan women’s football team, pay discrimination against women by FIFA, or the blatant discrimination of intersex athletes by World Athletics (IAAF). In my own sport of judo, World Champion Saeid Mollaei was forced to seek asylum in Germany after he and his family were threatened by the Iranian National Olympic Committee for not withdrawing from a semi-final bout to avoid a potential meet up with an Israeli rival. These abuses are not new, but historical abuses have been better hidden.

While the Olympic movement has been slow to respond to such abuses, more athletes have identified themselves as human rights defenders, willing to hold the movement to account. Athletes are at the centre of sport, and without them, there is no Olympic Games. Athletes are the product, who we, consumers, watch³. And, in a world where sport is a business, athletes are the worker. The nature of athletes’ work is extraordinarily skilled, insecure and unpredictable. Their careers are also shorter than most. Because they are the product that sport as a business sells, athletes are a valuable commodity to the Olympic business.

Yet, the conditions of athletes’ work are constrained and subject to autonomous rules set by the IOC and its representative bodies. These rules are numbered – Rule 40, Rule 50 – rather than named. By doing so, numbers hide the infringement to athletes’ rights. Rule 40 relates to restrictions on an athlete’s ability, at the peak of their career, to commercialise their name or likeness during the

Olympic Games period. Rule 50 refers to restrictions placed on athletes’ freedom of expression during the Games. If an athlete breaches Rule 50, their sanction is left to the discretion of their NOC. As a result, athletes are left with a lack of consistency, clarity and transparency in how sanctions are applied. Returning to the case of Iranian judoka Mollaei, this would mean that the very body that allegedly threatened him and his family would determine his sanction if he breached Rule 50. I must admit that, when I signed up to be an Olympian, I did not comprehend that I was signing away my human rights.

The Olympic movement has long defended its rules and interpretation of human rights as a requirement of being ‘autonomous’ and ‘politically neutral,’ two Fundamental Principles of Olympism⁴. A consequence of the autonomous rules is that the status quo within sporting institutions remains. These rules keep power in the hands of Olympic officials and sponsors, constraining the power and collective voice of athletes as a group. The IOC does have an Athletes’ Commission, designed to ensure athletes’ views are represented to the IOC, but in my experience as an athlete representative, it is not independent and is at best a mouthpiece for the IOC.

Two years ago, the Athletes’ Commission proposed an Athletes’ Rights and Responsibility Declaration⁵. Critics of the Declaration said it does not come close to respecting athletes’ internationally recognised human rights. It relegates athlete rights beneath the rules of sport governing bodies within the Olympic movement, whose rules may discriminate or curtail human rights. The Declaration also fails to give those who suffer rights abuses access to an effective grievance mechanism and remedy and does little to prevent human rights abuses. In its current form, the Declaration is merely an aspirational statement that holds no one to account. Worse still, it keeps power where it always has been, out of athletes’ hands.

There is a better way. The Olympic movement could commit to a ‘do no harm’ human rights approach. As a global business which earned \$US5.6 billion from the Rio de Janeiro and Sochi Games alone^{6,7}, it should commit to the United Nations Guiding Principles on Business and Human Rights. International sport, with its global reach, is an important place to role model good human rights practices. The IOC has recently been handed a range of recommendations by former UN High Commissioner for Human Rights, HRH Prince Zeid Ra’ad Al Hussein, which they are considering⁸.

The Olympic movement should also redistribute power within its organisations to promote an independent and collective voice of athletes. In practical terms, it should afford athletes greater representation in decision-making and ensure that funds collected from the Games are appropriately apportioned, transparently distributed *directly* to athletes and to fund an independent athletes commission.

This edition of Human Rights Defender examines the Olympic movement through a human rights lens. The magazine was planned to be released on time for the Tokyo 2020 Olympics which was postponed due to COVID-19. With athletes taking a more public stand as human rights defenders, we thought the issue was still timely.

Athletes throughout Olympic history have always been human rights defenders. In this issue we are featuring three artworks of athletes who have taken a stand on human rights issues at the Olympic Games. In 1968 at the Mexico Olympics, gold medallist of the 200m event, Tommie Smith and bronze medallist, John Carlos (both representing USA) stood with their black gloves raised to draw attention to race discrimination. They were supported by Australian silver medallist, Peter Norman, who wore an Olympic Project for Human Rights badge. Following the event, Smith, Carlos and Norman were largely ostracised by the US and Australian sporting establishment⁹. In 1972, USA gold and silver medallists in the 400m, Vincent Matthews and Wayne Collett were banned from the Olympics after they staged a similar protest¹⁰.

From the 2000 Olympics, we feature Indigenous Australian sprinter, Cathy Freeman, who had been chosen to light the Olympic Cauldron at the Opening Ceremony and then carried the Australian and Aboriginal flags in her 400m gold medal lap of honour. Freeman did so to celebrate and honour her Aboriginal heritage, and the move also highlighted the issue of reconciliation in the host country on the world stage¹¹.

Freeman was never sanctioned by the Australian Olympic Committee (AOC) for carrying both flags at the Sydney Olympics, as it was seen as an “impulsive decision” by Freeman¹². Four years prior, when Freeman had carried both flags in her lap of honour at the Commonwealth Games, she had been threatened with being sent home.



According to The Sydney Morning Herald, the decision for Freeman to light the Olympic Cauldron at the Sydney Olympics had been hotly debated, but the now IOC vice president and AOC president, John Coates, ruled that “awarding the honour to an Aboriginal athlete would send a wonderful signal to the world”.¹³

At the 2016 Rio Olympics, silver medallist in the marathon, Feyisa Lilesa, crossed the finish line with his wrists crossed as if they were shackled, to highlight the treatment of demonstrators protesting in Ethiopia for democratic rights^{14,15,16}. Known as ‘the man who brought the voice of Ethiopians to the ears of the world’, Lilesa had to seek asylum in the USA following his protest fearing that he would be imprisoned or killed if he returned to Ethiopia. He returned to Ethiopia in 2018 with the change of government.

We acknowledge that there are other groups whose human rights are affected by the Olympic Games – workers, residents of hosts cities and vulnerable groups including the LGBT+ community, women and children. The rights of these groups must not be overlooked.

Athletes stand at the intersection of sport and human rights and it is their voices we wanted to capture. We have asked athletes from each Olympic ring, or continent, to tell their story in this edition. Experts in the human rights and sport space, many of whom are also Olympians, put these stories into context.

We begin with Olympic gold medallist, Mary Harvey, who makes the case that sport must adopt a human rights framework that places athletes at the centre. We then begin our journey around the Olympic rings and continents beginning in Asia. Afghanistan footballer, Khalida Popal kicks off by illustrating a sober picture of the price paid by women who want to play sport in certain parts of the world. FIFA is currently reviewing its case management systems and reporting channels and offered a detailed outline of the steps it’s taking to protect players who report misconduct. We travel to Bahrain, with an article from Fatima Yazbek that

reminds us how athletes have and continue to endure punishment for being human rights defenders.

Next to the Americas, USA Olympian Han Xiao, offers an athlete’s perspective on the IOC’s response to COVID-19 and postponement of the Tokyo 2020 Games. In a statement to Human Rights Defender, the IOC explains its response and its commitment to placing athletes’ rights “front and centre of every decision”.

Next, Yetsa A. Tuakli-Wosornu explores what level of knowledge athletes have of their human rights, the very topic that this issue revolves around. Brendan Schwab provides a concise and fundamental summary of the framework underlying the interaction of sport’s major bodies with the ruling aspects of international law.

From Oceania, Australian Paralympic gold medallist, Katie Kelly, reflects on how gender pay discrimination in sport has been addressed and how these approaches could be applied to prize money inequity between para and non-para sports. Staying on the topic of athlete remuneration, Maximillian Klein outlines the case for the right of Olympic athletes to earn a living.

Representing Africa, Ugandan athlete Annet Negesa adds her deeply personal lived experience of gender discrimination in sport. Human rights defender, Payoshni Mitra and expert in sport and gender and Australian Olympian, Madeleine Pape, provide the contextual and historical backdrop for Annet’s story and argue that Olympic sports must apply a gender justice approach to their regulations.

Taking a closer look at the Olympic Charter, Stanis Elsborg provides an informative perspective on Rule 50 and argues that host cities have long been politicising the Olympic Games. We conclude the edition in Europe and speak to Olympian Sabrina Filzmoser, who has arrived at a method of activism in sport that she believes can offer help to global problems.

This edition demonstrates that athletes are humans first, and athletes second. It is critical that we ensure their Olympic dream does athletes no harm. ■

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WHY ATHLETE RIGHTS SHOULD BE AT THE CORE OF SPORT

MARY HARVEY OLY

Mary Harvey is an accomplished and innovative sports governance and sustainability executive with more than 15 years' experience leading worldwide initiatives to achieve societal change and gender equity through sports. Mary is Chief Executive at the Centre for Sport and Human Rights. Previously, Mary was a senior executive at FIFA (2003-2008) and served as a sport envoy for the US State Department's Sports Diplomacy Division on several occasions. A lifelong athlete, Mary enjoyed an eight-year career with the US Women's National Soccer Team, winning the inaugural FIFA Women's World Cup in 1991 and Olympic Gold in 1996. Mary tweets [@maryvharvey](#)

When I was playing for the US Women's National Team in the 1991 FIFA Women's World Cup, I had little idea of the road that women's soccer would forge in the decades ahead fighting for equal rights as workers, and as women. But even back then, while it was always about winning, it was also about what would be left behind for the generations to come. The idea of generational legacy has always been part of the ethos of the US Women's Soccer Team, so it is with the pride of a proud parent that I see the current generation of women - rock stars in their own right - tackle equal pay.

Athletes are recognising that competing on the stage their profession affords them a platform to speak out against discrimination, exploitation

and abuse, as many did in the recent #BlackLivesMatter protests. These athletes are doing this at personal and professional risk, which is why I believe the time has come to view these athletes for what they are: human rights defenders who should be supported and acknowledged for their bravery. As the current co-captain of US Women's Soccer, Alex Morgan, said of the team's gender discrimination lawsuit¹, wearing the United States jersey comes with responsibility, and "fighting for gender equality in sports is part of that responsibility". In the last year alone, there have been several examples of athletes speaking out, such as Mary Cain², who shed light on the abusive training practices she was subjected to, Colin Kaepernick's kneeling³ to highlight police brutality in the US - a decision from which his career has never recovered, Serena Williams speaking out⁴ over sexism in tennis, and the egregious revelations from the Larry Nassar case⁵, first brought to light by former US gymnast Rachael Denhollander and corroborated by others including Jessica Howard, Jeanette Antolin and Jamie Dantzscher.

Throughout my time thus far as CEO of the Centre, we have heard several cases of athletes, many less well known, who have been incredibly brave in coming forward to fight against human rights abuses. These range from members of the women's national football team of Afghanistan who were systematically abused⁶ at the hands of the former (now banned) president of the Afghan Football Federation Keramuddin Karim, to former Bahraini footballer Hakeem al Araibi, who was forced to flee his country and seek refugee status in Australia for daring to speak out against the country's ruling elite. We continue to hear the same stories over and over – the most recent being accusations of sexual assault against the president of the football federation in Haiti (allegations which are denied)⁷. What is clear in these cases and in many others, is how athlete voice was never present, nor solicited, in how they were being treated. "Athlete voice" is the idea that athletes should have a say in how their sport is run and in the conditions that affect them. At the Centre, we define ourselves as a "human rights organisation for the world of sport." This means we often find ourselves in the middle, between sports federations and civil society, which gives us an opportunity to build a bridge between these two worlds and create space for discussions that would otherwise not take place. This can be highly beneficial when looking at sensitive topics, such as athlete voice.

Many sports federations are concerned that athletes' rights are political issues, and therefore have no place in sport. However, sports bodies need not fear this activism. In fact, a human rights framework can help sports federations make more considered decisions by incorporating the voice of those directly or indirectly impacted.

Effective *due diligence* in human rights starts by identifying those potentially impacted – in this case, the athletes, to better understand what the risks are for them and therefore how to mitigate them. How can any sports body launch a new training programme, adjust eligibility requirements,

or change team selection criteria without consulting the very people who will go through those processes? Engaging athletes in issues affecting them is the critical first step to ensuring their rights are at the core of sport.

If such a human rights framework, centered around athlete rights, had been in place in any of the cases listed above, there would have been ways for athletes to speak out safely, without fear of retribution, and to resolve issues promptly. Take Mary Cain for example – if she had felt comfortable speaking out, issues of abusive training practices would have emerged long before they became front-page news. If USA Gymnastics had an appropriate mechanism to report abuse, Larry Nassar would have been stopped long before he was able to abuse hundreds more young gymnasts, and lessons could have been learned to stop such abuse in other cases, such as in Afghanistan.

This leads to the second way we can achieve a world where athlete rights are at the core – access to effective remedy. *Remedy*, simply put, means righting a harm done to a person or people. This could include providing compensation, bringing justice to the perpetrator who caused the harm, such as banning Keramuddin Karim, and sometimes it can even be as simple as an apology. It applies in all contexts, sport being no different. The problem is that many, if not most of the complaints and dispute resolution mechanisms that exist in elite sport, which many athletes use – or are *required* to use – are designed to protect the integrity of *sport and sporting institutions*, and not the *people* whose rights have been impacted. This is something for which the Court of Arbitration for Sport has often been criticised. For sport to have a rights-based approach, this needs to change.

The good news is there is already a standard which outlines how remedy for harms done to athletes can be *effective* – the UN Guiding Principles on Business and Human Rights⁸.

These standards have started being implemented by governments and businesses around the world and are clear in placing the rights of *people impacted* at the core. Sport needs to catch up.

Until sport can provide rights-based ways to meaningfully address complaints or harms caused for their professional and grassroots athletes, we will continue seeing athletes speak out.

To ensure athletes' rights are at the core of sport, we need to create an environment in which they are safe and listened to – this means consulting them on issues that ultimately affect them and providing them with avenues to provide criticism or feedback where necessary. Most importantly, it means ensuring that avenues to trusted and effective remedies exist. Athletes should not have to speak out in such bold, public and often career damaging ways to be heard, and it definitely should not take hundreds of abused athletes (at least in the case of Larry Nassar or Keramuddin Karim) for them to be taken seriously.

But if and when they choose to do so, it's time to view their voice as that of a human rights defender. These athletes are speaking out not only for *their* human rights, but for the rights of all those athletes who will follow them – we owe it to them to listen so we can create a sporting environment where tomorrow's athletes won't have to do the same. ■

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THE HEAVY TOLL OF ACHIEVING ‘SPORT FOR ALL’ IN AFGHANISTAN

INTERVIEW BY DR NATALIE GALEA

KHALIDA POPAL

Khalida Popal is Director of Afghanistan Women’s Football Team, founder and director of Girl Power, a non-profit grassroots women sports entity, passionate about giving immigrant and refugee women and girls access to sports and is Commercial Coordinator at FC Nordsjaelland. Khalida is on Twitter [@khalida_popal](#)

Khalida Popal used the power of sport to reinstate and strengthen women’s human rights to non-discrimination and equality. Growing up in Afghanistan at a time when women had little to no human rights, Popal saw playing football as a way to stand up for her human rights as a woman. In 2007, she established the Afghanistan football league in the face of enormous community opposition. Until 2001, the Taliban had stopped women from playing sport in Afghanistan.

“I saw football as a powerful tool to provoke women’s rights, because football is known as a man’s game,” Popal said. “When women play football in Afghanistan, it sends out a clear message to the men and women of my country that women have rights over their bodies and are free to do what they want with their bodies. This is about more than football; this is about basic human rights.”

Her other motivation to establish a women’s football competition was to counter the historical view of her homeland.

“The media portrays a negative picture of Afghanistan, men with guns and women with burka. I wanted to show the world that there are a group of people who want peace, who love peace and who want a free life,” said Popal.

Popal captained the national team and moved into an administrative role as the programme director. She became the first woman to work for the Afghanistan Football Federation (AFF). While the local community’s resistance to the women’s football team lessened, in her new role Popal was sexually harassed and received numerous death threats. In 2011 she fled Afghanistan and sought asylum in Denmark, yet she remained part of the women’s team. In April 2018 at a training camp in Jordan with other international teams, Afghanistan based team members

confided in her that senior AFF officials, including the president, general secretary and coaching staff had been sexually abusing, harassing and discriminating against them. The abuse stretched back to 2014. The AFF denied these allegations, firing nine members of the women's team; labelling them lesbians. Popal and four other players took their story to The Guardian newspaper which published their story in November 2018. In total, 20 team members, some as young as 15, made detailed allegations against the AFF officials.

In response to the media coverage, FIFA suspended all six accused officials and along with the attorney general's office in Afghanistan both commenced investigations. One of the accused was the Afghanistan football President since 2004, Keramuddin Karim, a former governor of Panjshir province and chief of staff in the military of defence. Players alleged his abuse ranged from sexual and physical assault to harassment, and threats to them and their family members. One player alleged that he put a gun to her head after punching her face, sexually assaulted her and threatened to shoot her and her family if she spoke to the media¹.

"The industry of sport has been in the powerful hands of warlords in our country," said Popal. "For many years, my team member's rights were violated. They were abused, sexually and physically by the men of the football federation. It became the culture of the football federation. For the girls and women who were abused, they put up with this abuse in order to keep their dream of playing for the national team alive. Also, these women had fought hard to play football. They had to convince their families to allow them to play. Now they could not go back to their families and tell them they had been sexually abused."

In Afghanistan, women who are sexually assaulted are seen to bring shame to their family. If a woman reports being sexually assaulted, she runs the risk of being killed by their own family².

"They were trapped. They were voiceless. Those powerful men used the power of that dream, to abuse young women and young men," Popal said.

FIFA's investigation required Popal, her team mates and coach to gather evidence and recruit players to

come forward and tell their stories to FIFA. "It was really a tough time for me. I did this investigation with no experience, no expertise and no support. I had to encourage the survivors to come forward and speak to FIFA, to have voices heard, so that someone would listen to them."

While FIFA was conducting its investigation, another accused, the general secretary of the AFF Sayed Aghazada, was elected unopposed to the executive of the Asian Football Confederation (AFC) despite being suspended and subject to travel bans³.

During the FIFA investigation, Popal learnt that a year earlier in 2017, FIFA and the AFC had received and not acted upon a formal complaint alleging senior AFF officials were involved in sexually abusing boys and girls as young as 14⁴. "Learning this news was heart breaking. It made it tough for us to trust FIFA. This is why we had to go to the media. If the media were not involved, I don't think FIFA would take our case seriously." In the same year that FIFA did not respond to allegations of child abuse, it established a Human Rights Policy that required leaders of FIFA and the AFC to 'promote and protect' human rights⁵.

In June 2019, FIFA banned Karim for life and fined him \$US1 million⁶. In July this year, the Court of Arbitration for Sport dismissed Karim's appeal and fully confirmed the decision of the Adjudicatory Chamber of the FIFA Ethics Committee. Karim's case is also being heard in the criminal court of Afghanistan, yet Popal is concerned that the court is not taking the case seriously, despite Afghanistan's 2009 law on the Elimination of Violence Against Women, which promised to impose tough penalties for violence against women⁷.

FIFA also recently banned Aghazada, the AFF general secretary and AFC executive, for five years for failing to prevent or report the abuse, providing no duty of care to athletes.⁸ The cases of the other alleged perpetrators remain unresolved.

Popal is critical of the time it took FIFA to investigate. She continues to advocate for FIFA to establish a system that better protects survivors from abuse, and acknowledges that it is making moves in the right direction. "FIFA has taken responsibility for the players and families' wellbeing during the investigation. Survivors have been taken care of by professionals who know how to care for survivors of rape and abuse.

FIFA has also begun to educate and inform players at the World Cup in relation to abuse, how they report it as a witness or survivor. It has strengthened the capacity of its ethics with new members capable of dealing with abuse cases.” FIFA has since employed a human rights manager and child protection officer. In 2019, FIFA rolled out a toolkit and framework for its federations focused on protecting children playing “the beautiful game”. The toolkit is non-compulsory, however. Cases of abuse continue to remain in the hands of local officials to resolve and remedy as despite their \$US2 billion cash reserves, FIFA does not have a unit dedicated to handling complaints of abuse⁹. “I think FIFA need a special committee made up of experts to deal with sexual abuse cases,” says Popal.

Many of the 20 women who bravely spoke up have subsequently fled Afghanistan because they were in such grave danger from their families and the abusers. Now living in new countries, Popal notes that they are safe and protected and receiving mental health treatment.

Despite the heavy personal toll on Popal’s wellbeing and mental health, she sees an upside. “Since 2018, women’s football has more support from the AFF. We now have funding from FIFA, which previously the AFF took from us. The men in the AFF respect women’s football, because they never thought that these women would stand together and raise their voices against a very powerful man in Afghanistan and football. I am happy for this.”

Popal’s dream is that the football pitch becomes a safe and joyful place for all human beings. That sports administrators take care of people, and their dreams. ■

A RESPONSE FROM FIFA

In an email to the Human Rights Defender team, a FIFA spokesperson stated that FIFA takes any allegation reported to it very seriously.

Anyone aware of abuse or unethical behaviour can report it to FIFA through their confidential whistle-blowing hotline BKMS, the spokesperson said. FIFA maintains the position that in any case of sexual abuse, perpetrators should be brought to justice, sanctioned and removed from the game. More specifically, in relation to the Afghan Women’s National Team, FIFA said that it was made aware of sexual abuse allegations in early 2018 and immediately began to investigate these matters in a way that would ensure, first and foremost, the safety and security of the victims and their families. FIFA banned three individuals related to this case and said it had no further information that there were other perpetrators.

In dealing with reported misconduct, through their Safeguarding Department, FIFA provides a care package to victims based on the United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse. FIFA also has provisions within its statute that obliges member associations, regional associations and confederations to ‘take measures to protect and safeguard children and minors from potential abuses and to protect their wellbeing within football’ (art. 8, para. 1t of FIFA Statutes). FIFA is currently reviewing its case management systems and reporting channels.

This statement was provided by the FIFA Media Office in response to questions from the Human Rights Defender on 12 June, 2020. Read the full response from FIFA at: <http://humanrights.unsw.edu.au/sites/default/files/2020-07/Full%20FIFA%20Response.pdf>

If you are affected by any of the stories in this magazine and want to seek assistance, please contact these services (Australia):

LIFELINE

Anyone across Australia experiencing a personal crisis or thinking about suicide can contact Lifeline:

<https://www.lifeline.org.au/>

1800RESPECT

A 24-hour, national sexual assault, domestic and family violence counselling service:

<https://www.1800respect.org.au/>

THE NATIONAL LGBTI HEALTH ALLIANCE

The national peak health organisation in Australia for organisations and individuals that provide health-related programs, services and research focused on LGBTI people and other sexuality, gender, and bodily diverse people and communities:

<https://lgbtihealth.org.au/>

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BAHRAIN'S ATHLETES REWARDED WITH PRISON SENTENCES

FATIMA YAZBEK

Fatima Yazbek is the Head of the Committee on Reports and Studies at the Gulf Institute for Human Rights and Democracy. Fatima tweets [@FatimaYazbek1](#)

People from various backgrounds joined the demonstrations that swept Bahrain's villages and streets in February 2011, and Bahraini sportspeople were no different to their fellow nationals.

Sparked by the Arab Spring revolutions that erupted in 2011, they organised a peaceful demonstration - an "Athletes Demonstration" - backing the calls of democracy, reform, and equity, and reforms in the sports sector in the country.

Bahrain's Royal Family, Al-Khalifas, did not tolerate the criticism of their discriminatory policies, power and authority in the country. Excessive force, live bullets, tear gas and arbitrary arrests were used to disperse the demonstrations¹. Bahrain's authorities used whatever tools they could to put down the demonstrations and silence any critical voices in the country.

Nasser Bin Hamad, the son of the Bahraini King and the President of the Supreme Council for Youth and Sports formed a committee to identify the athletes who were among the demonstrators and punish them later². A show livestreamed on Bahrain's National TV pointed to them, broadcasted images from the protests with red circles around the athletes, defamed and insulted them. Later in the same show, Nasser Bin Hamad threatened whoever participated in the pro-democracy protests with punishment, slamming all the human rights covenants that ensure the right to peaceful assembly.

Sheikh Nasser kept his promise. A few days later, masked men who were believed to be affiliated with the security authorities in the country raided the training sessions, arrested the wanted athletes, among whom were prominent footballers who played for the national team³. They were blindfolded, tortured, and told they wouldn't be able to play football after their release. Others were arbitrarily fired.

Some have alleged that Sheikh Salman Bin Ibrahim Al-Khalifa, the current Chairman of the Asian Football Confederation, who was the President of Bahrain Football Association, did nothing to ensure his players' rights were guaranteed⁴ and that none of them would be harmed by exercising their legitimate rights.

Interrogation rooms in which the investigations with arrested demonstrators, including the athletes, were held were described as "Death Chambers". The detained protestors witnessed all kind of torture, inhumane, and ill treatment there.

SPORTS AND ‘SPORTSWASHING’ OF HUMAN RIGHTS ABUSES IN BAHRAIN

Najah Yusuf is an activist who was jailed for tweeting criticism of the Formula One Grand Prix being held in the country amidst blatant human rights violations, in addition to the detention of many athletes and sportspeople. After her release she said that she was raped and faced sexual harassment during interrogation⁵.

Another female human rights activist, Ebtisam Al-Saegh, faced similar violations and abuses when she was summoned for interrogations more than once⁶. Ebtisam mentioned that investigations were held in rooms with an atmosphere of torture; everything was painted black with a table and a couple of chairs around in the middle of the room.

Hussein Ali Mahdi, a footballer detained for solely practicing his right to freedom of expression, was deprived of his right to call his family because he challenged fabrications broadcasted by Bahrain’s National TV and their National Institution for Human Rights⁷.

Every single detail of arresting the dissidents in Bahrain implied the intention to terrorise the wanted person, their families and the whole population. Security authorities weaved an atmosphere of fear tightly. In an interview after her release from prison, Najah Yusuf said: “They also threatened to kill me and told me they would kill my children. They said they would fabricate an accident which happened to the children but kill them – saying ‘everything will look normal. We can do this to you’.”⁸

It is well known that Bahrain pays billions of dollars each year for public relations companies to whitewash its stained image for the international community. Yet they fail each year because echoes of the oppressed voices are still being heard at international forums due to the tireless efforts of the human rights advocates who deliver the messages of the Bahraini people.

It is unacceptable that such countries and governments commit crimes against humanity and blatant abuses against their people for voicing their demands and working to achieve a democratic system, and yet they can use sports events to beautify their reputations.

COVID-19 IS A CHANCE TO RELEASE PRISONERS OF CONSCIENCE, AND SPORT CAN HELP

At least 2,000 prisoners of conscience are still behind bars amid the COVID-19 pandemic⁹. The prison environments are nothing near healthy and are yet to abide by the World Health Organization’s recommendations for avoiding an outbreak.

Torture does not end behind the bars of Bahrain’s prisons. The inmates have always complained about poor hygiene and the lack of adequate medical care¹⁰. However, in these unprecedented conditions of COVID-19, Bahrain is pushing these prisoners towards death by keeping them in custody with no precautions or proper measures to ensure their well-being¹¹.

The international responses have always been shy and not strong enough to pressure Bahrain to do the right thing, as witnessed with the case of Hakeem Al-Araibi.

Sports have always been a meeting point for all participants, regardless of their different backgrounds or orientations. Moreover, sport has proved that it can save lives! Sport did stand up for Hakeem Al-Araibi. From the early days of his detention, his local team Pascoe Vale and Australian sporting bodies such as Professional Footballers Australia and Football Federation Victoria fought hard to save him from an inescapable doom if he had been returned to Bahrain.

That should have been a wakeup call to international sports bodies such as the International Olympic Committee (IOC), FIFA, and others. Human rights are sacred, no one should enjoy impunity when violating them.

States such as Bahrain and Saudi Arabia whose human rights records are dreadful should be held accountable and serious measures ought to be taken against them. Such international bodies have powers to isolate, ban, or punish those who are accountable for human rights abuses under their policies. They are urged to start using these powers to protect their players and their rights. They have to ensure sports will remain a clean and safe space.

Sportspeople belong to sports stadiums not to prison cells. COVID-19 could be the excuse Bahrain needs to release the prisoners of conscience on health grounds and begin real steps to repair its reputation, rather than resorting to sportswashing. The health of individuals should not be comprised. The relevant international bodies, including sports bodies, should apply pressure in this direction, and offer physical and mental assistance for those who were thrown in prisons to rot rather than be rewarded for their efforts on the sporting field.

The case of Hakeem al-Araibi opened Australian eyes to human rights in Bahrain, and the power of sporting bodies and the community to take action on rights abuses.

Al-Araibi and his wife flew from Australia to Thailand for their belated honeymoon in November 2018.

The former professional footballer had been granted protection by Australia, after fleeing Bahrain. After the 2011 uprising, in 2012, security forces accused al-Araibi of vandalising a police station. Despite evidence that he was playing in a nationally televised football game at the time of the offence, he was tried in absentia and sentenced to 10 years' jail¹².

By that time, al-Araibi had already fled Bahrain. He eventually made his home in Melbourne and began playing for the semi-professional team Pascoe Vale FC.

His teammates were among those who sounded the alarm when he was detained in Bangkok. An Interpol notice to extradite the 25-year-old to Bahrain had been issued in error, and in contravention of the rules for refugees and asylum seekers. He spent 76 days in limbo behind bars before Thai prosecutors dropped the case.

Pressure to free al-Araibi came from human rights groups and football organisations from suburban Pascoe Vale up to FIFA. Former Socceroos captain Craig Foster led a media campaign that gained support from international footballers. Australia's diplomatic efforts were backed by a groundswell of community support and the hashtag #SaveHakeem.

Writing soon after his release in February 2019, al-Araibi said he appreciated the support of the IOC and FIFA in his case and challenged them to go further – to continue applying scrutiny to human rights in Bahrain, including for those athletes who remain in prison¹³.

– **By Gabrielle Dunlevy** ■

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ATHLETES FIRST?

THE RIGHT TO HEALTH AND SAFETY IN POSTPONING THE TOKYO OLYMPIC GAMES

HAN XIAO

Table tennis athlete Han Xiao was voted chair of the United States Olympic Committee Athletes' Advisory Council in 2017, where he advocates for athlete's rights. Han is a former US National Table Tennis Team Member and Pan Am Bronze Medallist, and tweets [@hanxiao86](https://twitter.com/hanxiao86)

When the International Olympic Committee was founded in 1894, it aimed to promote peace and harmony through amateur sport. The lofty ideals stated in the Olympic Charter include a responsibility to the world, putting sport at the service of society.

The first principle of Olympism within the current iteration of the Olympic Charter¹ reads:

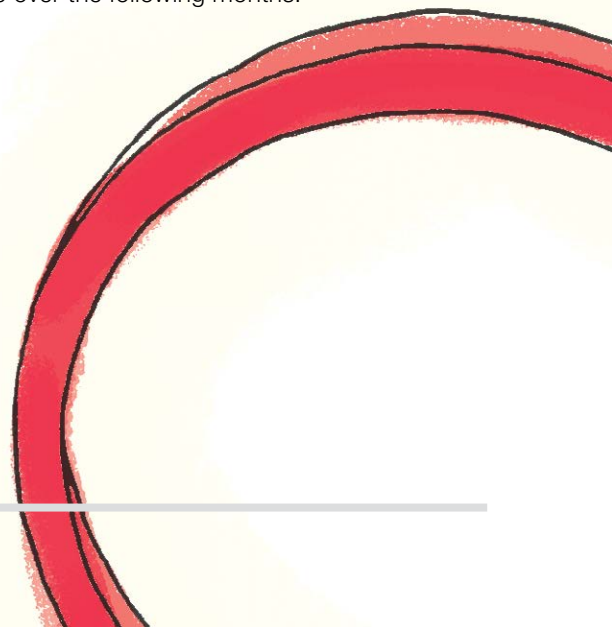
“Olympism is a philosophy of life, exalting and combining in a balanced whole the qualities of body, will and mind. Blending sport with culture and education, Olympism seeks to create a way of life based on the joy of effort, the educational value of good example, social responsibility and respect for universal fundamental ethical principles.”

Indeed, the Olympic and Paralympic movement itself is meant to serve and be an inspiration to society. Yet in recent years, we have seen large movements against the hosting of the Games in many cities, suggesting that not all of society believes in the unifying power of the movement's ultimate event. Most recently, the coronavirus pandemic has put the IOC's ethics and ideals to the test. It highlighted several issues with the IOC's priorities and the power dynamics within the organisation.

The coronavirus pandemic began to spread through Europe and the United States in February 2020, after the initial outbreak in China. On January 30, the WHO declared coronavirus a global emergency as the situation in China continued to deteriorate². By January 31, Italy had declared a state of emergency³ and suspended flights to and from China, which was not enough to contain the virus. Before the end of February, Italy and Iran became new epicenters of the outbreak.

Despite the growing global concerns, on March 3, IOC President Thomas Bach expressed confidence that the Tokyo 2020 Olympic and Paralympic Games would proceed as planned and encouraged athletes to continue their preparations “with full steam.”⁴ This statement would prove to be problematic in at least two major ways.

Firstly, the IOC's confidence in staging a safe Olympic and Paralympic Games was baffling to many who were unsure how the situation would develop over the following months.



Health experts were not certain whether by the summer of 2020 it would be safe to hold such a large scale gathering with participants from all over the world, yet the IOC seemed certain that the Games would continue.

Secondly, the IOC's statement that athletes should continue to prepare "with full steam" was unnecessary and irresponsible⁵. Training and competing is the default state of the athlete; there is no need to encourage athletes to do so. However, while the IOC encouraged athletes to maintain normal routines, governments in nations affected by coronavirus were requiring or encouraging people to practice social distancing and to stay at home if possible. This directly conflicted with the IOC's guidance and many athletes expressed that they would continue to train as long as the Games were still on. During this time, the IOC maintained that cancellation and postponement of the Games were not on the table.

On March 18, Hayley Wickenheiser, a Canadian Olympian on the IOC's Athletes Commission, openly criticised the IOC's coronavirus stance on Twitter.⁶ It is unusual for a member of the IOC Athletes Commission to question the organisation's decisions publicly, and this criticism sent shockwaves through the community⁷. Despite this criticism, during a March 18 Athletes Commission call, for which I was present, some IOC representatives played down the coronavirus threat to athletes. Their message mirrored that of a communique released a day earlier, restating that the Games would go on as planned and there was no need for any 'drastic decisions'; and 'any speculation at this moment would be counter-productive'⁸. As on the call to athletes, the communique encouraged all athletes to continue to prepare for the Olympic Games Tokyo 2020 as best they could.

At no point during the consultation with athletes did the IOC give details in regard to what specific conditions would need to be fulfilled for the Games to proceed safely, when the IOC planned to make a final decision on the viability of the Games, or how organisers planned to limit any spread of disease within the confines of the athlete village. There was also no acknowledgment of the possible impacts of the virus on health care system in the host nation or society in general.

As details surrounding the IOC's stance continued to emerge, athletes and citizens alike openly criticised the IOC's lack of social responsibility in its decision making^{9,10}. Calls for the Games to be postponed became louder among the athlete population, particularly in the west^{11,12,13}. Although athletes did not support outright cancellation, the majority supported a postponement due to several

reasons, including the growing difficulty of routine training, the lack of a proper competition season, and above all a growing ethical conundrum: try to prepare for the Games and expose their family and community to increased risk of infection, or follow recommended public health guidelines and risk falling behind their competition?

In the end, we do not know which factor most influenced the IOC and Japan's decision to postpone the Games to 2021. We do know that in the following days, the calls for postponement rose to a fever pitch from athletes¹⁴, national federations¹⁵, National Olympic Committees¹⁶, and international federations¹⁷. The IOC finally decided to postpone the Games on March 24,¹⁸ bringing disappointment to many athletes who had been looking forward to the event for many years, but also some much-needed certainty and relief.

Many were not surprised at the IOC's reaction to coronavirus. It also highlighted existing issues around power, transparency, and the need for an independent athlete voice¹⁹. Further, it highlighted how power is maintained and enforced within the IOC, which commands absolute obedience through the oath that its members take²⁰ and through retribution should members not step into line^{21,22,23}.

It is not surprising that IOC members, including members of the Athletes Commission, are unwilling to question the IOC's stance on an issue no matter how unpopular or irresponsible it appears to be²⁴. If the Athletes Commission is to truly be empowered as an effective voice to protect the rights of athletes it must be able to stand independent of the IOC.

In the context of the coronavirus, the IOC could be criticised for losing sight of the ideals the Olympic Charter promotes. While athletes may be the centre of the Olympic Games, the IOC's response to coronavirus left some athletes questioning if this is still true²⁵.

We can only hope that among the changes that this virus leaves in its wake is the realisation that we must demand as athletes, fans and the general public that sporting organisations reprioritise human rights and social responsibility ahead of profit, branding, and political interests. ■

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A RESPONSE FROM THE INTERNATIONAL OLYMPIC COMMITTEE

We are all concerned by the challenges and opportunities which exist in sport for athletes. It is therefore fundamental that all major stakeholders that are part of the sport ecosystem – athletes, sports organisations, leagues, governments, international institutions, NGOs and civil society groups – play their part and cooperate to address them.

ATHLETE REPRESENTATION

Athletes must be involved in every aspect of decision-making within the Olympic Movement and sport at large. Athlete representatives must receive their mandate from their peers and must be accountable. This is why all athletes participating at the Olympic Games elect the IOC Athletes' Commission. At the last Olympic Winter Games in PyeongChang we had 83 per cent of athletes voting. This is the best form of democracy. There is no decision in the IOC without the involvement of the athletes with the Chair of the IOC Athletes' Commission sitting on the Executive Board.

TOKYO 2020 POSTPONEMENT

This was the case with the postponement of the Olympic Games Tokyo 2020 to the summer of 2021. The athletes' voices were taken into consideration and played a very important role. There were a number of calls between the Athletes' Commission and many athlete representatives around the world.

The situation kept evolving by the day and so did the position of the stakeholders, including the athletes. It was necessary to adapt the plans and statements accordingly, but the most important principle established and communicated from the start for any decision to be taken was the safeguarding of the health of athletes and everyone involved. When the COVID-19 crisis started to spread, a Task Force was immediately formed in mid-February, consisting of the IOC, the World Health Organization, the

Tokyo 2020 Organising Committee, the Japanese authorities and the Tokyo Metropolitan Government.

In a call with over 220 athlete representatives on 18 March, there was not a single voice asking for the cancellation of the Games. The questions revolved around the qualification system, the training conditions, mental health and other questions. We took all of this into consideration and the many voices of athletes that we heard from around the world who were not in this call.

With the rapidly changing worldwide health situation, the focus was shifting. A cancellation could have been decided by the IOC alone, but the organisation knew from the consultations that it would destroy the dreams of the athletes. On the other hand, a decision on a postponement could only be taken with the Japanese partners on board. Therefore, ahead of an emergency Executive Board meeting called for 22 March, IOC President Thomas Bach called Tokyo 2020 Organising Committee President Mori Yoshiro and advised him that the IOC would like to discuss a statement saying that a cancellation would not be on the IOC agenda but that there was the intention to open the door for a discussion with the Organising Committee about different scenarios, in particular postponement. This was agreed and, with new alarming developments over the coming days, the postponement was announced on 24 March.

As part of the IOC Executive Board, the Chair of the IOC Athletes' Commission, Kirsty Coventry, was on all the calls to discuss the postponement and the new dates. She is also part of the Tokyo 2020 Coordination Commission and therefore will continue to represent athletes' views and needs on all decisions that are needed for Games planning as we move forward.

ATHLETES' RIGHTS AND RESPONSIBILITIES DECLARATION

This is just the most recent example of the participation of athletes in the IOC decision-making process. The Athletes' Rights and Responsibilities Declaration is another historic achievement and a concrete development

initiated by athletes to have their rights set out and preserved. This Declaration was shaped thanks to feedback and engagement with more than 4,200 athletes from 190 countries and 120 sports and disciplines. The issues which they raised are critical for them as much as they are for the whole sport movement.

From funding to career transition, to health, to prevention of harassment, anti-doping and sport governance, we have the responsibility as sport organisations to work with them to leverage opportunities around these aspects of sport. These discussions were at the heart of the last International Athletes' Forum, the biggest ever gathering of athletes' representatives, where we hosted more than 350 athlete representatives coming from 185 countries and all Olympic sports.

SOLIDARITY MODEL

It is important to stress that there are many types of athletes. On the top level there are professional athletes who are bound by a contractual agreement with a club or a league. But there are also elite and amateur athletes who – and this is very important to consider – constitute the large majority of the athletes' population. They are students supported by National Olympic Committees (NOCs) or sports foundations or, as in many countries, athletes who are employed by the army or the police. All of them have some common concerns. But many of their needs must be seen in the light of the very specific circumstances which can heavily differ from sport to sport, even from discipline to discipline, and of course from country to country. There is no one size fits all approach and the IOC is not the employer of athletes.

Providing support to athletes from ALL NOCs and ALL Olympic sports is vital for us. This is why our solidarity funding model is so important. The IOC supports not just athletes from a few countries and not just from a few sports. We want all athletes to continue to benefit from the commercial success of the Olympic Games.

DIRECT AND INDIRECT SUPPORT TO ATHLETES

The IOC distributes 90 per cent of all its revenues – which is \$US 3.4 million per day – for the benefit of the athletes and the development of sport around the globe, from grassroots to the top of the pyramid. The money goes to the organisers of the Olympic Games who are giving the athletes the stage to shine, to the Olympic teams (the NOCs) and to the International Federations (IFs). It goes towards the fight against doping. It is used for medical prevention programs and prevention of harassment and abuse in sport initiatives developed by the Athletes' Commission along with the Athletes' Entourage, Medical and Scientific, and Women in Sport Commissions, and in collaboration with NOCs, IFs, and experts.

SAFEGUARDING

These safeguarding initiatives include clear measures for the Olympic Games and the Youth Olympic Games to educate athletes and entourage, reinforce their rights and ensure they can report any incident either via the IOC Safeguarding Officer or online. There are also free courses and webinars for athletes, athletes' entourage and organisation members as well as a toolkit that aims to provide solutions and guidance for sporting organisations based on experience and expertise from all over the world.

ATHLETE SCHOLARSHIPS

Revenue sharing also goes into direct scholarships for athletes. Currently, there are more than 1,600 Olympic Scholarship holders for the Olympic Games Tokyo 2020. The IOC also covers the travel and accommodation costs of all teams at Olympic Games. These are just a few examples of how the solidarity model works.

RULE 40

With regard to rule 40, the IOC Chief Operating Officer, Lana Haddad, has written a recent opinion piece about it¹ and IOC Athletes' Commission Chair Kirsty Coventry has addressed an open letter² to athlete representatives.

FREEDOM OF EXPRESSION

On social issues, we fully support the individual rights of athletes to make personal statements and they have had the opportunity to express their opinions at the Olympic Games during press conferences and interviews, at team meetings, on digital or traditional media, or on other platforms. The IOC Athletes' Commission has now taken the initiative to explore different ways for how Olympic athletes can express their support for the principles enshrined in the Olympic Charter, including at the time of the Olympic Games, and respecting the Olympic spirit. This dialogue is ongoing, and the focus is on doing it thoroughly and ensuring the quality of the outcome.

When it comes to athletes there is no one size fits all solution. Athletes' rights need to be considered with different means and different pathways. The mission and commitment of the IOC Athletes' Commission is that their voices are always heard, and their rights are placed front and centre of every decision. This statement was provided by the IOC Media Relations Team in response to questions from the Human Rights Defender on 1 July, 2020. ■

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SUPERHUMANS OR SITTING DUCKS?

EXAMINING THE GAPS IN ELITE ATHLETES' KNOWLEDGE AND UNDERSTANDING OF THEIR RIGHTS IN SPORT

DR YETSA A. TUAKLI-WOSORNU

Yetsa A. Tuakli-Wosornu, MD, MPH is an Associate Research Scientist at the Department of Chronic Disease Epidemiology, Yale School of Public Health, New Haven, Connecticut. Dr Tuakli-Wosornu is a board-certified physical medicine and rehabilitation physician, also known as a physiatrist. When she works with patients, Dr Tuakli-Wosornu often draws upon her personal experience as an athlete. She is a long jumper who represented the Ghana National Team until 2016. She also represents the International Paralympic Committee as part of the International Olympic Committee Prevention of Harassment and Abuse working group. Dr Tuakli-Wosornu is the founder and director of the Sports Equity Lab in association with Yale (SELY)¹.

The most interesting scientific questions are often also the simplest. The project described below, the Athletes' Rights survey, is no exception. So far, data has uncovered varied, inconsistent, and gendered understandings of rights across sporting disciplines and geographical regions. While the study is far from complete, it feels important to share what we have learned so far. The summary below chronicles why and how the Athletes' Rights survey began, and where things stand to date.

'ATHLETES ARE THE SPORT' BUT I HAVE QUESTIONS

Ignorance deprives people of freedom because they do not know what alternatives there are. It is impossible to choose to do what one has never heard of.

– Ralph B. Perry

In November 2019, the International Association of Athletics Federations (IAAF) removed the 200m, 3,000m steeplechase, discus throw and triple jump events from Dimond League competitions. In response, Olympic and World Champion triple jumper Christian Taylor started an aptly named social media campaign #wearethesport². Track and field athletes from every corner of the globe raised their hands, locked arms, and signed Taylor's petition, challenging a seemingly arbitrary reconfiguration of an age-old international Games program. #wearethesport invited athletes to *acknowledge, unify and use* their voices against a system that neither considered nor consulted them in a decision with huge athlete-level impacts, including earnings potential. But before #wearethesport, how many athletes knew and believed they had a voice, that they could use their voice, and most importantly, that it would be heard?

Though the larger sport context includes fans, policy-makers, administrators, coaches, trainers, managers, teammates, clinicians, parents and beyond (see Figure 1), no victory is won, and no defeat is endured without players lacing up and taking the field. In this way, athletes *are* the sport, in every sport. But the events leading up to #wearethesport raise the question of who really holds power – and has knowledge of that power – in the sport context. This question, among others, is essential for Safe Sport (a sports environment that is free from all forms of abuse and harassment). If athletes are ignorant of their inherent power, though they are central to sport, they may at the same time and in equal measure be functionally censored in the sport context. This sets the stage for a range of unjust, unexpected, and unethical practices and behaviours that can have severe athlete-level consequences. Recent cases in both summer^{3,4} and winter sports⁵, demonstrate the close relationship between athletes' silence and exploitation.



Figure 1: Centered on the athlete, the sport context includes fans, policy-makers, administrators, coaches, trainers, managers, teammates, clinicians, and parents.

DO ATHLETES' KNOW THEIR RIGHTS?

Knowledge isn't power, applied knowledge is.

– Eric Thomas

Public attention is increasingly being paid to athletes' rights and violations thereof. However, the actual knowledge, attitudes and beliefs athletes have about their rights in the sport context is unknown.

If athletes' day-to-day experiences of their rights in sport are disconnected from high-level policies about the same, they are less like the invincible superhumans we believe them to be, and more like vulnerable sitting ducks who are blind to the assortment of harms surrounding them.

These considerations prompted our research, the Athletes' Rights Survey. It started as a simple question, "do athletes *know* their rights in the sport context?" This question was posed during a coffee break at an international business meeting where the sport context was being reviewed alongside other industries where unique expressions and violations of human rights have unfolded at various times in history. After appalling cases of rights violations in sport were described, and the imperative for sports organisations to draft or ratify rights-leaning documents was emphasised, my neighbour leaned over and said, chuckling, "...sure, but do athletes' even know their rights?" I thought back to my training days. "I don't think so," I whispered. "At least, I didn't..." The question stuck with me. It seemed simple but profoundly central to Safe Sport. If the protagonists of sport fail to view themselves as rights-bearers and have no concept of what those rights are, there can neither be a recognition of rights violations nor an individual-level impetus for their defense.

OUR APPROACH TO RESEARCHING RIGHTS

We developed a short self-report survey to test athletes' knowledge of, and attitudes and beliefs about their rights in the sport context, as articulated by the International Olympic Committee and World Players Association's athletes' rights declarations. The Knowledge construct comprises five yes/no questions using direct language from the declarations. The Attitudes and Beliefs construct comprises eight scaled questions testing athletes' response to hypothetical scenarios. The survey also asks about athletes' awareness of these documents, and allows free-text responses for any feedback. Content and construct validation was completed during an initial pilot phase, using written feedback from 10 athletes and verbal feedback via in-depth interviews from four.

VARIED UNDERSTANDING OF RIGHTS

Pilot phase data indicate enthusiasm and curiosity about the topic, but a wide range of understandings across sporting disciplines and geographical regions. The prioritisation of rights seems inconsistent and potentially gendered; self-identified male respondents seem more cognisant of rights related to sponsorship and the business-end of sport, while self-identified female respondents seem more aware of rights related to interpersonal experiences and behaviours, such as emotional, sexual and physical attacks.

NEXT STEPS

As data collection winds down, our team looks forward to analysing and disseminating findings from a full dataset representing the voices of global athletes. The fact is, all abuses in sport constitute human rights violations. Thus athletes' knowledge and understanding of their individual human rights within the sport context are essential structural components of safeguarding systems.

If knowledge and its application are power, but athletes neither know nor understand their rights in sport, then the most defenseless members of sport are ironically the same ones on whom the entire system most desperately depends.

THE 2020 YALE SCHOOL OF PUBLIC HEALTH ATHLETE'S QUESTIONNAIRE

The research team for this study consists of doctors and researchers from the Yale School of Public Health and partner universities, with experience in sports.

Their goal is to learn what athletes know about various issues in sport, some of which may be controversial.

This anonymous questionnaire is being sent to a large, international group of elite athletes.

It is important that we hear the views of as many athletes as possible.

The survey has recorded more than 670 responses from 37 unique sports and 45 countries, with a target goal of 1,000 responses. The survey is also available in French, Spanish, Russian, and Chinese (simplified).

Athletes are invited to take the five-minute survey here: https://yalesurvey.ca1.qualtrics.com/jfe/form/SV_4MzH3NU2weNDnmt ■

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EMBEDDING THE HUMAN RIGHTS OF ATHLETES

BRENDAN SCHWAB

Brendan Schwab LL.B MBA is the Executive Director of the World Players Association based in Nyon, Switzerland (as an autonomous sector of UNI Global Union). He graduated from the University of Melbourne Law School in 1992 and has worked as a player association official and lawyer for 25 years. [@BrendanSchwab](#)

We need to take back the beauty and the humanity of sport!

There is a powerful contradiction that pervades sport globally. Its governors insist that sport is unlike anything else, so special that it deserves to exist in an autonomous vacuum.² With the same breath, those custodians ‘place sport at the service of humanity...to promote peace’,³ for ‘the practice of sport is a human right’.⁴ For over 50 years, sport has embedded autonomy, but not humanity.⁵ The consequences have been tragic.

Since at least 1968, widely documented instances of human rights harms have occurred in the course of organising mega-sporting events including the Olympic Games and the Fédération Internationale de Football Association (FIFA) World Cup. These violations disproportionately affect local communities, workers and vulnerable groups such as women, members of the LGBTI community and children.⁶ Further, sporting norms, governance failures and inadequate reporting and dispute resolution processes have ‘rendered

athletes inherently vulnerable’ to human rights harms⁷ including racism, gender discrimination, abuse of labour rights, bullying, sexual abuse and child abuse.⁸

The abuse of migrant workers in Qatar on construction sites connected with the 2022 FIFA World Cup proved to be a tipping point that compelled the international community to demand that sport addresses its adverse human rights impacts.⁹ In an open letter dated 11 June 2014 to then FIFA President Sepp Blatter, Professor John Ruggie, the architect of the *United Nations Guiding Principles on Business and Human Rights* (UNGPs),¹⁰ and Mary Robinson, former President of Ireland and UN High Commissioner for Human Rights, wrote that ‘[a]ll countries face human rights challenges, but more effective and sustained due diligence is clearly needed with respect to decisions about host nations and how major sporting events are planned and implemented’.¹¹ Accordingly, major international Sports Governing Bodies (SGBs) such as FIFA should ‘[m]ake an explicit commitment to respect human rights and establish a strategy for integrating a human rights approach based on the [UNGPs] into the [SGB’s] operating procedures’.¹²

According to the Centre for Sport and Human Rights (CSHR), SGBs should follow four steps to adhere to the UNGPs' framework and principles:

- commit to and embed internationally recognised human rights standards including via a binding policy commitment;
- identify any actual and potential risks to human rights and prioritise action;
- take action to address risks and provide access to remedy where necessary; and
- report and communicate how each organisation is addressing risks to human rights.¹³

Globally, sport consists of the 'Olympic Movement', and the three main presently recognised constituents are SGBs: the International Olympic Committee (IOC); International Sports Federations (IFs) such as FIFA and World Athletics (formerly the International Association of Athletics Federations (IAAF)); and National Olympic Committees (NOCs).¹⁴ Global sport also encompasses 'global sports law', with its component parts known variously as *lex sportiva* and 'Olympic law', which is, in effect, law made by and imposed at the behest of SGBs.¹⁵

Importantly, global sport and global sports law have evolved without formally including the people participating in, affected by or involved with the delivery of sport: 'athletes, fans, communities, workers, children, volunteers, journalists, human rights defenders and potentially marginalised groups'.¹⁶ Even though the *Olympic Charter* explicitly includes athletes within the 'Olympic Movement',¹⁷ the reality is far more complex. For example, global sport's 'supreme court', the Court of Arbitration for Sport (CAS),¹⁸ earlier this year dismissed a gender discrimination claim brought against the IOC by a group of women athletes, holding that 'it is not enough to be part of the Olympic Movement in order to benefit from ... the [*Olympic Charter*]'.¹⁹ The athletes, the CAS posited, merely 'have a "sporting interest" in participating in a specific competition at the Olympic Games organised under the auspices of the IOC: they do not have any enforceable right'.²⁰

Despite their exclusion, athletes are the face of sport and their performances are essential to the prestige, popularity and viability of mega sporting events that sit at the pinnacle of global sport and fund SGBs.²¹

The work of professional athletes is, by its nature, highly skilled and valuable, yet risky and precarious.²² As a condition of that work, athletes are compulsorily bound by global sports law. Athletes, therefore, are at the intersection between sport and human rights.²³

Since at least the early 1960s, professional players have recognised that they are employees working highly skilled yet hazardous jobs and in need of protection. Like ordinary workers, they have formed and joined trade unions for the protection of their interests,²⁴ and continue to do so in significant numbers despite the broader decline in the trade union movement.²⁵ Due to the 'peculiar economics' of professional team sports and the dominant position that national and international SGBs enjoy as cartels, players have turned to competition and anti-trust law to fight for the right to pursue their chosen profession with some freedom. They hope to negotiate the terms of their employment and the regulations which bind them from a position of relative strength.²⁶

More fundamentally, players are people first, and athletes second,²⁷ a truism not recognised by global sports law. The World Players Association's *Universal Declaration of Player Rights* (UDPR), adopted in December 2017,²⁸ 'builds on the [UNGP]' and, according to sports, business and human rights expert Rachel Davis, 'confirms that players' rights are central to advancing the broader sports and human rights agenda'.²⁹

Major global SGBs can be categorised in one of four ways³⁰ based on demonstrated commitment to meeting their responsibility to respect human rights:

SGBs which expressly acknowledge their responsibility and have adopted measures to embed human rights into their governance and activities.

FIFA was the first SGB to make a constitutional commitment to respect internationally recognised human rights.³¹ FIFA's *Human Rights Policy* accords with the four steps recommended by the CSHR, and the UNGPs.³² The Union of European Football Associations (UEFA) has similarly incorporated human rights standards and explicit references to the UNGPs in its major bidding requirements and staging agreements, including for the 2024 UEFA EURO and other major events like the UEFA Champions League.³³ The Commonwealth Games Federation's (CGF) *Human Rights Policy Statement* pledges Commonwealth Sport to respecting an extensive range of international human rights instruments and applying the higher standard where national regulations or laws differ or are in conflict.³⁴

SGBs which deny the existence of their responsibility.

In contrast, on 7 May 2019 the IAAF issued a public statement that read:

*'The IAAF is not a public authority, exercising state powers, but rather a private body exercising private (contractual) powers. Therefore, it is not subject to human rights instruments such as the Universal Declaration of Human Rights [...]'*³⁵

The IAAF described '[h]uman rights as an umbrella term for a wide array of rights that it is broadly agreed all humans inherently possess. But that does not mean that those rights are absolute, inviolable or sacrosanct'.³⁶ The IAAF statement followed criticism of a CAS decision the previous week to dismiss requests for arbitration filed by South African athlete Caster Semenya and Athletics South Africa (ASA) in a matter that involved human rights considerations including the exclusion of the athlete from her sport on the basis of her legally recognised gender.³⁷

SGBs which have yet to recognise or address their responsibility.

The overwhelming majority of SGBs have yet to acknowledge or address their responsibility to respect human rights.

SGBs which tentatively acknowledge their responsibility, but only in relation to aspects of their activities.

In March 2020, the IOC 'confirmed its commitment to develop a comprehensive and cohesive human rights strategy for the IOC'.³⁸ This positive and important development followed earlier engagement with human rights groups and trade unions under the umbrella of the Sport and Rights Alliance (SRA) as part of a general commitment to 'collective and proactive action on human rights protection'. This engagement saw the incorporation of human rights standards in accordance with the UNGPs into the host city contract for the Olympic Games from 2024.³⁹ Similar commitments were added to the IOC *Supplier Code 2018*.⁴⁰

The IOC's tentative steps towards embedding human rights involve very different treatment of athletes, however. The IOC has resisted efforts to make any commitments to internationally recognised human rights of athletes. The 2018 *IOC Athletes' Rights and Responsibilities Declaration* (ARRD)⁴¹ sets out 12 'rights' which are not sourced by reference to internationally recognised human rights and subject to ten responsibilities which include mandated compliance with the rules of SGBs and the *Olympic Charter*.

The transnational autonomy of global sport and reach of global sports law arguably presents the perfect means for internationally recognised human rights to be protected, respected and, where violated, remedied. Yet, sporting norms devoid of human rights – in the absence of substantive, cultural and institutional change – are likely to prevail. That change is underway, and must be completed if, in actuality, the practice of sport is to be a human right. ■

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GOING BEYOND THE 'FEEL-GOOD FACTOR' TO ACHIEVE EQUALITY IN PARA-SPORT

KATIE KELLY OAM

Katie Kelly OAM won Australia's first Gold Medal in Paratriathlon at the 2016 Rio Paralympics. Katie is passionate about promoting inclusiveness for Australians living with a disability and is the founder of Sport Access Foundation, which provides financial assistance to support participation in sports for Australian children with disabilities. She is on the Board of Deaf Sports Australia and is an Ambassador for the Royal Deaf Blind Institute for Children. Katie tweets [@katiek23](#)

In November 2019, the Football Federation of Australia (FFA) announced a new four-year landmark deal to close the pay gap between the Australian women's football team, the Matildas, and the Australian men's team, the Socceroos.

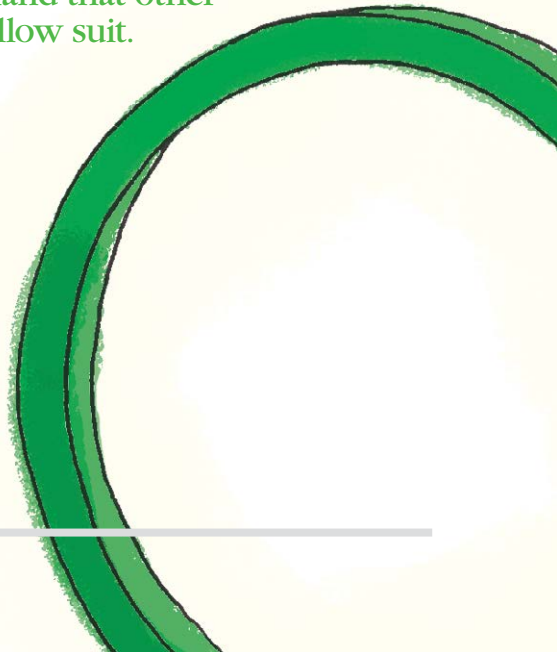
In essence, the new Collective Bargaining Agreement (CBA), would put Australia's finest women's footballers on equal par with their Socceroo peers while also addressing other policies for women, including pregnancy leave.

The most significant part of this agreement was the collaboration between key stakeholders of the game. The FFA administrators, led by CEO David Gallop, and the Football Players Association CEO John Didulica, set a clear mandate on why equity in pay at the highest level of football in Australia was paramount to the game's long-term success.

As stated in the CBA fact sheet¹, the agreement, "... achieves a deal unique to Australian sport – anchored in genuine partnership, gender equity and leadership – that positions the Socceroos and the Matildas as not only our pre-eminent national teams but as global leaders within the football community".

Perhaps most telling was the buy-in from Socceroos players, including captain Mark Milligan, who had recently watched the Matildas with his children at the 2019 World Cup in France. Milligan said: "It really drove home how important it was during those negotiations that the Matildas got what they deserved".²

Women's sport still has a long way to go in giving women a level playing field, but the FFA has led the way, and in this fast-growing market, an ever-expanding number of fans will demand that other sports follow suit.



The next most significant market is arguably para-sport. We have seen the huge growth of the Paralympics in Australia. A national commercial TV network (Channel 7) had committed to boosting its broadcast of the Tokyo Paralympics, and Australian para-athletes such as Dylan Alcott, Madison de Rozario, Ellie Cole, Curtis McGrath becoming household names.

Para-athletes now train as full-time professionals. In other words, training and competition is their job.

There is undoubtedly significant motivation for Australia's National Sporting Federations to invest in para-sport. Not only is it part of their funding requirements for Sport Australia, but they are rewarded in funding for the success and the participation level of para-athletes from grassroots to high performance.

With this comes a responsibility for the National Sporting Federations to ensure their para programs are treated equally and that their stated objectives for being an inclusive sport go beyond providing a pathway to participation. Non-discrimination must be embedded across all facets of the organisation, including with pay equal to non-para athletes.

This brings me to my own experience in triathlon. As a paratriathlete I know first-hand that the commitment required to be competitive at the international level is on par with my able-bodied Olympian, and World Triathlon Series teammates. However, paratriathletes receive none of the million-dollar prize pool that the International Triathlon

Union allocate each year to the able-bodied triathletes competing in the World Series races.

Paratriathletes also compete in a World Paratriathlon Series. We too have to chase funding and support from sponsors to help us enter the next race. We too need to race to earn points to qualify for world championships, and every four years for the Paralympics. Thankfully, Sport Australia grants are equal to those given to our able-bodied teammates.

But we do not receive a cent in prize money.

Unless of course, the hosting national federation seeks sponsorship for a prize pool. This was the case in the USA Triathlon, where a US\$60,000 prize pool was offered for the first time ever in paratriathlon history for the Sarasota-Florida World Paratriathlon Series race held in March 2020³. Announcing the prizemoney, US Triathlon CEO Rocky Harris said: "Many elite paratriathletes, both in the US and internationally, sacrifice financial stability to chase world class performances and compete around the globe as professionals."

I was pleased to read of International Triathlon Union President Marisol Casado's support and congratulatory tone for the USA Triathlon's extra work to fund a prize pool. What we need now is for the sport to recognise, like the FFA did for football in Australia, that all its players have a right to equal pay.

It is time for all National Sporting Federations to go beyond the 'feel-good factor' brought by having a para version of their sport and the potential economic benefits they stand to gain. Importantly, they must recognise that equality means valuing their athletes equally across their programs, regardless of whether it's the men's or women's national teams, or the able or para national teams. ■

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THE HUMAN RIGHT OF OLYMPIC ATHLETES TO EARN A LIVING

MAXIMILIAN KLEIN

Maximilian Klein is Representative for International Sports Policy and Organising at Germany's independent athlete association, Athleten Deutschland e.V, and a Master of Public Policy candidate at Harvard Kennedy School. [@mximilian_klein](https://twitter.com/mximilian_klein)

Across the world, Olympic athletes struggle financially. German survey data from 2018¹ indicates that on average, elite athletes work 56 hours a week, spending just under 32 hours on sports-related activities and another 24 hours for work or studies. The annual gross income amounts to an average of €18,680 (\$US20,352). This corresponds to an hourly wage of €7.41, about two euros per hour below the German minimum wage. The average costs of living and the expenditure for performing their sport amount to €16,5000 (\$US17,977).

Then there are associated opportunity costs, like missed educational and professional pathways as well as retirement provisions due to late entry into the workforce. In the course of an average sports career, i.e., between 18 and 30 years of age, elite athletes have to accept a considerable loss of gross income of €57,990 (\$US63,183) compared to the general population.

Many athletes are not 'marketable superstars' or lack employment contracts as is the case in sports leagues. They mostly rely on a mixture of external private and public funding and part-time jobs or work as civil servants with exemptions that accommodate their sports career.

THE OLYMPIC MOVEMENT SHIELDS ITS REVENUE SYSTEM AT THE EXPENSE OF ATHLETES

Conversely, the International Olympic Committee (IOC) has become a financially successful non-profit operating akin to a multinational corporation with average annual revenues exceeding \$US1.4 billion. Since publishing its account balances in 2014, its revenues have grown per year by an average of \$US140 million. The IOC claims that 90% of its total expenditure are for the Olympic Games and the organisations associated with the Olympic Movement i.e., the International Federations and their national subsidiaries, and the National Olympic Committees (NOC). 4.1% of funds benefit athletes directly, e.g., in the form of scholarships for athletes from low-income countries.²

The IOC wants to sustain its revenues with the exclusivity of its sponsoring deals with companies of the Olympic Partner Programme³. Therefore, they have made it almost impossible for Olympic athletes to generate income from sponsoring activities related to the Games: By-law 3 of rule 40 of the Olympic Charter⁴ protects the financial interests of the Olympic Movement and its sponsors by imposing heavy restrictions on athletes to advertise themselves during the blackout period, i.e., nine days before the Games begin until three days after the closing ceremony. At the very peak of their career, athletes – the protagonists of the Games – are excluded from a multi-billion market for advertisement and image rights. They do not get a fair share for their hard work and dedication over several years.

THE OLYMPIC CHARTER BREACHES COMPETITION LAW

After a complaint by Athleten Deutschland, individual athletes, and the German Federal Association of the German Sports Goods Industry, the German Federal Cartel Office (FCO) reached a deal⁵ with the IOC and its German subsidiary, the German Olympic Sports Confederation (DOSB) in March 2019. The FCO raised concerns with the IOC and DOSB that its rules and guidelines constitute abusive conduct of a dominant market position, in breach of competition law. The somewhat relaxed specifications of rule 40 provide German athletes with more scope to benefit commercially from advertising for the Games. Since then, numerous other countries have followed and relaxed rule 40 guidelines to varying degrees.⁶

OLYMPIC ATHLETES PERFORM WORK FOR THE OLYMPIC MOVEMENT

Following the reasoning of the IOC and its subsidiaries, the supposedly lacking employment relationship⁷ between the Olympic Movement and its athletes and the non-profit character of the Games preclude any debate on denied labour rights. However, the quasi-contractual and factual relationship between athletes and the Olympic Movement institutions passes standard employment tests.⁸ To compete in the Games, many athletes feel coerced into signing athlete agreements with their NOC – without substantial collective bargaining power. These agreements set the rules that athletes must abide to and ensure conformity with the Olympic Charter, including rule 40. Consequently, athletes are subject to control while performing work and thus, generating revenue for the Olympic Movement.

THE OLYMPIC CHARTER VIOLATES THE HUMAN RIGHT TO EARN A LIVING

Except for indirect support through non-transparent return of funds to international and national sports systems, athletes neither receive fair, directly attributable compensation for their work, nor are they allowed to freely choose their work and make earnings from commercially exploiting their own image.⁹ While safeguarding the Olympic Movement's properties and financial interests, the Charter denies athletes fundamental human rights as citizens. Rule 40 violates their right to earn a living and to enjoy the fruits of their labour. These human rights are enshrined in various legal frameworks, including the Universal Declaration of Human Rights (UDHR)¹⁰ and the International Labour Organization's (ILO) Equal Remuneration Convention.¹¹

NATION STATES HAVE A DUTY TO SAFEGUARD THE HUMAN RIGHTS OF THEIR ATHLETES

The United Nations Guiding Principles on Business and Human Rights (UNGPs)¹² define the duties and responsibilities of enterprises and governments to safeguard human rights. Despite their status as non-profits, the organisations of the Olympic Movement can be subsumed under business enterprises.¹³ As stated in the UNGP's second principle, "business enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address human rights impacts with which they are involved."

Moreover, NOCs are inherently connected to the nation-state their athletes represent. The commentary on the UNGP's first principle concludes: "Where a business enterprise is controlled by the State or where its acts can be attributed otherwise to the State, an abuse of human rights by the business enterprise may entail a violation of the State's own international law obligations."

Even without linking the institutions of the Olympic Movement to state control, nation-states have an inherent duty to protect athletes against human rights abuse by third parties within their jurisdiction. Because athlete-agreements refer to human rights violative sections of the Olympic Charter and constitute a mandatory precondition to compete for a country, nation-states themselves fail to adequately protect their athletes from human rights violations.¹⁴

THE WAY FORWARD WITH ATHLETE ACTIVISM ON THE RISE

As has become clear with the German anti-trust complaint against rule 40, the IOC and its subsidiaries must be treated as subjects under international and national legal systems. Athlete activism and independent athletes' representations are on the rise. Calls for collective bargaining agreements are getting louder.¹⁵ In 2019, a group of athletes' representative bodies from several countries publicly demanded that the IOC adopt an Eighth Fundamental Principle of Olympism in order to respect "all internationally recognised human rights [... and to] promote the protection of these rights".¹⁶

It is only a matter of time until the Olympic Movement, but also nation-states, will be held accountable to respect, protect and remedy the impact on the human rights of athletes from the Olympic business model. ■

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THE STORY IN HER OWN WORDS

ANNET NEGESA

Annet Negesa is an athlete from Uganda. After telling her story in German TV and newspapers worldwide, it was very clear that Annet would not be able to return to Uganda, where the government was discussing establishing death penalty for people living in a homosexual relationship and members of the LGBTIQ community suffer from violent and brutal attacks. In late 2019, Annet was granted asylum in Germany where she hopes to receive medical care and begin studies in business. To support Annet, visit: <https://support-annet.org/>

THE IAAF AND ITS HUMAN RIGHTS POSITION

The IAAF released a briefing about its eligibility Regulations for athletes with Differences of Sex Development when they came into effect in May 2019.

In the briefing, the IAAF notes that it is a private body exercising private contractual powers, and therefore not subject to human rights instruments such as the Universal Declaration of Human Rights or the European Convention on Human Rights.

The IAAF says its commitment to equal treatment and non-discrimination is written into its Constitution. The Court of Arbitration for Sport had upheld the Regulations as a “necessary, reasonable and proportionate” measure to achieve fair competition in female athletics.

“Human rights is an umbrella term for a wide array of rights that it is broadly agreed all humans inherently possess,” the briefing notes. “But that does not mean that those rights are absolute, inviolable or sacrosanct.

“As an example, and as in this case, a right against discrimination or unequal treatment is not absolute: discrimination or unequal treatment may still be lawful, if the rule/policy is a necessary and proportionate means of achieving a legitimate objective.”

In October 2019, when Annet Negesa told her story on German television, the IAAF released a statement describing her claims as false, and strongly denied being involved in her treatment.

“The IAAF does not advise, nor has it ever advised, an athlete on a preferred treatment route. The IAAF encourages relevant athletes to seek independent, medical advice and will, if requested, provide athletes with information on independent experts and reference centre specialists,” the statement read.

“The IAAF has never forced any athlete affected by its regulations to undergo surgery, nor paid for any of their treatment. It has in some cases paid for the medical investigation and diagnosis of the athlete by an independent medical centre so the athlete is fully aware of her condition.”

This information was taken from the IAAF website: www.worldathletics.org Read the IAAF statements here: <https://www.worldathletics.org/news/press-release/questions-answers-iaaf-female-eligibility-reg> <https://www.worldathletics.org/news/press-release/iaaf-response-to-false-claims-made-by-athlete>

“

I was an athlete with potential to make it big.

I had dreams.

But my dreams were shattered.

I was told to go under the knife if I wanted to compete.

I felt I had no choice.

I was just twenty.

For seven years I have been suffering silently. I tried to train and compete but could never find enough strength physically. At the time of the medical investigation and later the surgery, I was told it was a “simple” thing. No one ever told me that this surgery would mean I would require to take medication all my life. For the last seven years, I felt more and more weak because of the after-effects of the surgery. The IAAF who pushed me to this, never asked for me again.

What was my fault? I was born the way I was. I am not one of the drug-cheats. I was a healthy young woman and a successful athlete.

I’ve won the AFRICAN GAMES in 2011 for Uganda.

I was named 2011 Athlete of the Year by Uganda Athletics Federation.

I was supposed to run as one of Uganda’s best athletes in the London Olympic Games in 2012.

Some weeks before the Olympics Games, my manager called me and said that they withdrew my name.

I was not going to London.

They told me, I had high levels of testosterone. I did not know at that time what the future held for me.

They asked me to stop moving around the streets because they wanted to tell everyone that I had an injury. I was actually totally fine and ready to compete in London.

Then the IAAF called me to Nice to conduct some medical tests. I went alone. During and after the tests, the doctors spoke to my manager.

I was never given an option.

Never told that taking medication could be an option.

I was just told that the procedure was ‘simple’.

I was given no clear information about the surgery. When I came back to my senses the morning after the surgery, I realised I had cuts. That I had a surgery.

They did a surgery and told me to keep quiet. I did. As if I should be ashamed of it, of myself and the body I was born with.

But why should I be ashamed? What have I done? I have simply wanted to run.

Today I fear that the IAAF will continue to cause harm to young athletes like me. Try and regulate young women who are as helpless as I was in 2012. But this must stop. ■

”

IN SEARCH OF A SAFER PLAYING FIELD AND GENDER JUSTICE IN SPORT

DR PAYOSHNI MITRA

Dr Payoshni Mitra is a scholar and advocate with more than a decade-long experience of working closely with women athletes with high testosterone and/or DSD from the Global South. Her work focuses on the mental and physical harm caused by the regulations and testing of such athletes. She teaches Sport Sociology at Birkbeck, University of London.

Growing up in Calcutta (now Kolkata), in the 1980s, like most other girls from middleclass families in the city, I was sent to a traditional Indian dance school in addition to going to a school for education. My dance teacher's husband (whom I knew also as a colleague of my father) sexually abused me one day when I was waiting to meet my dance teacher at their house. No one was around and I was told my dance teacher was taking a bath. I was just nine years old.

This one incident had a huge impact on how my life would take shape. I didn't talk about the incident to anyone until I was 18. But I decided I wouldn't go back to the dance school ever again. I told my parents I was not interested in dance and wanted to pursue sport. My parents could not understand why I suddenly changed my mind. However, they found a badminton-coaching centre for me. That's how and why I entered the field of sport: in search of a safe space.

What I saw in sports was far from what I expected. The arena of high performance sport was considerably more complex than I had thought. Verbal, mental, physical and sexual abuse and other forms of discrimination were widespread in competitive sporting culture. And sports' hierarchical structure made it even more difficult for young athletes to complain and resist such discrimination. Often, athletes were not aware of their rights, or they were too fearful of their coaches and officials.

Having been coached by an abusive person, I dropped out for a couple of years until I went to the university where I represented and captained the badminton team. Throughout my journey as an athlete, I noticed how the women's team was treated as second grade - almost as an afterthought once the men's teams' needs were served. It was because of my experience as an athlete that I decided to pursue doctoral research on gender issues in sport in the context of India. Later, I started working as an athletes' rights activist, trying to support young athletes faced with institutionalised discrimination, like in the case of Annet Negesa.

Athletes like Ms Negesa have undergone invasive and irreversible surgeries to compete in sport at national and international levels. Sport federations have asked athletes to undergo complex medical interventions with serious long-term effects, not because the athletes concerned have a health risk, but because they want to compete in sport.

In 1966, sport federations wanted to have policies that would stop a man from masquerading as a woman. These policies, however, became a clumsy model to identify women athletes with high testosterone and/or those with Differences of Sex Development (DSD).

After the Stockholm consensus meeting convened by the IOC, the IAAF introduced its "Policy on Gender Verification¹", which specified that in the event of any "suspicion" or a "challenge" concerning an athlete's gender, she could be asked to attend a medical assessment before a panel of doctors. At that time I was still a doctoral student. Interestingly, the inadequacy of this new policy became very clear when Santhi Soundarajan 'failed a sex test' at the Doha Asian games in 2006 and a huge controversy erupted around Caster Semenya's 800 metre victory at the World Championships in Berlin in 2009. Ms Semenya was subjected to extremely intrusive physical examinations and her medical records were leaked². The IAAF was criticised for shoddily handling the case. This eventually led to the creation of the IAAF's Hyperandrogenism Regulations in 2011. The IOC published a similar Hyperandrogenism policy before the London 2012.

When Ms Soundarajan was banned in 2006, I was doing an internship at the Women's Sports Foundation in New York. I began taking interest in the issue at that time and soon realised how little people knew about it in the Indian sporting community. Eventually, I contacted Ms Soundarajan and together we started advocating for the rights of athletes facing similar scrutiny and discrimination, including athlete Pinki Paramanik who was falsely accused of rape by a woman. During Pramanik's case, I gained confidence that

one can change the way such stories are reported. From raising questions about her true sex, the media began to raise questions about her human rights to have a fair trial in the course of a few weeks. Pramanik, a dear friend now, got bail and all allegations against her were finally found to be baseless.

In 2014, in another highly publicised case, Indian sprinter, Dutee Chand was disqualified by Athletics Federation of India and dropped from the national team on the basis of the Hyperandrogenism Regulations. Ms Chand became the first ever athlete to challenge the regulations at the Court of Arbitration for Sport. Athletes in Ms Chand's position were either advised to take medical steps or to quit sports. Ms Chand was lucky to learn that there could be a third option. I had contacted Ms Chand right after the news of her ban broke and made sure she knew that she could appeal against the decision and the very Regulations. I was soon appointed as an advisor to Ms Chand by the Indian Government.

This landmark case remains very close to my heart. We knew from the very beginning we were doing something unprecedented. I was able to secure government support to help bring together an international team of scholars, advocates and legal experts who represented and testified for Ms Chand at CAS. The alliances I formed with international scholar/advocates like Professor Bruce Kidd, Dr Katrina Karkazis, advocate Jim Bunting and Carlos Sayao were crucial to Ms Chand's case. She was allowed to compete in an interim award given in 2015³ and has since been free to run without any medical intervention. After many decades, for the first time in history, there was no such policy at the Rio Olympics.

The IAAF came back with fresh scientific evidence in 2018 to back their argument that Hyperandrogenism confers an unfair advantage to some women⁴. However, these new regulations were only meant for middle distance races. Ms Chand and I contacted Ms Semenya and helped her to connect with the same legal team in Canada. Although in a majority decision, CAS ruled against Ms Semenya and upheld the DSD Regulations of the IAAF⁵, the battle is far from over. The Swiss Federal Tribunal is yet to give a final decision on Ms Semenya's appeal against the CAS decision.

In the 11 years since the Berlin controversy, much has changed. Our hard work has at least ensured that international Federations be more accountable. Ms Negesa's bold coming out in 2019 has kick-started an investigation into allegations that IAAF doctors conducted invasive medical assessment, and also in some cases irreversible surgeries that resulted in long term physical and psychological harm. Last year, the Office of the United Nations High Commissioner for Human Rights (OHCHR) adopted a resolution responding to the situation of Ms Semenya and other women athletes from the global south⁶. And recently, in June 2020, they have published a report asking sport-governing bodies to review and revoke the female eligibility regulations. The World Medical Association has asked medical practitioners to refuse to take part in implementing these harmful policies⁷.

While the international federations of sport continue to disregard human rights of athletes, the consistent resilience and fight back of athletes from the Global South have given new hope.

Hopefully, sport will become more gender-just one day. Hopefully, high performance sport will start to value the idea of a safer playing field over an illusory idea of a level playing field soon.

In the search for a safer playing field ... our journey continues! ■

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THE UNLEVEL GLOBAL PLAYING FIELD OF GENDER ELIGIBILITY REGULATION IN SPORT

DR MADELEINE PAPE OLY

Madeleine Pape is a Postdoctoral Fellow in the Science in Human Culture program and Department of Sociology at Northwestern University. She completed a PhD in Sociology at the University of Wisconsin-Madison in 2019. Pape examines debates over the nature of biological sex that arise as part of gender equality projects in sport and biomedicine. Her work considers how feminists and other advocates of women's inclusion, including scientists and policymakers, often come to disagree over the nature of sex, its relationship to gender, and its relevance to women's experiences in sport and health. Pape competed for Australia in the women's 800m (Athletics) at the 2008 Olympic Games and 2009 World Championships. She tweets [@Madeleine_Pape](#)

The ongoing fight to secure women's place in elite international sport has a disturbing underbelly: the regulation of female athlete "eligibility," or the effort to define which women should count as having a legitimate female body and therefore acceptable athletic talent. Such regulatory practices, which have an undignified history extending back to at least the 1960s, have typically involved relying on a singular biological trait (e.g. testosterone levels) to determine who can and can't compete as a woman¹. They are argued by their advocates to be necessary to ensure a "level playing field" in women's sport, but in practice have proven to be scientifically dubious and ethically fraught, bringing great harm upon the women who are singled out for scrutiny.

Recently, these women have been exclusively women of colour from Global South nations, a trend that in and of itself calls these regulatory efforts into question. As Annet Negesa's experience exemplifies, women of colour from Global South nations are structurally vulnerable to "failing" gender eligibility regulations and being further harmed by medical interventions as a result, for reasons that I will explain.

I suggest that these regulatory regimes reveal the unlevel global playing field of women's sport: not all women athletes are equally welcomed or celebrated, nor can they expect equal support from powerful governing bodies like World Athletics and the International Olympic Committee (IOC). The consequences are devastating, not only for the women harmed but for women's sport more broadly, since these regulatory regimes prevent us from recognising our diversity and reckoning with the inequalities that continue to divide us. I write this as a sociologist and Olympian myself, having competed in the women's 800m and witnessed first-hand how women of colour from Global South nations come to bear the burden of "proving" eligibility².

AN UNDIGNIFIED HISTORY

Let us first revisit the twists and turns that have characterised the past 50 years of regulating "fairness" in women's sport, a history in which my sport (track-and-field) features prominently. Here I must clarify that the focus of this essay is on regulations aimed at women deemed clinically to have "intersex" traits, or sex-linked characteristics

(e.g. chromosomes, hormones, gonads) that don't strictly align with medical norms for female and male bodies³. Not addressed here are guidelines regulating the participation of transgender women in Olympic sports, although these histories and present-day debates are certainly intertwined⁴.

Formal testing practices began in the late 1950s with genital examinations, commonly referred to as “nude parades”⁵, where the aim was to identify women athletes with ambiguous genitalia. The IOC and World Athletics then moved to a chromosome-based testing regime that lasted over three decades. During this time, all female competitors were regularly required to present “certificates of femininity” or “femininity cards” verifying that they were genetic females⁶. In the late 1990s, following decades of critique from the scientific community, the IOC and IAAF abandoned universal chromosome-based tests in favour of selective testosterone testing, whereby only those women deemed “suspect” (through a combination of appearance and athletic ability) were investigated to determine whether their naturally occurring testosterone exceeded levels deemed acceptable by medical officials.

As a result of recent legal actions pursued by two track athletes—first, Dutee Chand, an Indian sprinter, and second, Caster Semenya, the South African Olympic champion in the 800m—there is no longer a blanket set of regulations applying to all Olympic sports or even to the whole sport of track-and-field. Rather, only women's middle-distance events in track-and-field are subject to gender eligibility regulation⁷, revealing how difficult it is to decisively link testosterone levels to variation in women's athletic performances⁸. Women in these events who are found to exceed the designated limit must nevertheless agree to artificially lower their testosterone, an impossible “choice” given the alternatives are exile from the sport or competing with men⁹.

THE COMPLEXITY OF SEX

Why this regulatory change over time? “Sex” is far more complex than commonly assumed, irreducible to singular biological traits such as chromosomes and testosterone¹⁰. Importantly, the complexity of sex is not limited to those bodies deemed to not fully align with the female/male binary: we should understand sex as *always* complex and never clearly defined or measurable once we start to unpack it as a concept¹¹. So, too, is athletic performance too complex to explain via a singular biological factor¹².

Resistance by the women athletes affected has also been important, including the Spanish hurdler Maria José Martínez-Patino in the 1980s. Today, however, we must interrogate the relevance of race and nation and ask why it is that women of colour from Global South nations bear the burden of resisting these regulatory regimes.

THE MAKING AND MAINTENANCE OF AN UNLEVEL GLOBAL PLAYING FIELD

Although sexual development varies naturally all over the world, we know that in wealthier countries the standard response of medical authorities has been to attempt to erase all signs of non-binary (or intersex) variation through irreversible surgeries, an approach condemned by intersex communities¹³.

Such practices are not as common in less resource-rich countries, where women with high testosterone may be able to avoid clinical diagnosis and therefore also the unnecessary and harmful medical interventions that could follow¹⁴. This would mean, however, that women athletes who have grown up in such countries are from the outset the more likely targets of gender eligibility regulations.

Yet a difference in practice is insufficient to explain the disproportionate scrutiny of women athletes from certain regions of the world. Rather, the discriminatory nature of these policies is exacerbated under a white Western gaze that has long pathologised and questioned the femininity of black women's bodies in particular^{15,16,17}. Research is revealing this gaze to be replicated in the elite sporting community¹⁸, including amongst the very architects of the eligibility regulations, who construct women with high testosterone as needing the help of a supposedly benevolent (yet in practice violent) West¹⁹.

Negesa is one such woman who bears the burden of speaking the truth of this regime. She is not alone in having her body and health harmed—and chance at athletic success taken away—in the name of a so-called level playing field. For example, a research article published by doctors affiliated with World Athletics describes four young women from “rural or mountainous areas of developing countries” with high testosterone submitting to gonadectomies, clitoral surgeries, and “feminising” vaginoplasties²⁰, all irreversible procedures that can severely impact a woman's health and quality of life. None of these procedures were required under the

regulations in place at the time and have no bearing on athletic ability. The article provides no discussion of ongoing medical care or the longer-term physiological and psychological consequences of these interventions.

This is how practices of gender eligibility regulation exacerbate the already unlevel global playing field of women's sport: by harming women with less resources to resist major sports governing bodies, bolstered as they are by legal institutions like the Court of Arbitration for Sport (CAS)²¹. The ripple effects are already emerging at the grassroots level. In my current research, I am learning from organisations like the South African Women and Sport Foundation that young women in rural communities are turning away from track-and-field, revealing this issue to compromise not only human rights but also the global relevance and accessibility of the sport.

WOMEN'S = HUMAN RIGHTS

Feminist activists in the 1980s made famous the slogan that women's rights are human rights. In my research, I have heard elite athletes questioning whether women's rights are today being compromised in the name of human rights, as athletes like Caster Semenya pursue the ability to compete in women's sport free of medical intervention. Although concerns about women's place in elite international sport are well-founded, this kind of zero-sum game logic fails to seriously grapple with the extent of the harms committed in the name of "fairness" and their wider consequences for women's sport.

I have some sense of what it feels like to have a life as an elite runner taken away. Due in part to the actions of my own national federation, I had Achilles surgery in 2010 which left me unable to jog let alone train for five years. With great difficulty, I found a way to move forward with my life by relocating to the United States to pursue a PhD in sociology. I grieve with you, Annet, for all that you have lost. I invite scholars, athletes, and advocates of women's sport to join me in grappling with how to make elite women's sport inclusive of, rather than pitted against, the rights and recognition that have been denied to too many. ■

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A FIST OF FREEDOM OR A FIST OF IRON?

RULE 50 AND THE OLYMPIC PARADOX

STANIS ELSBORG

Stanis Elsborg is an analyst at Play the Game, an initiative run by the [Danish Institute for Sports Studies](#) (Idan), aiming at raising the ethical standards of sport and promoting democracy, transparency and freedom of expression in world sport. He holds a Master of Science in Humanities and Social Sport Sciences from the University of Copenhagen specialising in the field of sport, politics and national identity. Stanis tweets [@StanisElsborg](#)

Amid an increase in athlete activism and with the upcoming 2020 Olympics in Tokyo in mind, Thomas Bach, the president of the International Olympic Committee (IOC), used his annual New Year's speech to address what he calls "the growing politicisation of sport"¹. Bach also used the spotlight to make it very clear that according to the IOC "The Olympic Games ... are not, and must never be, a platform to advance political or any other potentially divisive ends."

In the wake of Bach's speech, the IOC released a set of guidelines developed by the IOC Athletes' Commission that reiterate the much-debated Rule 50 of the Olympic Charter², which states that "No kind of demonstration or political, religious or racial propaganda is permitted in any Olympic sites, venues or other areas." The Olympic Charter is a set of governing rules and guidelines of the Olympic Movement and the Olympic Games.

The guidelines specify that political messaging or gestures of a political nature like kneeling or hand gestures are not permitted during the Olympic Games at any Olympic venues, including the field of

play, the Olympic village and during Olympic ceremonies. However, athletes are allowed to express their opinions during press conferences, interviews, and team meetings as well as on digital and traditional media, or any other platforms.

But what do the IOC guidelines mean by "politicisation of sport"? This article takes a historical look at Olympic Games opening ceremonies and disputed athlete actions to show how the IOC's interpretation of politicisation differs depending on whether the ideas in question are expressed by an athlete or a host nation that pays to arrange the Olympic spectacle.

THE SOCHI OLYMPICS: A NEW HISTORY OF RUSSIA

"All the world's a stage" said Shakespeare in his pastoral comedy 'As You Like It'. The quote perfectly describes the modern Olympics and its opening ceremony, which in the present day serves as a platform for cultural propaganda for the host nation. In recent decades, nations like China, Russia and Qatar have invested heavily in sporting mega-events – not for the sake of sport but in an understanding of sport as a political tool.

The 2014 Sochi Winter Olympics serve as a prime example of the connection between sport and politics, and the way nation states use the Olympics as a platform for political messaging. Thomas Bach



In one of the segments of the opening ceremony at the 2014 Sochi Olympics, large elements from the Soviet statue “The Worker and the Kolkhoz Woman,” which include the hammer and sickle, floated across the stadium floor accompanied by dramatic music. Image: The Korean Olympic Committee/ Flickr licenced under CC BY-SA 2.0

was quick to praise the Russian President Vladimir Putin and the Russian organisers for the staging of the Olympics by stating that the Russians fully respected the Olympic Charter³.

However, the IOC president must have turned a blind eye to the opening ceremony of the Sochi Games where political and national symbols were hard to miss. Under the direction of Putin’s close ally, the director of the Russian state-owned TV Channel One, Konstantin Ernst, the Russian state took advantage of the opening ceremony to create a picturesque and highly orchestrated image of the country.

In fact, I have argued elsewhere⁴ that there are two TV versions of the opening ceremony in Sochi: one that was transmitted to the Russian audience, and one for the foreign viewers in countries like Denmark, Norway, Germany, and Australia. There were significant differences between the two versions in terms of political and nationalistic messages. The hammer and sickle – probably the most common symbols of communism during the Soviet Union era – were shown 12 times in the Russian version and only 7 times in the international version. The Russian flag was on camera 335 times in the Russian version compared to 117 in the international version. Most notably, however, was that Putin was shown 40 times in the Russian version against only 16 times in the international version.

Overall, the Russian state used the opening ceremony to create a national narrative that glorified the Czarist and Soviet era. The political aspects of Soviet communism fell into oblivion and instead its economic and social aspects were hailed as a backdrop to today's modern Russian state. In a segment entitled 'Moscow/The Dream', the Soviet industrialisation from the 1950s and onwards was portrayed almost as a consumer paradise and a regulated welfare state, which is far from the truth. There was no mention of the more catastrophic and devastating aspects of Stalin's regime such as political repression, mass extermination and forced industrialisation.

In this way, not only does the IOC provide the host nation with a valuable TV platform with a reach of billions of viewers to express its political agendas, but it also allows the host nation to completely rewrite parts of its history in order to make it fit a more perfect image.



*'Suffragettes' at the rehearsal of the opening ceremony at the 2012 London Olympics.
Image: Andy Miah/Flickr licenced under CC BY-NC 2.0.*

SAME SAME, BUT DIFFERENT – THE CASES OF BEIJING AND LONDON

In 2008, the Chinese organisers also used the opening ceremony of the Olympic Games in Beijing for political self-promotion. The opening ceremony was for example used to signal ethnic integration in the world's most populated country of more than 1.4 billion people. Children in national costumes from the 56 different ethnic groups in China carried the national flag into the stadium before handing it to Chinese military personnel who oversaw the hoisting of the flag. It later turned out that the children were not at all representatives from all the different ethnicities, but only from the ethnic group of Han Chinese, which makes up 92 per cent of the population⁵.

Democratic nations also understand the unique opportunity that the opening ceremony offers in terms of selling a positive narrative of the nation's culture and history. The 2012 Olympics in London had a special agenda in advocating for Western values such as open and tolerant communities in a tribute to the British welfare system, multiculturalism, women's liberation and civil rights, just as human rights activists helped carry the Olympic flag. As with all Olympic ceremonies, the darker sides of British history were omitted including the repression of Ireland, colonialism, slavery, and the downsides of the industrialisation like pollution and child labour.

FREEDOM OF EXPRESSION – BUT NOT FOR ALL

Never in the long history of the Olympics has the IOC invoked Rule 50 in response to a host nation having used the opening ceremony to stage nationalistic and political messages. In some instances, however, it has been quite a different matter when it comes to the athletes.

One of the clearest examples of the limitation of athletes' freedom of expression arises from the 1968 Olympic Games in Mexico City. During the playing of the US national anthem at the medal ceremony for the men's 200 meters, Tommie Smith and John Carlos raised black-gloved fists – a black power salute and symbolic gesture to protest the state of civil rights in their home country. Their political statement subsequently resulted in condemnation by sports authorities and repatriation in disgrace. Smith and Carlos were also asked by the IOC to return their respective gold and bronze medals.

At the same Olympics in 1968, Czechoslovakian gymnast Vera Caslavská captured the world's attention when she turned her head down and away from the Soviet flag when the Soviet anthem was played at two medal ceremonies. A politicisation of sport? Not according to the IOC. Caslavská was later awarded the Olympic Order for her "particularly distinguished contribution to the Olympic Movement" and in 1989 she was awarded the Pierre de Coubertin International Fair Play Trophy by UNESCO for her "exemplary dignity". A great fight for human rights in the US was not accepted, but opposition to Soviet rule was praised.

While Smith and Carlos' demonstration was condemned by the IOC in 1968, it is now praised at The Olympic Museum's 'Change Makers' section with tributes to the two athletes' raised fists as well as a headline saying: "When the podium becomes a stage – Denouncing poverty and racism.⁶" Also, the two Americans were recently inducted into the US Olympic and Paralympic Hall of Fame – 51 years after their iconic moment. But what is praised at The Olympic Museum will not be allowed at the Olympics in Tokyo, because the new guidelines specifically state that no raised fists are allowed.

While the above examples date back more than half a century, athletes today are facing similar punishments for expressing themselves politically at sports events. Recently at the Pan-American Games in Lima 2019, two US athletes were put on a year's probation by the US Olympic and Paralympic Committee for respectively raising a clenched fist and kneeling during the national anthem in protest of US gun laws, racism, and treatment of immigrants⁷ – and according to fencer Race Imboden, also in protest of what he calls Trump's spread of hatred in American society.

While the newly released guidelines developed by the IOC Athletes' Commission are surely more transparent in terms of what is not allowed at the Olympic venues, it will be interesting to see whether or not Rule 50 applies to both athletes and the host nations in the future.

This article is an edited version of a piece that originally appeared on the Play the Game website published as, 'A Fist of Freedom or a Fist of Iron? Rule 50 and the Olympic paradox'.

ABOUT THE (IN)FAMOUS RULE 50

According to the guidelines developed by the International Olympic Committee (IOC), 'Rule 50' of the Olympic Charter attempts to preserve the neutrality of the Olympic Games. The rule in itself states that "No kind of demonstration or political, religious or racial propaganda is permitted in any Olympic sites, venues or other areas".

The method of enforcement that the IOC has resorted to is simply defined as 'disciplinary action'. Athletes in breach of Rule 50 will be reported to their respective National Olympic Committee (NOC), and an appropriate measure will be decided upon in consultation with the IOC on a case by case basis. Whilst the words of the guidelines provide no clear framework for the possible consequences awaiting athletes in breach, Matt Carroll the CEO of the Australian Olympic Committee has warned that the possible punishments could be as harsh as taking away awarded medals.⁸

Naturally the guidelines have not gone unnoticed by athletes. Megan Rapinoe of the U.S. Women's National Soccer Team reacted on Instagram by captioning a picture of clenched fists raised through the Olympic rings: 'so much being done about the protests, so little being done about what we are protesting about'.⁹ Closer to home, Craig Foster has called upon Olympians to realise their true power and call for changes to protect their freedom of expression. He has predicted that following some natural progress in other areas of the sporting world, it will not be long before these rules will be overturned.¹⁰

– *By Rouein Momen* ■

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SPORTS ACTIVISM, THE GENTLE WAY

SABRINA FILZMOSEY USING JUDO FOR PEACE

DR SABRINA FILZMOSEY OLY

Dr Sabrina Filzmoser is 2005 and 2010 World Judo bronze medallist U57kg. She was 2008 and 2011 European Champion and 7th at the 2012 Olympic Games. She won the Tournoi de Paris in 2006 and 2008. In 2019 she took bronze at the Grand Prix in Budapest and became the oldest medallist ever on the World Judo Tour. Sabrina is an expert in climbing and conquered an “eight-thousander” in the Himalayas without oxygen. Sabrina is on Instagram [@sabshero](https://www.instagram.com/sabshero)



*Sabrina and young judokas photographed on the Taktsang trail, in Bhutan's Paro Valley.
Photos supplied by Sabrina Filzmoser*

Sabrina Filzmoser is an Olympian judoka and twice European Judo Champion from Austria. An expert mountain climber, Sabrina been visiting the Himalayas since 2005 and has run judo workshops for youth in Nepal and Bhutan.

In April, Sabrina was in lockdown in Austria and using the time to train in the mountains and at home in her cellar in preparations for training to resume with the national team and the remainder of the Olympic qualification period. Sabrina was also studying with the Austrian police school, where she is one of 20 athletes from various sports.

In between studies and training, Sabrina spoke to **Gabrielle Dunlevy** about her work through [Judo for Peace](#),¹ efforts to promote gender equality in judo, and her feelings about sportspeople as activists.

Gabrielle: I have read about your regular trips to Nepal and Bhutan as part of your work with Judo for Peace. What year did you make your first trip to Nepal, and what impression did it make on you?

Sabrina: In 2005, I did my very first trip to Nepal to trek and climb in the Solu Khumbu Everest region. I realised a huge life dream to see the Himalayan mountain range for the first time ever, but indeed I have been impressed and influenced by the people, their culture, their simple life and honest thoughts.

Up at high altitude, life is very tough, for sure - simply challenging each single day. Some have no medical care and no back up for serious accidents or life-threatening situations. But what has been most mind-blowing for me has been the situation for most of the poor families living in remote areas and trying to send their kids to school for a better future. Some of the kids walk more than 90 minutes on dangerous tracks each day to school, if there's snow or icy conditions they walk for nearly two hours. After spending the day at school, they walk back the whole way, each day.

In the years since that first trip, you've been returning to Nepal and Bhutan to help establish judo schools. How have you seen judo changing the lives of young people, and what is your favourite memory of this?

There have been several improvements concerning dojos, judogis, tatamis and ways to collect material and equipment and most of all to connect people. Although I would have loved to have spent more time there, I guess I would have not been so successful on my own path to fight, train and qualify for the next Olympic games if I had invested all, and everything emotionally, into my challenging Himalayan projects.

What impresses me always is their personalities, their openness to future possibilities, their will and their courage to join a wild journey. With all its high values, ethics, moral codes and discipline – judo implants strong bonds and truly deep roots into their young minds.

One of my favourite stories will always be one from when I was in Bhutan the first time, visiting Pelkhil school. They had already started their judo program a couple of years before my first visit in 2012 by the school's managers, Karma and Rie, with the help of a volunteer JICA Judo coach from Japan.

I brought 270kg of judogis and sports equipment to Pelkhil school. Of course, I didn't have the right size and the perfect fit for everybody. At the end there was this small, very tiny boy waiting till everybody had already left the boxes, but he was just too tiny and no judogi would fit him. One of his friends brought him some chocolate which was the only thing that I had brought enough for everyone. Two more boys joined, making the same gesture. They gave him all of their chocolate while he was sitting there in tears.

I was so touched by this I'll never forget it. We managed to adjust something for him afterwards, but this one short moment up there at a place nearly 3000 metres above is just something that is etched into my brain.

I know you are also involved in efforts to promote gender equality in judo. What are the challenges that you are working to overcome?

The challenges in such remote areas are far from normal, I'm completely aware of this, and also the work of our athletes' commission in our federation or the international federation has helped me learn about comparing situations, people, cultures and perspectives.

The low status of women in Nepal can be traced to economic, legal, sociocultural, political, and institutional factors, which are interrelated, mutually reinforcing, and centuries old. The condition of women was shaped severely by the country's caste system, as this defined access to resources and opportunities.

Uplifting the status of women will require equipping them with necessary skills, attitude and values to grow as a professional and that's simply an issue everywhere. Our focus should be on empowering women so that they can compete with men on an equal footing. As the girls and women's self-confidence grows, they get more possibilities to fight for something, they open up their minds and also the minds of their families, relatives and friends. Step by step.

Finally, there are some efforts to limit the activism that athletes do. The IOC, for example, is concerned about sport mixing with politics and it will enforce Rule 50, to limit protests at Games. What is your view about athletes and activism?

That's pretty tricky to answer. I've always followed my own ethical rules, but for sure I'm not one who protests against activism and would never ever limit my thoughts. To explain how I try to peacefully reach my own aims, I will tell you the most important fact for me, is that judo means "the gentle way."

There are over 200 wars and war-like conflicts going on in today's world². What's more, wars and serious military tensions have not only existed but even gathered pace. When the Japanese educator and athlete Jigor Kan (1860-1938) first developed judo, his key idea was to create a new sport where skill would outweigh size and sheer force in importance. "Maximum Efficiency, with Minimum Effort" was Kan's leading principle. And this is how judo came about, from the combination of two simple elements:

1. from "ju" which means "gentle";
2. from "do" which means "way".

I strongly believe in judo for peace. The idea of peace - in its all forms, in all parts of the world. It's a solid fact that many of the problems of today's world are caused by poverty, by unemployment, by masses of young people ending up in a state of meaningless inaction, isolation, a

life with no purpose. That's why I have always asked myself for the "why" - why I do it, why I try it, why I simply live my life with meaning.

Judo has proved a very good remedy for all this. Spreading the all-important message of peace, peaceful contending, by presenting tatamis and judo outfits, by organising judo training schools, camps and courses, by hiring qualified training staff - has proved a simply magnificent tool against young people facing exclusion. That's my view of activism. ■

JUDO TERMS:

Judoka – practitioner of judo

Dojo – a place for learning

Judogi – a traditional uniform for judo learning and competition

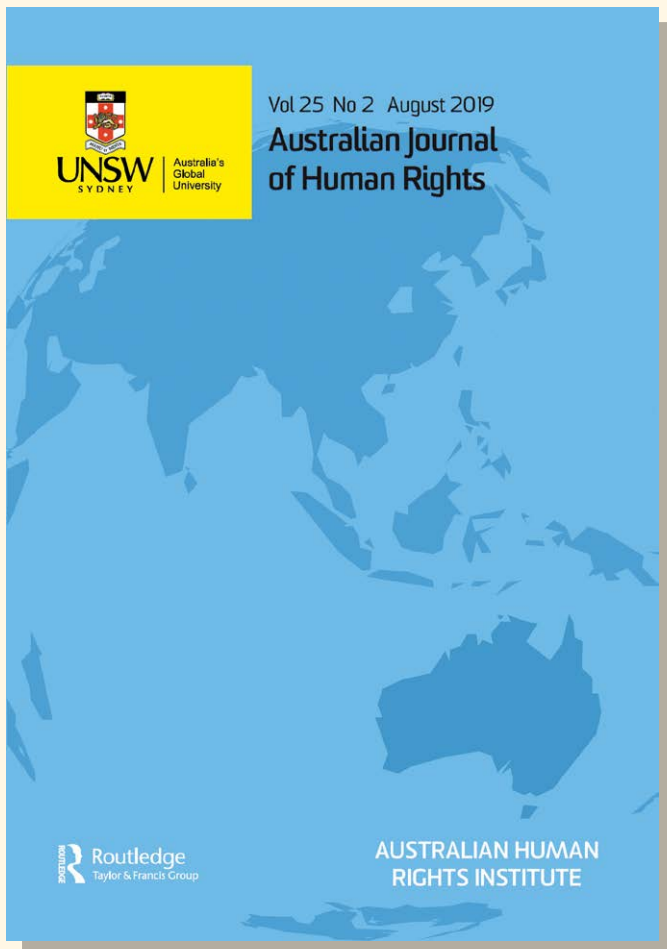
Tatami – a type of mat used as flooring in Japanese-style rooms

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Sabrina (centre) with youths and trainers at the Pelkhil school in Bhutan, where Judo for Peace has helped establish the sport.

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