Ref. Ares(2025)2379290 - 24/03/2025

HUMAN RIGHTS EMPOWERED THROUGH RIGHTS OF ATHLETES

Co-funded by the European Union




# THE FOUNDATIONS

## OF PROTECTING ATHLETES' HUMAN RIGHTS

*TRAINING MATERIAL*

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# COURSE DESCRIPTION

This online course is designed to help the various actors within sport organisations and athletes themselves to better understand their rights, how to respect them, and how to claim them. It was developed based on extensive research on athletes' human rights, mapping the various relevant human rights, how they apply to athletes and what the challenges are in the sporting context. It is part of the Erasmus+ project co-funded by the European Union titled 'Human Rights Empowered Through Athletes Rights' (H.E.R.O.).

# COURSE SUMMARY

*Athletes often lack the necessary time and resources to identify and claim their human rights. This course aims to bridge this gap, by building* the capacity and knowledge of athletes and sport organisations on human rights of athletes, looking at how to protect athletes'' rights in a sporting context and thereby creating a safe and respectful sporting environment. More specifically, it teaches participants what athletes' human rights are, where they get these rights from, how they can be claimed and how sport organisations can protect and respect athletes' human rights abuses. It is based on the premise that sport holds both opportunities and risks for athletes' human rights and relevant examples throughout the course will highlight how sport can live up to its responsibility to respect athletes' human rights, prevent and mitigate risks, and address those cases where athletes' human rights have been harmed.

At the end of this course, participants will be able to

1. Explain with concrete examples what human rights of athletes are and where they come from;
2. Identify mechanisms that can help athletes to claim their human rights;
3. Understand the responsibility of sport organisations to respect athletes' human rights and what steps they can take to better protect and respect athletes' human rights.

*By educating athletes we hope to empower them to claim their rights bringing us closer to a world of sport that is better and safe for all!*

# COURSE STRUCTURE

*SECTION 1: WHAT ARE HUMAN RIGHTS OF ATHLETES IN SPORT?*

*-Lesson 1.1. What are human rights and how do they work?*

*-Lesson 1.2. What human rights do athletes have?*

*-Lesson 1.3. Where do athletes get their rights from?*

*SECTION 2: HOW CAN ATHLETES CLAIM THEIR HUMAN RIGHTS?*

*- Lesson 2.1. How are human rights of athletes challenged in the sporting context?*

*- Lesson 2.2. What mechanisms exist for athletes to claim their rights?*

*SECTION 3: HOW CAN SPORT ORGANIZATIONS RESPECT ATHLETES' HUMAN RIGHTS?*

*- Lesson 3.1. What are current good practices and relevant case studies by sport organisations to protect and respect athletes' human rights?*

*- Lesson 3.2. What other actors from the sport ecosystem are responsible for protecting athletes from human rights abuses and how can they better respect athletes' human rights?*

# MODULE 1: WHAT ARE HUMAN RIGHTS OF ATHLETES IN SPORT?

## SUMMARY

*The first module introduces the concept of athletes' human rights through introducing human rights more generally and explaining what human rights are in theory and in practice. The module continues with focusing on those rights which are most relevant for athletes and explains where athletes get these rights from. The relevant theory and principles are covered, and relevant sources for athletes' human rights are shared, both from international or European human rights instruments as well as sport-specific documents. The fact that many of these rights are interconnected and overlap is demonstrated with concrete examples. After taking this module, you will be able to explain with concrete examples what athletes' human rights are, where they come from, and how they relate.*

## 1.1 INTRODUCTION TO THE TOPIC

The world of sport is fascinating, motivating, challenging, entertaining, and many more things depending on who you ask. Sport has an incredibly unique position in our society and the power to reach people like little else does. However, sport is also a mirror of our society and reflects the range of issues that people around the world are facing. Gender inequality, racism, discrimination, social exclusion and violence are some of the most prominent social challenges nowadays.

Sport can present a place of hope and inspiration, and athletes and players, in particular top athletes, are often seen as role models and glorified by many. Through these athletes, but also in other ways, sport has the power to address societal issues and promote human rights.

At the same time, the unique status that sport enjoys in our society also engenders risks for many of the actors involved, in particular athletes. While sport organisations should recognize their responsibility to respect athletes' human rights, negative human rights impact on athletes are unfortunately all too common. This includes restrictions imposed by the SGBs on their economic freedoms, core labour rights, or freedom of expression. At an individual level, we have witnessed in recent years an increase in cases involving physical or sexual abuses, which are threatening the athletes' integrity and dignity. In sum, there are many instances in which athletes are faced with human rights violations or restrictions.

However, athletes, just like us, ought to enjoy human rights.



Athletes are human beings first and athletes second.

This need to protect and promote athletes' rights has also been recognised at the highest level of the Olympic Movement. Indeed, since 2023, the Olympic Charter, the constitution of the Olympic Movement, enshrines this protection in its fundamental principles of Olympism.



*Fundamental Principles of Olympism 1*

*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 internationally recognised human rights*** *and universal fundamental ethical principles within the remit of the Olympic Movement.*

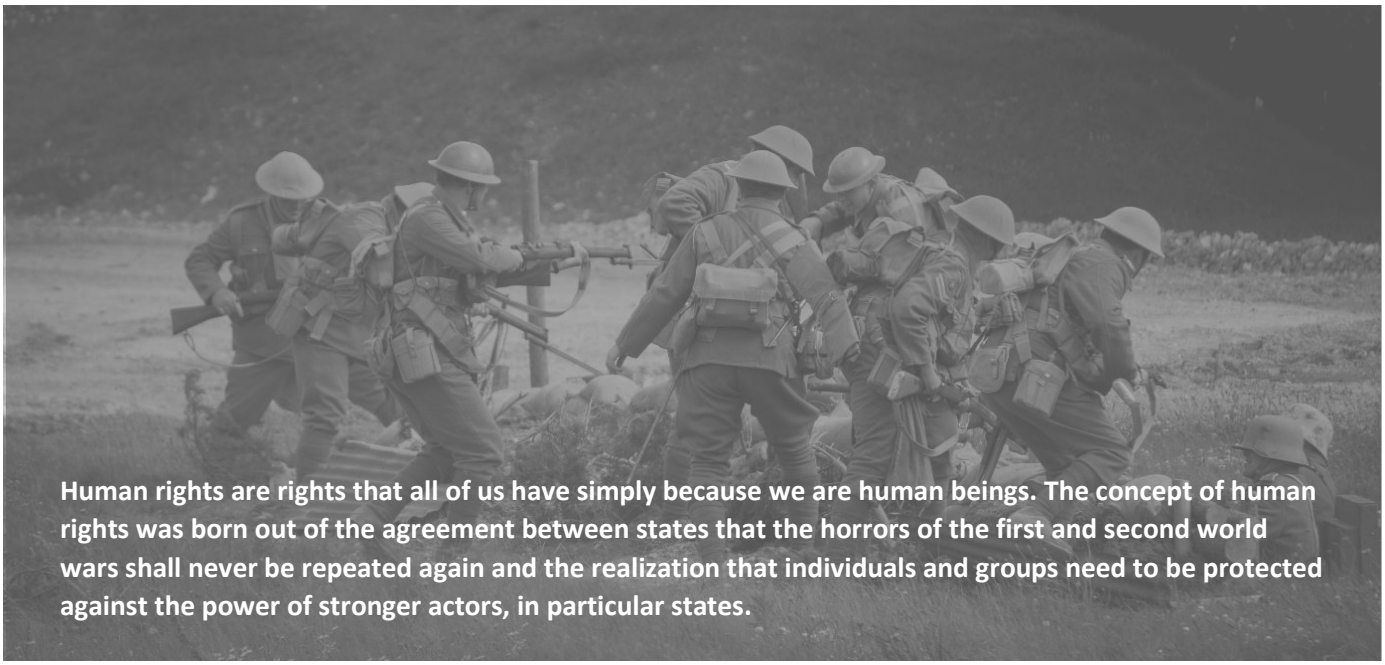
*Fundamental Principles of Olympism 4*

*The practice of sport is a human right. Every individual must have access to the practice of sport, without discrimination of any kind in* ***respect of internationally recognised human rights*** *within the remit of the Olympic Movement.*

*The Olympic Charter has a particular importance in the Olympic Movement, as all the components (national Olympic committees and Ifs) of the Movement have to comply with it. These rights are further elaborated on in the IOC Code of Ethics (2020), the IOC Basic Universal Principles of Good Governance (2008), the IOC Athletes' Rights and Responsibilities Declaration (2018), and the IOC Olympic Movement Medical Code (2016).*

*A few more examples exist of other sport organisations like international federations or National Olympic Committees (NOCs) recognizing human rights of athletes, and some of these are discussed in this and other modules of the course. However, the majority of sport organisations has yet to recognize and understand their responsibility to respect athletes' human rights. Moreover, athletes themselves are often not aware of the fact that they have rights as humans, but also as workers. This first module provides a comprehensive but easily understandable overview of athletes' human rights and builds the foundation for the other modules of this course.*

# 1.2 WHAT ARE HUMAN RIGHTS AND HOW DO THEY WORK?



**Human rights are rights that all of us have simply because we are human beings. The concept of human rights was born out of the agreement between states that the horrors of the first and second world wars shall never be repeated again and the realization that individuals and groups need to be protected against the power of stronger actors, in particular states.**

The idea is that human rights are universal rights inherent to us all, regardless of nationality, sex, national or ethnic origin, colour, religion, language, or any other status. Examples of human rights are

- *The right to life*
- *The right to food*
- *The right to education*
- *The right to freedom of expression*

Learn more about what human rights are and the key principles of how they apply from the UN Human Rights Office of the High Commissioner.

Human rights in theory are rights and standards written down in legal instruments like treaties and covenants. The Universal Declaration of Human Rights (UDHR) was adopted in 1948 and is the first internationally agreed document that set out human rights. It contains 30 articles, which provide the principles and building blocks of current and future human rights conventions, treaties and other legal instruments. Ever since then, more instruments were developed on the international and regional level. On the international level, there are nine core human rights instruments:

1. *International Convention on the Elimination of All Forms of Racial Discrimination (1965)*
2. *International Covenant on Economic, Social and Cultural Rights (1966)*
3. *International Covenant on Civil and Political Rights (1966)*
4. *Convention on the Elimination of All Forms of Discrimination against Women (1979)*
5. *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)*
6. *Convention on the Rights of the Child (1989)*
7. *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)*
8. *International Convention for the Protection of All Persons from Enforced Disappearance (2006)*
9. *Convention on the Rights of Persons with Disabilities (2006)*

Human rights instruments also exist on the regional level. Within the European context there are two main legal instruments enshrining human rights. First, the European Convention on Human Rights (ECHR) from 1959 covers fundamental human rights and freedoms in Europe.



Download or take a look at the European Convention on Human Rights here.

Second, in 2000 the European Union adopted the Charter of Fundamental Rights of the European Union (CFREU). Its 50 articles cover rights and freedoms.



Download or take a look at the Charter of Fundamental Rights of the European Union here.

National governments, when they have agreed to be bound by these instruments, are the primary duty-bearers of human rights. This means that they have to implement the rights enshrined in the relevant instruments, by way of respecting, protecting, and fulfilling human rights. This obligation extends to the protection of human rights against interference from third parties. This includes sport organisations and other actors that are part of the ecosystem that surrounds athletes. In other words, states are obliged to prevent SGBs or any other parties involved in sports to violate the human rights of athletes. Nevertheless, on the basis of the UN Guiding Principles on Business and Human Rights or the OECD Guidelines on

Multinational Enterprises, it could also be argued that the SGBs (and other businesses involved in sports) have a direct responsibility to respect human rights throughout their activities.

In practice, human rights are very contextual and about how we, as individuals, or as groups, experience our rights in everyday life, in our personal and professional life. Which human rights are of most value for someone can be different depending on cultural, geographical, religious, or socio-economic background. Whereas in some places of the world the right to vote might be a given, in other places certain groups have to fight for it. The same can be said about the right to education, or the right to decent working conditions.

## 1.3 WHAT HUMAN RIGHTS DO ATHLETES HAVE?

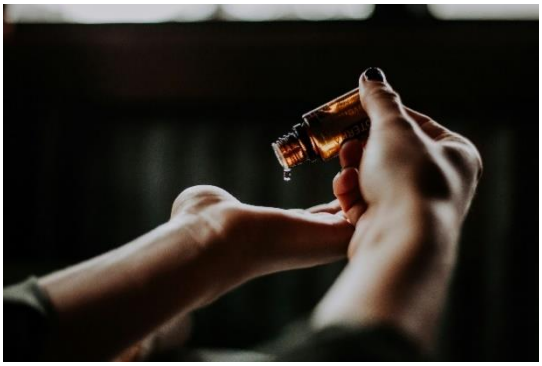
Within sport, the entire range of human rights applies in principle. However, for athletes there are a number of human rights that are particularly relevant in practice:



*Labour rights include a range of other rights, namely the right to freedom of association, the right to collective bargaining, the elimination of forced labour and abolition of child labour, and a safe and healthy working environment.*



*The right to non-discrimination covers discrimination based on sex and gender, race, religion, nationality and disability.*



*The rights to health, human dignity and physical integrity rely on all human beings being born free and equal in dignity and rights, the prohibition of torture and inhuman and degrading treatment, as well as the respect for your physical and mental integrity.*




*The right to privacy covers the protection personal and family life, including the protection of health, personal and sporting data.*




*The right to freedom of expression includes the freedom to hold your own opinions and to receive and impart information and ideas without interference by states.*



*The right to remedy comprises the right to access mechanisms that can provide remedy, the right to a fair trial, and the right to enforcement of remedies when they have been granted.*



*A range of children's rights are relevant for child athletes, in particular the core principles of equality, the child's best interest, the right to survival and development, and participation, as well as other rights such as access to information, protection from violence, right to health, right to education, the right to rest and leisure including sport, and the right to be protected from economic exploitation.*

According to the United Nations, human rights are:

- *Inalienable*
- *Indivisible*
- *Interdependent.*

That can also be seen in how a number of human rights of athletes interact. In fact, many of these rights are interconnected and overlap to some extent. For instance:

## The right to health

is intricately linked to the right to privacy when considering human rights aspects of doping or eligibility regulations.

## The right to non-discrimination

Is intricately linked to the right to health when considering that discriminatory remarks for instance can be so structural that they constitute bullying and/or psychological abuse and when realizing that violence and abuse in sport is affecting women and girls more than men and boys.

## The right to decent work

Is intricately linked to the right to non-discrimination when comparing price money or salaries between women's and men's sport.

*Other rights stand out because they can be considered as 'enabling rights.*

***!*** *Without the right to organize, athletes have less leverage and power to claim their rights.*

***!*** *Without a right to remedy, athletes would not be able to claim and enforce other rights.*

# 1.4 WHERE DO ATHLETES GET THEIR RIGHTS FROM?

*Athletes enjoy all human rights and derive their rights from the same set of treaties and conventions as all other citizens: a range of international and European human rights instruments as introduced in the first lesson of this module.*

While SGBs are not directly bound by these instruments, a number of SGBs have started to commit to internationally recognized human rights standards in the last couple of years. For example, the Fédération Internationale de Football Association (FIFA) and the International Olympic Committee (IOC) as mentioned above have integrated human rights commitments in their statutes and policies. Since 2017, Article 3 of the FIFA Statutes say that




*FIFA is committed to respecting **all internationally recognised human rights** and shall strive to promote the protection of these rights.*

In the same year, the IOC has integrated human rights requirements into its host contracts for the 2024, 2026, and 2028 Olympic Games, with the result that the Paris Olympics 2024 were the first Olympics with a 'Human Rights Strategy'. Since 2024, the Olympic Charter includes reference to "respect for internationally recognised human rights".

There are also examples from regional and national sport bodies and events. The UEFA Men's Euro 2024 was the first EURO hosted with a Human Rights Declaration in place. The German and Norwegian football associations were the first two football associations to adopt a human rights policy, while the German Olympic Sports Confederation was the first National Olympic Committee to do so.

*These commitments to human rights and the policies developed are all grounded in the notion of responsibility to respect enshrined in the second pillar of the UN Guiding Principles on Business and Human Rights (UNGPs).*



This link takes you to the "Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework", which were developed by the UN Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises. The Human Rights Council endorsed the Guiding Principles in its resolution 17/4 of 16 June 2011.

There are also sport-specific documents that enumerate athletes rights. The most comprehensive one is the Universal Declaration of Players Rights adopted by the World Players Association (WPA) in 2017. However, as a document it is not legally binding and cannot be invoked directly before a court to claim the rights it lists. The IOC's Athletes' Rights and Responsibilities Declaration, however, is binding on the IOC and inside the Olympic Movement, but it is framed only in aspirational terms.



Here you can access the Universal Declaration of Players Rights.

# CONCLUSIONS AND TAKEAWAYS

The fact that athletes enjoy human rights is not in question. Athletes are entitled to the complete range of human rights that have been endorsed by the international community. However, a number of these rights stand out as particularly important for athletes and the risks they can face in the sporting environment, namely labour rights, the right to non-discrimination, the right to privacy, freedom of expression, the right to health, human dignity and physical integrity, and the right to remedy. Child athletes enjoy all these rights, and those specific rights that are there to protect children in particular.

You have just been introduced to the concept of human rights more broadly and the reasons why athletes are fully entitled to enjoy human rights. This short knowledge check will help you remember the key takeaways from this first module:

***Question 1:*** *All of us enjoy human rights simply because we are human beings!*

1. *True*
2. *False*

***Question 2:*** *Human rights are part of international and national law!*

3. *True*
4. *False*

***Question 3:*** *Only states have human rights obligations. Sport governing bodies like international or national federations do not have human rights responsibilities!*

5. *True*
6. *False*

***Question 4:*** *Athletes only enjoy labour rights, the right to non-discrimination, the right to privacy, freedom of expression, the right to health, human dignity and physical integrity, and the right to remedy!*

7. *True*
8. *False*

# MODULE 2: HOW CAN ATHLETES CLAIM THEIR HUMAN RIGHTS?

## SUMMARY

The second module first explains how athletes' human rights are challenged in the sporting world and then present a range of ways through which athletes can exercise and assert their rights. The challenges are highlighted through concrete examples and scenarios. After that, three diverse ways for athletes to claim their rights are discussed: speaking out individually, speaking out collectively as part of a union, and legally challenging those actions that caused the harm. After completing this module, you will have gained knowledge on how athletes can claim their rights and the challenges and difficulties they might face in doing so.

## 2.1 INTRODUCTION TO THE TOPIC

In the last decade, awareness of negative human rights impacts within the world of sport grew steadily. While the focus was first on the impacts of mega-sporting events such as the FIFA World Cup or the Olympic and Paralympic Games, the human rights risks and challenges of day-to-day sports were quickly added to the debate and with-it athletes and players as rights-holders that need to be protected. As mentioned in module 1, some of the international and regional sport federations and governing bodies have started to commit to human rights and introduced rules and frameworks that are supposed to align the organisation of their events and their sports more generally with human rights.

When it comes to human rights challenges in day-to-day sports, discrimination and interpersonal violence present structural challenges that affect different sports in different countries and regions. The last couple of years saw an increase in reports on recent and non-recent cases of abuse in sport: abuse allegations in Dutch gymnastics and US gymnastics, the abuse of female basketball players in Mali, systematic abuse of child athletes in Japan, the abuse of young boys within the English football, or children in grass-roots sport in Germany, the sexual abuse of women's football national teams in Afghanistan and Haiti, or the sexual assault against a player of the Spanish women's national football team, to mention but a few. As a result, a growing number of sport organisation is adopting safeguarding policies and measures.

Despite these developments, most SGBs in the world have yet to recognize and address their responsibility to respect the human rights of athletes. In practice, athletes still regularly face situations in which their human rights are at risk in the sporting context. These risks include, for example, restrictions to their core labour rights, discrimination on several grounds, violations of the rights to health, human dignity and physical integrity, the right to privacy, athlete's freedom of expression, the right to participate and have a say and the right to remedy.

There are several reasons explaining why athletes' human rights are at risk. Overall, there are gaps in the implementation, application and enforcement of athletes' human rights, due to the actions or inactions by several key stakeholder, in particular international and national SGBs, but also governments at various levels. National governments, as well as intergovernmental organisations could play a greater role in regulating the sports sector. However, states have always been reluctant to intervene in the governance of sports, in particular at the international level. Instead, SGBs have largely regulated their sport autonomously and taken a central role in policing athletes. Finally, a series of studies from recent years show that athletes themselves lack awareness and understanding of their human rights. Tuakli-Wosornu et al. (2022) examined in how far athletes are aware of their human rights and found that

| | |
|---|---|
| **Card 1** | **Card 1** |
| *78.5% of athletes* | *were unaware of the WPA's Universal Declaration of Players Rights or the IOC's "Athletes'Declaration" (Yetsa Tuakli-Wosornu, Sheree Bekker, et al, 2022)* |
| **Card 2** | **Card 2** |
| *69% of athletes* | *were not always aware they had rights at all (World Players Association, 2021)* |
| **Card 3** | **Card 3** |
| *Around 25% of athletes* | *do not know if athletes competing in the Olympic games currently have a say in decisions made by the International Olympic Committee that can affect their careers (World Players Association & Ipsos, 2024)* |

Despite these challenges, there are a range of examples of athletes standing up for their rights and rights of others. Athlete activism has been part of for instance the American sports culture for decades, dating back to the civil rights movement. Sport dispute settlement mechanisms are also dealing increasingly with cases that deal with human rights claims. National courts and tribunals as well as international human rights tribunals.

## 2.2 HOW ARE HUMAN RIGHTS OF ATHLETES CHALLENGED IN THE SPORTING CONTEXT?

There are numerous ways in which human rights of athletes can be at risk in sports, both in the context of daily sporting practice and in the context of events. While these experiences can be very individual, it is important to recognize some key factors that play a role not just in creating but also in facilitating these risks and challenges:

- *A common cause for risks to athletes' human rights are decisions and policies of SGBs. For instance, eligibility regulations and their implementation can compromise athlete's rights to non-discrimination, as well as their right to privacy and their rights to health, human dignity and physical integrity.*
- *Certain groups of athletes may face increased risks to their human rights, for example because of their race, religious faith or gender identity.*
- *Power dynamics and imbalances, as well as cultures of silencing and normalizing misconduct within sport increase risks to athletes' human rights. Groups that are particularly affected by this include women, persons with disabilities and children, in particular in the context of interpersonal violence and other types of abusive behaviour.*
- *(Mega-)sporting events can negatively impact a range of human rights of athletes, such as their rights to health, privacy, or freedom of expression.*
- *Measures and systems aimed at providing access to remedy for athletes whose human rights have been violated are lacking and rarely include trauma-informed approaches. The same is true for anonymous reporting mechanisms and whistle-blower protections.*

The following scenarios provide examples of some of the most common challenges that put athletes' human rights at risk in sport:

### Labour rights

*A young football player that has moved countries and left his family behind to chase his dream of being a professional football player has not been paid by his new club for the past three months. He tried to raise the issue with club officials and get access to his contract but without any success. Instead, he was yelled at and threatened to be thrown out of the country. When he tries to get legal advice, he realizes that without speaking the language, without having a copy of his contract, and without being recognized as worker there his chances of accessing remedy and getting his wages paid are exceptionally low.*



Source: https://fifpro.org/en/supporting-players/conditions-of-employment/player-salary/escaping-from-a-nightmare-season-how-a-player-ended-up-trapped-in-a-hotel

## Freedom of expression

*A college female basketball team is playing an important game against the team of another college, in a country that has recently seen a rise in protests against social inequalities. The teams decide to use the platform of this game to join these protests, and agree to kneel during the national anthem. However, a day before the game, their national federation prohibits them from doing so and threatens those that proceed with sanctions.*




Source: https://www.mprnews.org/story/2016/09/22/entire-wnba-team-kneels-for-national-anthem

## Discrimination and interpersonal violence

*During a regional competition, a female gymnast is informing her coach that she is not feeling well and has doubts about being able to perform her upcoming floor routine, due to heavy menstrual cramps. Her coach gets angry, makes depreciative comments about women constantly complaining about their menstruation, and slaps her butt to send her off to her floor routine.*



The three-part video series '[This is not part of the game'](), produced by the SRA's Athletes Network for Safer Sport, translates scientific debates and data on violence in sport into a more accessible format to raise awareness and increase knowledge on the issue.

## 2.3 WHAT MECHANISMS EXIST FOR ATHLETES TO CLAIM THEIR RIGHTS?

Some of these rights are at risk in many sports around the world and highlight structural challenges that sport organisations are grappling with. While there is no dedicated human rights complaint mechanism within the world of sport, athletes can use a number of existing mechanisms and systems to claim their rights. The remainder of this module will explore the following three mechanisms:

1. *Individual athlete activism, speaking out individually about athletes' human rights.*
2. *Collective athlete activism, speaking out collectively as part of a union, and*
3. *Legally challenging those actions that cause human rights harms to athletes in front of relevant committees, tribunals or courts.*

In the last couple of years, athlete activism has been on the rise and athletes have started to speak up about issues linked to their human rights. Well-known examples include



*Azeem Rafiq, a professional and international cricketer and whistleblower who left Pakistan for the UK as a child fleeing violence, has faced severe institutional racism in his sport. When he started to speak up about it, he and his family were threatened and had to move countries. His strength and perseverance triggered a wave of inquiries and investigations across the sport in England and he is using his story to empower others to speak up and raise awareness of sport organisations about the severe impacts of racial abuse in sport.*



*Colin Kaepernick is a former professional football player that turned into an American civil rights activist to protest police brutality and racial inequality in the United States.*



*Joanna Maranhão was a Brazilian swimmer who has been sexually abused by her coach at a young age. Only years later, she disclosed what happened and has been fighting to support other victims and survivors of abuse since then. Due to her activism the Brazilian law for taking legal action against the abuser has been changed. In the past, the system gave victims 16 years to report the abuse and if they turned 18 and had not reported it yet only six months to speak out. Now, thanks to Joanna's activism, after a victim turns 18, they have 20 years to take legal action. Until today, Joanna continues to empower other victim and survivors of abuse in sport and fight for access to remedy.*



*Scout Bassett, a track and field para-athlete has been fighting gender inequalities in the para-sport movement and started a fund for breaking down financial barriers that prevent in particular female athletes with disabilities from reaching their full potential.*




*Lewis Hamilton, a multiple time Formula One champion, is regularly speaking up about social justice and race, human rights and protection of the LBGTQ community.*

It is important to realize that when athletes speak up about their rights and the rights of others, they become human rights defenders for which they deserve special protection. Unfortunately, in many cases athletes face significant backlash in form of online abuse and/or sporting sanctions.




**When athletes use their voice to promote equality in sport, they are in fact human rights defenders.**

**Volker Türk, UN High Commissioner for Human Rights.**

Also, collectively, athletes have spoken out about their human rights as part of organized campaigns for instance.

The 75 - Join the Human Rights Team!

**https://www.youtube.com/watch?v=iQmB16Zgcc0**

In some cases, we have seen positive changes made by sport bodies in response to these protests. Some key examples are:




*Ahead of the FIFA Women's World Cup 2023, the professional football players F IFPRO, its member unions, and 150 international footballers from 25 countries organized collective action to secure more equal regulations and conditions, including equal pay and prize money. After this action, a number of football associations improved the conditions and increased the pay for female players.*



*In 2020, in the midst of the Covid-19 pandemic, the World Players Association and other athlete groups successfully called upon the IOC to postpone the Tokyo Olympics following initial reluctance. This goal was to prioritize the health and wellbeing of athletes and to ensure that players could return to work and play as safely as possible.*



*In 2021, Norway's women beach-handball team refused to wear bikini bottoms as their player uniform and instead decided to wear athletic shorts. They were sanctioned after a match at this year's European Beach Handball Championship by the European Handball Federation. However, the team received support from Norway's national handball federation, the government, as well as international stars, and successfully lobbied the international federation to change the requirements. From January 2022 onwards, women were required to wear "short tight pants with a close fit" and a "body fit tank top".*

As these examples show, player unions and associations are of vital importance for organizing these collective actions. There are also support networks that help athletes that want to speak up. The Athletes Network for Safer Sports for instance holds webinars and workshops to build capacity on advocacy skills and strategies for impacted athletes and allies.

Here you can access a summary of the webinar on advocacy skills for athletes.

Finally, the last years have seen an increase in instances of athletes challenging decisions or actions of sport organisations on human rights grounds. Some well-known cases are:



*South African Olympic Gold medallist Caster Semenya challenged World Athletics' eligibility rules as they would have forced her to take medication to lower her testosterone levels to be allowed to compete in the 800m run. First the Court of Arbitration for Sport decided in 2019 that while these rules are discriminatory, they are justified. In 2020 the Swiss Federal Supreme Court upheld the CAS award. In 2023, the European Court of Human Rights ruled that Switzerland has failed to protect Smeneya's rights to not be discriminated, to private and family life, and to effective remedy. Switzerland referred this decision to the Grand Chamber of the Court and the final judgment is still pending.*



*Former professional football player Lassana Diarra had to pay compensation in the amount of EUR 10,5 million to his former club Lokomotiv Moscow due to alleged contractual breaches. He received an offer from a new club in Belgium, with the condition that no compensation was due to his old club. However, as this could not be guaranteed, he missed this offer. Diarra brought the case before a Belgian court and claimed damages from FIFA and the Belgian Football Association, arguing that certain rules of FIFA's transfer rules of 2014 were contrary to EU's fundamental freedoms, in particular the free movement of workers. The Belgian court referred the case to the European Court of Justice (ECJ). In October 2024, the ECJ held that indeed some aspects of these rules were inconsistent with the guarantee of freedom of movement under EU law , as they can deprive a player of receiving firm and unconditional offers from clubs established in other EU Member States. The Court also established that these rules are incompatible with EU competition law.*




*Transgender swimmer Lia Thomas lost a legal battle at the Court of Arbitration for sport where she tried to challenge a ban on trans women competing in the highest levels of women's swimming. The panel dismissed her case arguing that she lacks standing to challenge the policy and the operational requirements.*

There are many more cases in which athletes decided to challenge the actions or decisions that violated their rights. The Centre for Sport and Human Rights maintains a database of such cases:

This collection of cases reflects disputes from the world of sports with human rights at stake. It captures on an ongoing basis, past and recent cases that have been dealt with by various dispute resolution mechanisms, including domestic and international courts, tribunals, OECD National Contact Points, the Court of Arbitration for Sport (CAS), and more, and for which public information is available.

**It is important to acknowledge that even though there is a rise in cases of athletes claiming their human rights, athletes face a lot of obstacles when trying to access remedy.**

These challenges include:

- *a lack of adequate and effective mechanisms,*
- *a lack of expert support,*
- *financial barriers,*
- *a lack of awareness of existing mechanisms,*
- *fear of retaliation or 'losing their spot' (linked to power dynamics and time-sensitivity)*

As a result, the majority of athletes lacks the ability to access effective routes to remedy when their human rights are at stake.

# CONCLUSIONS AND TAKEAWAYS

This module highlighted the various risks sport holds for athletes' human rights. While the emergence of these risks can be very contextual, the world of sport faces structural issues such as discrimination based on gender or race and higher risks of interpersonal violence. Power imbalances and the high stakes within elite sport reinforce such risks. Athletes can claim their rights in diverse ways, but significant obstacles exist for athletes to access remedy for human rights harms.

Now that you know more about how athletes' human rights can be at risk in the sporting context, as well as how athletes can do something about it, it is time for another brief knowledge check to help you take away the key learnings from this second module:

***MULTIPLE RESPONSE:***

***Question 1:*** *Athletes' human rights are at risk in sport because:*

1. *They waved their human rights when becoming an athlete.*
2. *Sport organisations do not have human rights responsibilities.*
3. *Power imbalances and cultures of silencing and normalizing misconduct exist within sport.*
4. *Athletes themselves often do not know about their human rights.*

***MULTIPLE RESPONSE:***

***Question 2:*** *Athletes can claim their human rights by:*

1. *Speaking out collectively about rights violations.*
2. *Filing a case at the court of sport and human rights.*
3. *Challenging actions and decisions that cause human rights harms to athletes in front of relevant sport committees, tribunals or courts.*
4. *Becoming an athlete activist to speak out about human rights harms and risks for athletes.*

# MODULE 3: HOW CAN SPORT ORGANIZATIONS RESPECT ATHLETES' HUMAN RIGHTS?

## SUMMARY

The final module of this course shifts the focus to those responsible for respecting athletes' human rights: sport organisations and other actors within the sport ecosystem. It first introduces the concept of human rights due diligence as it is known from the business and human rights field and highlights good practice examples from different sport organisations. In the final part, it shares some scenarios for how the human rights responsibilities of other actors from the sport ecosystem, in particular sponsors, broadcasters, and governments, are triggered in the context of athletes' human rights. After taking this module, you will have a stronger comprehension of what a sport organisation's responsibility to respect human rights entails and the role that you and other relevant actors can play in ensuring that athletes' human rights are respected in sports.

## 3.1 INTRODUCTION TO THE TOPIC

In the first module of this course, you learned about human rights and how states are the primary duty-bearers when it comes to protecting, respecting and fulfilling human rights. However, the international community has also recognized the responsibility of other actors, non-state actors, to respect human rights, as expressed in the UN Guiding Principles for Business and Human Rights. As mentioned above, this idea of other actors having human rights responsibilities also applies in sports, in particular to SGBs.

It is important to understand that the idea is not to make SGBs responsible for all human rights issues in the world, but to help them understand that when their activities are linked to negative human rights risks or impacts, these will need to be prevented or remedied.

Of course, SGBs do not operate alone in sports and other private organisations like clubs, sponsors, broadcasters, sporting equipment companies, and others, also have human rights responsibilities. The main point is for organisations to understand how their actions impact the human rights of those involved in sport, such as athletes, and then for them to take relevant actions based on these impacts being positive or negative.

The good news is that in the past decade, the business and human rights movement has generated quite some good practice examples and tools that sports can learn from. Adaptation will be necessary, as sport can be quite specific, and even more so, every sport and every SGB will have their own specificities. At the same time, we see a rise in good practice example also within the sport sector. Sharing practices and knowledge can help to raise the bar and ensure that athletes' human rights are respected in sports.

## 3.2 HUMAN RIGHTS DUE DILIGENCE

There are several ways in which sport organisations can live up to their responsibility to respect athletes' human rights, including in specific cases where harm has been done or athletes' human rights are at risk, as well as on a more structural level when a club or federation does not have proper policies in place yet. In all situations, a sport organisation should take the following steps:

*Commit to respecting human rights,*

*Identify and analyze the risks at stake,*

*Take measures to mitigate these risks, and*

*Communicates about the measures taken.*

This is also called 'human rights due diligence' process. The Centre for Sport and Human Rights developed a 'Human Rights Playbook: Integrating Human Rights in the Governance of Sport Bodies,' which illustrates these steps accordingly:




*Infographic on human rights due diligence for sport bodies from CSHR 2024*

This tool provides guidance on managing human rights risks and implementing human rights due diligence processes within diverse types of sport organisations.

**A key step that needs to be part of all measures taken is stakeholder engagement. The rights-holders, namely the athletes, need to be included in this process from the outset.**

In more detail, human rights due diligence for sport bodies to respect athletes' human rights can look like this:

**Athletes' human rights due diligence for sport bodies**

Human rights due diligence is a process advocated by the UN Guiding Principle, which aims to identify, prevent, mitigate and account for how organisations prevent the materialization of potential adverse human rights impacts linked to their activities. While it has originally been developed for businesses, it finds increasing application in the world of sports and SGBs, including international and national organisations, have implemented such a process to discharge their human rights responsibilities and advance their human rights work.

1. **Commit**

to respecting human rights of athletes. This is best done by adding an explicit commitment to respecting internationally recognised human rights in the statutes or an SGB. This commitment can then be elaborated upon in a separate human rights policy. However, the drafting and adoption of a human rights policy should be preceded by a thorough human rights due diligence process.

2. **Identify and analyse**

athletes' human rights risks, through conducting a thorough risk assessment. This risk assessment should highlight the most salient athletes' human rights risks, by first mapping relevant risk areas and then analysing the likelihood of negative impacts and the severity of such impacts in these areas, considering for instance the scale of the impact but also the possibility to remedy the impact.

3. **Take measures**

to mitigate and prevent athletes' human rights risks, in line with the salient risks identified in the previous steps. Such measures can include the adoption of policies, establishment of systems, capacity building, campaigns, and more.

4. **Monitor**

the measures taken to check their effectiveness in minimizing athletes' human rights risks and preventing harm. Take additional measures where possible and repeat the risk assessment regularly to ensure that salient risks and measures are aligned. When possible, include an independent monitoring, such as an external body or internal body with sufficient independence.

5. **Communicate**

about the measures taken and how effective they are in minimizing risks and preventing harm. This should happen on a regular basis to keep stakeholders informed.

This process should happen on an ongoing basis. Risks might change, as measures are taken to address those. Therefore, it is important to see this process as a continuous loop in which the different steps have to be taken repeatedly. An important add-on to this is the remedy step. Where athletes' human rights have been harmed and the sport governing body is in a position to remedy that harm, the necessary steps have to be taken to ensure access to effective remedy for athletes.

## 3.3 GOOD PRACTICE EXAMPLES

FIFA has been one of the first international federations that recognized their human rights responsibilities in line with the UNGPs and following the due diligence steps. In 2015, they hired John Ruggie, author of the UNGPs, to help FIFA understand what it means to embed human rights across its activities, using the UNGPs as authoritative standard. Among other things, one of the results was FIFA's adoption of a human rights policy in 2017. In this policy, FIFA acknowledges the potential adverse impacts FIFA's activities can have on human rights and identifies as salient human rights risks labour rights, land acquisition and housing rights, discrimination, security, and player's rights.

**Here** you can read FIFA's human rights policy.

A good case study of a national sport organisation going through the entire human rights due diligence process is the German Olympic Sports Confederation ("DOSB"). In 2022, at their annual general assembly, they decided to include a human rights commitment into their statutes. This kicked off their human rights

journey and in January 2023, a human rights advisory board was established to advice the organisation throughout the process. A thorough risk assessment followed, including stakeholder engagement in multiple ways and at various moments in the process. The result was a human rights policy that was adopted in November 2023. In 2024 the work continued and the focus was on the implementation of the policy by identifying and planning relevant measures to mitigate and prevent risks.

Here you can find out more about the human rights work of the DOSB and access their human rights policy (in German).

A good example of an international federation engaging in consultation with a range of stakeholders to improve the safety of their athletes is the initiative taken by the Union Cycliste Internationale together with other professional road cycling stakeholders in 2021. The consultation resulted in a series of measures to improve the safety of cyclists during competitions in 2021 and to the establishment of an independent entity called SafeR (SafeRoadcycling) in 2023. Following the due diligence steps, SafeR analyses the risks associated with the UCI WorldTour, the UCI Women's World and UCI ProSeries race routes, and then takes measures in the form of offering safety guidance to stakeholders in professional road cycling. It also monitors by conducting safety audits on race organisers and teams (including their riders). Finally, it communicates about the measures and progress through issuing quarterly safety reports.




*Infographic showing the IOC's approach to athletes' mental health during the Paris Olympics*

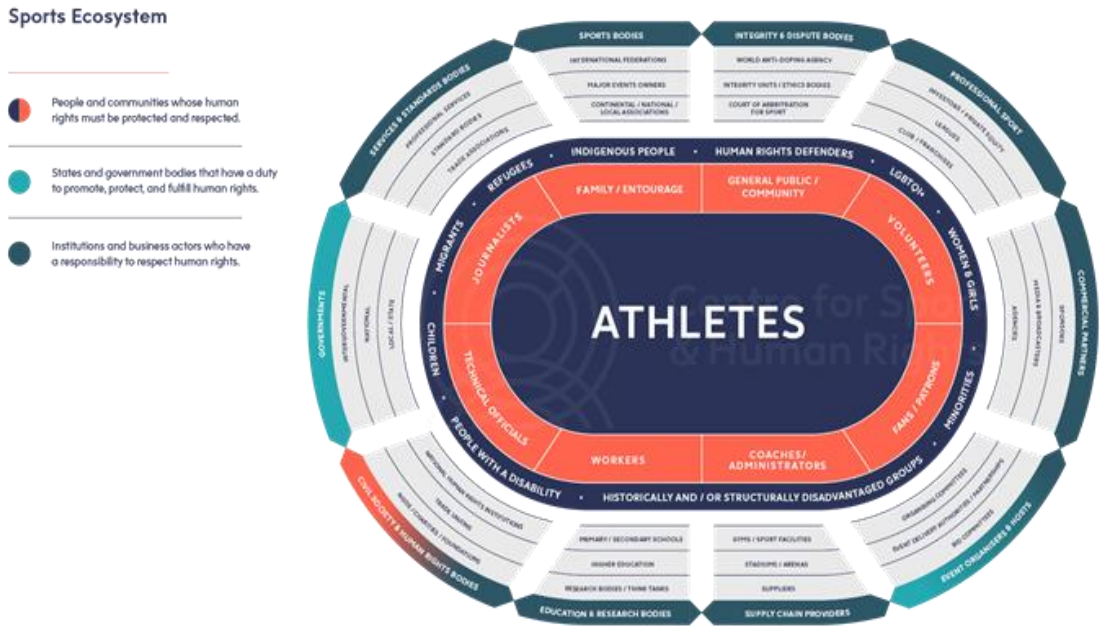
The Olympic Games Paris 2024 saw the implementation of the most comprehensive package of mental health initiatives in Olympic history. This included a helpline, clinical support, an online abuse prevention programme, welfare officers, and a mindzone for athletes to disconnect and decompress. This came as one of the results of the IOC's Mental Health Action Plan, which has been developed through stakeholder engagement. Based on the Paris example, the IOC published Mental Health Guidelines for Major Sporting Events.

This document provides guidelines and standards of service for the planning and delivery of athlete and entourage mental health measures required for implementation at major sporting events.

## 3.4 THE VARIOUS ACTORS RESPONSIBLE FOR RESPECTING ATHLETES' HUMAN RIGHTS

Sport is governed through a complex web of relationships between various actors on various levels. In other words, those participating in sports, in particular athletes, are affected by decisions and actions taken by numerous actors that all are related to each other in one way or another, including first and foremost SGBs, but also clubs, sponsors, broadcasters, event organisers, other business partners, and more.

The Centre for Sport and Human Rights developed this ecosystem model as "rights-focused ecosystem model with people at the centre" and to highlight "that each of these interactions between all stakeholder groups may impact positively or negatively – different individuals and communities, through the direct and indirect roles they play."




*An infographic in the shape of an arena showing the various actors involved in sports.*

More information on the ecosystem can be found on the Centre for Sport and Human Rights' website.

Here are some examples of how other actors from the sport ecosystem take responsibility for respecting athletes' human rights:

### UNIONS

In 2022 the World Players Association, together with Army of Survivors and the Sport & Rights Alliance, created a guidance on 'Establishing Effective Safe Sport Entities.' It identifies six key principles for safe sport entities. They must be:

- *human rights-based,*
- *survivor-centred,*
- *independent and accountable,*
- *safe and accessible,*
- *have meaningful stakeholder engagement*
- *and effective remedy.*



World Players Association, The Army of Survivors and the Sport & Rights Alliance jointly release expert guidelines to best deliver justice and support for survivors of abuse in sport.

### CIVIL SOCIETY

UNICEF published a guide on protecting and realizing children's rights for football clubs, which includes recommendations such as 'adopting a children's rights policy,' 'embedding respect for and promotion of children's rights,' 'identifying, evaluating and monitoring children's rights risks' and 'providing clear grievance mechanisms and access to remedy.'

UNICEF also initiated the International Safeguarding Children in Sport Working Group (2016), which published the 'International Safeguards for Children in Sport' to guide sport organisations in the safeguarding process of children in sport. The eight safeguards include:

1. *developing your policy,*
2. *procedures for responding to safeguarding concerns,*
3. *advice and support,*
4. *minimising risks to children,*
5. *guidelines for behaviour,*
6. *recruiting, training and communicating,*
7. *working with partners and*
8. *Monitoring and evaluating.*

INTERGOVERNMENTAL ORGANISATION

The International Labour Organisation (ILO) has been continually active in supporting labour rights of athletes. In January 2020, the ILO organized a Global Dialogue Forum on Decent Work in the World of Sport and adopted Points of Consensus, which recognized that

**"workers, including athletes, regardless of the type of employment relationship, require, as a minimum, to be protected by the fundamental principles and rights at work", and that "[g]overnments have the duty to adopt, implement and effectively enforce national laws and regulations to ensure that the fundamental principles and rights at work and ratified international labour Conventions protect and apply to all, in accordance with these Conventions".**

Since the Forum, the ILO has been part of a number of initiatives to promote decent work for athletes, including by supporting the Global Labour Agreement in football between the World Leagues Forum (WLF) and FIFPRO, as well as by supporting a campaign against fake football recruiting agents. It has also published a brief on COVID-19 and the sports sector.

The ILO's technical brief analyses the challenges faced by athletes regarding the ILO's fundamental principles and rights at work and provides examples of good practices for each of these rights.

# CONCLUSIONS AND TAKEAWAYS

The final module of this course focused on what responsibilities sport organisations and other actors from the sport ecosystem have to respect athletes' human rights. The concepts and examples shared make one thing noticeably clear:

**While SGBs play a key role in respecting athletes' human rights, keeping athletes safe and ensuring their human rights are respected in the sporting context is a shared responsibility of all actors involved in the world of sport.**

Going back to the learning objectives of this course, we hope that by now you feel better equipped to

1. *Explain with concrete examples what human rights of athletes are and where they come from;*
2. *Identify mechanisms that can help athletes to claim their human rights; and*
3. *Recognize and explain the responsibility of sport organisations to respect athletes' human rights and what steps they can take to better protect and respect athletes' human rights.*

Do you want to know more about sport and human rights and the topics discussed in this course? Check out the resources on the course website. They provide a list of sport-related tools, guides and frameworks for protecting and respecting athletes' human rights, as well as a pdf to a document that lists the most salient human rights of athletes and connects them with relevant international and European human rights instruments.

Now that you have reached the end of the course and it is time for a final reflection and knowledge check:

***1.FILL IN THE BLANKS***

*Sport organisations like federations and NOCs have a_____ to respect human rights of athletes.*

***2.FILL IN THE BLANKS***

*Athletes' human rights due diligence is an ongoing process that helps sport organisations with understanding athletes' human rights risks and taking measures to prevent harm and mitigate risks. _____ is key to ensure that rights-holders are included.*

***3.FILL IN THE BLANKS***

*While a number of good initiatives and practices exist, the _____ of sport organisations still need to recognize and live up to their responsibility to respect athletes' human rights.*

# ANSWER KEY

## MODULE 1

***Question 1:*** *All of us enjoy human rights simply because we are human beings!*

***Answer 1:***

***1. True***

*2. False*

***Question 2:*** *Human rights are part of international and national law!*

***Answer 2:***

***3. True***

*4. False*

***Question 3:*** *Only states have human rights obligations. Sport governing bodies like international or national federations do not have human rights responsibilities!*

***Answer 3:***

*5. True*

***6. False***

***Question 4:*** *Athletes only enjoy labour rights, the right to non-discrimination, the right to privacy, freedom of expression, the right to health, human dignity and physical integrity, and the right to remedy!*

***Answer 4:***

*7. True*

***8. False***

# MODULE 2

***MULTIPLE RESPONSE:***

***Question 1:*** *Athletes' human rights are at risk in sport because*

***Answers 1:***

1. *They waved their human rights when becoming an athlete.*
2. *Sport organisations do not have human rights responsibilities.*
3. ***Power imbalances and cultures of silencing and normalizing misconduct exist within sport.***
4. ***Athletes themselves often do not know about their human rights.***

***MULTIPLE RESPONSE:***

***Question 2:*** *Athletes can claim their human rights by*

***Answer 2:***

1. ***Speaking out collectively about rights violations.***
2. *Filing a case at the court of sport and human rights.*
3. ***Challenging actions and decisions that cause human rights harms to athletes in front of relevant sport committees, tribunals or courts.***
4. ***Becoming an athlete activist to speak out about human rights harms and risks for athletes.***

# MODULE 3

***1.FILL IN THE BLANKS***

*Sport organisations like federations and NOCs have a_____ to respect human rights of athletes.*

***responsibility***

***2.FILL IN THE BLANKS***

*Athletes' human rights due diligence is an ongoing process that helps sport organisations with understanding athletes' human rights risks and taking measures to prevent harm and mitigate risks. _____ is key to ensure that rights-holders are included.*

***stakeholder engagement***

***3.FILL IN THE BLANKS***

*While a number of good initiatives and practices exist, the _____ of sport organisations still need to recognize and live up to their responsibility to respect athletes' human rights.*

***Majority***

HUMAN RIGHTS EMPOWERED
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Co-funded by
the European Union

ISBN: 978-84-09-71160-4

*Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Education and Culture Executive Agency (EACEA). Neither the European Union nor EACEA can be held responsible for them.*