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Study on athletes' rights in and around big sport events

*A report to the European
Commission*

May 2024

EUROPEAN COMMISSION

Directorate-General for Education and Culture
Directorate D for Culture, Creativity and Sport, Sport Unit D3

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Study on Athletes' Rights in and around big sport events

A report to the European Commission

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Luxembourg: Publications Office of the European Union, 2024

ISBN 978-92-68-18359-5

doi: [10.2766/204495](https://doi.org/10.2766/204495)

Catalogue no. NC-09-24-544-EN-N

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FOREWORD

Athletes are at the heart of major sporting events. Their dedication and skill not only captivate millions during world and continental championships as well as the Olympic and Paralympic Games, but also inspire and motivate countless others to engage in sport and physical activities.

However, the excitement and glamour surrounding these events often obscure the myriad of complexities and obstacles that athletes face off the field. This study, elaborated for the Commission by independent experts, aims to shed light on the rights of athletes at and around major sporting events, exploring the challenges they encounter, including physical and mental stress. From the pressure generated by the rigorous training and competition to issues linked to sponsorships and endorsements, which are emphasised by the omnipresence of social media, athletes often have to navigate a rough organisational, legal, ethical and personal path.

As we embark on an exhilarating season of major sport events across the European Union, we were delighted to follow up on the invitation of the EU Member States in the EU Work Plan for Sport 2021-2024 and commission this timely study on “Athletes’ rights in and around big sport events”. This study, supported by the invaluable contribution of numerous sport stakeholders, addresses key issues such as fair representation of athletes’ rights, freedom of expression, right to privacy, the pressures of commercial and political interests and the impact on their personal well-being and mental health.

As we are celebrating the remarkable achievements of athletes this summer, we need to consider how we can further improve the system that supports them. By examining case studies and legal frameworks, this study seeks to open a debate and develop recommendations for creating a more equitable and respectful environment for athletes.

Iliana Ivanova

European Commissioner for Innovation, Research, Culture, Education and Youth

EXECUTIVE SUMMARY

The EU Work Plan on Sport 2021-2024 sets knowledge-building and analysis of the situation in relation to the different rights of European athletes participating in sport events as a priority. In this context, the Directorate-General for Education, Youth, Sport and Culture (DG EAC) of the European Commission commissioned Ecorys in June 2023 to undertake a study on athletes' rights in and around big sport events. The study's objective is to map, define, and discuss athletes' rights in and around big sport events focusing on three main dimensions: sport governance and athletes' representation, global politics and use of social media, and mental health. It aims to understand the main challenges around athletes' rights and wellbeing and identify good practices that provide the right level of protection to athletes.

Given the socio-cultural relevance of big sporting events, the increasing political and public pressure inserted on athletes, and the much-enhanced media profile of athletes due mostly to social media, the analysis of the situation of athletes' rights in the EU is highly relevant. This is particularly the case as the EU will host some of the world's largest sporting events in the next few years, including the Olympic Games Paris 2024. The study therefore comes at an important moment and will help feed further political discussions and research, support policymakers at European level by providing more information and evidence on the topic, as well as raise public attention about the importance of safeguarding the wellbeing of athletes.

Background

The rights of athletes are an important element of the physical and moral integrity of sportsmen and sportswomen. Athletes have the same fundamental rights as every other EU citizen, including equal access and the right to play free from any physical, emotional, or verbal abuse or violence, labour and social rights (e.g., work contract, employment protection, collective bargaining, representation), personal rights (e.g., freedom of opinion and expression, protection of personal data and privacy, protection of name, image and performance) and legal rights (e.g., equality and legality before the law, effective remedy).

While no specific legal framework for athletes' rights exists, their rights, as every other EU citizen, are enshrined in various international, EU and national human rights standards including, among others, the Universal Declaration of Human Rights, the Council of Europe's European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Economic, Social and Cultural Rights, and the Charter of Fundamental Rights of the European Union. A growing base of international human rights policy standards have also been explicitly drafted for the field of sport, which provide a policy framework for athletes' rights. These include the Athletes' Rights and Responsibilities Declaration and the Universal Declaration of Players' Rights.

The full enjoyment by athletes of the rights upheld by the abovementioned human rights standards is the responsibility of sport governing bodies and national governments. Sport governing bodies and national governments therefore have a duty to commit to and fully implement these human rights legal and policy standards to protect, prevent, and as appropriate sanction infringements of athletes' rights.

Methodology

At the scoping stage of the study, interviews were conducted with a small number of sport federations, athlete representative bodies, and academics with high-level expertise on the topic. A literature review was also undertaken which identified and summarised existing literature (in English, French, German, Spanish, and Italian) on athletes' rights in and around big sport events under the three dimensions of the study.

During the interim stage, the study team conducted more extensive desk research to gather further information in relation to the issues faced by athletes in and around big

sport events across the three dimensions of the study, and good practices that exist to protect athletes' rights in this context. The study team also undertook interviews with 20 athletes and coaches, and 30 interviews with sport federations, athlete representative bodies, government and other relevant bodies across the sport movement at international, EU, and national levels.

Based on the information collected through the desk research and interviews, the study team produced 13 case studies. Ten of these case studies discussed issues athletes face concerning their rights, and three case studies looked at good practices which protect athletes' rights, both in the context of the three main dimensions of the study. These are annexed to the Final Report.

During the final phase of the study, emerging findings were checked and validated with high-level experts and stakeholders in the field through an online validation workshop. Based on the feedback provided, the study team then produced and finalised the full study findings and produced this Final Report.

Key findings: Evolution of athletes' rights in and around big sport events

The study has considered the evolution of athletes' rights in and around big sport events. Key findings are set out below in relation to each of the key dimensions examined.

Sport governance and athletes' representation

The research has identified several specific categories of athletes' rights relevant to the theme of sport governance and athletes' representation, which sport governing bodies have a duty to uphold. These rights are enshrined in many of the abovementioned human rights legal and policy frameworks.

In relation to the theme of sport governance and athletes' representation, athletes have the following rights:

- the right to compete in a sporting environment free from corruption;
- the right to participate in decision-making within sport governing bodies through athletes' commissions;
- the right to engage in social dialogue on matters of their interest through athlete associations, player unions, etc.;
- the right to a fair and public trial by an independent and impartial tribunal;
- the right to remedy where their human rights have not been respected; and
- the right to freedom from discrimination based on sex, race, ethnicity, language, religion, political or other opinion, or social status including the right to receive equal compensation for performance, the right to equal opportunity to participate, and the right to equal representation in sport governance.

This growing attention to the abovementioned rights of athletes has resulted in a positive shift across the sport ecosystem towards increasing protections for athletes' rights. Athletes are increasingly involved in discussions on matters that impact their participation in sport and their social and human rights. This is further signalled by recent developments such as the adoption of a human rights strategy for the Olympic Games Paris 2024, and the increasing number of sport governing bodies who have committed to upholding declarations of athletes' rights, such as the Sporting Chance Principles.

Global politics and use of social media

The research also identified athletes' rights, which are relevant to the theme of global politics and use of social media. Many of these rights are also enshrined in several of the abovementioned human rights legal and policy frameworks. These include the following:

- the right to freedom of opinion and freedom of expression;

- the right to non-discrimination including the right to equal participation in sport;
- image rights; and
- the right to privacy and protection of one's personal data.

Despite consistent challenges athletes face because of global political events coupled with the growing prevalence of social media, athletes' rights to freedom of opinion, expression, equal participation in sport, their image rights, and the right to privacy and protection of their personal data have evolved in recent years. Positive steps have been taken to implement and enforce the abovementioned rights in sport governing policies and processes to protect athletes' rights in and around sporting events.

Mental health

The research identified athletes' rights in the context of big sport events that are relevant to protecting athletes' mental health (i.e., well-being and performance enhancement) and their mental ill-health (i.e., mental illness, including clinical and sub-clinical issues). These rights, as listed below, are enshrined in many of the abovementioned human rights legal and policy frameworks:

- the right to a healthy working environment;
- the right to privacy and protection of personal data; and
- the right to a safe working environment.

Despite the numerous challenges athletes' face concerning their mental health in the context of big sport events, our findings show that there has been a general trend towards positive developments in the area of athlete mental health in recent years. Positive steps have been taken to implement the abovementioned human rights standards and protect athletes' mental health and well-being. Public debate around the mental health of athletes and the protection of their related rights has also shifted from silence and stigma to openness, awareness, and action, and there is a growing commitment to creating a more supportive and inclusive environment for athletes' mental well-being.

Key findings: Evolution of issues faced by athletes in and around big sport events

The study has also examined the evolution of issues faced by athletes in and around big sport events. Key findings are highlighted below.

Sport governance and athletes' representation

Good governance principles of transparency and accountability, representation and consultation, and integrity are essential within sport governing bodies to ensure athletes are protected in the context of big sport events. Nevertheless, concerns remain regarding the extent to which the rights and well-being of athletes, as well as other parties impacted by the big sport event ecosystem, are protected and respected. While athletes are entitled to their human and social rights, there is a lack of consensus amongst stakeholders regarding what labour protections should apply to elite athletes, and inconsistencies across Member States regarding what legal protections are afforded to them.

The legal specificity of the sport sector limits the regulation and oversight afforded to sport governing bodies. Stakeholders in the sector have raised concerns due to the conflict of interest within sport governing bodies as both the regulators and commercial operators of sport. As big sport events are the most significant source of revenue for sport governing bodies, financial and commercial interests may conflict with the best interests of athletes. Further, an overall lack of representation in leadership (e.g., women occupy only 22% of board member positions across the Olympic sport federations and National Olympic Committees (NOC)) results in much of the policymaking in sport lacking diverse perspectives, which has resulted in policies either not serving the interests of or actively discriminating against women (e.g., maternity discrimination), racial or ethnic minorities, individuals from minority religions, and LGBTQIA+ individuals.

There is a significant power imbalance between sport governing bodies and athletes, as sport governing bodies decide the conditions under which athletes must participate, the rules that apply to their sport, and which athletes can participate. Sport governing bodies have nearly exclusive control over the operation of big sport events, leaving athletes with limited options if they do not agree with the conditions they are required to agree to in order to participate in an event. In most cases, athletes have been training for much of their lives for the opportunity to participate in an event such as the Olympics or a World Cup and are willing to make significant sacrifices to reach this goal. Therefore, athletes' fear of retribution and fear of risking their participation in an event are key factors preventing them from speaking out against their federation.

While the existing channels for athlete representation may be sufficient for most athletes and competitions, there remains a limited avenue for recourse where athletes disagree with the decisions made, even in cases where these may impede on their social and human rights. Existing tribunals within the sport community, such as the Court of Arbitration for Sport (CAS), lack the human rights expertise necessary to ensure athletes' rights are upheld during proceedings, and tribunals outside the sport community often lack expertise on the specificities of sport, including the need for quicker timelines to comply with sport calendars.

Global politics and use of social media

The political neutrality of big sport events is increasingly challenging to maintain. Global political events often interfere with athletes' participation in big sport events, most notably in the form of political boycotts (e.g., Olympic Games Moscow 1980), bans or specific conditions under which athletes can compete.

The political and social activism of athletes has a long-standing history throughout the Olympic Movement, starting from demonstrations of U.S. athletes John Carlos and Tommie Smith in 1968 in solidarity with the civil rights movement to more recent examples of protests for social or human rights causes. While such demonstrations can be met with disciplinary action from the International Olympic Committee (IOC), NOCs and national sport federations, in a recent wave of athlete activism around human rights and social issues (e.g., racial discrimination, sexual harassment, mental health, etc.), athletes have requested clarity and additional ways to express their views during the Olympic Games and championships. As a result of a consultation process with athletes' commissions, the athlete expression element of the Olympic Charter's Rule 50.2 was clarified in Rule 40.2 with additional guidance on the forms and spaces of expression (e.g., media zones, press conferences, social media) allowed during the event. In the Olympic Games Paris 2024, athletes will be allowed to express their views and opinions during the event, except for the podium, field of play, and the opening ceremony.

Despite additional clarifications, legal experts and athlete representative bodies continue to challenge the rule by questioning the criteria used to define 'political' expression and asking for more clarity and consistent reasoning behind decisions of disciplinary sanctions against athletes. While athlete expression in principle has no limitations outside the Olympic Games, athletes are expected to comply with their organisations' requirements, such as ethical codes, sponsorship agreements, or safeguards protecting the integrity of the game, including in their social media statements. However, stemming from the power imbalance between sport governing bodies and athletes in terms of sport governance and representation, athletes often find their opportunities for freedom of expression limited by the lack of clarity around sanctions or disciplinary action, financial dependence on federations and sponsors and fear of recrimination (e.g., not being selected, withdrawal of financial support) from coaches, teams, or sport federations. In addition, athletes face pressure from public opinion, which could have a negative impact on their image, reputation, and career.

While athletes have the right to exploit their own personal image, this may be limited by employment or commercial contracts, conditions of participating in sport events or the collective interests of sport clubs or federations. In the context of the Olympic Games,

Rule 40.1 of the Olympic Charter aims to protect the income generated through Olympic sponsors, 90% of whose contributions are redistributed to organisations and sports within the Olympic Movement. At the same time, athletes have voiced the need for additional ways to engage with their individual sponsors during the Olympic Games due to its high income-generating potential. As a result, athletes are now allowed to share thank you messages to their sponsors during the Olympic Games, with additional room for flexibility from NOCs. Nevertheless, in some cases athletes' sponsorship opportunities may be limited by their federation's practices, or other contractual agreements. Furthermore, the unequal representation and portrayal of male and female sports in (social) media could limit female athletes' opportunities to generate an income through their sporting careers.

When entering contracts with federations or sponsors, athletes may also have to waive some or all of their rights related to how their image, or other personal, health or performance data is being used. This is exacerbated by the lack of transparency in how athletes' data is being processed, stored, and protected and which third parties it is shared with. This could cause privacy and data protection concerns.

Mental health

There is a growing awareness and recognition of the importance of mental health for athlete well-being and performance, particularly following several high-level athletes speaking out openly about their mental health struggles in elite sport, and athletes reporting mental health struggles during the COVID-19 pandemic. Elite athletes have reported various forms of mental health struggles and ill-health, including anxiety, depression, eating disorders, sleep disturbance and disorders, distress, and alcohol misuse.

Sport governing bodies have reported challenges in devoting the same attention to psychological health as to the physical health of athletes due to the 'invisibility' of mental health issues as opposed to physical injuries, lack of sufficient resources, the shortage of trained mental health professionals to work with elite athletes, a lack of mental-health related education of coaches and athletes, and the 'have what it takes' and 'win at all cost' sporting mentality and culture. Moreover, there are still significant differences in the perception of mental health and its incorporation into health services and policies across countries.

Big sport events have several specific stressors which could impact mental health and well-being. Pressure experienced by athletes can also be caused by wider factors specific to elite sport and athletes' circumstances. Stressors, such as training and performing at heightened intensity in a competitive environment, the risk of physical injuries, relationships with teammates and coaches, the end of a sporting career, vulnerable career paths, employment contracts and social security protections (e.g., maternity leave), and other economic factors can also lead to chronic stress and increase the risk of developing anxiety, depression, and eating disorders. Athletes often refrain from seeking support related to mental health struggles linked to these pressures for many reasons, including due to fear of contract termination or expulsion from the team.

Big sport events are naturally a high-pressure and stressful environment for athletes. Stress factors specific to big sport events most commonly include extended travel away from home for training or competitions, poor facilities and nutrition/food provided during competitions, the tight scheduling of competitions, excessive anti-doping tests during competitions, and increased public and media attention including criticisms and hateful comments online (particularly for women and those who belong to a minority group (e.g., LGBTQI+ athletes)). Athletes therefore require support, reassurance, and adequate rest, in the lead up, during, and after big sport events to prevent 'post-tournament blues'.

Safeguarding of athletes in and around big sport events has a number of barriers that are related to structural elements of the sporting environment, such as a lack of dedicated policies, commercial or financial priorities that may come into conflict with athlete safeguarding and a lack of widespread remedy mechanisms and support structures

available in case of misconduct. Moreover, a culture of leniency in sport (e.g., coaches accused of abusive behaviour might be able to continue their careers in another team), a lack of human and financial resources dedicated to safeguarding, poor mental health literacy, and athletes' fear of retribution for reporting mistreatment or mental health struggles could limit athletes from seeking necessary support.

Key findings: Good practice approaches to protecting athletes' rights

The study has also examined good practice approaches that have been taken to protect athletes' rights in and around big sport events. The existence of these good practice examples, however, does not mean that there is no need for further action and protection in the sports, teams, or countries that the practice refers to. Key findings are highlighted below.

Sport governance and athletes' representation

Ensuring good governance principles such as transparency and accountability, athletes' representation and consultation in decision-making, and integrity are essential to ensure athletes' rights are respected throughout the lifecycle of big sport events. Instilling these principles at the core of a sport governing body helps to ensure that the rights of all involved in sport are respected during big sport events and beyond. A number of good practice approaches to protecting athletes' rights in and around big sport events in the context of sport governance and athletes' representation have been taken.

In terms of instilling good governance principles in the organisation of big sport events, the *Fédération Internationale de Football Association* (FIFA), the International Basketball Federation (FIBA), and the International Paralympic Committee have made commitments to uphold the Sporting Chance Principles. For example, the Union of European Football Associations (UEFA) designed the match schedule of the EURO 2024 championships in a way that limits the amount of travel required for teams between matches. Another key example is the Human Rights Strategy for the Olympic Games Paris 2024 which covers athletes' fundamental freedoms and rights which will apply to the entire lifecycle of the event.

While there is still a need for improvement in ensuring athletes can inform decision-making on matters that impact them, athlete representation in sport governance is increasing across sports and national contexts. A key example of athlete perspectives being considered in sport governance decision-making is the recent changes to the Olympic Charter adopted in October 2023, particularly on Rule 50 concerning athlete expression, which was adopted based on the results of a consultation of over 3,500 athletes. Other good practice examples include the Team Liaison Officer who facilitates athlete representation during FIFA tournaments, and independent player associations.

Several mechanisms are considered useful sources of recourse for athletes with complaints regarding rights breaches, including judicial mechanisms, non-judicial mechanisms (e.g., OECD National Contact Points and national human rights institutions), specific grievance mechanisms (e.g., IOC's Integrity and Compliance Hotline and the Olympic Games Paris 2024 Ethics Committee), and legislative protections for athletes. Several efforts have also been taken by Member States and sport governing bodies to increase diversity in decision-making, gender equality in sport, and develop maternity policies that ensure adequate support and non-discrimination for athletes who become pregnant.

Global politics and use of social media

Within the context of global politics and the use of social media, a number of good practice approaches to protecting athletes' rights in and around big sport events have been taken. These include policies ensuring equal participation in big sport events, and policies and practices to protect athletes' freedom of expression, their commercial interests and image rights, and data protection and privacy rights.

A good example of a policy ensuring equal participation for all athletes in big sport events is the *Fédération Equestre Internationale's (International Equestrian Federation)* requirement of non-discrimination in all event host agreements. Article 16.2 of Term & Termination of FEI Host Agreements with FEI Event Organisers states that the FEI is entitled to terminate host agreements immediately in case "*the Championship(s) are not accessible to all teams (including, but not limited to their Athletes, Horses, Support Personnel and Team Officials) that have a right under the FEI Rules and Regulations and the sports criteria, to participate in the Championship(s)*".

Sport governing bodies increasingly recognise the need to actively create opportunities for athletes to freely express their views and raise awareness about issues important to them, including in big sport events. For example, ahead of the Olympic Games Tokyo 2020, the Team USA Council on Racial and Social Justice published detailed recommendations for the United States Olympic and Paralympic Committee regarding public racial and social justice demonstrations during the Olympics.

Several sport governing bodies have also implemented practices that aim to ensure that both athletes and federations can equally benefit from sponsorship deals and that athletes gain income-generating capacity through their sporting careers. To facilitate fair athlete agreements, including on image and sponsorship-related issues, the IOC Athletes' Declaration Steering Committee (composed of athlete representatives) developed an athletes' agreements FAQ and an e-learning module intended to provide a framework for sport organisations and athletes to effectively work together to their mutual benefit.

Recognising the importance of protecting athletes' data from unauthorised use, and their privacy, sport governing bodies are also taking measures to set up adequate data protection policies and ensure athletes have the right to view and edit their data and withdraw consent from its processing. For example, in collaboration with FIFPRO, FIFA has developed the FIFA Player App, a player analytics tool allowing each player to access their individual player-performance data shortly after each match.

Mental health

While more action and measures are needed to protect athletes' mental health in the context of big sport events, the research identified a number of good practices that have been taken to protect athletes' rights and create a more supportive and inclusive environment for athletes' mental well-being.

Sport federations are increasingly adopting approaches and policies to promote athlete mental health generally, including employing highly trained mental health professionals to provide support for athletes, having regular check-ins with athletes on their well-being, and investing in the development of athlete dual careers. Various awareness-raising campaigns launched by sport federations (e.g., FIFA #ReachOut campaign) have helped draw further attention to the issue. Some countries also have specific regulations for the field of sport that apply social protections to elite athletes, regulate the qualifications for coaches and other sport officials with high athlete contact, or mandate certain safeguarding measures for athlete safety.

Alongside the general trends toward implementing protections for athlete mental health within sport clubs and federations, a number of good practices are being implemented throughout the lifecycle of big sport events. These include some sport federations engaging in athlete consultation on decisions related to big sport events that may have an impact on athlete mental health, providing mental health professionals for athletes to speak with during events, hosting a mental health hotline in cases of mental ill-health emergencies (e.g., IOC hosted a Mentally Fit Helpline around the Olympic Games Tokyo 2020 and Beijing 2022), and cultivating a psychologically safe sport environment. There are also good practices concerning preventing the risk of social media on athletes' mental health, self-image, and sport performance during big sport events (e.g., the Social Media Protection Service of FIFA and FIFPRO).

A number of good practices have also been taken to safeguard athletes during big sport events, including employing safeguarding officers during big sport events and hosting confidential hotlines to report potential cases of harassment, violence, or abuse. Sport federations have also commissioned independent reviews of allegations (e.g., the independent report on allegations in UK gymnastics commissioned by Sport England and UK Sport), and there is an increasingly common practice of banning fans who racially abuse athletes during events.

Lessons learnt and recommendations

The diverse nature of sport and the complexity of arrangements governing the management and delivery of big events means that inconsistent standards in how athletes' rights are recognised, protected, and implemented are almost inevitable. The recommendations from the study are therefore necessarily formulated at a broad and aspirational level building on the key learnings from the evidence gathered. They focus on measures and initiatives that would promote greater consistency and limit the impact of diverse practices on athletes' rights. The suggested initiatives are not for any one organisation to take forward but may emerge from (or depend on) continuing structured dialogue between relevant stakeholders on the issues raised (see recommendation 1). In this context, the specific recommendations emerging from the evidence gathered are set out below.

Recommendation 1: The European Commission should continue to facilitate structured dialogue and knowledge exchange on issues of athletes' rights and big sport events through events and initiatives that bring together perspectives from all stakeholders including international sport federations and athlete bodies.

Recommendation 2: National governments and international bodies should work together to develop a framework for athletes' rights that applies to the staging of big sport events and athletes' rights based on international human rights standards, criteria and principles and taking into consideration principles of fair and open competition.

Recommendation 3: Best practice standards and criteria should be developed to ensure fair and reasonable representation of athletes at key stages of big event decision-making including at the bidding and planning stages and in addressing issues such as event conditions, competition calendars, rest periods, athlete safety and safeguarding procedures.

Recommendation 4: Principles and guidelines should be developed to ensure the need for freedom of expression at big events is balanced appropriately with political neutrality objectives. This should include clearer definitions of 'political' expression, to create greater clarity and consistent reasoning behind disciplinary sanctions against athletes.

Recommendation 5: Principles and guidelines should be developed to develop greater consistency in approaches to safeguarding the participation of athletes from countries involved in disputes and conflicts including with host countries.

Recommendation 6: The development of a common framework and establishment of an international body to improve recognition of the importance of mental health literacy, and of the development and enforcement of minimum professional standards.

Recommendation 7: To increase the level of dedicated resources for mental health support services to athletes taking part in big events including provision for trained mental health professionals to support athletes in their preparation for, participation at, and period following participation at big events.

1.0 Introduction

This section outlines the purpose and objectives of the study, the study methodology and work carried out, in addition to key research considerations.

1.1 Purpose and objectives of the study

The rights of athletes are an important element of the physical and moral integrity of sportsmen and sportswomen. Under Article 165 of the Treaty on the Functioning of the European Union (TFEU), the EU has a duty to contribute to promote and protect these rights. Moreover, the European Union's Work Plan for Sport 2021-2024¹ sets knowledge-building and analysis of the situation in relation to the different rights of European athletes participating in sport events as a priority. Within this context, the European Commission commissioned Ecorys to deliver this study.

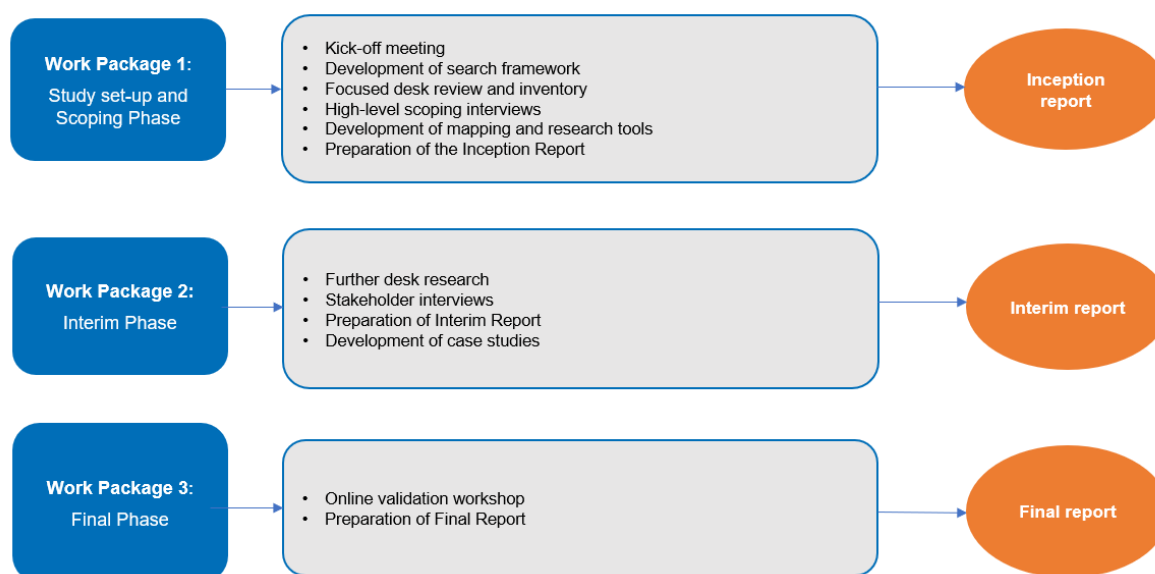
The overall aim of the study is to provide more informed evidence and background on athletes' rights in and around big sport events. The study's objective is therefore to map, define, and discuss athletes' rights in and around big sport events focusing on three main dimensions: sport governance and athletes' representation, global politics and use of social media, and mental health. Within this context, the study aims to understand the main challenges around athletes' rights and well-being and identify good practices that provide the right level of protection to athletes.

Given the socio-cultural relevance of big sporting events, the increasing political and public pressure inserted on athletes, and the much-enhanced media profile of athletes due mostly to social media, the analysis of the situation of athletes' rights in the EU is highly relevant. This is particularly the case as the EU will host some of the world's largest sporting events in the next few years, including the Olympic Games Paris 2024. The study therefore comes at an important moment and will help feed further political discussions and research, support policymakers at European level by providing more information and evidence on the topic, as well as raise public attention about the importance of safeguarding the well-being of athletes.

1.2 Methodology and work carried out

An overview of the methodology for the various work packages of the study is presented in Figure 1 below.

Figure 1: Methodology overview



Work Package 1: Study set-up and scoping Phase

The kick-off meeting between the Ecorys team and the Directorate-General (DG) for Education, Youth, Sport and Culture (EAC) was followed by development and finalisation of the search framework for the focused literature review, scoping interviews with high-level stakeholders, the conduction of a literature review and production of an inventory.

At the scoping stage of the study, **interviews** were conducted with a small number of sport federations, athlete representative bodies, and academics with high-level expertise on the topic. A **literature review** was also undertaken which identified and summarised existing literature (in English, French, German, Spanish, and Italian) on athletes' rights in and around big sport events under the three dimensions of the study. Based on the literature review, the review team identified the most relevant and best quality papers and literature which illustrate the current understanding and evolution of athletes' rights in the sport movement and academia, which was included in an inventory. The **inventory** was supplemented and finalised during the further desk research conducted under the Interim Phase and is provided in Annex 1 below.

Information obtained from the interviews, desk review and inventory fed into the **development and finalisation of the mapping tool, interview strategy** for conducting stakeholder interviews as part of the Interim Phase, **interview topic guides, the case study templates, and guidance note for the case study process**. The mapping tool took the form of a spreadsheet format covering the different contextual elements of athletes' rights in and around big sport events across the three dimensions of the study.

Based on the information collected, the study team then conducted an **analysis** and produced an **Inception Report** providing an overview of the initial findings relating to the three dimensions of the study.

Work Package 2: Interim Phase

This Work Package comprised of four tasks: further desk research, further interviews, analysis and reporting, and development of case studies.

Building on the desk review conducted under Work Package 1, the study team conducted more extensive **desk research** to gather further information in relation to the issues faced

by athletes in and around big sport events across the three dimensions of the study, and good practices that exist to protect athletes' rights in this context. The study team reviewed relevant sport law, regulatory and policy documents, guidelines, reports, analyses and studies, and other documentation.

In parallel to the desk research, the study team also undertook a suite of **interviews**. This included interviews with 20 athletes and coaches, and 30 interviews with sport federations, athlete representative bodies, government and other relevant bodies across the sport movement at international, EU and national levels.

Based on the information collected through the desk research and interviews, the study team **analysed** and produced a summary of the emerging findings, including the key issues and best practices identified across the three main dimensions of the study. This was included in an **Interim Report**.

The study team compiled 13 different **case studies**: 10 case studies on issues athletes face concerning their rights, and three case studies on good practices protecting athletes' rights, both in the context of the three main dimensions of the study. The case studies were selected, in consultation with DG EAC, based on the desk research, interviews, systematic recommendations provided by the high-level experts consulted during the scoping interviews, and other selection criteria namely:

- **Theme:** three to four case studies for each of the main dimensions of the study (i.e., sport governance and athletes' representation, global politics and use of social media, and mental health).
- **Sports:** a broad spectrum of different sports including team and individual sports, popular and less popular sports (in terms of number of participants and fan base across different parts of Europe).
- **Athlete type:** including both male and female athletes, and elite through to semi-professional athletes.
- **Legislative context:** cases are included of sports that have higher levels of legislative protection for athletes' rights and stronger governing bodies (e.g., athletics), as well as those where less existing legislation exists (e.g., volleyball).
- **Geography:** geographic balance has also been taken into consideration during the case study selection.
- **Transferability:** additional weight was given to potential case studies with high transferability or relevance to other contexts, particularly for the good practice cases.
- **Other interesting developments.**

The selected case studies are listed below and are detailed in Annexes 2 and 3. The study team compiled the case studies building on the desk research conducted, additional desk research, and the relevant interviews with athletes, coaches, athlete representative bodies, sport federations, government bodies and other relevant bodies in the sport movement (see above).

- Athlete protections during the International Association of Athletics Federations (IAAF) World Championships 2019
- World Athletics decision to remove the 50km race from racewalking
- Discrimination against pregnant athletes in elite sport
- Player involvement in the scheduling of tennis tournaments
- Kosovo's participation in the World Boxing Championships
- Repercussions from criticisms made in the media
- The history of Rule 50 of the Olympic Charter

- The influence of coaching on athlete mental health
- Sexual violence and harassment in the context of large sporting events
- Semenya vs. Switzerland
- A legal status for elite and professional athletes
- Hosting requirements to ensure non-discrimination against athletes
- The Swedish elite sport mental health clinics

Work Package 3: Final Phase

This Work Package aimed to check and validate the findings with high-level experts in the field and finalise the report. It consisted of two main tasks: **an online validation workshop** and **reporting**.

The study team organised an **online validation workshop** involving all relevant members of the study team, DG EAC, and high-level stakeholders and experts in the field from the sport movement. The study team presented a summary of the study findings across the three dimensions of the study, and case studies to gather feedback from participants. After the workshop, a short report summarising the main discussions and feedback provided during the workshop was produced and shared with participants. This is provided in Annex 4 below.

Based on the feedback provided, the study team then produced and finalised the full study findings and produced this **Final Report**.

1.3 Research considerations

A first limitation to highlight is the **scope of athletes** that have been covered through the study. The International Labour Organization's (ILO) International Standard Classification of Occupations (ISCO) defines 'athletes' as people that '*prepare for and compete in sporting events for financial gains [...] They train and compete, either individually or as part of a team, in their chosen sport.*' According to this definition athletes are sportspersons who primarily engage with sport as a professional activity, participate in competitive sporting events and conduct sport training¹. However, definitions of athletes vary according to their legal status in EU Member States. For example, in Hungary and Italy, the status of athletes in Olympic sports is defined as 'amateur' if they do not have an employment contract with a sport club.

As the study focuses on athletes' rights in and around big sport events (e.g., World and European Championships, Olympic Games, FIFA World Cup) the evidence that was collected through the desk research and interviews related to athletes participating in such events which are largely elite and professional/semi-professional athletes (i.e., high-level athletes with and without contracts taking part in big sport events). The study therefore focuses on such athletes, rather than athletes performing at grassroots level. The study also focuses on athletes over the age of 18 and does not cover child athletes.

Moreover, as mentioned in Section 1.1 above, the objective of the study is to map, define and discuss athletes' rights in and around big sport events concerning sport governance and athletes' representation, global politics and use of social media, and mental health. This involved providing a **European overview** of the situation and ensuring a balanced coverage across the 27 Member States, in addition to relevant and interesting international examples, through the desk research, interviews, and case studies. The study also aims to provide a **balanced coverage of different sports**, including team and individual

¹ ILO, International Standard Classification of Occupations, available at: <https://ilostat.ilo.org/resources/concepts-and-definitions/classification-occupation/>.

sports, popular and less popular sports (in terms of numbers of fans and participants across different parts of Europe), Olympic sports, etc which are led by interesting cases and evidence identified through the interviews and desk research. Therefore, while it is not within the scope of the study to provide an in-depth comprehensive analysis of all Member States and all sports, the representative sample provided in this report does provide an overall relevant picture of athletes' rights in and around big sport events across the three dimensions of the study.

A final limitation to the research can also be highlighted. The range of **stakeholders consulted was limited** to a maximum of 30 policy/strategic stakeholders and 20 athletes and coaches. The type of stakeholders that were reached by interview varied but, as highlighted in Section 1.2 above, mainly comprised of international, European and national level sport federations, athlete representative bodies, government and other relevant bodies, athletes, and coaches. While, as can be seen in the different sections of the report below, areas of consensus were found across the stakeholders interviewed, the interview findings cannot be considered to represent the views of all stakeholders in the field or the common opinion of all athletes across the three policy areas. As a result of these limitations, the report focuses on describing the key issues and/or breaches of athletes' rights, and good practices that have been taken to protect athletes' rights, which is backed up by consistent evidence highlighted through both the interviews and the desk research.

2.0 Background

This section provides an overview of the fundamental rights particularly relevant to athletes, describes the policy and legal framework regarding athletes' rights, in addition to providing an overview of the role of sport governing bodies and national government frameworks in this regard. The main rights falling under the three main dimensions of the study, and the role of national governments and sport federations in protecting athletes' rights are then considered in further detail in Sections 3 and 4. A summary of the main points is provided in the box below.

Section summary

- Athletes have the same fundamental rights as every other EU citizen including equal access to sport and the right to play free from any physical, emotional, or verbal abuse or violence, labour and social rights, personal rights and legal rights.
- While no specific legal framework for athletes' rights exists, their rights are enshrined in various international, EU and national human rights standards including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the Charter of Fundamental Rights of the European Union.
- A growing base of international human rights policy standards have been drafted for the field of sport, which provide a policy framework for athletes' rights. These include the Athletes' Rights and Responsibilities Declaration and the Universal Declaration of Players' Rights.
- The full enjoyment by athletes of the rights upheld by these human rights standards is the responsibility of sport governing bodies and national governments. Sport governing bodies and national governments have a duty to commit to and fully implement these human rights legal and policy standards to protect, prevent, and as appropriate sanction infringements of athletes' rights.

2.1 Overview of fundamental rights particularly relevant to athletes

Athletes have the same fundamental rights as all EU citizens, including **equal access to sport** and the **right to play free** from any physical, emotional, or verbal abuse or violence, **labour and social rights** (e.g., work contract, employment protection, collective bargaining, representation), **personal rights** (e.g., freedom of opinion and expression, protection of personal data and privacy, protection of name, image and performance) and **legal rights** (e.g., equality and legality before the law, effective remedy). Table 1 provides a summary of the most relevant fundamental rights in the sporting environment.

Table 1 Selection of fundamental human rights particularly relevant in the context of athletes

Human Rights	Relevance in the context of athletes' rights
Participation in sport	Equal access to sport and opportunities based on merit and free from any kind of discrimination.
Right to play free	Athletes have the right to play free from physical, emotional, and mental abuse.

Labour and social rights	Athletes have the right to work, in fair and just working conditions, and in a safe and healthy working environment. In relation to these rights, athletes have the right to organise themselves, engage in social dialogue and collective bargaining.
Personal rights	Athletes have the right to freedom of opinion and expression, choice, and the right to protect their privacy and personal data.
Legal rights	Athletes have the right to be guaranteed due process, equality and legality before the law and to effectively seek remedy.

Source: Interpretation of European and internationally recognised human rights conventions and standards, including the EU Charter of Fundamental Rights, the European Convention on Human Rights and the United Nation's Universal Declaration of Human Rights.

2.2 Legal and policy framework for athletes' rights

While no specific legal framework for athletes' rights exists, athletes have a set of rights as outlined in Section 2.1 above, which are enshrined in various international, EU, and national human rights standards.

At international level, the most important relevant provisions applicable to athletes' rights, and which cover the rights listed in Table 1 above, are the **Universal Declaration of Human Rights** (1948)², the **Council of Europe' European Convention for the Protection of Human Rights and Fundamental Freedoms** (1950)³, the **International Covenant on Economic, Social and Cultural Rights** (1966)⁴ and the **International Covenant on Civil and Political Rights** (1966)⁵.

The rights of athletes are also protected by various laws and regulations at European level. The most important European human rights legislation applicable to athletes and which also cover the rights listed in Table 1 above is **the Charter of Fundamental Rights of the European Union** (2000)⁶. The consolidated versions of the **TFEU** and **the Treaty on the European Union** (2007)⁷, while applicable to EU Member States not individuals, also include various rights which apply to athletes as EU citizens. Moreover, EU (and national) **labour laws** include various labour and social rights as highlighted in Table 1 above which are applicable to athletes (particularly those who have an employment contract). These include, among others, the Directive on Transparent and Predictable Working Conditions

² United Nations General Assembly, *The Universal Declaration of Human Rights*, New York: United Nations General Assembly (1948), available at: <https://www.ohchr.org/en/universal-declaration-of-human-rights>.

³ Council of Europe (1950), *Convention for the Protection of Human Rights and Fundamental Freedoms*, Council of Europe Treaty Series 005, available at: [CETS 005 - Convention for the Protection of Human Rights and Fundamental Freedoms \(coe.int\)](https://www.coe.int/t/treaties/Convention_for_the_Protection_of_Human_Rights_and_Fundamental_Freedoms__ECHR__)

⁴ United Nations (General Assembly) (1966), *International Covenant on Economic Social, and Cultural Rights*, Treaty Series, 999, 171, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>.

⁵ United Nations (General Assembly) (1966), *International Covenant on Civil and Political Rights* (adopted 19 December 1966, entered into force 23 March 1976) 999 UNTS 171, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

⁶ Charter of Fundamental Rights of the European Union, 26 October 2012, OJ C 326/391, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012P%2FTXT>.

⁷ Consolidated versions of the Treaty on the European Union and the Treaty on the Functioning of the European Union, 26 October 2012, OJ C 326, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012M%2FTXT>

(2019)⁸, Working Time Directive (2003)⁹ and Work-Life Balance Directive for Parents and Carers (2019)¹⁰.

It is also important to note, particularly in the context of labour laws, that **athletes' rights may vary** depending on the specific sport and discipline and often by their nationality. The employment status of athletes in the EU is governed by national laws and varies on a case-by-case basis depending on the country and on the sport in question. For example, while German elite athletes are in contractual status with a specific elite sport organisation, a Swedish court recently held that the payments athletes receive should not be considered as payments for work but as a stipend for tax law purposes¹¹. Moreover, professional athletes have employment contracts with their club or federation, while many elite and non-professional athletes, who constitute the majority of the athletes' population, are not necessarily under contract nor an employee of a club or federation. This in practice can mean less protections for their labour and social rights. Nevertheless, while professional athletes have greater protections as employees of their club or federation, all athletes have fundamental rights that must be respected throughout all stages of big sport events.

A growing base of international human rights policy standards have also been explicitly drafted for the field of sport, which provide a policy framework for athletes' rights. These build on the international human rights frameworks outlined in the ILO's Declaration on the Fundamental Principles and Rights at Work (1998)¹² and the UN's Guiding Principles on Business and Human Rights (2011)¹³, which specify the economic and social rights of employees and workers¹⁴. These standards cover the rights highlighted in Table 1 above, and include the following:

- Council of Europe's **Code of Sports Ethics** (2010)¹⁵;
- Council of Europe's **International Declaration on Human Rights and Sport** (Tbilisi Declaration, 2018)¹⁶;
- Council of Europe's **European Sports Charter** (revised in 2021)¹⁷;

⁸ Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union, 11 June 2019, OJ L 186/105, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L1152&from=EN>.

⁹ Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time, 18 November 2003, OJ L 299, available at: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32003L0088>.

¹⁰ Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU, 12 July 2019, OJ L 188/79, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L1158&from=EN>.

¹¹ Mittag, J., et al. (2022), *Understanding the Employment Relations of Athletes in Olympic Sports in Europe: Fact Report*, p. 10-11, University of Rijeka, Faculty of Law, ISBN: 978-953-8034-42-8, available at: <https://repository.pravri.uniri.hr/islandora/object/pravri:2369>

¹² ILO (1998), *ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up*, available at: <https://www.ilo.org/declaration/lang--en/index.htm>.

¹³ United Nations (2011), *Guiding Principles on Business and Human Rights*, available at: https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf.

¹⁴ The ILO considers these principles to apply to both professional and elite athletes that earn money from their sport activities, based on the broad scope of application for both the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), as well as the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). For more information, see: ILO (2020), *Decent work in the world of sport: Issues paper for discussion at the Global Dialogue Forum on Decent Work in the World of Sport*, available at: https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/meetingdocument/wcms_728119.pdf.

¹⁵ Council of Europe, *Recommendation CM/Rec(2010)9 of the Committee of Ministers to member states on the revised Code of Sports Ethics*, adopted by the Committee of Ministers on 16 June 2010 at the 1088th meeting of the Ministers' Deputies, available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805cecaa.

¹⁶ Council of Europe (2018), *International Declaration on Human Rights and Sport (Tbilisi Declaration)*, available at: <https://coe.int/en/web/sport/text-of-the-tbilisi-declaration>.

¹⁷ Council of Europe, *Recommendation CM/Rec(2021)5 of the Committee of Ministers to member States on the Revised European Sports Charter*, adopted by the Committee of Ministers on 13 October 2021 at the 14th meeting of the Ministers' Deputies, available at: <https://rm.coe.int/recommendation-cm-rec-2021-5-on-the-revision-of-the-european-sport-cha/1680a43914>.

- **Universal Declaration of Player Rights** of the World Players Association (WPA) (2017)¹⁸;
- **Safe Sport International Declaration and Principles** (2014)¹⁹;
- **Sporting Chance Principles** of the Centre for Sport & Human Rights²⁰;
- **Olympic Charter** of the International Olympic Committee (IOC) (15 October 2023)²¹;
- **IOC's Code of Ethics** (2024)²²; and
- **Athletes' Rights and Responsibilities Declaration** (2018) which was developed by athletes with the support of the IOC²³.

These standards represent a codification of the understanding that '*...the practice of sport is a human right*'²⁴ in respect of which athletes represent a core intersection of the world of sport and human rights²⁵. While these standards focus on athletes' rights more generally (including those listed in Table 1 above) and include some specific provisions related to large sporting events, there is no framework dedicated to the context of large sporting events.

The protection of athletes' rights also represents a core value of the approach to sport defined by the European institutions in the **EU's Work Plan for Sport 2021-2024**²⁶ and by the **European Sport Model**²⁷. In particular, one of the key features of the European Sport Model relates to the development of a values-based model for the organisation of sport, that should also contribute to foster integration, tolerance, well-being and health²⁸. Moreover, the first priority area of the EU's Work Plan for Sport 2021-2024 relating to the protection of integrity and values in sport identifies athletes' rights and their working conditions in and around big events as one of the key topics to be addressed in order to safeguard the integrity of sport and its values²⁹.

The following sub-sections provide an overview of the main policy documents contributing to the safeguarding of the three main dimensions of athletes' rights, i.e., sport governance

¹⁸ World Players Association (2017), *Universal Declaration of Player Rights*, 20 June 2017, available at: <https://www.fifpro.org/media/md2efzpd/universal-declaration-of-player-rights-english-version.pdf>.

¹⁹ Safe Sport International (2014), *Safe Sport International Declaration and Principles- A Platform for action*, July 2014, available at:

https://www.paralympic.org/sites/default/files/document/180522085027180_2_4_Attachment_Safe+Sport+International+Declaration+and+Principles.pdf.

²⁰ Centre for Sport & Human Rights (n.d.), *Sporting Chance Principles*, available at:

<https://www.sporhumanrights.org/media/kluhan5c/sporting-chance-principles-for-website.pdf>.

²¹ IOC (2023), *Olympic Charter (in force as from 15 October 2023)*, available at:

<https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf>.

²² IOC (2024), *IOC Code of Ethics*, available at:

https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/Documents/Code-of-Ethics/Code-of-Ethics-ENG.pdf?_ga=2.130554959.1932098033.1677582407-1835431091.1676301713

²³ IOC (2018), *Athletes' Rights and Responsibilities Declaration*, 9 October 2018, available at:

https://www.gymnastics.sport/site/pdf/safeguarding/IOC_Athletes_rights_and_responsibilities_declaration.pdf.

²⁴ IOC (2023), *Olympic Charter (in force as from 15 October 2023)*, at point 4 of the Fundamental Principles of Olympism p.8, available at:

<https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf>.

²⁵ World Players Association (2017), *Universal Declaration of Player Rights*, 20 June 2017, available at:

<https://www.fifpro.org/media/md2efzpd/universal-declaration-of-player-rights-english-version.pdf>.

²⁶ Official Journal of the European Union. (2020), *Resolution of the Council and of the Representatives of the Governments of the Member States meeting within the Council on the European Union Work Plan for Sport* (1 January 2021-30 June 2024), available at: [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:42020Y1204\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:42020Y1204(01))

²⁷ European Commission (2007), *White Paper on Sport*, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52007DC0391>

²⁸ IOC (2020), *The European Sport Model*, available at: <https://rm.coe.int/the-european-sport-model-paper-by-the-ioc/1680a1b876>

²⁹ Official Journal of the European Union. (2020), *Resolution of the Council and of the Representatives of the Governments of the Member States meeting within the Council on the European Union Work Plan for Sport* (1 January 2021-30 June 2024), available at: [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:42020Y1204\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:42020Y1204(01))

and athletes' representation, freedom of expression and right to privacy, and mental and physical health. These will then be further described in Sections 3 and 4 below.

Sport governance and athletes' representation

The sport governance and athletes' representation dimension of rights has been widely discussed in recent years and several international organisations and sport governing bodies have developed policy documents and guidelines for sport stakeholders to promote good governance practices.

For example, the Council of Europe has recently revised its 2001 **European Sports Charter**³⁰, a policy document aimed at inspiring and providing guidance to policymakers on how to design and implement legal and policy frameworks for sport. Article 6 of the European Sports Charter proposes relevant approaches to be followed by sport authorities and policymakers to safeguard athletes' human rights. For example, it identifies the need to '*introduce human rights considerations and objectives into the whole life cycle of major sporting events*' (i.e., from the bidding process to their legacy) and to apply a policy of zero tolerance for all forms of discrimination³¹. Moreover, Article 6 also describes the need to apply the strategy of gender mainstreaming in sport, in order to ensure gender equality and equal representation in sport³². Similarly, the **European Commission High-Level Group on Gender Equality in Sport** has also proposed recommendations and an action plan to mainstream gender equality across all sport policies and strategies³³.

The Council of Europe's Enlarged Partial Agreement on Sport (EPAS) also coordinated the preparation of the **Guidelines on Integrity in Sport**³⁴, within the framework of the UNESCO Kazan Action Plan³⁵. The Council of Europe's Guidelines define five key policy areas to be considered by sport governing bodies and policymakers to safeguard and foster the integrity of sport. In this context, the Guidelines define the need for sport governing bodies and policymakers to i) preserve the rights, safety and security of athletes; ii) prevent and address harassment and abuse in sport; and iii) foster good governance of sport organisations³⁶.

Moreover, the **Universal Declaration of Players Rights** promoted by the World Players' Association (FIFPRO) in 2017, states that every player has the right to '*a sporting environment that is well governed, free of corruption, manipulation and cheating*'³⁷. Article 8 of the Universal Declaration of Players Rights also highlights that '*every player has the right to organise and collectively bargain*' as well as the right '*to form and join player and athlete associations and unions for the protection of his or her interests*'³⁸. **Rule 21 of the Olympic Charter**³⁹ establishes a Commission of athletes (IOC Athletes' Commission), whose mission is to '*ensure that the athletes' viewpoint remains at the heart of the Olympic Movement decisions*'⁴⁰. The IOC President with the IOC Athletes' Commission also added

³⁰ Council of Europe, *Recommendation CM/Rec(2021)5 of the Committee of Ministers to member States on the Revised European Sports Charter*, adopted by the Committee of Ministers on 13 October 2021 at the 1414th meeting of the Ministers' Deputies, available at: <https://rm.coe.int/recommendation-cm-rec-2021-5-on-the-revision-of-the-european-sport-cha/1680a43914>.

³¹ Ibid.

³² Talleu, C. (2016), *Gender equality in sports*, Council of Europe – EPAS, available at: <https://edoc.coe.int/en/gender-equality/6957-gender-equality-in-sports.html>

³³ European Commission (2022), *Towards more gender equality in sport: recommendations and action plan from the High-Level Group on Gender Equality in sport*, available at: <https://op.europa.eu/en/publication-detail/-/publication/684ab3af-9f57-11ec-83e1-01aa75ed71a1>.

³⁴ Council of Europe (2017), *Guidelines on Integrity in Sport - Kazan Action Plan*, available at: <https://www.coe.int/en/web/sport/kazan-action-plan-online-directory>.

³⁵ UNESCO (2017), *Kazan Action Plan*, available at: https://unesdoc.unesco.org/ark:/48223/pf0000252725_eng

³⁶ Council of Europe (2017), *Guidelines on Integrity in Sport - Kazan Action Plan*, available at: <https://www.coe.int/en/web/sport/kazan-action-plan-online-directory>

³⁷ World Players Association (2017), *Universal Declaration of Player Rights*, 20 June 2017, available at: <https://www.fifpro.org/media/md2efzpd/universal-declaration-of-player-rights-english-version.pdf>.

³⁸ Ibid.

³⁹ IOC (2023), *Olympic Charter (in force as from 15 October 2023)*, available at: <https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf>.

⁴⁰ IOC website, *Athletes' Commission*, available at: <https://olympics.com/ioc/athletes-commission>.

to the Olympic Charter in 2022 the reference to NOC's having an athlete representative on their board under **Rule 28**.

Freedom of expression and right to privacy

The IOC published in 2018 the **Athletes' Rights and Responsibilities Declaration**⁴¹. In line with Article 21 of the Charter of Fundamental Rights of the European Union⁴², the first Article of the Declaration states that athletes should have the ability and opportunity to '*practise sport and compete without being subject to discrimination on the basis of race, colour, religion, age, sex, sexual orientation, disability, language, political or other opinion, national or social origin, property, birth or other immutable status*'⁴³. Similar provisions are included in Article 10 of the **European Sports Charter**⁴⁴, as well as in Article 3 of the WPA's **Universal Declaration of Players' Rights**, which also highlights that all the players are '*entitled to equality of opportunity in the pursuit of sport without distinction of any kind and free of discrimination, harassment and violence*'⁴⁵.

In addition to this, the freedom of expression of athletes is also guaranteed by Article 13 of the **Universal Declaration of Players' Rights**, stating that '*every player has the right to freedom of opinion and expression*' and the possibility to report unethical behaviour without fear of retaliation⁴⁶. The **Athletes' Rights and Responsibilities Declaration** also includes a specific provision (Article 11) aimed at safeguarding the freedom of expression of its athletes⁴⁷. The Declaration also states the need to safeguard the privacy, including the protection of personal information, of athletes⁴⁸. Similarly, the **Universal Declaration of Players' Rights** indicates in Article 11 that all the players have '*the right to a private life, privacy and protection in relation to the collection, storage and transfer of personal data*'⁴⁹.

The **European Union's General Data Protection Regulation** (GDPR)⁵⁰ regulates the processing of personal data in the EU and imposes harsh penalties for non-compliance. In this context, the large majority of the data processed by sport clubs and associations for the analysis of athletes' performance is also subject to the provisions of the GDPR and requires explicit consent to be processed, due to the special category of data processed (e.g., health, genetic and biometric data)⁵¹. In this context, international federations and sport governing bodies have implemented specific privacy policies and agreements with players to ensure compliance with European data protection law⁵².

⁴¹ IOC (2018), *Athletes' Rights and Responsibilities Declaration*, 9 October 2018, available at: https://www.gymnastics.sport/site/pdf/safeguarding/IOC_Athletes_rights_and_responsibilities_declaration.pdf.

⁴² Charter of Fundamental Rights of the European Union, 26 October 2012, OJ C 326/391, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012P%2FTXT>.

⁴³ IOC (2018), *Athletes' Rights and Responsibilities Declaration*, 9 October 2018, available at: https://www.gymnastics.sport/site/pdf/safeguarding/IOC_Athletes_rights_and_responsibilities_declaration.pdf.

⁴⁴ Council of Europe, *Recommendation CM/Rec(2021)5 of the Committee of Ministers to member States on the Revised European Sports Charter*, adopted by the Committee of Ministers on 13 October 2021 at the 1414th meeting of the Ministers' Deputies, available at: <https://rm.coe.int/recommendation-cm-rec-2021-5-on-the-revision-of-the-european-sport-cha/1680a43914>.

⁴⁵ World Players Association (2017), *Universal Declaration of Player Rights*, 20 June 2017, available at: <https://www.fifpro.org/media/md2efzpd/universal-declaration-of-player-rights-english-version.pdf>.

⁴⁶ Ibid.

⁴⁷ IOC(2018), *Athletes' Rights and Responsibilities Declaration*, 9 October 2018, available at: https://www.gymnastics.sport/site/pdf/safeguarding/IOC_Athletes_rights_and_responsibilities_declaration.pdf.

⁴⁸ Ibid.

⁴⁹ World Players Association (2017), *Universal Declaration of Player Rights*, 20 June 2017, available at: <https://www.fifpro.org/media/md2efzpd/universal-declaration-of-player-rights-english-version.pdf>.

⁵⁰ Official Journal of the European Union (2016), *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC* (General Data Protection Regulation), available at: <https://eur-lex.europa.eu/eli/reg/2016/679/oj>

⁵¹ Nolan, A., (2020), *Sports technology and the GDPR: data privacy concerns in sports analysis*, Brodies LLP website, available at: <https://brodies.com/insights/media-broadcasting-and-sports/sports-technology-and-the-gdpr-data-privacy-concerns-in-sports-analysis/>.

⁵² For example, the UEFA and FIBA privacy policies clearly state the rights of their affiliated players in terms of privacy and protection of personal data.

Mental and physical health

The IOC have produced a number of policies aimed at promoting and protecting the mental and physical health of athletes. The **IOC Mental Health Consensus Statement 2019**⁵³ was prepared by an expert panel composed of 23 experts that reviewed the scientific literature focusing on mental health symptoms and disorders in elite athletes in order to inform clinical practices and develop interventions to improve the mental health of athletes. In addition to this, the **Olympic Charter**⁵⁴, the **Athletes' Rights and Responsibilities Declaration**⁵⁵ and the **IOC Code of Ethics**⁵⁶ all include specific provisions aimed at promoting the mental and physical health of athletes, and their safety in competitions and training environments.

Similarly, Article 9 of the **Universal Declaration of Players' Rights** describes the rights of athletes in relation to their workplace and sporting environment, which should promote *'the player's safety, physical and mental health and his or her social wellbeing'*⁵⁷. Finally, the same article also recognises the importance for athletes of being *'treated and supported with utmost integrity by healthcare professionals when injured or ill and have direction and control over that treatment and support'*⁵⁸.

2.3 Role of sport governing bodies and national government frameworks

Sport governing bodies and national government frameworks have a key role in promoting and protecting athletes' rights. The Kazan Action Plan, which was adopted by the world's ministers and senior officials responsible for sport, states that the fundamental human rights of all involved in sport must be fulfilled⁶¹. This was further emphasised during the UN General Assembly of 2018⁶², and by the European Sports Charter⁶³.

While the sports sector is characterised by a high degree of autonomy of individual sport governing bodies, which also forms part of the European Sport Model, sport governing bodies have a duty to act within the limits of EU law and apply good governance principles and practices to sport governance. This includes democratic decision-making processes, due diligence, accountability, anti-corruption, transparency and meeting ethical standards. Respecting international human rights is considered a minimum standard of good governance within sport federations⁶⁴.

The primary **role of sport governing bodies** is to facilitate and organise competitive sport. This includes establishing the rules and regulations of sport, setting standards for sports facilities and equipment, managing competitions and coordinating the sports calendar, and protecting the overall health and safety of athletes⁵⁹. There is an increasing recognition of the role sport federations play regarding athletes' rights in each of these areas⁶⁰. In light of this, sport governing bodies have a key role to play in 1) ensuring that

UEFA (2022), *Player and Related Persons Privacy Notice*, available at: <https://www.uefa.com/news/0263-10d84202027a-599f6b66ef8b-1000--player-and-related-persons-privacy-notice/>; FIBA (n.d.), *FIBA Privacy Policy*, available at: <https://www.fiba.basketball/privacy>.

⁵³ Reardon, C. L., Hainline, B., Aron, C. M., Baron, D., Baum, A. L., Bindra, A., et al. (2019), *Mental health in elite athletes: International Olympic Committee consensus statement (2019)*, available at: <https://bjsm.bmj.com/content/53/11/667>

⁵⁴ IOC (2023), *Olympic Charter (in force as from 15 October 2023)*, available at: <https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf>.

⁵⁵ IOC (2018), *Athletes' Rights and Responsibilities Declaration*, 9 October 2018, available at: https://www.gymnastics.sport/site/pdf/safeguarding/IOC_Athletes_rights_and_responsibilities_declaration.pdf.

⁵⁶ IOC (2016), *IOC Code of Ethics*, available at: <https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/IOC/What-We-Do/Leading-the-Olympic-Movement/Code-of-Ethics/EN-IOC-Code-of-Ethics-2016.pdf>.

⁵⁷ World Players Association (2017), *Universal Declaration of Player Rights*, 20 June 2017, available at: <https://www.fifpro.org/media/md2efzpd/universal-declaration-of-player-rights-english-version.pdf>.

⁵⁸ Ibid.

⁵⁹ IOC (2020), *The European Sport Model*, available at: <https://rm.coe.int/the-european-sport-model-paper-by-the-ioc/1680a1b876>.

⁶⁰ Council of Europe (2017), *Guidelines on Integrity in Sport - Kazan Action Plan*, available at: <https://www.coe.int/en/web/sport/kazan-action-plan-online-directory>

their regulations, statutes, policies, hosting and bidding requirements, competition rules, etc. include provisions for protecting and complying with athletes' rights; 2) providing support services to athletes, particularly in and around big sport events, for protecting their rights (e.g., mental health support services); 3) including athletes (e.g., through athletes' commissions) in the decision making process (e.g., of managing competitions and the sports calendar); and 4) working with national governments and local organisers of big sport events to check that they respect the sport governing bodies' procedures and protect athletes' rights, in addition to the health and safety of athletes during the events.

Moreover, national governments also have a key role to play in providing effective protection of human rights in their countries, and therefore promoting and protecting athletes' rights. National governments have a duty to enact and enforce laws that protect athletes' rights in line with the above-mentioned international and EU human rights standards. Human-rights centred **national government frameworks** are crucial to ensure the effective promotion and protection of athletes' rights. Whilst respecting the autonomy of sport governing bodies, national governments should also ensure they have sufficient oversight of and work with sport governing bodies to prevent and address potential rights abuses, particularly in instances of violence and harassment. Furthermore, in the context of a rising awareness in recent years of the importance of protecting mental health, national policymakers also have a key role to play in ensuring that national government frameworks provide appropriate support to athletes in protecting their mental health.

In conclusion, the full enjoyment by athletes of the rights upheld by the abovementioned human rights standards is the responsibility of sport governing bodies and national governments. They, therefore, have a duty to commit to and fully implement human rights legal and policy standards to protect, prevent, and as appropriate sanction infringements of athletes' rights.

3.0 Athletes' rights in and around big sport events

This section of the report examines athletes' rights in and around big sport events across the three dimensions of the study: sport governance and athletes' representation, global politics and use of social media, and mental health. It brings together findings from the literature, stakeholder interviews, and case studies on issues and good practices related to athletes' rights. It builds upon Section 2.2 above by outlining the rights of athletes related to the three dimensions of the study, and then describes the main issues faced by athletes in respecting these rights in and around big sport events.

3.1 Sport governance and athletes' representation

This section reports on the study's findings on sport governance and athletes' representation in the context of big sport events. The section begins by outlining the rights of athletes related to representation and governance, as defined through international human rights standards. The next sub-section then explores the main issues faced by athletes in respecting these rights before, during and after big sport events. A summary of the key findings is also presented in the box below.

Summary: sport governance and athletes' representation

- There has been an increasing focus on the rights of athletes and protections for athletes' rights across the sport ecosystem. These include the right to a well-governed sporting environment, the right to representation, freedom from discrimination, and the right to a fair trial and access to justice.
- The application of good governance principles of transparency and accountability, representation and consultation, and integrity associated with the European Sport Model are all essential to ensuring that athletes rights are protected in the context of big sport events.
- As big sport events are a significant source of revenue for sport governing bodies, a common concern is that financial and commercial interests' conflict with the best interests of athletes. There is a lack of consensus however amongst stakeholders regarding what labour protections should apply to elite athletes taking part in big events, and inconsistencies across Member States in how legal protections are afforded to them.
- Positive developments in recent years include an increasing number of sport governing bodies committing to upholding declarations of athletes' rights, such as the Sporting Chance Principles and the adoption of a human rights strategy for the Olympic Games Paris 2024.
- Beyond protecting the rights of athletes, athlete involvement in decision-making on the operation of sporting events improves the events by ensuring decisions are well-informed, creating an environment that retains elite athletes for longer, and protecting the public image of the operation of sport and big sport events.
- Existing channels for athlete representation may be sufficient for most athletes and competitions; however, there are limited avenues for recourse or remedy in cases where athletes feel their perspectives were not duly considered or that rights may have been breached.
- Inconsistencies remain in relation to how athletes are represented at key stages of decision-making including at the bidding and planning stages, on issues such as event conditions, competition calendars, rest periods, athlete safety and safeguarding procedures.

3.1.1 Athletes' rights in and around big sport events

The specific categories of athletes' rights identified through this study as relevant to the theme of sport governance and athlete representation in the context of big sport events are presented below.

Right to a well-governed sporting environment

The International Declaration on Human Rights and Sport declares that human rights should be considered during the entire lifecycle of big sport events, and that human rights standards should be implemented and protected in sport⁶¹. Athletes have the **right to compete in a well-governed sporting environment free from corruption**. Article 1 of the European Sports Charter states that the integrity of sport organisations and competitions should be safeguarded⁶², and the Council of Europe's Code of Sport Ethics states that clear guidelines should be published specifying what is considered unethical behaviour⁶³. The Athletes' Rights and Responsibilities Declaration (Art. 2), developed by athletes under the auspices of the IOC, also states that athletes have the right to a fair sporting environment, including transparent refereeing, selection and qualification processes, appropriate competition schedules and protections against forms of competition manipulation, such as doping and corruption⁶⁴.

Right to participation in decision-making and social dialogue

Athletes have the **right to be represented and participate in decision-making** within sport governing bodies, such as through an internal athletes' commission, as well as the right to **engage in social dialogue** through an athletes' commission or an independent body representing athletes' interests on matters of their interest. Both rights are clearly stated under the International Covenant on Economic, Social and Cultural Rights (Art. 8), the UN's Guiding Principles on Business and Human Rights and the ILO's Fundamental Principles and Rights at Work. These rights are supported by the International Declaration on Human Rights and Sport which declares that partnerships and multi-stakeholder platforms should be used to develop measures to prevent and address human rights violations in sport⁶⁵. Further, the European Sports Charter (Art. 14) states that sport federations should support social dialogue with athletes and their representatives, and that elite and professional athletes should have safeguards against exploitation and the fulfilment of economic and social rights. These rights have been included in athletes' rights declarations developed by sport stakeholders. For example, the Universal Declaration of Players' Rights (Art. 6 and 8) developed by the WPA includes that athletes have the right to negotiate the terms and conditions that govern their involvement in sport, and to be represented by individuals or organisations of their choice⁶⁶. The Centre for Sport & Human Rights also includes the right of athletes to have a voice in decision-making as set out in its Sporting Chance Principles (Art. 5)⁶⁷.

Access to justice and the right to a fair trial

The Universal Declaration of Human Rights (Art. 11), the European Convention on Human Rights (Art. 6) and the International Covenant on Civil and Political Rights (Art. 9) all include the right to **a fair and public trial by an independent and impartial tribunal**. The International Declaration on Human Rights and Sport⁶⁸ and the Council of Europe's

⁶¹ Council of Europe (2018), *International Declaration on Human Rights and Sport (Tbilisi Declaration)*.

⁶² Council of Europe, Recommendation CM/Rec(2021)5 of the Committee of Ministers to member States on the Revised European Sports Charter.

⁶³ Council of Europe, Recommendation CM/Rec(2010)9 of the Committee of Ministers to member states on the revised Code of Sports Ethics, adopted by the Committee of Ministers on 16 June 2010 at the 1088th meeting of the Ministers' Deputies.

⁶⁴ IOC (2020), *Athletes' Rights and Responsibilities Declaration*.

⁶⁵ Council of Europe (2018), *International Declaration on Human Rights and Sport (Tbilisi Declaration)*.

⁶⁶ WPA (2017), *Universal Declaration of Player Rights*.

⁶⁷ Centre for Sport & Human Rights (n.d.), *Sporting Chance Principles*.

⁶⁸ Council of Europe (2018), *International Declaration on Human Rights and Sport (Tbilisi Declaration)*.

European Sports Charter (Art. 6) both state that sport activities must include access to a fair trial, in line with human rights standards⁶⁹. The WPA's Universal Declaration of Players' Rights (Art. 16) argues that athletes should have an equal say in the appointment of the tribunal⁷⁰.

Athletes also have the **right to a remedy** where their human rights have not been respected. The UN's Guiding Principles on Business and Human Rights state that business enterprises, such as sport federations, should respect the human rights of others and address human rights impacts with which they are involved⁷¹. The European Sports Charter (Art. 6) includes access to remedies and justice as necessary in all sport activities, as does the Universal Declaration of Players' Rights (Art. 16) and the Centre for Sport & Human Rights' Sporting Chance Principles (Art. 6). Hosts and organisers of big sport events therefore have an obligation to respect human rights and provide effective remedy for potential abuses⁷².

Freedom from discrimination

The Universal Declaration of Human Rights (Art. 7), the European Convention on Human Rights (Art. 14), the International Covenant on Economic, Social and Cultural Rights (Art. 2), the International Covenant on Civil and Political Rights (Art. 26) and the ILO's Fundamental Principles and Rights at Work protect **the right to freedom from discrimination based on sex, race, ethnicity, language, religion, political or other opinion, or social status**. The Universal Declaration of Human Rights (Art. 23) and International Covenant on Economic, Social and Cultural Rights (Art. 7) also specify the right to equal pay for equal work. In the context of big sport events, athletes have the right to receive **equal compensation for performance** and the right to **equal opportunity to participate**, without discrimination against the grounds listed above. The European Sports Charter (Art. 6) and the Athletes' Rights and Responsibilities Declaration (Art. 6) also mention the importance of **gender mainstreaming and equal representation in sport governance**, while the International Declaration on Human Rights and Sport commits to working towards **gender equality** and **freedom from violence and discrimination**⁷³.

3.1.2 Issues faced by athletes in and around big sport events

This section provides a summary of the key issues faced by athletes in and around big sport events in the context of sport governance and athletes' representation. It begins by outlining how sport governance and athlete representation is generally organised and the broader context surrounding the rights of athletes. This is followed by an analysis of the key issues faced by athletes concerning the governance and organisation of big sport events, athlete involvement in decision-making around big sport events, access to justice, and inequalities they face in sport.

It is important to first understand how sport governance and athlete representation is generally organised and the broader context surrounding the rights of athletes outlined above before focusing on issues specific to the context of big sport events.

A fundamental consideration is **whether elite, non-professional athletes are considered workers**, as this defines the level of labour protections sport federations

⁶⁹ Council of Europe, Recommendation CM/Rec(2021)5 of the Committee of Ministers to member States on the Revised European Sports Charter.

⁷⁰ WPA (2017), *Universal Declaration of Player Rights*.

⁷¹ "The responsibility of business enterprises to respect human rights applies to all enterprises regardless of their size, sector, operational context, ownership and structure." For more information, see: OHCHR (2012), *Implementing the United Nations "Protect, Respect and Remedy" Framework*, p. 15, available at: https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf.

⁷² European Parliament (2021), *Large Sporting Events: Human Rights as a Game Changer?*, available at: [https://www.europarl.europa.eu/RegData/etudes/STUD/2021/653642/EXPO_STU\(2021\)653642_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/653642/EXPO_STU(2021)653642_EN.pdf).

⁷³ Council of Europe (2018), *International Declaration on Human Rights and Sport (Tbilisi Declaration)*.

should afford athletes. There are important distinctions to consider between elite and professional athletes. Professional athletes tend to have more robust labour protections, as they are more likely to fall under a traditional employment framework governing employer – employee relationships. Team sports, which are more often professionalised through formal employment contracts, generally tend to have more standard styles of representation, with professional structures including contracts for athletes, recognised player unions, and defined avenues for athlete dialogue⁷⁴.

However, as indicated in Section 2.2 above, this relationship can still be opaque for elite athletes in many sports. There is a lack of consensus on this issue within the sport community, with sport federations generally of the opinion that elite athletes do not have an employee relationship with their sport federation or event organisers, and athlete representative bodies generally arguing that basic labour protections should apply to athletes⁷⁵. The definition of professional athletes provided by the ILO in its paper on Decent Work in the World of Sport includes both athletes with employment contracts, as well as athletes who may have other jobs, but spend a significant amount of time training and receive income from their involvement in sport, including athletes in some Olympic disciplines⁷⁶. Other factors that are considered to imply a working relationship are the involvement of athletes in a service through which economic value is derived, and where their working conditions are largely shaped by another party⁷⁷. For example, when an athlete is expected to compete, where, under what conditions, and what rules will apply are all decided by sport governing bodies and event organisers. Across Europe, there are varying ways governments support athletes, such as by allowing athletes to enter into employment contracts with a public authority, which typically abide by national labour standards, or through scholarships and grants⁷⁸. However, the level of protection for athletes during big sport events varies significantly based on the type of support provided. In many countries and across many sports, the association agreements of elite athletes with sport governing bodies are not considered employment contracts, which in practice means less protections for their labour and human rights.

A key area of discussion that relates to the question of protections for athletes is what the most appropriate form of representation for **athlete participation** is. The most common form of athlete representation is through an athletes' commission, which the majority of international sport federations support⁷⁹. The IOC's Athletes' Commission was created to represent athletes within the Olympic Movement, to establish a forum where athletes can be consulted by the IOC on matters that impact them, and to provide an opportunity for athletes to be represented on the IOC Executive Board with the right to vote⁸⁰. Nevertheless, there are concerns from athlete representative bodies regarding the level of independence athletes' commissions have from their respective sport federation and the degree to which they can effectively protect the rights of athletes⁸¹. Athletes involved in

⁷⁴ Information obtained through consultation with a stakeholder.

⁷⁵ Information obtained through consultation with stakeholders. For more information, see: EU Athletes (2022), *Common Position Paper 2022: Athletes Rights are Human Rights*, available at: https://euathletes.org/wp-content/uploads/2022/11/EUA_COMMON-POSITION-PAPER_2022_BDef.pdf.

⁷⁶ ILO (2020), *Decent work in the world of sport: Issues paper for discussion at the Global Dialogue Forum on Decent Work in the World of Sport*.

⁷⁷ Mittag, J., et al., (2022), *Good Governance in the Employment Relations of Athletes in Olympic Sports in Europe: Understanding - Evaluating – Improving*, available at: <https://repository.pravri.uniri.hr/en/islandora/object/pravri%3A3107>.

⁷⁸ Ibid.

⁷⁹ McNamee, M., et al., (2023), *Strengthening Athlete Power in Sport: Final Report*, available at: <https://www.playthegame.org/media/zd3hly0p/sapis-final-report.pdf>.

⁸⁰ IOC (2023), *The IOC Athletes' Commission Regulations*, available at: <https://olympics.com/athlete365/app/uploads/2023/07/IOC-Athletes-Commission-Regulations-EN-%E2%80%93-2023.pdf>

⁸¹ This perspective was shared by multiple athlete representation stakeholders consulted for this study, and has also been expressed in the literature on the topic. For example, see: Mega-Sporting Events Platform for Human Rights (2017), *Athletes' Rights and Mega-Sporting Events.*, Krieger, J. (2022), *Keeping Politics Out: Short History of Regulating Free Speech in the Olympic Movement*, available at: <https://verfassungsblog.de/keeping-politics-out/>, and Seltmann, M., (2021), *Disrupting institutional reproduction? How Olympic athletes challenge the stability of the Olympic Movement*, in *Sport und Gesellschaft*, vol. 18, no. 1.

representation bodies operating through their sport federation may not feel as comfortable expressing critical perspectives as those in bodies that are entirely independent⁸². Further, athletes' commissions are not always elected solely by athletes and do not always have voting power or influence on decision-making, both of which may significantly limit the degree to which they can advocate for athletes' interests⁸³.

In addition to athletes' commissions, athletes can also be represented through independent players associations or athletes' unions. Player associations have been found to be highly impactful regarding the negotiation of contracts for professional athletes, participation agreements for elite athletes in big sport events, as well as determining workplace standards such as pay, hours of work, and training facilities⁸⁴. However, there are concerns regarding players associations as well, as they are very resource intensive which may make them infeasible for less lucrative sports, and the quick turnover in sport requires regular renewal to maintain representativeness⁸⁵. Smaller sports often do not have any formal athlete representation structures at all; however, athletes may still have the ability to engage in dialogue and be involved in resolving issues due to there simply being less individuals involved⁸⁶. Box 1 provides further insight into the discussion of athlete representation, presenting the key findings from a recent project exploring athlete involvement in sport governance.

Box 1: Key findings from Erasmus+ funded project 'Strengthening Athlete Power in Sport'

The final report from the Erasmus+-funded 'Strengthening Athlete Power in Sport' (SAPIS) project published in September 2023⁸⁷ included results from a survey of athlete representatives involved in either an athletes' commission, player association, or other type of athlete representative organisation. Some of the key findings regarding their perspectives on athlete representation include:

- 86% surveyed felt they make a meaningful contribution to the needs of athletes in general and within a sport federation;
- 87% felt free to speak out against decisions, rules, or policies of this organisation that directly affect athletes.

Nevertheless, some findings from the survey indicate further room for improvement:

- Only 35% of the athletes' commissions that responded were elected by athletes only.
- 15-20% of athlete representatives indicated that they do not formally take part in decision-making processes, cannot set their own agenda nor come up with proposals, do not get information about the decision-making process, and cannot appeal decisions, rules, or policies that directly affect athletes.
- 25-30% indicated that they were not involved in policy development, design, implementation or review.

As the respondents of this survey were split nearly in half between representatives from athletes' commissions and player representation associations, and a disaggregation of the results was not provided, conclusions cannot be drawn from this study on which form of representation may be better suited for sport governance.

⁸² IOC (2023), *The IOC Athletes' Commission Regulations*.

⁸³ SAPIS project partners (2023), *Strengthening Athlete Power in Sport: A guide to opening new ways in sports governance*, available at: <https://www.playthegame.org/media/15xbc34n/sapis-good-practice-guide.pdf>.

⁸⁴ Carrio, A., et al., (2021), *Strengthening Athlete Power in Sport: A multidisciplinary review and framework*, available at: https://www.playthegame.org/media/23ibxlv/strengthening-athlete-power-in-sport_lit-review.pdf.

⁸⁵ Information obtained through consultation with stakeholders from athlete representative organisations.

⁸⁶ Information obtained through consultation with a sport federation stakeholder.

⁸⁷ McNamee, M., et al., (2023), *Strengthening Athlete Power in Sport: Final Report*.

What is clear is that there is not a one-size-fits-all approach for athlete representation, and the most fitting solution should be based on the needs of athletes and the context of the sport. However, what constitutes 'most fitting' should be decided jointly by athletes and sport governing bodies. While many sport federations argue that athletes' commissions are the most fitting structure for athlete participation, this perspective should not prevent or discourage athletes from establishing independent forms of representation, should they wish to do so.

In addition to the issues surrounding athlete representation, another important aspect of sport governance to consider is the notion of the **specificity of sport**. Based on the premise of allowing sport governing bodies to organise sport free from government interference, sport has been provided legal space that limits the oversight and regulation that applies to sport⁸⁸. For example, and as highlighted in Section 2.3 above, the European Sport Model states that sport federations should have the autonomy necessary to organise sport how they see fit and the ability to self-regulate, within the limits of EU law⁸⁹.

Potential issues with the specificity of sport arise given sport governing bodies' dual roles as both the regulators of sport and commercial operators. This has the potential to create **conflicts of interest**, as decisions in the financial interest of sport federations may not be in athletes' interests, and as will be discussed further, in some cases has been in conflict with athletes' rights. This is exacerbated further by the growing commercialisation of sport and the increasing influence of media companies, sponsors, private equity, multinational companies and venture capital involved in the operation of sport and big sport events, which may create tensions for sport federations in prioritising commercial interests over good governance and human rights principles^{90,91}. The independence and autonomy of sport governing bodies provides limited oversight for potential rights abuses, as well as more general issues regarding the application of good governance principles.

Governance of big sport events

Global attention on the protection of human rights in the context of big sport events has dramatically increased in recent years due to controversies surrounding events such as the reports of human rights abuses of migrant workers during the preparation for the 2022 FIFA World Cup in Qatar, as well as high profile athletes raising awareness on issues that impact their rights, their involvement in sport, and their overall well-being⁹². Further, as outlined above, **sport governing bodies and event organisers have the obligation to uphold human rights standards throughout the big sport event lifecycle**. As a result, sport governing bodies and organisers of big sport events are increasingly adopting human rights approaches into their policies and practices⁹³. Nevertheless, there are a number of challenges that undermine the protection of athletes' rights during big sport events, including incomplete adoption of good governance practices, shared responsibilities across various parties, and corruption.

It is the responsibility of sport governing bodies to ensure good governance principles are embedded in the decision-making around and operation of big sport events. However, internal politics, commercial and financial interests may come into conflict with good governance principles⁹⁴ of **transparency and accountability, representation and**

⁸⁸ ILO (2020), *Decent work in the world of sport: Issues paper for discussion at the Global Dialogue Forum on Decent Work in the World of Sport*.

⁸⁹ European Commission (2022), *Study on the European sport model: A report to the European Commission*, available at: <https://op.europa.eu/en/publication-detail/-/publication/d10b4b5b-e159-11ec-a534-01aa75ed71a1/language-en>.

⁹⁰ Ibid.

⁹¹ Centre for Sport and Human Rights (2022), *White Paper on Child Labour in Sport: Protecting the Rights of Child Athletes*, available at: <https://www.sporhumanrights.org/media/thph1xuc/white-paper-june-2022.pdf>.

⁹² A recent example of this is the sexual assault of Jenni Hermoso during the 2023 Women's World Cup, which is covered in greater detail in Case Study 9.

⁹³ European Parliament (2021), *Large Sporting Events: Human Rights as a Game Changer?*

⁹⁴ European Commission (2013), *Expert Group on Good Governance – Deliverable 2: Principles of good governance in sport*, available at: https://ec.europa.eu/assets/eac/sport/library/policy_documents/xg-gg-201307-dlvrbl2-sept2013.pdf.

consultation, and integrity. This is particularly evident in the context of big sport events, as these events are a substantial, if not the largest, source of revenue for sport governing bodies⁹⁵. The potential conflict of interest faced by sport governing bodies was recognised and mentioned by the majority of stakeholders consulted in this study⁹⁶, and has been widely discussed in the literature⁹⁷.

An economically viable sport is in the interest of both sport governing bodies and athletes, as revenue from big sport events is then reinvested back into the sport, either through paying the salaries of professional athletes or funding the operational costs for elite athletes, such as training and infrastructure⁹⁸. However, what is best commercially and financially for sport governing bodies may not always be aligned with what is best for the operation of sport and the interests of athletes. In the context of this potential conflict, stakeholders from sport federations highlighted **the importance of the right leadership within sport governing bodies** and **ensuring athletes are involved in discussion and decision-making on matters that impact them**. While athlete consultation on matters that impact them is a key aspect of good governance, stakeholders also mentioned that the presence of athletes during discussions serves as a good reminder to sport federations of the main reason they are there – to create a positive sporting environment for athletes⁹⁹.

The majority of big sport events are not organised by international sport federations themselves but are outsourced to providers that are responsible for the organisation and delivery of the event. For example, the Olympic Games are organised by a committee consisting of members from the host city, host country, the host country's NOC, and the host country's IOC Member, rather than the IOC itself¹⁰⁰. The responsibility of upholding human rights standards and protecting the rights of athletes in the context of big sport events is therefore **jointly shared by event organisers and sport governing bodies**. The shared responsibility across various parties can make it difficult to ensure athletes' rights are adequately safeguarded across all levels, and can also create difficulties in adequately addressing potential rights abuses¹⁰¹. Even where human rights policies exist, sport governing bodies have limited capacity to oversee their implementation in the context of big sport events, and often rely on the self-regulation of contractors or organising committees¹⁰².

As big sport events are seen as a way for a country to increase its status in the international community, an **increasing political influence on the bidding process** has raised the risk for corruption in the awarding of hosting contracts¹⁰³. A lack of transparency and accountability for international sport organisations can make them

⁹⁵ WPA (2020), *The Economics of International Sport Governing Bodies*, available at: https://uniglobalunion.org/wp-content/uploads/WPA_Economics-of-ISFs-2020_FINAL.pdf.

⁹⁶ Information obtained through consultation with athlete representative organisations, sport federations, athletes and coaches.

⁹⁷ For example, see: Centre for Sport and Human Rights (2022), *White Paper on Child Labour in Sport: Protecting the Rights of Child Athletes*. and Court of Justice of the European Union (2022), *Press release: Advocate General Rantos proposes that the judgment of the General Court which had confirmed the anticompetitive nature of rules of the International Skating Union should be set aside*, available at: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2022-12/cp220204en.pdf>.

⁹⁸ Federation of International Cricketers' Associations (2016), *FICA International Cricket Structural Review*, available at: <https://www.thefica.com/wp-content/uploads/2016/07/L-FICA-International-Cricket-Structural-Review-2016-single-page.pdf>.

⁹⁹ Information obtained through consultation with a stakeholder.

¹⁰⁰ IOC (2023), *Olympic Charter*, available at: <https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf>.

¹⁰¹ Information obtained through consultations with stakeholders.

¹⁰² Mega-Sporting Events Platform for Human Rights (2017), *Remedy Mechanisms for Human Rights in the Sports Context*.

¹⁰³ Mega-Sporting Events Platform for Human Rights (2017), *Corruption and Human Rights in the Sports Context*, available at: https://www.ihrb.org/uploads/reports/MSE_Platform%2C_Corruption_and_Human_Rights_in_the_Sports_Context%2C_Jan_2017.pdf.

vulnerable to bribery¹⁰⁴, and importantly, in terms of athletes' rights, not give sufficient attention to human rights and labour standards considerations in the awarding decision. The decision-making process regarding the rewarding of host city contracts has been called into question due to the number of contracts awarded to countries that do not subscribe to international human rights standards, particularly where this has had a negative impact on athletes involved in the event. For example, racewalker Tom Bosworth, an openly gay athlete, told his family and fiancé not to attend the 2019 World Athletics (known then as IAAF) World Championships in Qatar out of fear for their safety due to the country's homophobic laws¹⁰⁵. Similar examples were raised by stakeholders consulted in this study related to women's rights and human rights more generally¹⁰⁶.

Organisation of big sport events

International sport governing bodies also have **nearly exclusive control over the organisation of a given sport**, with relevant European- or national-level sport governing bodies operating under their remit¹⁰⁷. In order to participate in a big sport event, athletes must agree to the conditions of participation for that event. If an athlete does not agree with the conditions, there is not an alternative competition or federation they can choose instead; athletes must agree to the terms they are provided if they wish to participate in an event such as the Olympics or a World Championship. These contracts typically cover the code of conduct that participants must adhere to, the use of participants' image, processing of personal data, the acceptance of risk, and arbitration agreements¹⁰⁸. Research on contracts developed by national sport governing bodies in Europe found these to be largely designed without athlete negotiation¹⁰⁹. There have been some cases in recent years of national sport federations negotiating the terms of participation on behalf of athletes¹¹⁰; however, individual athletes risk losing the opportunity to participate altogether if they do not agree with the terms provided.

There is wide recognition across stakeholders that athletes should be consulted on decisions that impact them. In the context of big sport events, the topic that was mentioned most often by athletes, athlete representative organisations and sport federations as being crucial to consult athletes on was the **competition calendar and the schedule of the event**, in order to ensure athletes have adequate resting periods¹¹¹. The organisation of competition calendars can be particularly difficult for sports where athletes are often involved in both club and national teams, or where multiple sport federations are responsible for organising events¹¹². For example, there was significant critique around the 2022 FIFA World Cup held in Qatar, which required the international football competition calendar to be revised to accommodate the event being held in winter rather than summer due to the extreme heat conditions in Qatar. This resulted in a more

¹⁰⁴ A well-known example is the 2002 Winter Olympics scandal, where officials were bribed to reward the contract to Salt Lake City, Utah. For more information, see: United States Department of Justice (2000), *Former Officials of Salt Lake City Olympic Organizing Committee Indicted for Roles in Olympic Site Selection*, available at: <https://www.justice.gov/archive/opa/pr/2000/July/413crm.htm>.

¹⁰⁵ The Times (2018), Bosworth pledges to stand up for gay rights in Qatar during World Champs, available at: <https://www.timeslocalnews.co.uk/lifestyle/bosworth-pledges-to-stand-up-for-gay-rights-in-qatar-during-world-champs/>.

¹⁰⁶ Information obtained through consultation with stakeholders.

¹⁰⁷ OECD (2023), *Competition and Professional Sports: OECD Competition Policy Roundtable Background Note*, available at: <https://www.oecd.org/daf/competition/competition-and-professional-sports-2023.pdf>.

¹⁰⁸ Tokyo Olympics Organising Committee (2021), *Conditions of Participation for NOC Delegation Members Games of the XXXII Olympiad Tokyo 2020 in 2021*, available at: https://olympics.com/athlete365/app/uploads/2021/06/Tokyo-2020_NOC-Conditions-of-Participation-2021-version_ENGLISH.pdf.

¹⁰⁹ Mittag, J., et al., (2022), *Good Governance in the Employment Relations of Athletes in Olympic Sports in Europe: Understanding - Evaluating - Improving*.

¹¹⁰ For example, the Canadian National Hockey League entered negotiations with the International Ice Hockey Federation and the International Olympic Committee prior to the 2014 Sochi Games due to concerns regarding player insurance and the risk of injury. For more information, see: The Hockey News (2013), *NHL working out details to have its players in 2014 Winter Olympics*, available at: <https://thehockeynews.com/news/nhl-working-out-details-to-have-its-players-in-2014-winter-olympics>.

¹¹¹ Information obtained through consultation with stakeholders.

¹¹² EU Athletes (2022), *Common Position Paper 2022: Athletes Rights are Human Rights*.

physically and mentally taxing competition schedule for the athletes who participated in the event, as the World Cup was held in the middle of the domestic and continental league seasons, rather than at the end¹¹³.

Regarding the **schedule of a big sport event**, issues such as late competition hours or a lack of resting time between matches or heats have also been raised by stakeholders as an important issue for athletes. One interviewee provided an example from the Olympic Games Tokyo 2020 where racing heats took place in the afternoon and finals in the morning, rather than the other way around¹¹⁴. As this decision was not in the best interests of athletes', the interviewee speculated whether this was done to ensure the finals would be shown during normal viewing hours in United States time zones. This is a phenomenon that has also been raised in the context of tennis tournaments, as organisers often schedule matches at specific times with the aim of maximising broadcast and spectator revenues¹¹⁵. Box 2 below shows key findings from Case Study 4 on the impact of tennis tournament schedules on athletes. Sport governing bodies are also responsible for deciding which sports are included in multi-sport events altogether, which is explored in greater detail in Case Study 2 on the decision of World Athletics to remove the 50km race from racewalking.

Box 2: Findings from Case Study 4 on the impact of a heavy schedule on athletes

Overly packed competition calendars with a lack of adequate rest for athletes can have a significant detrimental impact on the physical well-being of athletes, including a higher risk of injury and heightened physical fatigue¹¹⁶. In addition to the physical effects of a lack of adequate recovery, athletes consulted for this study highlighted the impact a packed calendar can have on athlete mental health, as there are compounding impacts from an increased level of stress, a lack of time to decompress, and the toll that continuous travel and time away from home can take. The heavy competition schedule and prolonged negative impact on player well-being has resulted in some players choosing not to continue participating in sport events earlier than they would have chosen otherwise¹¹⁷.

Despite the significant impact competition calendars and event schedules can have on tennis players, there are concerns that the athletes are not adequately involved in these decision-making processes and do not have the structure to collectively bargain on an equal footing with their federation¹¹⁸. The Professional Tennis Players Association (PTPA), founded in 2021, aims to address this gap and has advocated that players should be more involved in decision-making around tennis tournaments¹¹⁹.

The case study explores the issues related to competition calendars and event schedules in greater detail, as there have been complaints from tennis players regarding both the congestion of the calendar and the schedule during tournaments.

Event organisers are also responsible for considering **athlete safety during events**. Concerns regarding athlete safety have been raised in a range of sports, such as around decisions on how a course is designed, what rules apply to the sport, and the conditions

¹¹³ FIFPRO and WPA (2023), *FIFA World Cup 2022: Post-tournament review & player survey*, available at: https://fifpro.org/media/fl5pvvck/fifpro_pwm23_posttournamentreport.pdf.

¹¹⁴ Information obtained through consultation with an athlete.

¹¹⁵ Information obtained through consultation with a stakeholder.

¹¹⁶ Williams S., et al., (2022), *The influence of match exposure on injury risk in elite men's rugby union*, *J Sci Med Sport*;26(1):25-30, available at: <https://pubmed.ncbi.nlm.nih.gov/36371396/>.

¹¹⁷ The New York Times (2011), *It's Called a Season; It Lasts 11 Months*, available at: <https://www.nytimes.com/2011/09/04/sports/tennis/pro-tennis-season-can-nearly-a-year.html>.

¹¹⁸ Ibid.

¹¹⁹ Professional Tennis Players Association, (2023), *Understanding PTPA Principle Tenet #5: The Best Vision & Structure of Tennis*, available at: <https://www.ptpaplayers.com/understanding-ptpa-principle-tenet-5-the-best-vision-structure-of-tennis/>.

of the event facilities. For example, cycling has a long history of safety concerns due to the risks associated with racing at such high speeds, as well as other issues such as poor road conditions, limited barriers between spectators and racers, and obstacles in the course¹²⁰. Following the fatal crash of cyclist Gino Mäder during the Tour de Suisse in 2023, fellow cyclists critiqued the decision to have the finish line so close to a large descent, which is exciting for spectators but unsafe for racers at too high of speeds¹²¹. While the International Cycling Union has implemented a number of measures to increase racer safety over the years, the Cycle Alliance's 2023 annual survey of female cyclists found that safety at races was the second most common concern reported, indicating that there is still more work to be done to ensure athletes safety concerns are addressed¹²².

Sport governing bodies and event organisers also **define the rules of the game** that will apply to a sport's operation, and in some sports, there are concerns regarding whether enough is being done to ensure athletes' safety. For example, the high occurrence rate of concussions in rugby have raised questions on whether the sport rules should be adapted to prevent the occurrence and recurrence of injury for players¹²³. Similar concerns have been raised in high-speed sports, such as bobsleigh, luge and skeleton, as well as other high contact sports such as football and mixed martial arts¹²⁴. However, many sport governing bodies do have policies in place to try and prevent athlete injury, such as the International Mixed Martial Arts Federation regulation that forbids actions that could cause serious harm to competitors¹²⁵.

Another important aspect of athlete safety during big sport events is the **condition of the event facilities**, including training areas and accommodation, equipment, and the environment¹²⁶. Case Study 9 on athlete protections at the IAAF (now known as World Athletics) 2019 World Championships in Qatar provides an example of how the decisions of sport governing bodies can result in unacceptable conditions at a big sport event. Although event organisers are responsible for the conditions of the event facilities, there is a limit to the extent to which organisers can control unfavourable weather conditions, which resulted in athletes required to train and warm-up in extreme heat and events scheduled through the middle of the night in order to avoid the midday heat. In this case, athletes had limited influence over the conditions they participated under, yet they were required to accept the health risks, including those associated with extreme heat conditions, in order to participate. In another example of athletes being subject to unsafe conditions, 57 swimmers fell ill after competing in the 2023 World Triathlon Championship Series in open water with high levels of E Coli¹²⁷, raising concerns about the safety of open water events. These concerns are particularly relevant for the upcoming Olympic Games Paris 2024, as the event organisers plan for long-distance swimming events to take place in the Seine, which continued to have high levels of E Coli during test events¹²⁸.

¹²⁰ Bicycling (2023), *Are Pro Cycling Races Too Dangerous?*, available at:

<https://www.bicycling.com/racing/a44319437/are-pro-cycling-races-too-dangerous/>.

¹²¹ AP News (2023), *Swiss cyclist Gino Mäder dies after falling down a ravine in the Tour de Suisse*, available at: <https://apnews.com/article/gino-mader-dies-tour-suisse-86599c13a67b0f10d01b94abbaae895c/>.

¹²² The Cyclists' Alliance (2023), *2023 Annual Rider Survey – Full report*, available at: <https://cyclistsalliance.org/2023-annual-rider-survey-full-report/>.

¹²³ Hind, K., et al. (2021), *Cumulative sport-related injuries and longer term impact in retired male elite- and amateur-level rugby code athletes and non-contact athletes : a retrospective study*, *Sports Medicine*, 50(11), available at: <https://durham-repository.worktribe.com/output/1262689/>.

¹²⁴ McCradden, M. and Cusimano, M. (2018), *Concussions in Sledding Sports and the Unrecognized "Sled Head": A Systematic Review*, *Frontiers in Neurology*, 9(772), available at: <https://www.frontiersin.org/journals/neurology/articles/10.3389/fneur.2018.00772/full>.

¹²⁵ International Mixed Martial Arts Federation (2022), *Mixed Martial Arts Unified Rules for Amateur Competition*, available at: <https://immaf.org/wp-content/uploads/2022/10/IMMAF-Rules-Document-as-of-Oct-2022.pdf>.

¹²⁶ Information obtained through consultation with stakeholders.

¹²⁷ The Guardian (2023), *Fifty-seven swimmers fall sick and get diarrhoea at world triathlon championship in Sunderland*, available at: <https://www.theguardian.com/environment/2023/aug/05/investigation-after-57-world-triathlon-championship-swimmers-fall-sick-and-get-diarrhoea-in-sunderland-race>.

¹²⁸ The Guardian (2023), *Paris cancels test event for Olympic swimming on Seine due to water quality*, available at: <https://www.theguardian.com/sport/2023/aug/06/paris-cancels-test-event-for-olympic-swimming-in-seine-due-to-water-quality>.

Unsafe conditions at big sport events raise concerns for elite athletes given that many countries only apply social protections in connection with employment status¹²⁹. Elite athletes that are not considered employees are then left in a precarious position, as they may not have access to basic protections such as health care, loss of income insurance, or compensation in case of injury while performing expected duties. Further, in many cases, athletes are required to accept health and safety risks in order to participate in an event, despite this being the responsibility of event organisers to ensure¹³⁰. An example of the implications of this can be seen in the case of Vanessa Sahinovic, who was injured while competing at the 2015 European Games by one of the event organiser's buses. Originally, Ms Sahinovic's regional health insurance fund did not recognise her injury as an occupational accident, which would have prevented her from being covered by compulsory insurance. However, this was overturned by a federal court, who argued that the obligation to perform specified activities and receiving certain benefits-in-kind for this constituted an employment relationship, even if the contract did not specify this itself¹³¹.

There have been a number of other recent controversies that highlight the importance of athlete consideration in decision-making on the rules and conditions under which athletes are required to participate, including the FIFA stoppage time change during the 2022 World Cup¹³² and whether players are allowed to wear hijabs during competitions¹³³. Case Study 10 covers one of the most pressing and controversial topics within the sport community, the requirement of female athletes born with heightened testosterone to undergo hormone treatment in order to participate in sport. Multiple individual cases were mentioned by stakeholders from both athlete representative organisations and sport federations of athletes who ultimately chose not to participate in a big sport event due to the treatment of athletes, the lack of consideration for athlete interests, or as a statement against the organisation of the sport¹³⁴. Each of these stakeholders stressed the value athletes place on the opportunity to participate at a big sport event such as the Olympics or a World Cup, and that these decisions would not have been taken lightly.

Athlete involvement in decision-making around big sport events

As outlined above, a number of the decisions around the organisation of big sport events have a direct impact on the ability of athletes to participate in events and the conditions they must participate under. There is also growing recognition amongst the public and sport governing bodies that athletes have the right to meaningful engagement on decisions that impact them, and to an explanation if a decision was made that goes against their interests¹³⁵.

¹²⁹ Mittag, J., et al., (2022), *Good Governance in the Employment Relations of Athletes in Olympic Sports in Europe: Understanding - Evaluating - Improving*.

¹³⁰ From Article 4 of the Conditions of Participation for the Olympic Games Tokyo 2020: "I agree that I participate in the Games at my own risk and own responsibility, including any impact on my participation to and/or performance in the Games, serious bodily injury or even death raised by the potential exposure to health hazards such as... extreme heat conditions while attending the Games". Tokyo Olympics Organising Committee (2020), *Conditions of Participation for NOC Delegation Members Games of the XXXII Olympiad Tokyo 2020 in 2021*.

¹³¹ Federal Administrative Court (2017), BVwG GZ W145 2128879-1, available at: https://www.ris.bka.gv.at/Dokumente/Bvwg/BVWGT_20170310_W145_2128879_1_00/BVWGT_20170310_W145_2128879_1_00.html.

¹³² FIFPRO and WPA (2023), *FIFA World Cup 2022: Post-tournament review & player survey*.

¹³³ CNN (2020), *This Muslim basketball player refused to take off her hijab, opening new doors for athletes of other faiths*, available at: <https://edition.cnn.com/2020/11/07/us/bilqis-abdul-qaadir-basketball-hijab-trnd/index.html>.

¹³⁴ Although the cases mentioned in these interviews were anonymous, a public example mentioned was the Spanish football players refusing to participate in future matches following the sexual assault of Jenni Hermoso during the 2023 World Cup. For more information, see: The Guardian (2023), *Spain's World Cup-winning squad to continue boycott of national team*, available at: <https://www.theguardian.com/football/2023/sep/15/spain-world-cup-winning-underline-refusal-to-play-for-national-team-football>.

¹³⁵ Zeid Ra'ad Al Hussein and Rachel Davis (2020), *Recommendations for an IOC Human Rights Strategy*, available at: https://stillmedab.olympic.org/media/Document%20Library/OlympicOrg/News/2020/12/Independent_Expert_Report_IOC_HumanRights.pdf.

The discussions above on the specificity of sport, whether athletes are considered workers, and what the most appropriate form of athlete representation is guide much of the debate on this topic. For stakeholders that do not consider elite athletes as workers, existing consultation structures through athletes' commissions are considered sufficient in providing a space for athletes to share their perspectives and, in the better cases, provide athletes with voting power to inform decision-making. Further, the legal notion of the specificity of sport provides sport governing bodies with autonomy, and many have described a desire of sport governing bodies to protect their autonomy and limit the ability for external parties to influence their decision-making and governance practices¹³⁶. However, this can conflict with athletes' right to organise and to engage in social dialogue on decisions that impact them, which others view as most effectively done through players associations. There is **a common division of perspectives on this issue between sport federations and athlete representative bodies**; however, there is also a lack of consensus amongst athletes themselves on the most appropriate method of representation. Many athletes consulted for this study felt positively about the efforts made by sport governing bodies to hear their perspectives. This is supported further by the findings presented in Box 1 on individuals involved in either athletes' commissions or players associations expressing that they are able to inform decision-making relevant to athletes.

Nevertheless, a number of stakeholders consulted felt that existing structures were not sufficient to protect athletes' interests and human rights. Multiple stakeholders from sport governing bodies interviewed on this topic had not considered how to involve athletes in decision-making around sport events, or felt there was not much relevance of these discussions to athletes. Separate research has also found that athletes have limited influence on key decisions in the organisation of big sport events, and that the limited ability of athletes to engage in collective bargaining is a key human rights issue in the context of big sport events¹³⁷. While the 2024 Paris Olympics Athletes' Commission¹³⁸ is a positive example of athlete consultation on the organisation of events, there are **few examples of big sport events establishing structures for athlete involvement**. Other stakeholders characterised what consultations do occur as a box-ticking exercise, where discussions take the form of a one-way conversation of federations sharing the outcomes of their decisions rather than engaging with athletes in a dialogue¹³⁹. A common sentiment amongst athletes consulted for this study was also that sport federations place greater value on financial considerations than the perspectives of athletes, and that athletes do not have an adequate say on decisions that impact their performance and involvement at big sport events, even in sports where there are existing athlete consultation structures.

While the existing structures of athlete consultation may be sufficient for the majority of elite athletes, a lack of robust protections can leave athletes vulnerable to unfair practices and potential rights abuses¹⁴⁰. For example, the potential rights breaches covered by the case studies in Annex Two¹⁴¹ present a number of examples where athletes did not have

¹³⁶ For example, see: Mega-Sporting Events Platform for Human Rights (2017), *Athletes' Rights and Mega-Sporting Events*. and Council of Europe (2018), *Human rights protection in Europe in the context of sports organisations' disciplinary and arbitration procedures: Good practice handbook No. 5*, available at: <https://edoc.coe.int/en/online-resources/7688-human-rights-protection-in-europe-in-the-context-of-sports-organisations-disciplinary-ans-arbitration-procedures-good-practice-handbook-no-5.html>.

¹³⁷ Mega-Sporting Events Platform for Human Rights (2017), *Remedy Mechanisms for Human Rights in the Sports Context*.

¹³⁸ Paris Olympics Organising Committee (n.d.), *The Games Championed by Athletes*, available at: <https://www.paris2024.org/en/the-games-championed-by-athletes/>.

¹³⁹ Information obtained through consultation with an athlete, sport federation and athlete representation stakeholders.

¹⁴⁰ Mega-Sporting Events Platform for Human Rights (2017), *Remedy Mechanisms for Human Rights in the Sports Context*.

¹⁴¹ Namely, Case Study 1 on the IAAF World Championships 2019, Case Study 2 on the decision to exclude the 50km race from racewalking, Case Study 3 on discrimination against pregnant athletes, Case Study 4 on the tennis tournament schedule, Case Study 6 on Alexandra Shelton, Case Study 9 on sexual violence and harassment during big sport events, and Case Study 10 on Semenya v. Switzerland.

the opportunity or ability to protect themselves and their interests, where basic safeguards for athletes and meaningful opportunities for dialogue may have prevented these cases from occurring. In instances where athletes disagree with key decisions in the organisation of a big sport event, such as the decision to exclude a discipline or under what conditions athletes will have to compete, there are **limited avenues available to athletes to influence these decisions**. Social media has provided a useful avenue for athletes to influence decision-making¹⁴²; however, many stakeholders felt that athletes should not have to resort to a public media campaign for their perspectives to be considered, and that this form of engagement is not in the interest of sport overall, due to the negative public image it may give big sport events¹⁴³.

There are a number of **challenges associated with involving athletes in meaningful consultation**. On the side of sport federations, stakeholders have mentioned a lack of understanding from leadership on the purpose and value of athlete consultation, a lack of human and financial resources available to support representation structures, and difficulties associated with the need to balance a range of diverse perspectives¹⁴⁴. Prejudice against outspoken athletes and prejudice against players associations were also often brought up as barriers to meaningful consultation of athletes¹⁴⁵. A recent survey by the WPA of 79 players associations found that 60% of respondents reported experiencing anti-union conduct, particularly in relation to player associations operating at the international level¹⁴⁶. For athletes, a number of practical challenges were raised by stakeholders, including busy schedules, athletes prioritising training, language barriers, and a limited awareness of the broader context beyond an athlete's individual event¹⁴⁷. However, athlete representatives voted on by athletes can facilitate athlete involvement in decision-making by minimising the burden of involvement across athletes while still ensuring their perspectives remain heard.

Access to justice

As in any part of society, individuals involved in sport can be subject to rights abuses or mistreatment that warrants a legal remedy, and access to a remedy is a human right afforded to all individuals. However, a lack of access to a remedy in the sport community is viewed by many as one of the most pressing barriers to the protection of athletes' rights¹⁴⁸, particularly due to the lack of a binding human rights policy that governs big sport events¹⁴⁹. While the legal notion of the specificity of sport allows sport governing bodies to operate largely free from government interference¹⁵⁰, recent rulings from the European Court of Justice have reconfirmed that EU competition laws do apply to rules

¹⁴² An example mentioned by multiple stakeholders was the change in the Tokyo Olympics maternity policy to allow breastfeeding athletes to bring their babies to the Olympics following public campaigns by Olympians. For more information, see: PBS (2021), *Breastfeeding Olympians allowed to bring babies to Tokyo*, available at: <https://www.pbs.org/newshour/world/breastfeeding-olympians-allowed-to-bring-babies-to-tokyo>.

¹⁴³ Information obtained through consultations with stakeholders.

¹⁴⁴ Information obtained through consultation with athletes, sport federations, and athlete representative organisations.

¹⁴⁵ Information obtained through consultation with athletes, sport federations, and athlete representative organisations.

¹⁴⁶ WPA (2023), *#Right2Organise Survey & Report: Effective Athlete Representation in Global Sport*, available at: https://uniglobalunion.org/wp-content/uploads/WPA-R2O-Report_Digital-1.pdf.

¹⁴⁷ Information obtained through consultation with athletes, sport federations, and athlete representative organisations.

¹⁴⁸ For example, see: ILO (2020), *Decent work in the world of sport: Issues paper for discussion at the Global Dialogue Forum on Decent Work in the World of Sport*. and EU Athletes (2022), *Common Position Paper 2022: Athletes Rights are Human Rights*.

¹⁴⁹ Mega-Sporting Events Platform for Human Rights (2017), *Remedy Mechanisms for Human Rights in the Sports Context*.

¹⁵⁰ There is a perspective within the sport community that court rulings with decisions made in the interest of athletes rights are in direct conflict with the notion of the specificity of sport and the autonomy of sport organisations, and encroach on their right to operate free from government interference. For more information, see: Chappelet, J., (2010), *Autonomy of sport in Europe*, available at: <https://rm.coe.int/autonomy-of-sport-in-europe/168073499f>.

developed by sport governing bodies, particularly those related to sport events¹⁵¹, and more historic cases have confirmed that fundamental social and employment rights also apply to athletes¹⁵².

One of the key issues in this regard in the context of big sport events is the **incompatibility of general courts with the timeline of sport**. Lengthy grievance procedures can lead to athletes not having enough time to qualify for a big sport event (as in Case Study 6 on Alexandra Shelton), or can result in them missing the event altogether (as in Case Study 10 on Caster Semenya). The CAS was created to resolve this issue, as well as to provide a jurisdiction with expertise on the specific context of sport¹⁵³. A number of sport contracts and event participation agreements contain arbitration clauses that limit the legal channels through which athletes can seek remedy to specific arbitration bodies, most often being CAS¹⁵⁴. However, many argue that CAS lacks the relevant human rights expertise to adequately address cases related to athletes' rights^{155,156}.

Stakeholders from sport federations and athlete representative bodies also often mentioned **athletes' fear of retribution** and fear of risking their participation in an event by speaking out against their federation. In this regard, it is important to consider the **power imbalance between athletes and sporting officials**, which is particularly relevant in the context of big sport events. Sport governing bodies are gatekeepers to athletes' careers, providing access to opportunities to advance and the ability to participate in big sport events¹⁵⁷. It can sometimes be a subjective decision made by sport officials regarding who will be included in a national team and be invited to compete in a major event. A number of sport federation and athlete representation body stakeholders expressed that blackmail and threats of retribution are a reality that happen too often in sport. While this is a difficult claim to prove in individual cases, particularly given the lack of transparency and objectivity of decision-making in a number of sports, there are public accounts of athletes who have dropped cases due to fear of retribution. For example, Case Study 6 shares the experience of Aleksandra Shelton, who lost out on the opportunity to qualify for Olympic Games Tokyo 2020 after speaking out against discrimination she faced from the Polish Olympic Committee. Case Study 9 on sexual harassment and violence also mentions examples of athletes who have spoken out about threats they received from sporting officials for speaking publicly about their abuse.

Inequalities in sport

A lack of diverse representation in sport leadership is another key issue impacting the sport industry and the protection of athletes' rights in the context of big sport events. The recent Council of Europe project on gender representation in sport governance found that **women occupied only 22% of board member positions** across both Olympic sport federations and NOCs¹⁵⁸. A recent study of sport leadership in England found that less than 8% of board members in sport organisations funded by UK Sport identified as an ethnic

¹⁵¹ For example, see: European Court of Justice (2023), *Case C 124/21 P: International Skating Union v. Commission*, available at: <https://curia.europa.eu/juris/document/document.jsf?text=&docid=280763&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=6356230>.

¹⁵² For example, see: European Court of Justice (1995), *Case C-415/93: Union Royale Belge des Sociétés de Football Association ASBL v Jean-Marc Bosman*, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:61993CJ0415&from=GA>.

¹⁵³ CAS, (n.d.), *History of the CAS*, available at: <https://www.tas-cas.org/en/general-information/history-of-the-cas.html/>.

¹⁵⁴ Heerd, D., Rook, W., (2022), *Remedy and redress for sport-related human rights abuses*. *Int Sports Law J*, 22, 85–92.

¹⁵⁵ European Parliament (2021), *Large Sporting Events: Human Rights as a Game Changer?*

¹⁵⁶ Mega-Sporting Events Platform for Human Rights (2017), *Remedy Mechanisms for Human Rights in the Sports Context*.

¹⁵⁷ UNESCO (2023), *Tackling violence against women and girls in sport: a handbook for policy makers and sports practitioners*.

¹⁵⁸ Fasting, K., (2019), *All In! Towards Gender Balance in European Sport: Analytical Report of the Data Collection Campaign*, available at: <https://rm.coe.int/analytical-report-of-the-data-collection-campaign-all-in-towards-gende/1680971a71>.

minority¹⁵⁹. A lack of research on the racial diversity in European and international-level sport governance signals a general lack of focus in this area that should be addressed through future research. Athletes from minority backgrounds consulted for this study mentioned the importance of seeing themselves reflected in sport leadership in order to trust that their perspectives will be considered and valued.

This lack of representation in leadership results in much of the policymaking in sport lacking diverse perspectives, with policies either not serving the interests of or actively discriminating against women, racial or ethnic minorities, individuals from minority religions, and LGBTQIA+ individuals. In the context of big events, decisions around event schedules, including the fair distribution of timeslots, provision of equal quality facilities, equal participation and equal awards all have the potential to exacerbate disparities in sport¹⁶⁰. One example of how this can play out that has gained increasing attention is the **sexualisation of female athletes**, particularly regarding the uniform they are required to wear during competitions. In 2021, the Norwegian handball team made headlines when they received a fine from the International Handball Federation for wearing shorts instead of bikini bottoms at the European Beach Handball Championship¹⁶¹. There have been a number of similar examples over the years, with female athletes expressing that the practice of requiring revealing uniforms during competitions is degrading, offensive, and simply impractical for practising sport¹⁶².

Much attention has been given to the **gender disparity in sport** in recent years, including women's sport events being cancelled during the COVID-19 pandemic while the equivalent event for men went forward¹⁶³, less resources in terms of facilities and benefits awarded to female athletes compared to their male counterparts¹⁶⁴, significant discrepancies in media promotion, which will be discussed at greater length in Section 3.2.2, and discrimination against pregnant athletes (see Box 3 below). Another important aspect to take into consideration is the large discrepancy between professional and non-professional sport. While increasing significantly in recent years, the professionalisation of women's sport still lags far behind men's sport, resulting in fewer internationally recognised competitions for female athletes and less opportunities for pay¹⁶⁵. Equal investment in women's sport is necessary to help it reach a comparable economic value to men's sport.

Box 3: Maternity discrimination

Case Study 3 covers the case of Lara Lugli, who had her contract terminated by her volleyball club after disclosing she was pregnant. Female athletes are often forced to choose between their involvement in sport or motherhood, particularly elite athletes or athletes whose sport has not yet professionalised. In addition to having federation or club contracts terminated, athletes have reported losing their sponsorships and being pressured by sport officials to return to training before they are fully recovered if they wish to participate in a big sport event.

¹⁵⁹ Sport England (n.d.), *Equality and Diversity: Race in sport review*, available at: https://www.sportengland.org/funds-and-campaigns/equality-and-diversity?section=race_in_sport_review.

¹⁶⁰ Council of Europe (2019), *Toolkit: How to Make an Impact on Gender Equality in Sport: Sports events*, available at: <https://rm.coe.int/toolkit-facsheet-10-sports-events/1680971aa6>.

¹⁶¹ NPR (2021), *A Women's Beach Handball Team Is Fined For Not Wanting To Wear Bikini Bottoms*, available at: <https://www.npr.org/2021/07/21/1018768633/a-womens-beach-handball-team-is-fined-for-not-wanting-to-wear-bikini-bottoms>.

¹⁶² For example, in gymnastics: DW (2021), *Germany gymnasts protest with full-body leotards*, available at: <https://www.dw.com/en/tokyo-2020-germany-gymnasts-protest-with-full-body-leotards/a-58639442>.

¹⁶³ ILO (2023), *ILO Sectoral Brief: COVID-19 and the sports sector*, available at: https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/briefingnote/wcms_870973.pdf.

¹⁶⁴ ILO (2020), *Decent work in the world of sport: Issues paper for discussion at the Global Dialogue Forum on Decent Work in the World of Sport*.

¹⁶⁵ Council of Europe (2019), *Toolkit: How to Make an Impact on Gender Equality in Sport*.

A lack of representation was often brought up by stakeholders in the context of athlete safeguarding. While this will be discussed at greater length in Section 3.3.2 below, and in more specific detail in Case Study 9 on sexual violence and harassment, it is important to already note that there have also been **severe cases of abuse uncovered in recent years** in the context of big sport events, and there are significant shortcomings in the safeguarding of athletes from abuse.

Additional axes of discrimination raise further issues, including along racial, religious, sexuality, and non-normative gender lines. Growing attention has been focused on these issues, due to high profile instances of spectator racism at big sport events¹⁶⁶, the introduction of rules conflicting with religious preferences, such as the banning of hijabs¹⁶⁷, and the prevention of equal opportunities for transgender athletes¹⁶⁸. Case Study 10 covers the case of Caster Semenya, including World Athletics' policy requiring hormone treatment for women with naturally high levels of testosterone, and the impact these policies have on athlete participation and mental health.

3.2 Global politics and use of social media

This section reports on the study's findings on global politics and the use of social media in the context of big sport events. The section begins by outlining the rights of athletes related to global politics and the use of social media, as defined through international human rights standards. The next sub-section then explores the potential impact of global politics on big sport events and athletes' participation as well as the rules surrounding athletes' opportunities to express their views on political, social, and human rights related issues in big sport events. In turn, the section also explores the role (social) media plays in self-promotion and related economic interests of athletes and federations, as well as its potential consequences on image rights, privacy rights, data protection and athletes' performance in big sport events. A summary of the key findings is also presented in the box below.

Summary: global politics and use of social media

- Despite consistent challenges athletes face because of global political events coupled with the growing prevalence of social media, athletes' rights to freedom of opinion and expression, equal participation in sport, their image rights, and right to privacy and protection of their personal data have evolved in recent years.
- Historically, global political events have often interfered with athletes' participation in big sport events, most notably in the form of political boycotts, bans or specific conditions under which athletes can compete. While each political conflict requires careful assessment of the circumstances, sport governing bodies' face difficult challenges in making consistent decisions over the participation of affected athletes.
- Athletes often find their opportunities for freedom of expression limited by the lack of clarity around sanctions or disciplinary action, financial dependence on federations and sponsors and fear of recrimination (e.g., not being selected, withdrawal of financial support) from coaches, teams, or sport federations. In addition, athletes face pressure from public opinion, which could have a negative impact on their image, reputation, and career.
- While athletes have the right to exploit their own personal image, this may be limited by employment or commercial contracts, conditions of participating in sport events or the collective interests of sport clubs or federations. The unequal representation and

¹⁶⁶ Scozzafava, M. (2022), *Egonu e Dosso, Il razzismo nello sport colpisce di più le donne?*, available at: https://www.corriere.it/sport/22_ottobre_18/egonu-razzismo-sport-colpisce-piu-donne-e2bbb638-4eda-11ed-8304-dc6918921d5f.shtml.

¹⁶⁷ European Parliament (2021), *Fighting discrimination in sport*, available at:

[https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/696163/EPRS_BRI\(2021\)696163_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/696163/EPRS_BRI(2021)696163_EN.pdf).

¹⁶⁸ Reardon, C. L., et al., (2019), *Mental health in elite athletes: International Olympic Committee consensus statement*, available at: <https://bjsm.bmj.com/content/53/11/667>.

portrayal of male and female sports in (social) media could limit female athletes' opportunities to generate an income through their sporting careers.

- When entering contracts with federations or sponsors, athletes may also have to waive some or all of their rights related to how their image, or other personal, health or performance data is being used. This is exacerbated by the lack of transparency in how athletes' data is being processed, stored and protected and which third parties it is shared with, which could cause privacy and data protection concerns.

3.2.1 Athletes' rights in and around big sport events

The specific categories of athletes' rights identified through this study as relevant to the theme of global politics and the use of social media in the context of big sport events are presented below.

Right to freedom of opinion and expression

The **right to freedom of opinion and expression** is a fundamental human right which belongs to every human being. It is enshrined in the Universal Declaration of Human Rights (1948)¹⁶⁹. Freedom of expression is also recognised by European human rights charters, such as the Council of Europe's European Convention for the Protection of Human Rights and Fundamental Freedoms (Article 10.1)¹⁷⁰ and the Charter of Fundamental Rights of the European Union (Article 11.1)¹⁷¹, both of which state that freedom of expression "...shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority...". Article 10 is applicable to the field of sport within its usual standards and limits, and it unequivocally includes athletes and players¹⁷².

As highlighted in Section 2.2 above, athletes' right to freedom of opinion and expression is also guaranteed by several sport specific policies defining athletes' rights and responsibilities. While these are key documents, it is important to distinguish them from legally binding human rights legislation. Article 13 of the Universal Declaration of Players Rights states that "every player has the right to freedom of opinion and expression" and the possibility to report unethical behaviour without fear of retaliation¹⁷³. Players' right to freedom of expression is also spelled out in the IOC's Athletes' Rights and Responsibilities Declaration¹⁷⁴ and Strategic Framework for Human Rights¹⁷⁵. However, the Olympic Charter introduces limitations to this right under specific conditions, specifically in the context of the Olympic Games (see more under Section 3.2.2 on Rule 40 and 50 of the Olympic Charter).

While there are a few permissible limitations to freedom of expression as codified in international and European human rights charters, according to the International Covenant on Civil and Political Rights, those limitations must be provided by law, necessary and

¹⁶⁹ UN General Assembly, *The Universal Declaration of Human Rights*, New York: United Nations General Assembly (1948), available at: <https://www.ohchr.org/en/universal-declaration-of-human-rights>.

¹⁷⁰ Council of Europe (1950), *Convention for the Protection of Human Rights and Fundamental Freedoms*, Article 10.1, Council of Europe Treaty Series 005, available at: [CETS 005 - Convention for the Protection of Human Rights and Fundamental Freedoms \(coe.int\)](https://rm.coe.int/CETS-005-Convention-for-the-Protection-of-Human-Rights-and-Fundamental-Freedoms-coe.int).

¹⁷¹ Charter of Fundamental Rights of the European Union, Article 11.2, 26 October 2012, OJ C 326/391, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012P%2FTXT>.

¹⁷² Enlarged Partial Agreement on Sport (EPAS) & Council of Europe (2023), *Forum on Sport and Human Rights: Freedom of expression*, available at: <https://rm.coe.int/15-report-forum-on-sport-and-human-rights-30-11-2022-clean/1680ab8861>.

¹⁷³ WPA (2017), *Universal Declaration of Player Rights*, Article 13, 20 June 2017, available at: <https://www.fifpro.org/media/md2efzpd/universal-declaration-of-player-rights-english-version.pdf>.

¹⁷⁴ IOC (2018), *Athletes' Rights and Responsibilities Declaration*, Article 11, 9 October 2018, available at: https://www.gymnastics.sport/site/pdf/safeguarding/IOC_Athletes_rights_and_responsibilities_declaration.pdf.

¹⁷⁵ IOC (2022), *IOC Strategic Framework on Human Rights*, available at: <https://stillmed.olympics.com/media/Documents/Beyond-the-Games/Human-Rights/IOC-Strategic-Framework-on-Human-Rights.pdf>.

applied in the respect for the rights and reputations of others, public morals, and public order^{176,177}.

Right to non-discrimination

The **right to non-discrimination** is a fundamental human right that is outlined in Article 21 of the Charter of Fundamental Rights of the EU. In the context of sport, the right to non-discrimination is often referred to as the '**right to play free**' or the '**right to equal participation in sport**'. In line with international human rights doctrines, the Athletes' Rights and Responsibilities Declaration states that athletes have the right to "*Practise sport and compete without being subject to discrimination on the basis of race, colour, religion, age, sex, sexual orientation, disability, language, political or other opinion, national or social origin, property, birth or other immutable status*"¹⁷⁸. Similar provisions are included in Article 10 (The Right to Sport) of the European Sports Charter¹⁷⁹ and Article 3 of the Universal Declaration of Players Rights, according to which all players are "*entitled to equality of opportunity in the pursuit of sport without distinction of any kind and free of discrimination, harassment and violence*"¹⁸⁰.

Image rights and the right to privacy

The use of **image rights** is an important aspect of the **economic rights** of professional athletes who gain income through competitive sport. The issue of image rights has gained in prominence with the globalisation of sport and increasing financial benefits associated with self-marketing or sponsorship deals. 'Image' of athletes in this context can refer to their pictures, features, figures, appearance, name, etc¹⁸¹. However, the way in which image rights can be exploited in the European Union varies from country to country, as the right to one's own image is regulated by Member States' national laws¹⁸². There are also differences between the practices of sport governing bodies, which can lead to varying rules. Image rights of athletes are typically defined privately through employment and commercial contracts with clubs or sport governing bodies¹⁸³ which may result in different provisions on endorsements, termination and the extent to which sport governing bodies can exploit athletes' images. Consequently, the use of image rights also varies across sports. Nevertheless, the Charter of Fundamental Rights of the EU stipulates that EU citizens have the right to protection of their personal data.

Although athletes normally retain their **personal rights** and the **right to their privacy**, their specific contracts may accept limitations to their consent to exploit their image rights. Limitations may also be imposed through general rules established by sport federations. For example, the Athletes' Rights and Responsibilities Declaration of the IOC states that athletes have the right to "*Leverage opportunities to generate income in relation to their sporting career, name and likeness, while recognising the [...] rules of the event and of sports organisations as well as the Olympic Charter*"¹⁸⁴. The limitation of athletes' image

¹⁷⁶ United Nations Human Rights Special Procedures. *Freedom of opinion and expression*, available at: https://www.ohchr.org/sites/default/files/Documents/Issues/Expression/Factsheet_1.pdf.

¹⁷⁷ See, for example: *Simunić v. Croatia*, Decision 22.1.2019 [Section I] of the European Court of Human Rights, available at: <https://hudoc.echr.coe.int/eng?i=001-189769>.

¹⁷⁸ IOC (2018), *Athletes' Rights and Responsibilities Declaration*, Article 1.

¹⁷⁹ Council of Europe, *Recommendation CM/Rec(2021)5 of the Committee of Ministers to member States on the Revised European Sports Charter*, Article 10, adopted by the Committee of Ministers on 13 October 2021 at the 1414th meeting of the Ministers' Deputies, available at: <https://rm.coe.int/recommendation-cm-rec-2021-5-on-the-revision-of-the-european-sport-cha/1680a43914>.

¹⁸⁰ WPA (2017), *Universal Declaration of Player Rights*, Article 3, 20 June 2017, available at: <https://www.fifpro.org/media/md2efzpd/universal-declaration-of-player-rights-english-version.pdf>.

¹⁸¹ Elite Law website, *Navigating athletes' image rights: a comparative legal analysis*, available at: https://www.elitelaw.ch/navigating-athletes-image-rights-a-comparative-legal-analysis/#_ftn2.

¹⁸² Pina, C. (2014), *The Role of IP for athletes and image rights*, World Intellectual Property Organization, available at: https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=291665.

¹⁸³ ILO (2020), *Decent work in the world of sport*, p.15, available at:

https://www.ilo.org/sector/activities/sectoral-meetings/WCMS_667607/lang--en/index.htm.

¹⁸⁴ IOC (2018), *Athletes' Rights and Responsibilities Declaration*, Article 5.

rights during the Olympic Games (Rule 40 of the Olympic Charter) is further explored in Section 3.2.1.

With the increasing importance of publicity and exploiting one's personal image, including on social media, athletes' privacy rights also need to be protected. As indicated under Section 2.2. above, according to the Universal Declaration of Players Rights, athletes have "the right to a private life, privacy and protection in relation to the collection, storage and transfer of personal data"¹⁸⁵. Moreover, reiterating Section 2.2 above, the European Union's GDPR¹⁸⁶ regulates the processing of personal data in the EU and imposes harsh penalties for non-compliance. In line with GDPR, the majority of data processed by sport clubs and associations for the analysis of athletes' performance (e.g., health, genetic and biometric data) is subject to the provision of GDPR and requires explicit consent to be processed¹⁸⁷. To ensure compliance with the European data protection law, both international and national sport governing bodies have implemented specific privacy policies and agreements with players, however, these policies and agreements can also vary among sport governing bodies¹⁸⁸.

3.2.2 Issues faced by athletes in and around big sport events

This section provides a summary of the key findings in relation to the impact of global politics and social media on athletes' rights. It begins by discussing the impact of global politics on big sport events, and cases when political influence has resulted in unequal conditions of participation in big sport events for athletes. The next sub-section then explores the discussion around athlete expression in and around big sport events, including at the Olympic Venue, championships and on social media. This is followed by an analysis of the relationship between social media and athletes' rights of publicity, privacy, and data protection.

The impact of global politics on big sport events and athletes' equal participation

One of the fundamental principles enshrined in the Olympic Charter is the principle of 'sport neutrality'. The **political neutrality** of sport interconnects with the **autonomy of the sport movement** as 'responsible autonomy'¹⁸⁹ depends on promoting a "spirit of peace, mutual understanding, friendship, tolerance and inadmissibility of discrimination of any kind"¹⁹⁰. According to this principle, politics must respect this sporting autonomy and sport must be separate from political, religious or any other type of interference. Within the Olympic Movement, it is the IOC's role to preserve political neutrality and sport autonomy and resist all pressures of any kind. In addition, international sport federations are responsible for maintaining their independence and autonomy in the governance of their sport¹⁹¹. In this context, through both historical and recent examples, this section

¹⁸⁵ WPA (2017), *Universal Declaration of Players Rights*, Article 11.

¹⁸⁶ Official Journal of the European Union (2016), *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC* (General Data Protection Regulation), available at: <https://eur-lex.europa.eu/eli/reg/2016/679/oj>.

¹⁸⁷ Brodies website (2020), *Sports technology and the GDPR: data privacy concerns in sports analysis*, available at: <https://brodies.com/insights/media-broadcasting-and-sports/sports-technology-and-the-gdpr-data-privacy-concerns-in-sports-analysis/>.

¹⁸⁸ See, for example: UEFA (2022), *Player and Related Persons Privacy Notice*, available at: [Player and Related Persons Privacy Notice | UEFA.com](#).

¹⁸⁹ IOC (2014), *Historic milestone: United Nations recognises autonomy of sport*, available at: <https://olympics.com/en/news/historic-milestone-united-nations-recognises-autonomy-of-sport>.

¹⁹⁰ UN General Assembly (2014), *Sport as a means to promote education, health, development and peace*, available at: <https://documents.un.org/doc/undoc/gen/n14/600/43/pdf/n1460043.pdf?token=dXEpQuSYmtAmm3t9O&fe=true>.

¹⁹¹ IOC, *How is the autonomy of sport guaranteed within the Olympic Movement?*, available at: <https://olympics.com/ioc/faq/corporate-citizenship-good-governance/how-is-the-autonomy-of-sport-guaranteed-within-the-olympic-movement>.

explores the impact of global political events and political and diplomatic disputes on big sport events and athletes' participation in them.

The political neutrality principle has been put to several major tests in the history of the Olympic Games (see Box 4), including more recently through the impacts of geopolitical conflicts. Citing such examples, some scholars argue that the **nature of big sport events is inherently political**, and the two cannot be fully separated¹⁹². In this context, it is important to recognise the harm of politically motivated decisions in relation to sport on athletes' careers, who have spent years of preparation only to be withdrawn by their countries from competing due to political reasons. Such decisions of states and governments were also criticised by the President of the IOC in 2014, Thomas Bach, as: "...sport can only contribute to the development of peace if it's not used as a stage for political dissent..."¹⁹³.

Box 4: Examples of political boycotts in the history of the Olympic Games^{194,195}

Despite the IOC's objective of organising the Olympic Games in "a spirit of friendship, solidarity and fair play"¹⁹⁶, there are several examples when politics have disrupted the Olympic Games throughout its history, such as through boycotts.

Olympic Games Melbourne 1956

Boycotts and protests led to only 67 countries participating in Melbourne. While China boycotted the event due to the participation of Chinese Taipei (Taiwan), the Netherlands, Spain, and Switzerland boycotted the Games to show support for Hungary following the Soviet invasion of the country a few weeks before the opening ceremony. In the midst of the Suez Crisis, Egypt, Iraq, and Lebanon also boycotted the event to protest the invasion of Egypt by Israel, Britain and France.

Olympic Games Montreal 1976

20 countries from Africa boycotted the event due to the participation of New Zealand, whose rugby team has played in South Africa, a country that has been banned from the Olympic Games for its apartheid policies since 1964 (for over two decades).

Olympic Games Moscow 1980

United States President Jimmy Carter called to boycott the event due to the Soviet Union invading Afghanistan in 1979. In the end, 67 nations did not participate, with 45 to 50 of these nations likely being absent because of the U.S.-led boycott. As a result, the Olympic Games Moscow 1980 has seen the largest boycott since 1956 with only 80 nations and 5,179 athletes taking part in the event.

Olympic Games Los Angeles 1984

19 countries, including the Soviet Union, East Germany and Cuba boycotted the event, allegedly, as a retaliation for the U.S. led boycott in 1980. These countries cited concerns over the safety of their athletes in what they considered a hostile and anti-communist environment¹⁹⁷. It is assumed that most of the countries boycotting the event did not attend for political reasons.

¹⁹² See, for example: Næss, H. E. (2018), *The neutrality myth* and Wiater P. (2023), *Chaos in the Sporting World over Russia's War of Aggression*.

¹⁹³ Grohmann, K. (2014), *Stop using Games for cheap political gain - IOC chief*, Reuters, available at: <https://www.reuters.com/article/idUSBREA1310G/>.

¹⁹⁴ Grannan, C., *7 Significant Political Events at the Olympic Games*, Encyclopaedia Britannica, available at: <https://www.britannica.com/list/7-significant-political-events-at-the-olympic-games>.

¹⁹⁵ Council on Foreign Relations, *Politics and Protest at the Olympics 1906-2022*, available at: <https://www.cfr.org/timeline/olympics-boycott-protest-politics-history>.

¹⁹⁶ IOC (2023), Olympic Charter, at point 4 of the Fundamental Principles of Olympism, p.8.

¹⁹⁷ Encyclopaedia Britannica (2024), *Los Angeles 1984 Olympic Games*, available at: <https://www.britannica.com/event/Los-Angeles-1984-Olympic-Games>.

Olympic Games Sochi 2014 (Winter)

Activists in the United States and other Western countries called for a boycott over a range of human rights issues in the country, including anti-LGBTQI+ laws. While several world leaders did not attend the opening ceremony, there was no country that boycotted the event.

Olympic Games Beijing 2022 (Winter)

The United States declared a diplomatic boycott on the event, citing the Chinese government's human rights abuses, including against Uyghurs and other Muslims in the Xinjiang region. Other countries, including Australia, Canada, and the UK followed suit.

The **relationship of sport neutrality and global politics** has recently come into question again, in relation to the Russian Federation's war of aggression against Ukraine (2022-present). While the IOC Executive Board originally recommended the unconditional exclusion of Russian and Belarusian athletes and officials¹⁹⁸, in March 2023 it recommended that Russian and Belarusian athletes are allowed to participate in international competitions as individual neutral athletes, without national symbols, such as jerseys, flags and national anthems¹⁹⁹. In addition to the IOC's recommendation, international sport governing bodies have faced pressure from governments²⁰⁰, public opinion and athletes to impose sanctions against Russian and Belarusian athletes. Nevertheless, international sport federations have taken different approaches towards allowing the participation of Russian and Belarusian athletes in world championships. While some federations, for example, the International Fencing Federation, the *Fédération Equestre Internationale* (International Equestrian Federation), and the *Internationale de Pentathlon Moderne* (International Modern Pentathlon Union) follow this recommendation, others, such as World Athletics have maintained the total exclusion of Russian and Belarusian athletes from their competitions. A third group of federations, for example the International Boxing Association (IBA)²⁰¹ continued to allow Russian and Belarusian athletes to compete after the war began²⁰². Stakeholders interviewed for the study expressed similarly diverging opinions about the participation of the two countries' athletes in big sport events.

While the Russian Olympic Committee was suspended due to violating the territorial integrity of the NOC of Ukraine²⁰³ towards the end of 2023, the IOC Executive Board approved the participation of Russian and Belarusian athletes in the Olympic Games Paris 2024 as individual neutral athletes under strict eligibility conditions (e.g., athletes who do not actively support the war and are not contracted to the Russian or Belarusian military

¹⁹⁸ IOC website (2022), *IOC EB recommends no participation of Russian and Belarusian athletes and officials*, available at: <https://olympics.com/ioc/news/ioc-eb-recommends-no-participation-of-russian-and-belarusian-athletes-and-officials>.

¹⁹⁹ IOC website (2023), *Following a request by the 11th Olympic Summit, IOC issues recommendations for International Federations and international sports event organisers on the participation of athletes with a Russian or Belarusian passport in international competitions*, available at: <https://olympics.com/ioc/news/ioc-issues-recommendations-for-international-federations-and-international-sports-event-organisers>.

²⁰⁰ GOV.UK website (2023), *Statement on Russia's war on Ukraine & international sport*, available at: <https://www.regjeringen.no/contentassets/23dd023f31964624a297fe031eb50d86/sport-ukraine-statement-final-agreed-text-8-march-2022.pdf>.

²⁰¹ The IBA was suspended by the IOC in June 2023 due to its failure to complete reforms on governance, finance and ethical issues.

²⁰² Wiater, P. (2023), *Chaos in the Sporting World over Russia's War of Aggression: Political Neutrality in Light of Human Rights Protection*, in *Business and Human Rights Journal*, vol. 8, n. 3, pp.461–467, Cambridge University Press, available at: <https://www.cambridge.org/core/journals/business-and-human-rights-journal/article/chaos-in-the-sporting-world-over-russias-war-of-aggression-political-neutrality-in-light-of-human-rights-protection/A873B303CEDA3FDDFB36FFC1651DF5F7>.

²⁰³ IOC website (2023), *IOC Executive Board suspends Russian Olympic Committee with immediate effect*, available at: <https://olympics.com/ioc/news/ioc-executive-board-suspends-russian-olympic-committee-with-immediate-effect>.

or security agencies)²⁰⁴, evaluated by an Individual Neutral Athlete Eligibility Review Panel²⁰⁵. However, Ukraine maintains concerns about the neutrality of certain athletes who qualified to the Olympics, and the impact their participation would have on Ukrainian athletes²⁰⁶. The earlier decision of sport federations based on the IOC's guidance to allow the allegedly neutral participation of Russian and Belarusian athletes in competitions has also been questioned by groups of athletes (e.g., more than 300 fencers) who claim their opinion was disregarded when making this decision²⁰⁷.

Decisions of sport governing bodies over political conflicts and acts of aggression also set precedents for the future, which is already seen, as calls have been growing for similar sanctions on Israeli sport governing bodies and athletes amid the Israeli-Palestinian conflict (2023-present)²⁰⁸. Therefore, scholars argue it is crucial that decisions in sport over conflicts and international acts of aggression are taken consistently guided by **internationally recognised human rights standards**^{209,210}.

As well as wars or conflicts, **diplomatic or political disputes** between states, have also hindered the right of athletes to participate in big sport events under equal conditions. In recent years, Kosovar boxers, track and field athletes and table tennis players have been denied entry visas to host countries of championships or were only allowed to participate in world championships in neutral colours (see Box 5). The interference of political and diplomatic relations with sport is also relevant in the case of Iranian athletes, who have received sanctions for competing or engaging with Israeli opponents. During the 2023 World Master Weightlifting Championships in Poland, weightlifter Mostafa Rajaei shook hands with an Israeli opponent on the podium, which resulted in the Iran Weightlifting Federation banning Rajaei from competing in any sport for life. In setting this sanction, the Federation referred to Mostafa Rajaei's action as an 'unforgivable transgression'²¹¹. The case of another Iranian athlete, Saied Mollaei shows the important role international sport governing bodies can play in protecting and supporting athletes' equal participation in big sport events from political interference. After Mollaei was ordered to withdraw from the 2019 World Championships in Tokyo to avoid competing against an Israeli opponent, the International Judo Federation introduced a four-year ban on the Iranian federation and supported the athlete to be able to continue training and competing under safe conditions²¹².

Box 5: Kosovo's participation in the World Boxing Championships (Case Study 5)

²⁰⁴ IOC website (2023), *Strict eligibility conditions in place as IOC EB approves Individual Neutral Athletes (AINs) for the Olympic Games Paris 2024*, available at: <https://olympics.com/ioc/news/strict-eligibility-conditions-in-place-as-ioc-eb-approves-individual-neutral-athletes-ains-for-the-olympic-games-paris-2024>.

²⁰⁵ IOC website (2024), *AIN Eligibility Review Panel established by IOC EB*, available at: <https://olympics.com/ioc/news/ain-eligibility-review-panel-established-by-ioc-eb-paris-games-time-protocol-elements-agreed-on>.

²⁰⁶ Hoy, M. (2024), *Ukrainian deputy minister urges greater scrutiny of the neutrality of Russian athletes*, Play the Game, available at: <https://www.playthegame.org/news/ukrainian-deputy-minister-urges-greater-scrutiny-of-the-neutrality-of-russian-athletes/>.

²⁰⁷ Athleten Deutschland (2023), *300+ of International Fencers Call on the IOC & FIE to Uphold the Ban of Russia & Belarus*, available at: <https://athleten-deutschland.org/en/300-of-international-fencers-call-on-the-ioc-fie-to-uphold-the-ban-of-russia-belarus/>.

²⁰⁸ See, for example: The Guardian (2024), *The case for sports sanctions against Israel*, available at: <https://www.theguardian.com/sport/2024/jan/18/the-case-for-sports-sanctions-against-israel>.

²⁰⁹ Wiater, P. (2023), *Chaos in the Sporting World over Russia's War of Aggression: Political Neutrality in Light of Human Rights Protection*.

²¹⁰ Goretti, L. (2022), *The Sporting Sanctions against Russia: Debunking the Myth of Sport's Neutrality*, in Istituto Affari Internazionali, available at: <https://www.iai.it/sites/default/files/iaip2209.pdf>.

²¹¹ Salem, M. (2023), *Iran bans weightlifter for life for shaking Israeli athlete's hand* (CNN), available at: <https://edition.cnn.com/2023/08/31/sport/iran-bans-weightlifter-israel-intl-spt/index.html>.

²¹² Inside the Games (2023), *Duncan Mackay: Iran not changed after judo ban as new film based on Mollaei incident set to shine light on regime*, available at: <https://www.insidethegames.biz/articles/1141007/duncan-mackay-blog-on-iran-judo-ban>.

Despite the rights of Kosovar boxers' to equal participation in international sporting competitions, they have faced discrimination from organisers of the International Boxing Association's (IBA's) World Boxing Championships in 2018, 2021 and 2023. Host countries, which do not recognise the independence of Kosovo have denied athletes visas or have banned them from wearing national symbols during the championships. The case study highlights the role of international sport federations in ensuring host countries respect athletes' rights and provide equal conditions of participation for all eligible athletes.

Besides political disputes, **administrative decisions** or the **location of championships** can also have an impact on athletes' rights to participate in big sport events. Recently, Belgian athlete, Cynthia Bolingo could not participate in the Diamond League final in the U.S. due to her visa being refused. It remains unexplained as to why she was not granted a visa. Another factor to consider when discussing equal participation of athletes is the **human rights conditions** in which big sport events take place. As explained in Section 3.1.2, sport governing bodies are under pressure to ensure that the awarding of big sport events to host countries is free from political influence, especially as big sport events are increasingly taking place in countries with questionable human rights contexts. Human rights observers see this trend as an attempt to "sportswash" or sideline serious human rights violations in host countries²¹³. Moreover, without rigorous human rights requirements attached to the awarding decisions of big sport events, interviewees warned that some competitions may not be able to provide equal and safe conditions for the participation of all athletes and their coaches due to their human rights not being respected in the host country²¹⁴. Decisions to award hosting rights to countries with questionable human rights track record has also sparked discontent from athletes in recent events, which is further explored in the context of athlete expression in the next sub-section.

Athlete expression in and around big sport events

Historical examples demonstrate that **political and social activism of athletes** have been a feature of the Olympic Games and other big sport events for several decades (see Box 6). While achieving historical significance, such examples of athlete activism have usually been followed by individual athletes being sanctioned for the violation of the Olympic principles. In response to such protests, sanctions for political propaganda were codified in 1975 through the introduction of Rule 50 of the Olympic Charter which allows "*No kind of demonstration or political, religious or racial propaganda [...] in any Olympic sites, venues or other areas*"²¹⁵ with the aim of preserving the political neutrality of the events. The rule is based on a number of principles: as well as preserving the political neutrality of events, it aims to uphold the tradition of the Olympic Truce (ensuring the safe participation of all athletes despite the broader geopolitical context²¹⁶) and to protect the Fundamental Principles of Olympism²¹⁷. According to the position of the IOC, the Rule is "*important to protect athletes from [...] being placed in a position where they may be forced to take a public position*" and from "*political exploitation*"²¹⁸. However, athlete representative organisations, such as EU Athletes, WPA, FIFPro, or Global Athlete continue to strongly oppose to any restrictions to athletes' freedom of opinion and expression,

²¹³ Worden, M. (2022), *Human Rights Abuses Will Taint the Olympics and the World Cup. It's Time to End 'Sportswashing' Now*, Human Rights Watch, available at: <https://www.hrw.org/news/2022/01/05/human-rights-abuses-will-taint-olympics-and-world-cup-its-time-end-sportswashing>.

²¹⁴ Information obtained through consultations with stakeholders.

²¹⁵ IOC (2023), *Olympic Charter*, Rule 50(2).

²¹⁶ IOC website, *Olympic Truce*, available at: <https://olympics.com/ioc/olympic-truce>.

²¹⁷ IOC website, *IOC Principles*, available at: <https://olympics.com/ioc/principles>.

²¹⁸ IOC website (2021), *IOC Athletes' Commission's recommendations on Rule 50 and Athlete Expression at the Olympic Games fully endorsed by the IOC Executive Board*, available at: <https://olympics.com/ioc/news/ioc-athletes-commission-s-recommendations-on-rule-50-and-athlete-expression-at-the-olympic-games>.

arguing that the IOC's approach to freedom of opinion and expression attempts to "*restrict, redefine and control the way [...] athletes exercise their fundamental human rights*"²¹⁹.

Athletes breaching the rule could face sanctions and disciplinary action from the IOC, which are decided on a case-by-case basis taking into account the context of each individual case. In the context of both historical and recent examples, this section explores the rules, potential limitations and consequences of athlete expression in and around big sport events.

Box 6: Examples of individual athlete protests marking the history of the Olympic Movement

Olympic Games Rome 1960

Athletes from Chinese Taipei (Taiwan) protested during the opening ceremony as they were forced to compete under the name of Formosa. Athletes participated in the ceremony without any names on their jerseys and held a sign saying "Under protest"²²⁰.

Olympic Games Mexico 1968

On the victory podium, U.S. sprinters John Carlos and Tommie Smith performed a Black Power Salute during the playing of the U.S. national anthem in solidarity with the civil rights movement for African American citizens in their country. The two athletes and second-place sprinter Peter Norman from Australia also wore the badges of the Olympic Project for Human Rights²²¹. While the American sprinters were banned by the U.S. Olympic Committee, this happened under the direction of the IOC, who threatened to suspend the entire U.S. Olympic Team were the two athletes not expelled²²². Peter Norman was never selected again to participate in the Olympic Games for standing in solidarity on the podium²²³.

Olympic Games London 2012

Australian Aboriginal boxer, Damien Hooper entered his competition wearing a T-shirt with an Aboriginal flag. For breaching the non-demonstration rule of the Olympic Charter, the athlete was asked by the Australian Olympic Committee to make a public apology²²⁴. However, the IOC has not issued sanctions against the athlete.

Olympic Games Tokyo 2020

Two medallists of the women's track cycling team sprint from China wore badges featuring the face of Mao Zedong, Chinese politician, at their medal ceremony. The IOC investigated the matter in relation to breaching the Olympic Charter rule on political statements on the podium, as a result of which the athletes have been warned by the IOC but were not subject to disciplinary action²²⁵.

More recently, **athletes have increasingly challenged the IOC's neutrality policy** and have called for a greater focus on human rights in the governance of big sport events

²¹⁹ EU Athletes (2021), *Statement on Rule 50 of the Olympic Charter*, available at: <https://euathletes.org/statement-on-rule-50-of-the-olympic-charter/>.

²²⁰ Cheung, H. (2015), *An Olympic summer to remember*, available at: <https://www.taipeitimes.com/News/feat/archives/2015/08/30/2003626509>.

²²¹ Grannan, C., *7 Significant Political Events at the Olympic Games*.

²²² Thomas, E. (2021), *53 years on, John Carlos still sees the IOC as a money-chasing dictatorship*, available at: <https://www.theguardian.com/sport/2021/may/24/john-carlos-olympic-protest-ioc-rule-50-tokyo-games>.

²²³ Montague, J. (2012), *The third man: The forgotten Black Power hero*, CNN, available at: <https://edition.cnn.com/2012/04/24/sport/olympics-norman-black-power/index.html>.

²²⁴ Barrett, C. & Robinson, G. (2012), *Victorious boxer faces sanction over Aboriginal flag T-shirt*, available at: <https://www.smh.com.au/sport/victorious-boxer-faces-sanction-over-aboriginal-flag-t-shirt-20120731-23avi.html>.

²²⁵ Grohmann, K. (2021), *China athletes warned over Mao badges, case closed - IOC*, available at: <https://www.reuters.com/lifestyle/sports/china-athletes-warned-over-mao-badges-case-closed-ioc-2021-08-07/>.

and demanded change in the sport industry. In 2019, following the adoption of the Athletes' Rights and Responsibilities Declaration, a group of five athlete representative organisations issued a letter to the IOC President calling for the adoption of an 'Eighth Fundamental Principle of Olympism' which would signal the IOC's commitment to human rights. In this letter, representatives cited the practice of "*silencing of athlete voices*" and the "*denial of freedom of expression*" from athletes²²⁶. Furthermore, global movements, such as Black Lives Matter (BLM) and #MeToo campaigns led to a **new wave of athlete activism** against racial discrimination and sexual harassment, leading to new questions around athlete expression and to what extent certain forms of expression are allowed in big sport events.

As athletes were increasingly voicing support for global political and social movements, the role of athlete expression came into question around the Olympic Games Tokyo 2020 (held in 2021 due to COVID-19). Prior to the event, athletes called for **additional ways to express their support** towards social and human rights movements (e.g., more than 150 signatories signed an open letter calling for an amendment to Rule 50)²²⁷. While the Guidelines on Athlete Expression provided clarity on opportunities for athlete expression ahead of Tokyo (e.g., in the Mixed Zone, i.e. a designated area at an Olympic Venue where athletes can be interviewed as soon as they leave the field of play, press conferences, social media channels, field of play prior to the start of the competition), athletes were not allowed to perform gestures on the podium, such as taking a knee in solidarity with the BLM Movement. However, the U.S. Olympic and Paralympic Committee notably announced that U.S. athletes would not be punished for athlete protests as long as they remained peaceful and respectful²²⁸. For example, American shot-put silver medallist Raven Saunders was not sanctioned after raising her arms above her head in the shape of an "X" on the Olympic podium to raise awareness about racial oppression²²⁹.

In addition to taking a stance in support of social and human rights movements, some athletes have also been vocal regarding **host countries' human rights standards**. The build up to the 2022 World Cup in Qatar was surrounded by controversy in relation to the treatment of migrant workers in the country since 2010, as well as women's rights and the rights of the LGBTIQ+ community. To raise awareness about these issues, several national football federations and their teams had planned to wear a rainbow armband (the "One-Love" armband) in solidarity when entering the stadium. However, referring to Rule 50.2 and specifically to Regulation 27.1 of the FIFA World Cup 2022 Regulations²³⁰, FIFA banned the display of political, religious, or personal slogans, statements or images on any playing equipment, which included the armband. The days following the ban, players and teams expressed their unease about FIFA's strict position and about the uncertainty of the scope of the ban and the potential personal sanctions for athletes as well as sporting sanctions, e.g., deduction of points.²³¹

In light of increasing pressure from athletes and athlete representative organisations demonstrated by the above examples, the **IOC has introduced changes to the rules around athlete expression**. The changes implemented around athlete expression in November 2023 were a result of a consultation process with athletes' commissions

²²⁶ Sport & Rights Alliance website (2019), *Letter to the IOC: Adopt an Eighth Fundamental Principle of Olympism*, available at: <https://sportandrightsalliance.org/letter-to-the-ioc-adobe-an-eighth-fundamental-principle-of-olympism/>.

²²⁷ "An open letter to IOC & IPC leadership" on sportanddev.org, available at: <https://www.sportanddev.org/latest/news/open-letter-ioc-ipc-leadership>.

²²⁸ Reuters (2020), *USOPC will not punish athletes for protests at Olympics*, available at: <https://www.reuters.com/article/us-olympics-usa/olympics-usopc-will-not-punish-athletes-for-protests-at-olympics-idUSKBN28K2ZM/>.

²²⁹ The Guardian (2021), *Raven Saunders throws up X on podium to represent where the 'oppressed meet'*, available at: <https://www.theguardian.com/sport/2021/aug/01/raven-saunders-x-gesture-olympic-podium-tokyo-2020-shot-put>.

²³⁰ FIFA, *FIFA World Cup 2022 Regulations*, Regulation 27.1, available at: https://digitalhub.fifa.com/m/2744a0a5e3ded185/original/FIFA-World-Cup-Qatar-2022-Regulations_EN.pdf.

²³¹ Daniel Rietiker (2022), *To Speak, or not to Speak. Freedom of Expression under the Lex Sportiva and Human Rights Law at the 2022 World Cup in Qatar*, available at: <https://verfassungsblog.de/to-speak-or-not-to-speak/>.

representing more than 3,500 Olympic and elite athletes from 185 National Olympic Committees (NOCs) and all 41 Olympic sports. The main change included moving the athlete expression element of **Rule 50** of the Olympic Charter to **Rule 40** ('Participation in the Olympic Games'), which now explicitly states that "*All competitors, team officials or other team personnel in the Olympic Games shall enjoy freedom of expression*"²³² in accordance with the Guidelines determined by the IOC EB. However, athlete expression on the podium, field of play and Olympic opening ceremony have remained off limits for athletes. According to consultation undertaken by the IOC itself, around 70% of respondents to a survey with athletes' commission representatives agreed with the limitation of athlete expression in these three spaces²³³. However, because athletes' commissions are not independent from the federations they are associated with, some athlete representative organisations question whether the athletes involved are comfortable with expressing critical views and whether these commissions truly represent the perspectives of all athletes²³⁴. As well as athlete representative organisations, academic research questions the impact of athletes' commissions on sport governing bodies' decision-making processes (for further information, see Section 3.1.2), which warns about the representativeness of the IOC consultation in relation to Rule 50.

Despite changes to Rule 50.2 and Rule 40.2 and relevant Guidelines, it has been argued that the rules could still be clearer on **what constitutes 'political' expression and what are the limits of athlete expression**. For example, while the participation of political figures during medal ceremonies of big sport events is a frequent occurrence, athletes are held against strict standards by event organisers when it comes to their freedom of expression during the events. According to legal experts, a particularly challenging element of the political neutrality principle in sport is the definition of 'political' expression, and its distinction from acts and expression of solidarity with victims of human rights abuse or social inequalities. The case law of the European Court of Human Rights indicates that restrictions on freedom of expression may be justified in two fields, namely political speech and matters of public interest (i.e. hate speech, offensive remarks)^{235,236}. The complexity of determining what is political on the field of play is further increased by the fact that big sport events increasingly take place in countries where human rights issues prevail²³⁷. In this context, an act supporting human rights could be interpreted as a political statement in certain contexts by some stakeholders. The Forum on Sport and Human Rights of the Council of Europe (2022) has highlighted that the principle of the political neutrality of the sports movement reveals **tension between the sporting rules and universal rights**²³⁸. Therefore, it is important that disciplinary sanctions imposed by sport governing bodies are consistently applied and do not go beyond the legal limits of freedom of expression, otherwise, they create uncertainty among athletes and could limit freedom of expression in fear of strict repercussions, i.e. losing an Olympic medal or suspension from competing with immediate notice.

Beyond Rule 50 during the Olympic Games, athlete representative organisations argue **athletes' freedom of expression may also be indirectly limited by practices of sport federations**. National and international sport federations interviewed for this study argued that the limitation to athletes' freedom of expression is acceptable when those are in line with the organisations' code of conduct, such as intolerance against racist, offensive comments or hate speech, disreputation of teams, sponsors, or sport governing bodies or

²³² IOC (2023), *Olympic Charter*, Rule 40.2.

²³³ IOC website. *Athlete expression*, available at: <https://olympics.com/athlete365/athlete-expression/>.

²³⁴ WPA (2023), *#Right2Organise Survey & Report: Effective Athlete Representation in Global Sport*.

²³⁵ Rietiker, D. (2022) *To Speak, or not to Speak*.

²³⁶ See, for example: *Šimunić v. Croatia* Case of the European Court of Human Rights, where the applicant, a football player, was convicted of a minor offence of addressing messages to spectators of a football match, the content of which expressed or enticed hatred on the basis of race, nationality and faith. The Court found the case inadmissible.

²³⁷ Seltmann, M. (2021), *Disrupting institutional reproduction? How Olympic athletes challenge the stability of the Olympic Movement*, in *Sport und Gesellschaft*, vol. 18, no. 1, pp.9-37, available at: <https://doi.org/10.1515/sug-2021-0002>.

²³⁸ EPAS & Council of Europe (2023), *Forum on Sport and Human Rights: Freedom of expression*.

when the integrity of the competition is at risk²³⁹. While the rules around athlete expression vary between federations and event hosts, athletes face various requirements when it comes to public statements and the use of social media.

Athletes and athlete representative organisations interviewed for this study expressed that athletes are fairly limited in the forms and scope of their expression both in and around big competitions. However, these restrictions do not always come directly from sport governing bodies rules or regulations but are imposed by the **power imbalance** between federations and athletes, which in turn, makes it difficult to prove that athletes are facing consequences for exercising their right to freedom of expression²⁴⁰. As a result, athletes may resort to **self-censorship**, including on social media platforms in fear of losing contractual relationships with sponsors (e.g., Polish athletes' participation in 2021 abortion protests received backlash from sponsors), withdrawal of financial support, not being selected to play in championships or the Olympic Games (e.g., football players in the 2015 FIFA Women's World Cup dropped a lawsuit against event organisers in fear of reprisal for their role in the protest²⁴¹) or other repercussions from coaches, teams, federations, sponsors or governments (see Case Study 6). Beyond the withdrawal of support of sport governing bodies, athletes also face pressures from the public, as their statements or stances on social media are often heavily scrutinised, with potential impact on athletes' reputation, career, or mental health.

Increased media visibility could also come with obligations athletes may not always feel comfortable with. After competitions, races or tournaments, athletes may pass through press or media zones, or the Mixed Zone at the Olympic Venue. While in the Olympic Games, athletes are not obliged to go through the Mixed Zone and have **the right not to speak** as per Olympic guidelines, sport federations²⁴² or other event organisers may require athletes to pass through, even if they do not wish to speak. This is usually part of contractual obligations of competition organisers with media right holders, in whose negotiation athletes are normally not involved. Some athlete interviewees have raised concerns about the obligation of having to speak to journalists or attend a press conference directly after stepping off the field of play, although, publicly available examples were only identified in tennis. Other examples of fines for not adhering to similar media obligations following matches are common in football, however, these are seldom publicised²⁴³. A recent case is that of Naomi Osaka, who was fined \$15,000 for failing contractual media obligations after announcing that she would not do media interviews during the French Open (2021) due to mental health concerns²⁴⁴.

Interviewees had mixed views over the requirement to pass through press zones. While some argued this should be better regulated in the relationship of sport federations and athletes for the benefit of federation's media or sponsorship commitments, others argued athletes should not be obliged or sanctioned if they choose not to engage with journalists at big sport events. In addition to pressures from media duties, two athletes interviewed for this study also expressed pressure from sponsors to maintain a positive image on social media, or to share personal details even if they do not necessarily feel comfortable doing so²⁴⁵. This highlights the significant impact sponsorship can have on athletes' right to speak, or the right not to speak on issues important to them. The same notion is important to consider in the context of the strict guidelines on athlete expression during the Olympic Games and other big sport events; while the political neutrality rule partially serves to

²³⁹ Information obtained through consultation with stakeholders.

²⁴⁰ EPAS & Council of Europe (2023), *Forum on Sport and Human Rights: Freedom of expression*.

²⁴¹ ESPN (2015), *Abby Wambach, players drop World Cup turf suit*, ESPN, available at: https://www.espn.com/espnw/news-commentary/story/_/id/12205330/abby-wambach-players-withdraw-women-world-cup-lawsuit-use-artificial-turf.

²⁴² See for example: FEI (2021), *Technical Official's Guide*, available at: https://inside.fei.org/system/files/Equestrian_Oly_Technical%20Officials%27%20Guide.pdf.

²⁴³ Information obtained through consultation with a stakeholder.

²⁴⁴ Madani, D. (2021), *Naomi Osaka fined \$15K by tennis officials for refusing media for sake of mental health*, NBC News, available at: <https://www.nbcnews.com/news/sports/naomi-osaka-fined-15k-tennis-officials-after-refusing-press-sake-n1269122>.

²⁴⁵ Information obtained through consultation with stakeholders.

maintain the universality of big sport events, the rule also serves to secure financial interests of both sponsors and event organisers. This observation was seen in practice, for example, during the 2022 FIFA World Cup in Qatar.

Social media and athletes' rights of publicity, privacy, and data protection

Besides being one of the most important channels for self-expression, social media also provides opportunities for both sport governing bodies and athletes to **generate financial income** through lucrative sponsorship deals. Social media offers athletes a platform where they have more control over building a personal image, which previously was not possible on traditional media channels, such as television and newspapers. Despite being an important platform for athletes for promotion, social media also has several unwanted consequences athletes may need to face during their sporting careers. This section explores the relevance of self-marketing and sponsorship deals for athletes, and potential issues athletes face arising from obligations towards their individual sponsors and those of their federations. In addition, the section discusses potential conflicts of interest between athletes' individual image rights and the collective rights of teams and sport federations to exploit these, as well as the negative consequences publicity can have on athletes' image, privacy, and sport performance.

Athlete representative organisations argue that the economic value of elite sport is derived from athletes' work and images through media and broadcasting, commercial partnerships and sponsorships, merchandising, and data^{246,247}. Therefore, image rights, the right to self-promote, and engaging in sponsorship deals hold important **economic interests** for both athletes, competition organisers, and sport governing bodies. While the level of athletes' remuneration and share of profits around large sporting events differ across team and individual sports, the Economics of International Sport Governing Bodies (2020) publication of the WPA offers insights into the economic inequalities between sport governing bodies and athletes. Despite being at the heart of large sporting events, athletes have a limited share in revenues. Where prize money exists, it can take up only a small proportion of the event revenue (e.g., 2% for the ICC T20 2016 and 7.5% for the FIFA World Cup 2016)²⁴⁸. Players' shares are even more limited in the Olympic Movement, where the existence of prize money depends on whether NOCs choose to award funds²⁴⁹. While athletes generally have the right to exploit their own personal image, this may be limited by employment or commercial contracts, conditions of participating in sport events or the collective interests of sport clubs or federations.

In the context of the Olympic Games, **Rule 40** 'Participation in the Olympic Games' of the Olympic Charter establishes the rules around **image rights**. According to Rule 40, participants in the Olympic Games agree to the use of their "*person, name, picture or sports performances to be used for advertising purposes during the Olympic Games in accordance with the principles determined by the IOC Executive Board.*"²⁵⁰ According to Rule 40, which is detailed in a Key Principles²⁵¹ document published ahead each of the Olympic Games, athletes can only promote personal, non-Olympic sponsors under respective guidelines of the IOC EB. The rule aims to guarantee visibility for Olympic sponsors, 90% of whose contributions are redistributed to organisations and sports within the Olympic Movement with otherwise limited access to financial support, and is spent on the development of sport. Between 2017 and 2020/2021 (due to the postponement of the Olympic Games), through marketing rights, the IOC's Olympic Partner (TOP) sponsorship

²⁴⁶ WPA (2019), *The Economic Rights of Players*, available at: <https://uniglobalunion.org/wp-content/uploads/WPA-Economic-Rights-of-Players-2019.pdf>.

²⁴⁷ EU Athletes (2021), *EU Athletes Response to the Lobby for a 'European sport model'*. Available at: <https://euathletes.org/eu-athletes-response-to-the-lobby-for-a-european-sport-model/>

²⁴⁸ WPA (2020), *The economics of international sport governing bodies*, A comparative review, Edition 3, available at: https://uniglobalunion.org/wp-content/uploads/WPA_Economics-of-ISFs-2020_FINAL.pdf.

²⁴⁹ Ibid.

²⁵⁰ IOC (2023) *Olympic Charter*.

²⁵¹ IOC (2024), *Key Principles of Rule 40 for Athletes at the Olympic Games Paris 2024*, available at: <https://olympics.com/athlete365/rule-40/>.

programme accounted for almost 30% of its total revenue²⁵², which signals the financial importance of protecting this revenue for the benefit of the Olympic Movement. At the same time, athlete representative organisations interviewed for the study argue that Rule 40 does not allow athletes, who are the key figures of any competition to take full advantage of their own personal brand at the most important and lucrative moment of their career²⁵³. This is particularly relevant in light of athletes' economic vulnerability and precarious working conditions (see more in Section 3.1.2). For similar reasons, the rule has been contested by athletes themselves. In Germany, as a result of a landmark decision of the Federal Cartel Office in 2019²⁵⁴, athletes now have more opportunities to promote themselves and thank their individual sponsors during the Olympic Games^{255,256}. As a result of the decision, all athletes were granted more flexibility in thanking their sponsors during the Olympic Games, and more autonomy was given to the NOCs in implementing the rules regarding their own sponsorship contracts²⁵⁷.

Athletes' right to **self-market** and enter **sponsorship deals** may be limited by contractual agreements with other entities, such as their clubs and federations which have their own financial interests and marketing practices. In addition, these rights are typically defined through individual contracts, and there is generally a lack of a harmonised approach to the relationship between federations and athletes around sponsorship and advertisement. This could lead to tensions between the collective rights of sport organisations, such as intellectual property rights and sponsorship deals, and the rights of athletes to use their own name, career, and image to generate income²⁵⁸. Specific examples have shown that players rights might be limited when engaging with sponsors other than those of their club or federation, such as in the case of football club Napoli Calcio in Italy where most players are required to relinquish 100% of their image rights to the club or in Norway where athletes' commercial agreements with third parties must be approved by national federations²⁵⁹, as per the regulations of the Norwegian Olympic and Paralympic Committee and Confederation of Sports^{260,261}. An interviewee also mentioned a case in which a federation's main sponsor was not morally acceptable to work with for several athletes, however, athletes finally agreed to work with the sponsor due to the financial needs of the federation. Nevertheless, several interviewees described solutions and policies that aim to meet the commercial interests of both athletes' and federations. These are described under good practices in Section 4.3 below.

²⁵² IOC (2024), *Olympic Marketing Fact File 2024 Edition*, p.8. available at: <https://stillmed.olympics.com/media/Documents/International-Olympic-Committee/IOC-Marketing-And-Broadcasting/IOC-Marketing-Fact-File.pdf>.

²⁵³ Information obtained through consultation with stakeholders.

²⁵⁴ Bundeskartellamt (2019), Case B 2 - 26/17, available at: https://www.bundeskartellamt.de/SharedDocs/Entscheidung/EN/Entscheidungen/Missbrauchsaufsicht/2019/B2-26-17.pdf?__blob=publicationFile&v=1.

²⁵⁵ European Parliament CULT Committee (2021), *EU Sports Policy: assessment and possible ways forward*, available at: [https://www.europarl.europa.eu/RegData/etudes/STUD/2021/652251/IPOL_STU\(2021\)652251_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/652251/IPOL_STU(2021)652251_EN.pdf).

²⁵⁶ Bundeskartellamt website (2019), *German Athletes and their sponsors obtain further advertising opportunities during the Olympic Games following Bundeskartellamt action*, available at: https://www.bundeskartellamt.de/SharedDocs/Meldung/EN/Pressemitteilungen/2019/27_02_2019_DOSB_IOC.html.

²⁵⁷ Solazzi G. (2021), *Endorsement Agreements: Lo sfruttamento dell'immagine di un atleta (Endorsement Agreements: The exploitation of an athlete's image)*, in *Diritto dello Sport*, vol. 02 n. 01 (2021), Bononia University Press, p.30-39, available at: <https://www.dirittodellosport.eu/sito/wp-content/uploads/2021/07/DdS-1-2021-d.-Solazzi.pdf>.

²⁵⁸ Ibid.

²⁵⁹ EMPLOYS Project (2022), *Good Governance in the Employment Relations of Athletes in Olympic Sports in Europe*.

²⁶⁰ Norges Idrettsforbund, *NIF's Law*, Chapter 14: Sport's market and rights regulations, Section 14-4(1-2), available at: <https://www.idrettsforbundet.no/tema/juss/nifs-lov/kapittel-14-idrettens-markeds-og-rettighetsbestemmelser/>.

²⁶¹ See, for example: **Lucas Pinheiro Braathen**, Norwegian-Brazilian alpine skier who announced his retirement from the sport in 2023, citing the unfair system of the Norwegian Ski Federation, which has full control over the marketing and personal image rights of athletes. The skier will represent Brazil as of March 2024.

Opportunities of athletes to generate income from marketing and sponsorship may also be limited by the **differences between the coverage of men's and women's sports in media**. According to data from 2011, in the EU more than 85% of the print media coverage was dedicated to male athletes, giving less opportunities for female athletes to build a personal image²⁶². The same study found that gender stereotypes and inequalities in sport may be reinforced by qualitative biases and focus on idealised femininity and/or sexuality rather than athletic ability²⁶³, which was also confirmed by the anecdotal evidence of an interviewee describing the differences in the gender-emphasised portrayal of athletes on a federation's website. The situation is similar in the US, where a recent study found that women's sports get 15% of US sport media coverage on traditional and digital media channels, and 18% on social media channels. Women's professional sport leagues were often broadcasted in parallel with highly popular men's leagues, such as the NFL, which has reduced the number of viewers. In addition, the study noted that the difference in media coverage between men's and women's sport could also be the result of a significantly lower number of professional sport competitions organised for women²⁶⁴. In turn, this has a direct impact on the economic value of women's sport, making it harder to attract sponsors, commercial revenue streams and guarantee fair wages²⁶⁵. According to the ILO, the sponsorship pay gap reveals an important layer of gender disparities in sport²⁶⁶, evidenced by female athletes who have publicly raised having their sponsorship contracts dropped while being pregnant²⁶⁷.

It is an important caveat, however, that differences in coverage of women's sport vary across sports. For example, interviewees highlighted that disparities in men and women athletes' earning potential through sponsorship and promotion are much lower in sports like volleyball or biathlon, where the formats of competitions are more equal including equal prize money or the events' television coverage²⁶⁸. Moreover, **some sport governing bodies have sought to address the issue** of imbalanced representation. One of the pillars of the IOC's Gender Equality and Inclusion Framework is portrayal, referring to the language, images and voices used when depicting individuals or groups in communications and the media²⁶⁹. Moreover, some sport federations have adopted **portrayal guidelines for gender balanced representation** in the content of communication materials (e.g., texts, pictures, social media, etc.), however, as many as 80% of the sport federations do not have any such guidelines and there are large differences in sports. A 2020 study found that there were no guidelines in any countries in gymnastics (despite being a female majority sport), however, 54% of football

²⁶² European Union and Council of Europe (2016), *Balance in sport: Tools to implement gender equality: Factsheet*, available at: <https://rm.coe.int/toolkit-factsheet-1-facts-and-figures-on-gender-in-equalities-and-difer/1680971a74>.

²⁶³ Council of Europe (2019), *Toolkit: How to Make an Impact on Gender Equality in Sport. All you need to know*, available at: <https://rm.coe.int/all-in-toolkit-how-to-make-an-impact-on-gender-equality-in-sport-all-y/1680989ab2>.

²⁶⁴ Sim, J. (2023), *Study: Women's sports now getting 15% of US sports media coverage*, Sports Media, available at: <https://www.sportspromedia.com/news/womens-sports-media-coverage-us-wasserman-espn-study-streaming-social-media/>.

²⁶⁵ European Commission (2022), *Towards more gender equality in sport: recommendations and action plan from the High Level Group on Gender Equality in sport. Recommendations and action plan from the High Level Group on Gender Equality in sport (2022)*, available at: <https://op.europa.eu/en/publication-detail/-/publication/684ab3af-9f57-11ec-83e1-01aa75ed71a1>.

²⁶⁶ ILO (2020), *Decent work in the world of sport: Issues paper for discussion at the Global Dialogue Forum on Decent Work in the World of Sport*.

²⁶⁷ See, for example: West, J. (2019), *Athletes Speak Out Against Nike's Lack of Maternity Leave Protection, Other Companies Make Change*, Sports Illustrated, available at: <https://www.si.com/olympics/2019/05/24/nike-maternity-protection-sponsorships-contract-allyson-felix-alyssia-montano>.

²⁶⁸ Information obtained through consultation with stakeholders.

²⁶⁹ IOC (2023), *Gender Equality and Inclusion Objectives 2021-2024*, available at: <https://olympics.com/ioc/gender-equality/objectives>.

federations had a guideline in place^{270,271}. Therefore, much remains to be done by sport governing bodies to ensure equal opportunities for commercial earning for women in sport, especially around big sport events. Further actions needed include the improvement of the quality, quantity, and visibility of women's sport coverage, reducing language and commentary that reflects gender biases and equal investments in marketing campaigns that concern women^{272,273}.

Sport federations are increasingly using and selling athletes' data for media, commercial, merchandising, and other purposes²⁷⁴. However, commercialising athletes' images, pictures, features, figures, appearances, and names can have implications for athletes' **privacy rights** and the **protection of their personal data**. This is exacerbated by the fact that when entering sponsorship or employment contracts, athletes may have to waive some or all of these rights. With developments in sport science and possibilities of tracking performance data, a particularly sensitive issue is sharing athletes' health data and medical records²⁷⁵ as well as their performance data. An interviewee reported a case (in football) where sharing a player's health and medical data during media conferences impacted their future employment opportunities²⁷⁶. Another example mentioned by an interviewee is a federation and clubs (in rugby) putting in place a GPS tracking system, which monitors performance, such as the pace at which players can accelerate or run. However, the interviewee reported that there was a lack of information about where the data was kept, and what data the clubs and federation had access to²⁷⁷. Importantly, these examples are in stark contrast with increasing regulation of data protection in the EU which give more control over personal data and increase the responsibility of data controllers. In the case of athletes, it is the responsibility of sport organisations, sponsors and event hosts to process, store and protect athlete's data according to relevant EU standards.

There were also concerns raised about the World Anti-Doping Agency's (WADA) Whereabouts system, according to which top tier athletes are required to provide information, such as their home address, address for overnight accommodations and the time and location of activities, such as training, work, and school on a quarterly basis. This information is used by anti-doping organisations to locate athletes for out-of-competition doping control²⁷⁸. In 2018, the European Court of Human Rights²⁷⁹ ruled that the system does not violate private and family life, as it was consistent with the need to ensure sport's integrity. Since then, WADA has updated the rule to make it GDPR compliant but concerns around athletes' privacy in relation to the system remain^{280,281}.

²⁷⁰ European Commission and Council of Europe (2019), *All In! Towards gender balance in European sport*, available at: <https://rm.coe.int/analytical-report-of-the-data-collection-campaign-all-in-towards-gende/1680971a71>.

²⁷¹ The scope of the study includes 18 countries: Albania, Austria, Azerbaijan, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Finland, France, Georgia, Israel, Lithuania, Montenegro, Netherlands, Portugal, Serbia and Spain.

²⁷² ILO (2020), *Global Dialogue Forum on Decent Work in the World of Sport*, available at: https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/meetingdocument/wcms_754680.pdf.

²⁷³ European Commission and Council of Europe (2019) *All In! Towards gender balance in European sport*.

²⁷⁴ WPA (2020), *The economics of international sport governing bodies*.

²⁷⁵ See, for example, Gareth Bale, a Welsh footballer who has asked Real Madrid not to publish his medical records after an injury.

²⁷⁶ Information obtained through consultation with stakeholders.

²⁷⁷ Information obtained through consultation with stakeholders.

²⁷⁸ WADA website, *Provide Whereabouts*, available at: [https://www.wada-ama.org/en/athletes-support-personnel/provide-](https://www.wada-ama.org/en/athletes-support-personnel/provide-whereabouts#:~:text=RTP%20athletes%20are%20required%20to,the%20times%20of%20these%20activities)

[whereabouts#:~:text=RTP%20athletes%20are%20required%20to,the%20times%20of%20these%20activities](https://www.wada-ama.org/en/athletes-support-personnel/provide-whereabouts#:~:text=RTP%20athletes%20are%20required%20to,the%20times%20of%20these%20activities)

²⁷⁹ CASE OF NATIONAL FEDERATION OF SPORTSPERSONS' ASSOCIATIONS AND UNIONS (FNASS) AND OTHERS v. FRANCE, Judgement of the European Court of Human Rights, Fifth Section, 2018, available at: <https://hudoc.echr.coe.int/eng?i=001-180442>.

²⁸⁰ European Parliament, CULT Committee (2021), *EU Sports Policy: assessment and possible ways forward*.

²⁸¹ Brown, A. (2023), *Locating athletes for anti-doping tests: issues with WADA's 'Whereabouts' system*, Sports Integrity Initiative, available at: <https://www.sportsintegrityinitiative.com/locating-athletes-for-anti-doping-tests-issues-with-wadas-whereabouts-system/>.

In relation to data protection concerns, interviewees for this study highlighted that there is a need for increased **transparency on how and how long athletes' personal data is stored**, how confidentiality is ensured, who it is shared with, and whether it is used for commercial purposes. It is also important to ensure the collected data is destroyed once it is no longer used for its purpose, i.e. when athletes change teams or retire²⁸². Therefore, athlete representative organisations have called for performance and health data collected in the course of athletes' professional activity not to be used without the explicit consent of athletes²⁸³ and highlighted the need for athletes' contracts to comply with privacy, data, economic, and human rights^{284,285}. There are sport governing bodies which have implemented policies and practices to ensure the safe storage and use of athletes' personal data. Good practice examples related to data protection and privacy are presented in Section 4.3 below.

Finally, as a result of increased publicity, athletes may face negative or **hateful comments and opinions expressed on social media**. Athletes may also receive backlash in response to their public statements. As evidenced in Section 3.3 below, these could be particularly harmful for athletes' mental health and performance. Some organisations have taken steps to provide athletes with media literacy training and run financial campaigns to inform the public on the consequences of hate speech before the Olympic Games or advise their athletes not to use social media during competitions. Other organisations have implemented social media monitoring mechanisms during big sport events to prevent athletes from the harmful effects of online hate speech. These good practices are further discussed in Section 4.4 below.

3.3 Mental health

This section of the report covers the key findings related to athlete mental health in the context of big sport events. As above, it incorporates the findings from the literature, stakeholder interviews, and case studies on issues related to athletes' mental health and safeguarding in and around big sport events. The section begins with athletes' rights related to mental health based on international human rights standards and the perspectives of key sport stakeholders. This is followed by a discussion of the main issues related to protecting athlete mental health in the context of big sport events. A summary of the key findings is presented in the box below.

Summary: mental health

- Athletes' rights in the context of big sport events which are relevant to protecting athletes' mental health include the right to a healthy working environment, the right to privacy and protection of personal data, and the right to a safe working environment, as enshrined in international and EU human rights standards.
- Public debate around the mental health of athletes and the protection of their related rights has shifted from silence and stigma to openness, awareness, and action. There is a growing commitment to creating a more supportive environment for athletes' mental well-being.
- Despite good practices implemented by sport governing bodies, they have reported challenges in devoting the same attention to psychological health of athletes as to their physical health for many reasons including the 'invisibility' of mental health

²⁸² Information obtained through consultation with stakeholders.

²⁸³ EU Athletes, (2022), *Common Position Paper 2022: Athletes Rights are Human Rights*, available at: https://euathletes.org/wp-content/uploads/2022/11/EUA_COMMON-POSITION-PAPER_2022_BDef.pdf.

²⁸⁴ Athleten Deutschland (2022), *Öffentliche Anhörung: Menschenrechte und Sport (Public Hearing: Human Rights and Sport)*, available at: <https://www.bundestag.de/resource/blob/894470/8fd58f67529837512013046935c5cf1b/Stellungnahme-Klein-data.pdf>.

²⁸⁵ WPA (2019), *The Economic Rights of Players*.

issues as opposed to physical injuries, lack of sufficient resources, and the shortage of mental health professionals trained to work with athletes.

- Mental ill health related to participation in big events can be caused by wider factors specific to elite sport and athletes' circumstances (e.g., training and performing at heightened intensity in a competitive environment, risk of physical injuries, relationships with teammates and coaches, vulnerable career paths, etc). Athletes often refrain from seeking support related to mental health struggles for fear of contract termination or expulsion from the team.
- Various stress factors specific to big sport events are experienced by athletes including poor facilities and nutrition, tight scheduling of competitions, and increased public and media attention including criticisms and hateful comments online. The safeguarding of athletes in and around big sport events also has a number of barriers related to structural elements of the sporting environment, and a lack of widespread remedy mechanisms and support structures available in case of misconduct.

3.3.1 Athletes' rights in and around big sport events

This section first provides an overview of the debate around the differences between mental health and mental ill-health, and then outlines the specific categories of athletes' rights identified through this study as relevant to the theme of mental health.

The World Health Organisation (WHO) defines health as a state of "*complete physical, mental and social well-being and not merely the absence of disease or infirmity*" and that mental health is an integral part of physical health²⁸⁶. However, it is important to distinguish between mental health, which relates to well-being and performance enhancement, and mental ill-health, which is more specific to mental illness, including clinical and sub-clinical issues²⁸⁷. While these are interconnected, the actions associated with the promotion and protection of mental health can be different from those related to mental well-being, particularly in the context of big sport events. This report will consider both but devote greater attention to the efforts to reduce factors that contribute to mental ill-health amongst athletes at big sport events.

As mental health falls under general health, the legal protections associated with mental health are largely governed by national legislation related to health and safety, and the promotion of mental health and well-being is dependent on the degree to which this is incorporated in national healthcare systems. Because of this, many sport federations have adopted policies and practices related to the protection of athlete mental health²⁸⁸, and the European Sports Charter includes specific provisions related to the health and safety of individuals involved in sport²⁸⁹.

The specific categories of athletes' rights identified through this study as relevant to the theme of mental health in the context of big sport events are provided below.

Right to a healthy working environment

As highlighted in Section 2.2 above, the ILO's Declaration on the Fundamental Principles and Rights at Work, which the ILO has argued applies to professional and elite athletes, as well as the International Covenant on Economic, Social and Cultural Rights (Art. 7)²⁹⁰ states the right of workers to a **healthy working environment**²⁹¹. Article 1 of the

²⁸⁶ WHO (n.d.), *The global health observatory - Health and Well-Being*, available at: <https://www.who.int/data/gho/data/major-themes/health-and-well-being>.

²⁸⁷ Information obtained through consultation with a stakeholder.

²⁸⁸ Information obtained through consultation with stakeholders.

²⁸⁹ Council of Europe, *Recommendation CM/Rec(2021)5 of the Committee of Ministers to member States on the Revised European Sports Charter*, adopted by the Committee of Ministers on 13 October 2021 at the 14th meeting of the Ministers' Deputies.

²⁹⁰ UN General Assembly (1976), *International Covenant on Economic, Social and Cultural Rights*, Treaty Series, 999, 171.

²⁹¹ ILO (2022), ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up.

European Sports Charter states that everyone involved in sport has the right to a healthy environment. Both the WPA's Universal Declaration of Players Rights (Art. 9)²⁹² and the IOC's Athletes' Rights and Responsibilities Declaration (Art. 7)²⁹³ mention the right to sporting and competition environments that protect and promote athlete mental health.

Additionally, the Universal Declaration of Human Rights (Art. 24) states that everyone has the right to rest and leisure, including the reasonable limitation of working hours and period time off²⁹⁴. The Universal Declaration of Players Rights (Art. 8) incorporates this, stating that athletes have the right to fair hours of work, rest and leisure²⁹⁵.

Right to privacy and protection of personal data

An important aspect related to the mental health of athletes is the **right to privacy and protection of personal data**, particularly if treatment is provided through an athletes' sport federation or sport club. The European Union's GDPR requires explicit consent for the processing of health, genetic and biometric data and penalises non-compliance, as outlined in Section 2.2 above²⁹⁶. This is also mentioned by both the IOC's Athletes Rights and Responsibilities Declaration (Art. 10) and the WPA's Universal Declaration of Players Rights (Art. 11). The latter specifically mentions that healthcare professionals must treat athletes with the utmost integrity, and ensure athletes maintain control over that treatment. The implications of the GDPR and privacy concerns in the sport industry is discussed at greater length in Section 3.2.2 above.

Right to a safe working environment

The International Covenant on Economic, Social and Cultural Rights (Art. 7) and the ILO's Declaration on the Fundamental Principles and Rights at Work mention the **right to a safe working environment**. Moreover, the ILO Declaration also states worker's right to freedom from discrimination, which in the context of athletes as well as any other workers is crucial in the case of mental ill-health. The International Declaration on Human Rights and Sport states there should be a policy of zero tolerance for violence and discrimination, with particular attention given to vulnerable groups, such as children, migrants, and persons with disabilities²⁹⁷. The WPA's Universal Declaration of Players Rights (Art. 3) and the IOC's Athletes Rights and Responsibilities Declaration (Art. 7) both state athletes right to a safe competition environment and protection against risks to their safety, such as harassment and abuse. This is also mentioned in the European Sports Charter (Art. 8), which states that stakeholders should commit to protecting individuals involved in sport from violence, harassment and abuse, provide a safe sport environment, and ensure that key sport personnel should have appropriate qualifications to ensure the protection of athletes' safety and health.

3.3.2 Issues faced by athletes in and around big sport events

This section provides a summary of the key findings in relation to the issues athletes face in relation to their mental health in and around big sport events. It begins by discussing the role of mental health in athlete well-being and performance. The next sub-section then explores the origins of excessive pressure in elite sport and the stress factors specific to big sport events. This is followed by an analysis of the issues around safeguarding and promoting athlete mental health in and around big competitions.

²⁹² WPA (2017), *Universal Declaration of Player Rights*.

²⁹³ IOC (2020), *Athletes' Rights and Responsibilities Declaration*.

²⁹⁴ UN General Assembly (1948), *Universal Declaration of Human Rights*, New York: United Nations General Assembly (1948).

²⁹⁵ WPA (2017), *Universal Declaration of Player Rights*.

²⁹⁶ Official Journal of the European Union (2016), *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC*.

²⁹⁷ Council of Europe (2018), *International Declaration on Human Rights and Sport (Tbilisi Declaration)*.

The role of mental health in athlete well-being and performance

There is a **growing awareness around athlete mental health** and well-being, particularly following several high-level athletes, such as tennis player Simona Halep, swimmer Adam Peaty, former footballer Gianluigi Buffon or cyclist Mark Cavendish spoke up openly about their mental health struggles in elite sport. Athletes' mental health also received more attention during the COVID-19 pandemic, when athletes reported struggles specific to the cancellation or delay of events (e.g., Olympic Games Tokyo 2020, qualifying tournaments) due to health risks, public distancing and social isolation, the lack of possibilities to train, delays or cancellation of salaries, or sponsorship payments. The restricted training conditions as well as the absence of competition was experienced by many athletes as the loss of a core component of their self-identity. This led to increased psychological distress, more particularly among athletes of individual sport²⁹⁸. The overall impact of the pandemic has also led to the recognition of the importance of mental health for performance in all aspects of society, including in elite sport.

A 2019 **meta-analysis among athletes found that 33.6% of elite athletes** and 26.4% of former athletes **reported symptoms of anxiety and depression**²⁹⁹. Other prospective studies have reported that mental health disorders occur in 5% to 35% of elite athletes over a follow-up period of up to 12 months³⁰⁰, with anxiety, depression and eating disorders being the most prevalent³⁰¹. While some studies show the occurrence of mental health problems among athletes are comparable to the general population³⁰², there are significant differences in how different groups of athletes are affected by mental ill-health. For example, a study of Swiss elite athletes shows that 52% of female athletes were affected by at least one mental disorder symptom, compared with 30% of male athletes. Injured athletes were most affected in terms of depressive symptoms³⁰³. A higher prevalence of anxiety or depression in female athletes (26%) compared to male athletes (10.2%) was also confirmed by a study conducted in 2020³⁰⁴. However, there are reservations as regards the reliability of research in this topic³⁰⁵. Most studies use self-reporting, and are restricted to a short follow-up period, therefore, these methodological restrictions can affect the comparability and reliability of the results. Nonetheless, the research reviewed shows that athletes are vulnerable to a range of mental health problems, which may be related to sporting factors, such as injury, overtraining or other forms of pressure.

The **importance of mental health as part of a holistic approach to health** and performance is increasingly recognised by sport governing bodies³⁰⁶. There is an emerging common understanding among the sporting community that athletes' mental health is just as important as their physical health³⁰⁷. Promoting a psychological safe sporting

²⁹⁸ ILO (2023), *ILO Sectoral Brief: COVID-19 and the sports sector*, available at: https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/briefingnote/wcms_870973.pdf.

²⁹⁹ Gouttebauge, V., et al. (2019), *Occurrence of mental health symptoms and disorders in current and former elite athletes: a systematic review and meta-analysis*, in *British Journal of Sports Medicine*, 53, pp.700-706, available at: <https://pubmed.ncbi.nlm.nih.gov/31097451/>.

³⁰⁰ Reardon, C. L., et al. (2019), *Mental health in elite athletes: International Olympic Committee consensus statement*, available at: <https://bjsm.bmj.com/content/53/11/667>.

³⁰¹ Jan Schwenkenbecher (2021), *Leistungssportler dürfen keine Schwäche zeigen*, available at: <https://www.spektrum.de/news/depression-im-leistungssport-darf-man-keine-schwaeche-zeigen/1891978>.

³⁰² Ibid.

³⁰³ Röthlin, P., Horvath, S., Ackeret, N., Peter, C. and Birrer, D. (2023), *The Mental Health of Swiss Elite Athletes*, in *Swiss Psychology Open*, vol. 3, n. 1, p.2, available at: <https://doi.org/10.5334/spo.49>.

³⁰⁴ IOC Mental Health in Elite Athletes Toolkit, available at: <https://stillmed.olympics.com/media/Document%20Library/IOC/Athletes/Safe-Sport-Initiatives/IOC-Mental-Health-In-Elite-Athletes-Toolkit-2021.pdf>.

³⁰⁵ Rice, M. (2016), *The Mental Health of Elite Athletes: A Narrative Systematic Review*, in *Sports Med* 46, 1333-1353, available at: <https://doi.org/10.1007/s40279-016-0492-2>.

³⁰⁶ Wylleman, P., Rosier N., & De Knop, P. (2015), *Transitional challenges and elite athletes' mental health*. In J. Baker, P. Safai and J. Fraser-Thomas (Eds.), *Health and elite sport. Is high performance sport a healthy pursuit?* (pp. 99-116). Oxon, UK: Routledge.

³⁰⁷ IOC (2021), *Mental Health in Elite Athletes Toolkit*.

environment was also codified in the IOC's Mental Health Action Plan³⁰⁸, recently announced in response to the growing awareness of the prevalence of mental health issues among athletes. Furthermore, an increasing number of sport governing bodies are providing professional mental health support to athletes, and mental health training for staff. There have also been sport-related initiatives, such as the NOC Welfare Officer at the Olympic Games Beijing 2022 and Paris 2024, or the Rugby Players' Association's #LiftTheWeight campaign³⁰⁹. Nevertheless, stakeholders interviewed for this study reported that there are still several barriers to prioritising mental health as an equal component of sport performance.

While there has been a move towards incorporating mental health into a holistic approach of athlete well-being and performance, sport governing bodies reported facing **challenges in devoting the same attention to the psychological health as to the physical health of athletes**. According to stakeholders interviewed, barriers to this shift in approach include the 'invisibility' of mental health issues as opposed to physical injuries, lack of sufficient resources to dedicate to mental health, shortage of mental health professionals to work specifically with elite athletes, and a lack of mental health-related education of coaches and athletes³¹⁰. Another main barrier to openly addressing athletes' mental health struggles is what stakeholders described as the 'have what it takes' and 'win at all cost' mentality, in which athletes' characteristics are seen as 'tough', 'invincible' and 'idolised'. Therefore, in this culture, there is no room for 'mental weakness' and due to physical strength, perseverance, and 'thriving under pressure', athletes should be 'immune' to mental illness. While these attitudes are slowly changing, the openness, awareness, and action of sport federations on mental health largely depends on the sporting culture (i.e. it is perceived that change in traditionally more 'masculine' sports, such as judo, rugby, football or fencing are more difficult) and the willingness of the sport governance leadership to implement change³¹¹. Implementing mental health strategies in national sport federations is rarely emphasised by international sport federations, which can also make the shift towards more mental health awareness slower³¹².

Additionally, the recognition of the **importance of mental health in sport could also depend on the perception of mental health in the country** in which a national federation or team operates. There are still significant differences in the perception of mental health and their incorporation to health services and policies. For example, by 2020, only 25% of WHO Member States integrated mental health into primary health care³¹³. Differences in mental health coverage in public health systems, linked to the non-recognition of athletes as workers in several countries also means that not every athlete has access to mental health support. It is therefore widely recognised that both sport organisations and policy stakeholders still have a long way to go in taking mental health as seriously as physical health in a general and sporting context.

Origins of excessive pressure in elite sport

Big sport events have several specific stressors which could impact mental health and well-being, however, athletes and former athletes consulted for this study highlighted that pressure does not start and stop with big sport events but are a result of several factors specific to elite sport and conditions of athletes. Stakeholders interviewed agreed that the **origins and risk factors of developing mental ill-health can be specific to athletes' circumstances**. Stressors, such as training and performing at heightened intensity in a competitive environment, the risk of physical injuries, relationship with teammates and

³⁰⁸ IOC (2023), *Mental Health Action Plan*, available at: https://stillmed.olympics.com/media/Documents/News/2023/07/Mental-Health-Action-Plan-2023.pdf?_ga=2.35011553.173243837.1693809757-2074473781.1691568222.

³⁰⁹ Mind (2022), *Mental health in elite sport: How attitudes and support have changed*, available at: <https://www.mind.org.uk/media/12369/mental-health-in-elite-sport-report-2022-vf.pdf>.

³¹⁰ Information obtained through consultation with stakeholders.

³¹¹ Information obtained through consultation with stakeholders.

³¹² Information obtained through consultation with an expert of this study.

³¹³ WHO (2021), *Mental Health Atlas 2020*, available at: <https://iris.who.int/bitstream/handle/10665/345946/9789240036703-eng.pdf?sequence=1>.

coaches, the end of a sporting career and other economic factors could lead to chronic stress and increase the risk of developing depression³¹⁴.

Stemming from vulnerable career paths and a relatively short career span, athletes often face economic struggles during and after their athletic careers. Studies reported a **connection between socio-economic factors**, such as income, and the subjective well-being of athletes, including their **mental health**³¹⁵. For example, during the COVID-19 pandemic, which had a significant impact on athletes' financial income, 70% of 27 player associations covering more than 15 countries surveyed reported a negative impact on their members' mental health, made worse by the loss of jobs and income, lack of social protection, and uncertainty of contracts³¹⁶. Due to athletes' volatile socio-economic situation, athletes may not be eligible to receive protection and financial support in case of physical injuries, or illness. Consequently, athletes could feel pressured to protect their career at all costs, including in case of **physical injuries**, which could further increase the risk of developing mental health problems. This is crucial, as physical injury and overtraining are frequently cited risk factors for mental health disorders among athletes, with the immediate post-injury period associated with heightened anxiety³¹⁷. Pressure resulting from **contract terminations due to pregnancy** (see, for example, Case Study 3) can be a significant source of financial stress for female athletes and could also negatively impact mental health³¹⁸.

Mental health issues of retired athletes were also linked with pressure due to financial struggles up to five years after retirement³¹⁹, which stems from a significant **challenge of establishing a life beyond sport**. Upon retirement, athletes often confront an identity crisis, as their self-worth and purpose have been closely linked to their athletic achievements³²⁰. Linked to the end of a sporting career, undesired and involuntary retirement from sport, for example, because of injury or deselection from sport is strongly associated with an increased risk of mental health symptoms and disorders among former athletes³²¹. In this context, the link between dual career development and (mental) well-being during as well as following a sporting career has been recognised by researchers³²², policymakers³²³ and sport governing bodies³²⁴. Moreover, the occurrence of mental ill-health following a sporting career highlights the need to provide (access to) mental health support services not only during but also following an elite athletic career.

³¹⁴ Information obtained through consultation with stakeholders.

³¹⁵ See, for example: Wicker, P., Dallmeyer, S. & Breuer, C. (2020), *Elite Athlete Well-Being: The Role of Socioeconomic Factors and Comparisons With the Resident Population*, in *Journal of Sport Management*, vol. 34, n. 4, pp.341-353, available at: <https://journals.humankinetics.com/view/journals/jsm/34/4/article-p341.xml>.

³¹⁶ EU Athletes (2022), *Research on the long-term impact of the COVID-19 Pandemic on Players and their Player Associations*, available at: https://euathletes.org/wp-content/uploads/2022/06/EUA-REPORT_FINAL_0622.pdf.

³¹⁷ Huagen, E. (2022), *Athlete Mental Health & Psychological Impact of Sport Injury*, *Operative Techniques in Sports Medicine*, vol. 30, n. 1, available at: <https://www.sciencedirect.com/science/article/abs/pii/S1060187222000107>.

³¹⁸ Benedetti, V. (2021), *Sei rimasta incinta? Niente stipendio. E ti cito pure per danni. Il caso di Lara Lugli*, *La Gazzetta dello Sport*, available at: <https://www.gazzetta.it/Volley/09-03-2021/lara-lugli-caso-sei-rimasta-incinta-allora-niente-stipendio-ti-cito-pure-danni-4001332279894.shtml>.

³¹⁹ ILO (2020), *Decent Work in the World of Sport: Issues paper for discussion at the Global Dialogue Forum on Decent Work in the World of Sport*.

³²⁰ Wylleman, P. (2019), *A developmental and holistic perspective on transitioning out of elite sport*. In M. H. Anshel (Editor-in-Chief), *APA Handbook of Sport and Exercise Psychology: vol. 1. Sport Psychology* (pp.201-216). Washington, DC: American Psychological Association, available at: <http://dx.doi.org/10.1037/0000123-011>.

³²¹ Reardon CL, Hainline B, Aron CM, et al (2019), *Mental health in elite athletes: International Olympic Committee consensus statement*, *British Journal of Sports Medicine* 2019(53), <https://bjsm.bmj.com/content/53/11/667.long>

³²² Kegelaers, J., Wylleman, P., Defruyt, S., Praet, L., Stambulova, N., Torregrossa, M., Kenttä, G., & De Brandt, K. (2022), *The mental health of student-athletes: a systematic scoping review*, in *International Review of Sport and Exercise Psychology*, available at: <https://doi.org/10.1080/1750984X.2022.2095657>.

³²³ See, for example: European Commission (2012), *EU Guidelines on Dual Careers of Athletes*.

³²⁴ Information obtained through consultation with stakeholders.

Poor athlete mental health can also be linked to **psychological, physical, and sexual abuse** at the elite level. According to the Census of Athlete Rights Experiences by the WPA, origins of mental health issues were often related to emotional abuse (61%), physical abuse (37%) and sexual abuse (13%) and could lead to anxiety, depression and eating disorders³²⁵. Several studies conducted among athletes found the prevalence of abuse and harassment in elite sport³²⁶. Allegations from recently revealed cases (e.g., football player Jenni Hermoso³²⁷, former swimmer Jan Hempel³²⁸), suggest the prevalence of **gender-based violence** in elite sport, which is often associated with abuse by coaches or other personnel within the athletes' entourage, such as doctors, physiotherapists, or managers. However, evidence shows that teammates are also often perpetrators³²⁹. Additionally, members of the **LGBTQI+ community are at increased risk** of discrimination and harassment. One study found that 90% of surveyed respondents perceived homo/transphobia to be a problem in sport³³⁰.

The **interpersonal relationship between coaches and athletes** is also a significant factor in the mental health of athletes. Coaches who follow a controlling or authoritarian style or use power-assertive techniques to pressure athletes³³¹ can subject athletes to interpersonal violence, which is linked with impact on psychosocial health and emotional well-being³³². Additionally, **stringent training requirements** could exacerbate mental pressure and lead to eating disorders, which are particularly common in sports where physical appearance or a particularly slim body offers an advantage, such as cycling, speed climbing, gymnastics, or sports with weight classes³³³.

Importantly, athletes often **refrain from seeking support** related to mental health struggles linked to the above-described pressures. Their decision to not seek support, especially when they have faced abusive behaviour could be explained by their fear of contract termination with federations or sponsors, or expulsion from the team. Therefore, there is a need for greater consistency in approaches to providing safeguarding measures and structures which can ensure that athletes receive adequate mental health support without recrimination. The barriers and requirements of safeguarding in and around big sport events are presented in a dedicated section below.

Stress factors specific to big sport events

Big sport events are naturally a high-pressure and stressful environment for athletes, which can take a toll on their mental health, sporting performance and life beyond sport. Several athletes (e.g., swimmer Britta Steffen, cyclist Marcel Kittel) have shared their experience of being mentally overwhelmed during big competitions, which can take as much of a mental toll as a physical toll. Therefore, especially during big sport events, athletes require support, reassurance, and acknowledgement of their worth beyond their

³²⁵ WPA (2021), *Census of Athlete Rights Experiences (CARE): Report 2021*, available at: https://files.cargocollective.com/c520687/World-Players_CARE-Report-2021-.pdf.

³²⁶ See, for example: Australian Human Rights Institute (2020), Human Rights Defender Special Issue: The Human Rights of Athletes; ILO (2020), Decent work in the world of sport: Issues paper for discussion at the Global Dialogue Forum on Decent Work in the World of Sport; Reardon, C. L., et al., (2019), Mental health in elite athletes: International Olympic Committee consensus statement.

³²⁷ Kassm, A. & Lowe, S. (2023), *Jenni Hermoso files criminal complaint against Luis Rubiales over kiss*, The Guardian, available at: <https://www.theguardian.com/world/2023/sep/06/jenni-hermoso-files-criminal-complaint-against-luis-rubiales-over-kiss>.

³²⁸ Fahey, C. (2022), *German swimming federation accused of ignoring sexual abuse*, AP News, available at: <https://apnews.com/article/winter-olympics-sports-swimming-germany-olympic-team-75ab9565ea0ef4d70f3357c399e320>.

³²⁹ Council of Europe (2019), *Toolkit: How to Make an Impact on Gender Equality in Sport*, available at: <https://rm.coe.int/all-in-toolkit-how-to-make-an-impact-on-gender-equality-in-sport-all-y/1680989ab2>.

³³⁰ European Parliamentary Research Service (2021), *Fighting discrimination in sport*, available at: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/696163/EPRS_BRI\(2021\)696163_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/696163/EPRS_BRI(2021)696163_EN.pdf).

³³¹ Macarone, M. (2017), *The Impact of Coaching Styles on the Motivation and Performance of Athletes*, available at: <https://soar.suny.edu/handle/20.500.12648/4054>.

³³² Zogg, C. K. et al. (2024), *Experiences of Interpersonal Violence in Sport and Perceived Coaching Style Among College Athletes*, JAMA Network Open, available at: <https://jamanetwork.com/journals/jamanetworkopen/article-abstract/2813930>.

³³³ Rice, M. (2016), *The Mental Health of Elite Athletes: A Narrative Systematic Review*.

performance³³⁴. While it can be expected that coaches take on this role, these might be difficult to get during big events, away from usual structures and support they receive (e.g., from family, friends or their own psychologists, if any), which can feel isolating, according to athletes³³⁵. However, competition and performance pressure could also be exacerbated by numerous other factors not related to sporting performance.

According to interviewees, stress factors specific to big sport events most commonly include **extended travel** away from home for training or competitions (e.g., during football or rugby world cups this could be up to four months), **facilities provided during competitions** (e.g., sleeping conditions, nutrition, local travel). In addition, important factors mentioned were the **scheduling of competitions** and **anti-doping measures** (i.e. actions of international and national anti-doping agencies are not always sufficiently coordinated, therefore, players may be tested several times a day during competitions)³³⁶.

The **heightened pressure athletes face during big sport events** could also lead to so-called '**post tournament blues**' or burn-out in the period following competitions. Michael Phelps, American swimmer and one of the most successful and decorated Olympians of all times have spoken up in 2004 about a "*post-Olympic depression*", when he found himself lost after a long period of intense training, performance, and focus. In later years, the swimmer has continued to struggle with depression; while his physical health received particular attention, "*mentally that wasn't the case*", he said in an interview. This could lead to emotional or physical exhaustion, reduced sense of accomplishment and sport devaluation³³⁷. Mental health experts interviewed emphasised the importance of coaches in burn-out prevention, especially as coaches themselves may be at risk of burn-out, which can be particularly impactful in a close and crucial coach-athlete relationship³³⁸.

Athlete burn-out can be described as "*the emotional drop that happens after a big competition*" when athletes have not had the chance and necessary recovery time to process their experience³³⁹. Some stakeholders argue that **full competition schedules** and **lack of sufficient recovery** time also increases the risk of developing mental health struggles during and following competitions, which has been discussed particularly in football. For example, leading up to the FIFA World Cup 2022, players had unprecedentedly short preparation time. According to a survey among players, this has led to 43% of surveyed players feeling extremely high or increased levels of mental and emotional fatigue compared to how they would normally feel at that point in the season³⁴⁰.

Another major stress factor for athletes during big sport events is the **increased public and media attention, as well as criticism and hateful comments** received online. Some athletes reported that dealing with interviews and media appearances is a considerable challenge during (and around) big sport events. The prevalence of social media further exacerbates this issue, as athletes find themselves under constant scrutiny³⁴¹. During big sport events, athletes' performances are magnified, which is accelerated by social media; some athletes engage a larger share of followers on social media than traditional media outlets. However, athletes' large reach could also increase

³³⁴ Heeb J., (2021), *Mentale Gesundheit im Sport: Die Angst um die Heldenhaftigkeit (Mental health in sport: The fear of heroism)*, available at: <https://www.deutschlandfunkkultur.de/mentale-gesundheit-sport-100.html>.

³³⁵ Information obtained through consultation with stakeholders.

³³⁶ Information obtained through consultation with stakeholders; see also Purcell, R., Gwyther, K. & Rice, S.M (2019), *Mental Health In Elite Athletes: Increased Awareness Requires An Early Intervention Framework to Respond to Athlete Needs*, in *Sports Med - Open* 5, 46, available at: <https://sportsmedicine-open.springeropen.com/articles/10.1186/s40798-019-0220-1#citeas>.

³³⁷ Li C., Zhu Y., Zhang M., Gustafsson H., & Chen T. (2019), *Mindfulness and Athlete Burnout: A Systematic Review and Meta-Analysis*. *Int J Environ Res Public Health*, vol. 16, n. 3, available at: <https://pubmed.ncbi.nlm.nih.gov/30717450/>.

³³⁸ Information obtained through consultation with stakeholders.

³³⁹ FIFPro (2022), *Post-Tournament Blues Guide: By the Players, For the Players*, available at: <https://fifpro.org/media/3ogpx2xz/post-tournament-blues-guide.pdf>.

³⁴⁰ FIFPRO (2023), *FIFA World Cup 2022: Post-tournament review & player survey*, available at: <https://fifpro.org/reports/fifa-world-cup-2022-post-tournament-review-and-player-survey/>.

³⁴¹ Information obtained through consultation with stakeholders.

the risk of hateful and negative comments online, which in turn can impact their performance and mental well-being.

Studies found that **athletes are at increased risk of online hate speech**, particularly when or after performing below expectations during big sport events. A recent study detected more than 1,500 abusive posts in football and basketball during a five-month period. Outside but linked to big sport events, athletes may also face public backlash when expressing their personal views or struggles, or making career decisions that might be controversial in the public eye³⁴². Interviewees warned that women and those who belong to a minority group (e.g., LGBTQI+ athletes) are more likely to face harmful content on social media, which requires further attention. An interviewee mentioned that the impact of social media on mental health is pertinent in women sports which have seen a recent wave of professionalisation, such as football. While social media visibility provides an important source of income for players and is an important aspect of reaching equity in sport, abuse and sexualisation of female athletes on social media could lead to a hyperfocus on appearance, as well as eating disorders³⁴³.

Findings of a recent study during the World Athletics Championships Budapest 2023 show that more than half of all abusive content identified during the event was of a racist or sexualised nature, and **racist abuse** in 2023 increased by 14% compared to the previous year. Moreover, an important finding of the study was that two athletes out of 1,344 monitored received 44% of all accounted abuse between them³⁴⁴, which signals the severe impact such behaviour can have on an individual. Racial abuse from event spectators and 'fans' is unfortunately a common experience of elite athletes of colour during their careers. For example, Paula Egonu, Italian volleyball player recently faced a racist backlash on social media following Italy's defeat to Brazil in the World Championship semi-finals³⁴⁵. Recently, Vinícius Júnior, football player has said he considered leaving Spain due to the racist abuse he has received while playing in *La Liga* (Spanish football league)³⁴⁶. Similar cases have been experienced by a number of athletes, including French football players being subject to racist abuse on social media following the team's loss in the 2022 FIFA World Cup³⁴⁷. This type of abuse can have an impact on athletes' careers and ability to participate in big sport events, as Serena Williams has openly talked about avoiding the Indian Wells Open tennis tournament for years after facing racist abuse from tennis fans there early on in her career³⁴⁸. Reviewing such incidents, some interviewees called for event organisers and hosts to encourage a more inclusive space during big sport events³⁴⁹. As a good example, FIFA has a three-step procedure for referees in case of discriminatory incidents, which has been used in two matches during the 2022 FIFA World Cup in Qatar³⁵⁰. Further positive examples in relation to online abuse are presented in Section 4.4.

Safeguarding and promoting athlete mental health in and around big competitions

³⁴² FIFPro and NPBA (2022), *Decoding online abuse of players*, available at: https://fifpro.org/media/ntie13bw/fifpro-nbpa-wnbpa-decoding_online_abuse.pdf.

³⁴³ Information obtained through consultation with stakeholders.

³⁴⁴ World Athletics (2023), *World Athletics publishes findings of third study into online abuse, commits to added protection of athletes online*, available at: <https://worldathletics.org/news/press-releases/third-study-online-abuse-added-protection>.

³⁴⁵ Scozzafava, M. (2022), *Egonu e Dosso, Il razzismo nello sport colpisce di più le donne? (Egonu and Dosso, Does racism in sport affect women more?)*, available at: https://www.corriere.it/sport/22_ottobre_18/egonu-razzismo-sport-colpisce-piu-donne-e2bbb638-4eda-11ed-8304-dc6918921d5f.shtml.

³⁴⁶ Brewin, J. (2024), *Emotional Vinícius Júnior losing desire to play after racist abuse in Spain*, The Guardian, available at: <https://www.theguardian.com/football/2024/mar/25/vinicius-junior-racist-abuse-spain-brazil-football-real-madrid>.

³⁴⁷ France24 (2022), *Federation slams 'hateful' racist abuse of French footballers*, available at: <https://www.france24.com/en/live-news/20221220-federation-slams-hateful-racist-abuse-of-french-footballers>.

³⁴⁸ Asmelash, L. (2022), *Why mental health matters for athletes – even as they give their all to win*, CNN, available at: <https://edition.cnn.com/2022/07/22/us/athlete-mental-health-united-shades-wellness-cec/index.html>.

³⁴⁹ Information obtained through consultation with stakeholders.

³⁵⁰ Information obtained through consultation with a stakeholder.

The sections above present experiences of violence, abuse and harassment as key factors negatively impacting athlete mental health, highlighting the importance of addressing and preventing potential misconduct during big sport events. Many of the structural elements that contribute to abuse in sport, such as poor governance practices and cultural factors, are also significant barriers to safeguarding efforts. As discussed in Section 3.1.2 above, **the responsibility of protecting the rights of athletes is jointly shared** between event organisers, sport governing bodies, and local governments, which can create challenges in ensuring protections and policies are in place at all levels, as well as in holding parties accountable and addressing cases where abuse has occurred³⁵¹. Further, **a lack of policies and protections in place** for athletes at national, sport, and event levels leaves limited avenues for recourse in cases where athletes' rights have been abused and allows the current rates of abuse to continue unchallenged³⁵². Lastly, sport governing bodies and event organisers can have **conflicts of interest** due to commercial or financial priorities that come into conflict with athlete safeguarding. This conflicting interest can lead to under prioritising or actively avoiding athlete safeguarding, if addressing it would mean uncovering information that would reflect poorly on the event or sport federation³⁵³. While it is difficult to prove decisively where cases of this have occurred, this is a sentiment that has been shared by stakeholders across a number of sports^{354,355}. These issues are also highly connected to the broader discussions on **a lack of remedy mechanisms** for athletes discussed in Section 3.1.2. Box 7 below provides more insight on the specific risk factors of transgressive behaviour during big sport events identified through Case Study 9 on sexual violence and harassment.

Box 7: Case Study 9 on sexual violence and harassment in the context of big sport events

Case Study 9 on sexual violence and harassment discusses recent cases of abuse during big sport events, their impact on athletes, and the key steps to preventing misconduct moving forward. Additionally, a large portion of the case study is dedicated to the main enabling factors of violence and harassment, including:

- **A high prevalence of 'risk situations'**, such as travel abroad, which can include risks associated with overnight stays and language barriers, as well as athlete isolation from their broader support network, which can make them reliant on the sport personnel accompanying them.
- **The governance of big sport events**, including shared responsibilities across a number of parties, conflicts of interest, and a lack of dedicated policies or initiatives addressing abuse or misconduct.
- **The power imbalance between athletes and sporting officials**, which makes the context of sport particularly vulnerable to sextortion, a form of abuse where those with power use it for sexual benefit, and limits the avenues for recourse available to athletes.

More generally, issues related to a **culture of leniency and gender or social norms** are also significant barriers to effective athlete safeguarding. Sport is not immune to the broader social norms that contribute to harassment, discrimination and violence on the

³⁵¹ Information obtained through consultation with stakeholders.

³⁵² Lang, M., et al., (2018), *Gender-based violence in EU sport policy: Overview and recommendations*, in *Journal of Gender-Based Violence*, vol. 2, n. 1, pp.109-118, available at: <https://bristoluniversitypressdigital.com/view/journals/jgbv/2/1/article-p109.xml>.

³⁵³ For example, see mention of 'scandal avoidance': Council of Europe (2020), *Guidelines on sport integrity: Action 3 of the Kazan Action Plan*, available at: <https://rm.coe.int/sports-integrity-guidelines-action3-kazan-action-plan-en/16809f321d/>.

³⁵⁴ For the context of women's gymnastics, see: The Guardian (2018), *How was Larry Nassar able to abuse so many gymnasts for so long?*, available at: <https://www.theguardian.com/sport/2018/jan/26/larry-nassar-abuse-gymnasts-scandal-culture>.

³⁵⁵ For the context of women's football, see: UNESCO (2023), *Tackling violence against women and girls in sport*, available at: <https://unesdoc.unesco.org/ark:/48223/pf0000386159>.

basis of gender, race, sexuality, disability, or other social status. These norms are often exacerbated by a male-dominated sports culture and a culture of 'no pain, no gain'³⁵⁶. Furthermore, there can be gaps in the checks afforded to sporting officials that come into contact with athletes, both during big sport events and beyond. Recent discussions on abuse in football highlighted the practice of coaches accused of abusive behaviour being able to move to another team without accountability or transparency³⁵⁷. A sense of responsibility and commitment has been identified as missing from top management and is mentioned as a key obstacle to preventing harassment and abuse in sport³⁵⁸.

Regarding the promotion of athlete mental health, **poor mental health literacy**, in combination with persisting stigma and cultural norms around mental well-being all pose challenges for both athletes and sport governing bodies. Limited awareness of the signs and symptoms of mental ill-health amongst athletes is a significant barrier to them seeking help, and an important factor for sport governing bodies to consider in mental health policies. However, the culture of perseverance in sport is deeply engrained, and mental health literacy is also not always present amongst sporting officials, which can undermine mental health policies and create additional barriers for help-seeking behaviour amongst athletes.

There are a number of barriers that relate both to athlete safeguarding and the promotion of athlete mental health. For example, **a lack of human and financial resources within sport governing bodies and event organisers** is a key barrier to adequately address these issues³⁵⁹. In addition to not being able to safeguard or promote mental health to the extent necessary, this can also result in cases being mishandled, causing further harm to athletes. For example, in a recent study on mental health amongst rugby players in Ireland, all players consulted had previous negative experiences when seeking help that impacted their openness to seek help in the future³⁶⁰. This can be a particular issue in cases of racist abuse, as support is often not available from individuals who have been trained on the topic, which can result in gaslighting and further trauma³⁶¹.

Another barrier is **athletes' fear of retribution** for coming forward on cases of mistreatment or shedding light on their own mental ill-health³⁶². As discussed in Section 3.1.2, the power imbalance between athletes and sport officials, a lack of transparency around key decisions impacting athletes' careers, such as involvement in a national team or invitations to compete in big sport events, and a lack of independent reporting mechanisms have led to cases of athletes being blackmailed, threatened, or punished for coming forward on cases of misconduct³⁶³. This unfortunately applies to the context of athlete mental health as well, resulting in many athletes choosing not to seek help for potential mental ill-health within their sport governing body out of fear it may impact their career³⁶⁴.

³⁵⁶ UNESCO (2023), Tackling violence against women and girls in sport.

³⁵⁷ FIFPro (2021), *Abuse in Football: Lessons Learned, Calls for Action & FIFPro's Commitment*, available at: <https://fifpro.org/media/qxuhr0av/no-more-silence-action-against-abuse.pdf>.

³⁵⁸ Council of Europe (2020), Guidelines on sport integrity: Action 3 of the Kazan Action Plan.

³⁵⁹ Ibid.

³⁶⁰ Lyons, Deirdre, et al., (2022), *Tackle Your Feelings: Experience of Help-Seeking for Mental Well-Being Concerns in Professional Rugby Union Players*, Journal of Clinical Sport Psychology, p. 1-17, available at: <https://doi.org/10.1123/jcsp.2022-0014>.

³⁶¹ Information obtained through consultation with a stakeholder.

³⁶² Information obtained through consultation with stakeholders.

³⁶³ Child Rights International Network (2019), *Victims or winners: Why children's rights should be the next big issue for sport*, available at: <https://home.crin.org/latest/childrens-rights-big-issue-sport>.

³⁶⁴ Mind (2022), Mental health in elite sport: How attitudes and support have changed.

4.0 Approaches to protecting athletes' rights

This section examines the various good practice approaches that exist to protect athletes' rights in and around big sport events. Building on Section 2.2 above, it first provides a brief overview of the role of national governments and sport governing bodies in protecting athletes' rights. It thereafter discusses, and includes practical examples, of the good practice approaches that have been implemented to protect athletes' rights in the context of the three dimensions of the study: sport governance and athletes' representation, global politics and the use of social media, and mental health. The existence of these good practice examples, however, does not mean that the issues described in Section 3 above are not prevalent anymore or that there is no need for further action and protection in the sports, teams, or countries that the practice refers to. A summary of the key findings is also provided in the box below.

Section summary

- Sport governing bodies and national governments have a duty to commit to and fully implement international and EU human rights legal and policy standards to protect, prevent, and as appropriate sanction infringements of athletes' rights.
- Good practices in the context of sport governance and athletes' representation: 1) instilling good governance principles in the organisation of big sport events (e.g., the Human Rights Strategy for the Olympic Games Paris 2024 covers athletes' fundamental freedoms and rights which will apply to the entire lifecycle of the event); 2) athlete representation in sport governance is increasing across sports and national contexts (e.g., through independent player associations, the Team Liaison Officer facilitates athlete representation during FIFA tournaments); 3) useful sources of recourse for athletes with complaints regarding rights breaches (e.g., judicial mechanisms, non-judicial mechanisms, specific grievance mechanisms, and legislative protections); 4) implementation of gender equality measures and policies (e.g., maternity policies).
- Good practices in the context of global politics and use of social media: 1) policies ensuring equal participation in big sport events (e.g., FEI requirement of non-discrimination in all event host agreements); 2) policies to protecting athletes' freedom of expression (e.g., Team USA Council on Racial and Social Justice's recommendations for USOPC ahead of the Olympic Games Tokyo 2020); 3) policies to protecting athletes' commercial interests and image rights (e.g., IOC Athletes' Declaration Steering Committee's athletes' agreements FAQ and e-learning module); and 4) policies to protect athletes' data protection and privacy rights (e.g., FIFA Player App).
- Good practices implemented by sport federations in the context of mental health: 1) policies promoting athlete mental health (e.g., employing highly trained mental health professionals, investment in the development of athlete dual careers, awareness raising campaigns); 2) practices implemented throughout the lifecycle of, and during, big sport events (e.g., athlete consultation on decisions relation to big sport events, provision of mental health professionals, mental health hotlines in cases of emergencies, banning abusive fans).

4.1 Role of national governments and sport governing bodies in protecting athletes' rights

As highlighted in Section 2.3 above, national governments and sport governing bodies have a key role in protecting athletes' rights. As a minimum, both **national governments** and sport governing bodies have a duty to commit to and fully implement international and EU human rights standards to protect, prevent and as appropriate sanction infringements of athletes' rights. National governments therefore have a duty to enact and

enforce laws that protect athletes' rights. Whilst respecting the autonomy of sport governing bodies, national governments should also ensure they have sufficient oversight of and work with sport governing bodies to prevent and address potential rights abuses, particularly in instances of violence and harassment. They also have a key role to play in ensuring that national government frameworks provide appropriate support to athletes in protecting their mental health.

Sport governing bodies also have an important role in ensuring that athletes' rights are protected, particularly in and around big sport events by: 1) as indicated, ensuring that their regulations, statutes, policies, hosting and bidding requirements, competition rules, etc include provisions for protecting and complying with athletes' rights; 2) providing support services to athletes for protecting their rights (e.g., mental health support services); 3) including athletes (e.g., through athletes' commissions) in the decision making process around competition scheduling and the sports calendar; and 4) working with national governments and local organisers to check that they respect the sport governing bodies' procedures and protect athletes' rights, in addition to the health and safety of athletes during events.

4.2 Good practice approaches to protecting athletes' rights: sport governance and athletes' representation

The following section presents good practices in sport governance and athlete representation around the organisation and operation of big sport events. The examples included below highlight the positive developments in the protection of athletes' rights over recent years and provide practical examples of how sport governing bodies and national governments can ensure the protection of athletes' rights and interests. The practices are grouped by the main themes discussed in Section 3.1.2 above, namely the governance of big sport events, athlete representation in decision-making, access to remedy and gender equality.

Good governance in the organisation of big sport events

Ensuring good governance principles such as transparency and accountability, representation and consultation, and integrity are essential to ensure athletes' rights are respected throughout the lifecycle of big sport events. Instilling these principles at the core of a sport governing body helps to ensure that the rights of all involved in sport are respected during big sport events and beyond. Numerous good practices come from sport governing bodies that acknowledge this responsibility, including FIFA, the International Basketball Federation (FIBA) and the International Paralympic Committee, each of which are on the advisory board of the Centre for Sport and Human Rights and have made **commitments to uphold the Sporting Chance Principles**³⁶⁵. This commitment can also be seen in the actions these sport governing bodies have taken in recent years. For example, for the **EURO 2024** championships, UEFA clustered the venues into regions in Germany and designed the match schedule so that teams only play in two of the three clusters, minimising the amount of travel required between matches³⁶⁶. Another European federation of a team sport recently changed the length of their European Championships, allocating additional resources in order to extend the championship and allow for longer rest periods between games³⁶⁷. However, more sport governing bodies should adopt human rights principles in their statutes and should ensure athletes' rights, interests and well-being are prioritised throughout the organisation of big sport events.

³⁶⁵ Centre for Sport and Human Rights (n.d.), *Advisory Council*, available at: <https://www.sporhumanrights.org/about-us/advisory-council/>.

³⁶⁶ UEFA (2022), *UEFA EURO 2024 match schedule approved*, available at: <https://fr.uefa.com/news-media/news/0275-151c90ada680-6a76591a389a-1000--uefa-euro-2024-match-schedule-approved/>.

³⁶⁷ Information obtained through consultation with a stakeholder.

Another example of instilling good governance principles is the **Human Rights Strategy for the Olympic Games Paris 2024**, which is the first Olympic Games to have a human rights strategy³⁶⁸. The scope of this policy covers athletes' fundamental freedoms, including freedom of opinion and expression, social rights, including accessibility of the premises, and principles of equality, diversity and dignity, including protections against harassment, assault and discrimination. The strategy is supported by five expert committees and applies to the entire lifecycle of the event. The Olympic Games Paris 2024 also adopted a first-of-its-kind **European Social Charter for Sport Events**, co-developed with social partners and worker representatives, that makes a set of commitments regarding governance, employment, and the broader impact of the event³⁶⁹.

Sports at the beginning of their professionalisation process, including new sports but most notably women's sports, have the opportunity to instil good governance principles in the foundation of their sport, rather than potentially disrupting long-existing structures. For example, sports such as football and rugby have been able to apply the lessons learned from men's sport, and ensure principles such as athlete consultation and considerations regarding athlete well-being are prioritised from the beginning³⁷⁰. The differences between men's and women's football have also been noticed from an external perspective, as there is a higher level of inclusivity within women's teams in terms of LGBTQIA+ players³⁷¹, and a more positive, family-friendly environment during matches, as they have so far managed to prevent the toxic fan culture that can be seen during men's football matches³⁷².

Lastly, another of the key issues highlighted above is the potential conflict of interest and risk of corruption that sport governing bodies face in the organisation of big sport events. The **International Partnership against Corruption in Sport** (IPACS) is a platform involving government representatives, intergovernmental organisations and sport governing bodies founded in 2017 to promote a culture of good governance in sport³⁷³. The Partnership has created a number of free toolkits to fight corruption in sport, including on procurement of infrastructure and services at big sport events, awarding host contracts, and instilling good governance within sport organisations. Following the criticism against FIFA due to the hosting rights of the 2018 World Cup (Russia) and 2022 World Cup (Qatar), FIFA enhanced its bidding process for the 2026 World Cup based on guiding principles of objectivity, participation, transparency, and commitments to human rights and sustainability. For the first time, this meant that the hosting rights decision was made by all 211 associations represented in the FIFA Congress³⁷⁴.

Athlete representation in decision-making around big sport events

While there is still a need for improvement in ensuring athletes have the opportunity to inform decision-making on matters that impact them, there was consensus amongst stakeholders consulted for this study that **athlete representation in sport governance is increasing** across sports and national contexts. In particular, sport federation stakeholders mentioned efforts to include athletes in discussions on competition calendars, rule changes, and the operation of games, matches and events, and the majority of sport governing bodies of Olympic sports have an athletes' commission that represents the perspectives of athletes in the sports' governance³⁷⁵. An example of athlete perspectives

³⁶⁸ Paris Olympics Organising Committee (2023), *Human Rights Strategy*, available at:

<https://medias.paris2024.org/uploads/2023/06/Paris2024-230626-CMP-StrategieDH-Sans-annexes-EN.pdf>.

³⁶⁹ European Association of Sport Employers (2023), *European Social Charter for Sport Events*, available at:

<https://www.easesport.eu/wp-content/uploads/2023/09/european-social-charter-for-sport-events.pdf>.

³⁷⁰ Information obtained through consultation with stakeholders.

³⁷¹ The Independent (2023), *Men's football can learn a lot from women's game in terms of inclusivity*, available at: <https://www.independent.co.uk/sport/football/lgbtq-men-australia-new-zealand-euros-b2375240.html>.

³⁷² The Guardian (2022), *The Euros prove it: women's football is not like men's – and that's good*, available at: <https://www.theguardian.com/commentisfree/2022/jul/27/womens-football-is-not-just-a-spin-off-of-the-mens-game-its-great-in-its-own-right>.

³⁷³ International Partnership against Corruption in Sport (n.d.), *About IPACS*, available at:

<https://www.ipacs.sport/about-ipacs>.

³⁷⁴ UNODC (2022), *Global Report on Corruption in Sport*, available at:

https://www.unodc.org/res/safeguardingsport/grcs/22-03221_SPORTS_CORRUPTION_2021_Full_report.pdf.

³⁷⁵ McNamee, M., et al., (2023), *Strengthening Athlete Power in Sport: Final Report*.

being considered in sport governance decision-making is the recent changes to the Olympic Charter adopted in October 2023, particularly on Rule 50 concerning athlete expression, which were adopted based on the results of a consultation of over 3,500 athletes³⁷⁶.

Many athletes' commissions specifically mention topics related to big sport events in the remit of their athletes' commission; for example, one of the strategic priorities of the International Hockey Federation's athletes' commission is to promote the interests of athletes in all competitions³⁷⁷. There have also been some recent examples of athletes' involvement in committees directly responsible for the organisation of big sport events, such as the **Olympic Games Paris 2024 Athletes' Commission**. The Commission provides input on the lodging conditions for athletes, helps facilitate athlete engagement with the event, and has a representative that sits on the Organising Committee's Executive Board³⁷⁸. Other examples include the World Athletics Competition Commission³⁷⁹, which includes some former athletes as members, and the World Aquatics technical committees responsible for recommendations on matters related to the facilities and organisation of competitions, which include one member from their athletes' commission³⁸⁰. However, there is room to expand the remit of athletes' commissions to cover more areas relevant to athletes' involvement in big sport events, and there remains a lack of transparency regarding the extent to which athletes' perspectives are meaningfully considered.

The *Strengthening Athlete Power in Sport* project final report highlights the value of athlete representation bodies, such as athletes' commissions or player associations, and the opportunity they provide athletes to make a meaningful contribution³⁸¹. Some of the key factors raised by stakeholders to **facilitate athlete involvement in representation bodies** included active encouragement from the side of the federation, practical adaptations such as flexible meeting schedules and online meetings, providing training for new members of representation bodies, and adopting different forms of athlete representation, such as informal committees and anonymous channels, to meet the various needs of specific athletes.

In order to ensure athletes are aware that these structures exist, the IOC and European Olympic Committees have athletes' commission members wear specific shirts at big events so they can be easily identified by other athletes³⁸². FIFA has a similar initiative—that of the Team Liaison Officer. The Liaison Officer facilitates athlete representation during tournaments by verifying schedules, dealing with schedule changes, and understanding the dietary needs of players³⁸³.

Independent player associations, which operate similarly to trade unions, were mentioned by a number of stakeholders as a best practice in terms of athlete representation, social dialogue, and protecting athletes' rights. A few stakeholders drew attention to athlete representation in the United States, where a number of the key sports have players unions that represent athletes in collective bargaining negotiations on aspects related to participation in competitions and events, how competitions work, as well as in grievance

³⁷⁶ Publicis Sport and Entertainment (2021), *Athlete Expression Consultation: Quantitative Research Results*, available at: <https://olympics.com/athlete365/app/uploads/2021/04/21042021-Athlete-Expression-Consultation-PSE-1.pdf>.

³⁷⁷ International Hockey Federation (2021), *Athletes' Committee Terms of Reference*, available at: https://www.fih.hockey/static-assets/pdf/2021-04-ath-terms-of-reference_february-2021_final.pdf.

³⁷⁸ Paris Olympics Organising Committee (n.d.), *The Games Championed by Athletes*.

³⁷⁹ World Athletics (2023), *World Athletics confirms commission and Executive Board committee members*, available at: <https://worldathletics.org/news/press-releases/world-athletics-commission-executive-board-committee-members>.

³⁸⁰ World Aquatics (n.d.), *FINA Technical Committees*, available at: <https://www.worldaquatics.com/structure/technical-committees>.

³⁸¹ McNamee, M., et al., (2023), *Strengthening Athlete Power in Sport: Final Report*.

³⁸² Information obtained through consultation with a stakeholder.

³⁸³ FIFA (2018), *Team Liaison Officers: a key role behind the scenes*, available at: <https://www.fifa.com/tournaments/womens/womensworldcup/france2019/news/team-liaison-officers-a-key-role-behind-the-scenes>.

or disciplinary hearings³⁸⁴. Another example is FIFPRO, the international players association for professional football players, and its regular dialogue with FIFA on key issues that impact athletes' involvement in the sport³⁸⁵.

Box 8: Athlete representation in the Netherlands

Since the beginning of 2024, the Netherlands NOC has made it mandatory for sport federations in the Netherlands to have an athletes' commission that is consulted on elite sport policies³⁸⁶. The athlete representation has the right to advise on decisions and policies that impact the interests, rights or obligations of elite athletes. The Netherlands NOC supports athlete representation further through collaboration with NL Sporter, a national players association for elite and professional athletes.

This structure provides elite athletes in the Netherlands with the opportunity to voice their concerns through the athletes' commission of their sport, and if this is not sufficient, they can consult NL Sporter for further guidance on engagement with their athletes' commission or legal advice, if deemed necessary.

Access to a remedy in the context of big sport events

There are a number of mechanisms that have been highlighted as useful sources of recourse for athletes with complaints regarding rights breaches, including judicial mechanisms, non-judicial state-based mechanisms, and non-state-based mechanisms. **Judicial mechanisms**, such as national and international courts, have been used in cases where athletes feel their rights have been breached, and can be a strong avenue for remedy in nations with laws that have applied international human rights standards³⁸⁷. **Non-judicial mechanisms**, such as OECD National Contact Points and national human rights institutions, are explicitly mentioned in Principle 6 of the Sporting Chance Principles defined by the Centre for Sport and Human Rights, as they are well-suited to support athletes impacted by rights abuses in the context of big sport events³⁸⁸. National human rights institutions have already been used in partnership with big sport event organisers; for example, FIFA asked the human rights institutions of Australia and New Zealand to conduct an independent human rights assessment for the 2023 FIFA Women's World Cup³⁸⁹. **Non-state-based mechanisms** includes the CAS, but as outlined Section 3.1.2 above, there are some concerns regarding the level of human rights expertise within CAS. In addition, specific grievance mechanisms can be created for big sport events, such as the IOC's Integrity and Compliance Hotline³⁹⁰ and the Olympic Games Paris 2024 Ethics Committee³⁹¹.

Another good practice highlighted by stakeholders interviewed for this study are the **legislative protections for athletes** that have been implemented in a number of EU Member States. For example, Case Study 1 covers France's Law 2015-1541 which grants legal status to elite and professional athletes, providing social, economic and legal protections for athletes training or competing in big sport events. A similar law has also

³⁸⁴ For example, see: National Football League Players Association (n.d.), *How the NFLPA Works*, available at: <https://nflpa.com/about>.

³⁸⁵ FIFPRO (2022), *FIFA and FIFPRO agree to negotiate new cooperation agreement to benefit players*, available at: <https://fifpro.org/en/who-we-are/what-we-do/foundations-of-work/fifa-and-fifpro-agree-to-negotiate-new-cooperation-agreement-to-benefit-players/>.

³⁸⁶ Netherlands National Olympic Committee and National Sport Federation (n.d.), *Code Goed Sportbestuur*, available at: <https://nocnsf.nl/wat-doet-nocnsf/sport-in-nederland/code-goed-sportbestuur>.

³⁸⁷ Mega-Sporting Events Platform for Human Rights (2017), *Remedy Mechanisms for Human Rights in the Sports Context*.

³⁸⁸ Heerdt, D., Rook, W., (2022), *Remedy and redress for sport-related human rights abuses*. *Int Sports Law J*, 22, 85–92.

³⁸⁹ Australia Human Rights Commission (2021), *FIFA 2023 Women's World Cup Human Rights Risk Assessment*, available at: <https://humanrights.gov.au/our-work/business-and-human-rights/publications/fifa-2023-womens-world-cup-human-rights-risk>.

³⁹⁰ IOC (n.d.), *IOC Integrity Line*, <https://ioc.integrityline.org/>.

³⁹¹ Paris Olympics Organising Committee (2023), *Human Rights Strategy*.

recently been implemented in Italy³⁹². Stakeholders consulted for this study highlighted that legal frameworks such as these mitigate the negative impacts big sport events and poor event governance can have on the rights and well-being of athletes. However, a number of Member States do not have such legal frameworks, which may otherwise exclude athletes from certain employment and social protections³⁹³.

Gender equality

Increasing diversity in decision-making, including along socioeconomic status, gender, and racial lines, was mentioned by multiple stakeholders as a key factor in the facilitation of protecting athletes' rights. A number of countries and sport governing bodies have implemented programmes targeted at training women for roles in sport governance. The Success Leadership project included the NOCs of Croatia, Czechia, France, Italy, Lithuania and Slovakia to address gender balance in sport leadership through research on the state of play, the delivery of a sport management training programme, and the development of guidelines for future leadership training programmes³⁹⁴. Other countries have made more explicit efforts to increase the representation of women in sport leadership, such as through the implementation of quotas in the Swedish Sports Confederation³⁹⁵ and in Spanish sport federations³⁹⁶, the creation of a parity system for French sport federations³⁹⁷, and incentivising gender parity in sport leadership in Latvia through funding criteria³⁹⁸.

The Council of Europe, which has been active in increasing gender equality in sport³⁹⁹, highlights that in order to achieve gender equality, there needs to be policies that ensure women and men have the same rights, positive actions to address existing inequalities, and gender mainstreaming efforts that ensure women's and men's perspectives are reflected in all policies⁴⁰⁰. The *Union Cycliste Internationale* became the world's first sport governing body to achieve the **EDGE certification for gender equality**, which involves a third-party review of gender equality measures within an organisation⁴⁰¹. Specific actions can also be taken by event organisers as well to ensure women and rights are treated equitably. For example, the Flemish Ministry of Sport requires organisers of sport events to report whether equal prize money was given to men and women, and if not, to provide an explanation for the discrepancy⁴⁰².

Another element necessary in facilitating the increased participation of women in elite and professional sport is developing **maternity policies** that ensure adequate support and

³⁹² IPSOA (2023), *Riforma del lavoro sportivo: cosa cambia per associazioni e società sportive (in attesa del correttivo)*.

³⁹³ Mittag, J., et al., (2022), *Good Governance in the Employment Relations of Athletes in Olympic Sports in Europe: Understanding - Evaluating - Improving*.

³⁹⁴ Success Leadership (n.d.), *About Project*, available at: <https://success-leadership.eu/about-the-project/>.

³⁹⁵ National Sport Confederation (2024), *Equality*, available at: <https://www.rf.se/rf-arbetar-med/trygg-och-inkluderande-idrott/jamstalldhet>.

³⁹⁶ Ministry of Culture and Sports (2019), *Resolución de la Presidencia del Consejo Superior de Deportes, por la que se convocan ayudas a las Federaciones Deportivas Españolas para el Programa Mujer y Deporte*, available at:

https://sede.csd.gob.es/oficinavirtual/Pdf/201644_2019%20Resolucion_Presidencia_CSD_por_la_que_se_convocan_ayudas_a_%20federaciones%20Deportivas_Espa%C3%B1olas_programa_mujer_y_Deporte_2019.pdf.

³⁹⁷ Government of France (2014), *LOI n° 2014-873 du 4 août 2014 pour l'égalité réelle entre les femmes et les hommes*, <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000029330832>.

³⁹⁸ Latvian Sports Federations Council (2017), *Federāciju aktivitāšu kritēriji 2018.gadam par aktivitātēm 2017.gadā.*, available at: https://lsfp.lv/assets/mediabox/documents/27/LSFP-VB-sadales-aktivitasu_kriteriji-2018.pdf.

³⁹⁹ For example, *All in Plus* (2023-2025) builds on the outcomes of the *All In: towards gender balance in sport* (2018-2019) project to highlight the benefits of increasing gender equality in sport. For more information, see: Council of Europe (n.d.), *Home: All In: Towards Gender Balance in Sport*, available at: <https://pjp-eu.coe.int/en/web/gender-equality-in-sport>.

⁴⁰⁰ Council of Europe (2019), *Toolkit: How to Make an Impact on Gender Equality in Sport*.

⁴⁰¹ Union Cycliste Internationale (2022), *UCI breaks ground for gender equity in sport with new level of EDGE certification*, available at: <https://www.uci.org/pressrelease/uci-breaks-ground-for-gender-equity-in-sport-with-new-level-of-edge/4eNHpy2yrlHAssHQCPdt8q>.

⁴⁰² Sport Vlaanderen (n.d.), *Subsidies voor sportevenementen*, available at: <https://www.sport.vlaanderen/wij-helpen-bij-subsidies/subsidies-voor-sportevenementen/hoer-vraag-je-subsidies-aan/>.

non-discrimination for athletes that become pregnant. This has been highlighted as a key area where countries providing legal status for athletes can have a big impact on protecting their rights and participation in sport⁴⁰³. A stakeholder consulted for this study involved in internal discussions on their sport's maternity policy highlighted the value of incorporating the perspectives of a range of stakeholders, such as athlete representation bodies and women's health experts, as previous attempts had primarily focused on input provided by lawyers.

4.3 Good practice approaches to protecting athletes' rights: Global politics and use of social media

This section provides an overview of good practice examples taken by sport governing bodies, athlete representative organisations and other government bodies, which address the issues discussed in relation to the impact of global politics and social media on athletes. The first sub-heading presents initiatives that ensure the equal participation of athletes in big sport events. This is followed by a project that aims to actively encourage athletes to speak up on issues important to them. Finally, examples of tools, initiatives and policies protecting athletes' rights in relation to their image, data and privacy are presented.

Policies ensuring equal participation of athletes in big sport events

Political or diplomatic disputes between states and governments, administrative decisions of issuing a visa or other discriminatory conditions can prevent athletes from participating in big sport events under equal conditions. Therefore, it is crucial that sport governing bodies are committed to the equal participation of athletes despite potential political or diplomatic conflicts between countries represented by athletes, and this extends to the countries and locations where big sport events take place.

A good practice example of **ensuring equal conditions for participation for all athletes** is implemented by the FEI of equestrian sport. FEI has a requirement of non-discrimination in all event host agreements. According to this requirement, the FEI is entitled to terminate host agreements immediately in case "*the Championship(s) are not accessible to all teams (including, but not limited to their Athletes, Horses, Support Personnel and Team Officials) that have a right under the FEI Rules and Regulations and the sports criteria, to participate in the Championship(s)*"⁴⁰⁴. See more information on this practice in Case Study 12. This practice or other similar legally binding agreements with event hosts put sport governing bodies in a good position to implement these requirements and include conditionality on the basis of non-discrimination and human rights. Considering the willingness of countries to host big sport events, sport governing bodies have an important role to play in enforcing these requirements.

Protecting athletes' freedom of expression

Sport governing bodies increasingly recognise the need to actively create opportunities for athletes to freely express their views and raise awareness about issues important to them, including in big sport events. In order to remove any barriers of freedom of expression, it is crucial that sport governing bodies **set clear and reasonable rules** for athletes' right to freedom of expression (e.g., in an organisation's ethical code) during big sport events, and make disciplinary rules known to athletes in advance. For example, ahead of the Olympic Games Tokyo 2020, the Team USA Council on Racial and Social Justice published detailed recommendations for the United States Olympic & Paralympic Committee as regards public racial and social justice demonstrations during the Olympic Games⁴⁰⁵.

⁴⁰³ Information obtained through consultation with stakeholders.

⁴⁰⁴ Article 16.2 of Term & Termination of FEI Host Agreements with FEI Event Organisers. Information obtained through consultation with a stakeholder.

⁴⁰⁵ United States Olympic & Paralympic Committee website, *Racial and social justice demonstrations*, available at: <https://www.usopc.org/racial-and-social-justice-demonstrations>.

Another positive example of **athletes' empowerment to express their views** is the partnership of UK Sport (government agency) and the True Athlete Project (non-profit organisation). In 2022, the two organisations launched a six-month programme in the UK called '**Powered by purpose**', designed to support athletes to engage in meaningful and sustainable social impact activities. The programme included virtual workshops, peer-to-peer support, one-to-one consultations, and athlete action plans to help athletes use their voice to enable positive change⁴⁰⁶. For further information on the impact of the initiative, see Box 9 below.

Box 9: The impact of the Powered by Purpose initiative⁴⁰⁷

The pilot version of the Powered by Purpose programme launched by UK Sport, in partnership with The True Athlete Project in 2022, was created after a consultation found that 86% of high-level athletes want to use their platform to make a difference to society, whilst they are still competing. However, many of them also said they lacked knowledge and confidence to publicly speak on topics important to them.

During the programme, athletes took part in virtual workshops, peer-to-peer support, one-to-one consultations, got support with drafting athlete action plans, and had access to an online portal with materials and a private discussion forum.

Since taking part in the programme, participating athletes have increased their confidence in making a difference on community or social issues, feel more equipped with necessary skills and resources and feel they gained strengths aside from being an athlete. Athletes in the programme have also started to identify as 'activists' or 'changemakers'.

Protecting athletes' commercial interests and image rights

The economic value of athletes' sporting performances as well as images, features or data that derives from it has a significant importance for both athletes and sport governing bodies. This could lead to misalignment between the individual commercial interests of athletes, and the collective interests of their teams of sport governing bodies. Several sport governing bodies have implemented practices that aim to ensure that both athletes and federations can equally benefit from sponsorship deals and athletes gain income-generating capacity through their sporting careers.

To **facilitate fair athlete agreements**, including on image and sponsorship related issues, the IOC Athletes' Declaration Steering Committee (composed of athlete representatives) developed an athletes' agreements FAQ and an e-learning module intended to provide a framework for sport organisations and athletes to effectively work together to their mutual benefit⁴⁰⁸.

The contracts between athletes and the German Handball Association (DHB) now **formalise the relationship between players and the federation as regards sponsorship and advertisement**, including the contribution players receive when participating in sponsorship contracts. In addition, the federation actively seeks to link its players with its sponsors to increase their possibility of striking an individual sponsorship deal along with the sponsorship agreements of the federation⁴⁰⁹.

Protecting athletes' data protection and privacy rights

⁴⁰⁶ UK Sport website, *100% of athletes benefit from Powered by Purpose*, available at: <https://www.uk sport.gov.uk/news/2023/07/19/powered-by-purpose>.

⁴⁰⁷ UK Sport, *True Athlete Project. Powered by Purpose Report*, available at: <https://www.uk sport.gov.uk/news/2023/07/19/powered-by-purpose>.

⁴⁰⁸ Athlete 365 website, *Athletes' Agreements*, available at: <https://olympics.com/athlete365/courses/athletes-agreement/>.

⁴⁰⁹ Information obtained through consultation with a stakeholder.

With technological advancements, athletes' personal information (e.g., for anti-doping purposes), performance or health data (e.g., to further improve sport performance) can be effectively collected and analysed. However, **sensitive information requires a higher level of safeguarding**, especially if their disclosure could cause reputational damage to athletes. Recognising the importance of protecting athletes' data from unauthorised use, and their privacy, sport governing bodies are taking measures to set up adequate data protection policies and ensure athletes have the right to view and edit their data and withdraw consent from its processing. Finally, in case of third-party usage of data, athletes must be informed about what their data is used for and opt out if necessary.

In collaboration with FIFPRO, FIFA has developed the **FIFA Player App**, a player analytics tool giving the opportunity to each player to access their individual player-performance data shortly after each match. In addition to players, teams have access to the collected event data set via the FIFA Football Data Platform. The tool is GDPR compliant, and information and video recordings can only be used by the participating teams for performance analysis and match preparation⁴¹⁰. This analytics tool is the first visible outcome of the collaboration of FIFA and FIFPRO on the development of standards and best practices for the **collection, protection and use of personal player-performance data**. In 2022, the two organisations have also developed a **Charter of Player Data Rights**⁴¹¹ for professional footballers, with a view to implementing global industry standards that protect the privacy of professional footballers and allow them to benefit from personal rights to manage and access information about their performance and health. However, the existence of this tool does not mean that there is no further work required to effectively protect football player's data and privacy rights.

4.4 Good practice approaches to protecting athletes' rights: Mental health

There was broad consensus amongst the stakeholders consulted for this study that there has been a general trend towards positive developments around athlete mental health in recent years. Public debate around the mental health of athletes and the protection of their related rights has shifted from silence and stigma to openness, awareness, and action, and there is a growing commitment to creating a more supportive and inclusive environment for athletes' mental well-being. This section therefore provides an overview of the good practice approaches that have been taken to promote and protect athletes' rights. It starts by outlining the policies that have been taken by sport federations in promoting athlete mental health, thereafter, describing good practice measures implemented during big sport events, and concluding by highlighting athlete safeguarding measures that have been implemented during big events.

Sport federations are increasingly adopting approaches and policies to promote athlete mental health generally. Multiple stakeholders from sport federations mentioned employing **highly trained mental health professionals** to provide, as needed, support for athletes. Such practices have been supported by research on the growing demand for sport psychologists, counsellors, and clinical psychologists amongst athletes, teams, and federations⁴¹². This is particularly beneficial, as athletes are able to become familiar with their team or federation's mental health professional before they may need their services, which can make it easier to reach out when they do need help⁴¹³. Another national sport federation has **regular check-ins on athlete well-being**, both so the federation is made aware of any issues, as well as to prompt the athletes to reflect on how they are feeling⁴¹⁴.

⁴¹⁰ InsideFIFA website, *FIFA Player App*, available at: <https://www.fifa.com/technical/football-technology/football-technologies-and-innovations-at-the-fifa-world-cup-2022/fifa-player-app>.

⁴¹¹ FIFPRO (2022), *Charter of Player Data Rights launched for professional footballers*, available at: <https://fifpro.org/en/supporting-players/competitions-innovation-and-growth/player-performance-data/charter-of-player-data-rights-launched-for-professional-footballers/>.

⁴¹² American Psychological Association (2018), *A growing demand for sport psychologists*, <https://www.apa.org/monitor/2018/11/cover-sports-psychologists>.

⁴¹³ Information obtained through consultation with a stakeholder.

⁴¹⁴ Information obtained through consultation with a stakeholder.

A similar practice was recently adopted by the International Biathlon Union, where an athlete ambassador asked his peers to complete a survey on mental and emotional well-being, to raise awareness on the issue and help the federation better understand athletes' mental health needs⁴¹⁵. Another important practice is investment in the development of athlete dual careers, as there is recognition that **athlete involvement in dual careers** can have a positive impact on their mental wellbeing, particularly regarding the ability to manage the highs and lows of competitive sport⁴¹⁶.

Another important development in the conversation on athlete mental health has been the various awareness raising campaigns to draw further attention to the issue. For example, the **FIFA #ReachOut campaign** aims to inform athletes on the symptoms of mental health conditions and encourage help-seeking behaviour⁴¹⁷. Rugby Players Ireland also recently launched the '**Tackle Your Feelings**' campaign, which promotes help-seeking behaviour and aims to normalise experiences of mental ill-health⁴¹⁸. The IOC also offers an e-learning series for athletes through its **Athlete365 platform** covering topics such as mindful social media usage, sleep hygiene, career transition and sport psychology⁴¹⁹.

At the national level, some countries have specific regulations for the field of sport that apply social protections to elite athletes, regulate the qualifications for coaches and other sport officials with high athlete contact, or mandate certain safeguarding measures for athlete safety. For example, **Portugal** was mentioned as a good example of a Member State that revisits its sports law regularly, and recently passed a law aimed at combatting violence in sport and during sport events⁴²⁰. The **United Kingdom** was also considered to be leading the conversation around protecting the mental health of elite athletes; for example, national governing bodies developed mental health support programmes for athletes throughout the lifecycle of the Olympic Games Tokyo 2020⁴²¹ and the UK Sport Institute hosts one of the largest sport psychology programmes dedicated to elite athletes⁴²². **Belgium** requires sport governing bodies and clubs to have a trained professional to act as first point of contact for athletes who experience physical, psychological or sexual misconduct⁴²³. Box 10 below provides another example from Case Study 13 on mental health clinics in Sweden dedicated to elite sport.

Box 10: Case study 13 on the Swedish mental health clinic

The Elite Sports and Health (*Elitidrott och hälsa*) clinics in Sweden, located in Stockholm and Malmö are the result of a collaboration between the Swedish Sports Confederation and the Swedish healthcare system to provide a solution dedicated to the needs of coaches and athletes involved in elite sport⁴²⁴. The clinic hosts a multidisciplinary team that has specialised understanding of the elite sport context, the pressures that athletes face in and around big

⁴¹⁵ International Biathlon Union (2023), *Mental Health: 5 Questions for Jacques Jefferies*, <https://www.biathlonworld.com/news/5-questions-for-jacques-jefferies/m8kXD1rtKWqeWZmR64PBx>.

⁴¹⁶ Information obtained through consultation with a stakeholder. For more information, see: EU (2012), *EU Guidelines on Dual Careers of Athletes*.

⁴¹⁷ FIFA (n.d.), *#ReachOut*, available at: <https://www.fifa.com/about-fifa/medical/reachout>.

⁴¹⁸ Rugby Players Ireland (2022), *Tackle Your Feelings: The Reality of Seeking Support for Mental Health in Rugby*, <https://www.rugbyplayersireland.ie/tackle-your-feelings-the-reality-of-seeking-support-for-mental-health-in-rugby/>.

⁴¹⁹ IOC (n.d.), *Athlete365 Learning*, available at: <https://olympics.com/athlete365/learning/>.

⁴²⁰ Information obtained through consultation with a stakeholder. For more information, see: Assembleia da República (2023), *Lei n.º 40/2023, de 10 de agosto*, available at: <https://diariodarepublica.pt/dr/detalhe/lei/40-2023-217571940>.

⁴²¹ UK Sport (2018), *UK Sport and EIS working to deliver a positive mental health environment across Olympic and Paralympic sport*, available at: <https://www.uksport.gov.uk/news/2018/10/10/positive-mental-health-environment-across-olympic-and-paralympic-sport>.

⁴²² UK Sports Institute (n.d.), *Sport Psychology*, available at: <https://uksportsinstitute.co.uk/service/psychology/>.

⁴²³ Centrum Ethiek in de Sport & Sport Vlaanderen (2022), *Syllabus: Aanspreekpersoon Integriteit Voor sportfederaties en sportclubs (Syllabus: Integrity contact person for sports federations and sports clubs)*, available at: https://www.ethischsporten.be/wp-content/uploads/2022/07/2022_Syllabus-federatie-API_FINAL.pdf.

⁴²⁴ For more information, see: <https://www.elitidrottsmottagningen.se/>.

sport events, and the challenges in addressing athlete mental health, such as a high-pressure environment, busy schedules that require travelling, and the precarious situation of many athletes.

One of the key aspects of these clinics highlighted as a best practice is the independence of the clinic from individual sport federations and the privacy that is then afforded to athletes, as some athletes refrain from engaging with sport therapists provided by their club or federation out of fear of potential repercussions⁴²⁵.

Measures implemented during big sport events

Alongside the general trends toward implementing protections for athlete mental health within sport clubs and federations, there are a number of good practices that are being implemented throughout the lifecycle of big sport events. Ensuring athletes have a **psychologically safe sport environment**, where athletes feel safe to raise mental health concerns, supported by their sport community, and protected from potential harm, is one of the most essential elements in promoting mental health⁴²⁶. While good practices in athlete safeguarding are presented below, the main factors that have been highlighted as contributing to a psychologically safe environment include raising awareness and reducing stigma around mental ill-health, providing access to psychological support, and facilitating help-seeking behaviours. In this regard, coaches and other members of athletes' immediate entourage are particularly crucial in creating a positive and open environment, which sport governing bodies and national governments can support through coaching education and basic mental health training⁴²⁷.

Another important element in creating a psychologically safe environment is ensuring that the organisation of big sport events, including the overall competition calendar, schedule of events, and facilities available, are not overly taxing on athletes' well-being. For example, one athlete interviewed shared how their sport federation consulted athletes following the COVID-19 pandemic on what the best approach would be to address the backlog of championships while minimising the toll on athletes⁴²⁸. This example highlights the importance of **engaging in dialogue with athletes** on decisions related to big sport events that may have an impact on athlete mental health. In addition to the example above, other athletes interviewed reported being consulted by their federation on issues related to the competition calendar, event scheduling, and support mechanisms for athletes during big sport events⁴²⁹.

Stakeholders consulted for this study also mentioned the positive impact a more holistic approach to athlete welfare has had on the organisation of big sport events⁴³⁰. For example, one athlete involved in a team sport mentioned that their sport has undergone a shift towards **greater recognition for athletes' need for time off and time with family**⁴³¹. In practical terms, this has resulted in their federation allowing immediate families to travel with players to the mandatory training camps directly preceding their world championships, as well as during the world championships themselves, and ensuring players have adequate time off between training sessions and matches to recover.

During big sport events, a number of common practices have been highlighted, including hosting a mental health hotline in cases of mental ill-health emergencies and providing

⁴²⁵ Cecilia Åkesdotter, Göran Kenttä & Andrew C. Sparkes (2023), Elite athletes seeking psychiatric treatment: Stigma, impression management strategies, and the dangers of the performance narrative, *Journal of Applied Sport Psychology*, available at: <https://www.tandfonline.com/doi/pdf/10.1080/10413200.2023.2185697>.

⁴²⁶ IOC (2021), *IOC Mental Health in Elite Athletes Toolkit*.

⁴²⁷ Reardon, C. L., et al., (2019), *Mental health in elite athletes: International Olympic Committee consensus statement*.

⁴²⁸ Information obtained through consultation with a stakeholder.

⁴²⁹ Information obtained through consultation with stakeholders.

⁴³⁰ Information obtained through consultation with a stakeholder. For an example, see: New Zealand Rugby (2017), *Respect and Responsibility Review*, <https://www.nzrugby.co.nz/assets/NZR-RRR-Summary-Document.pdf>.

⁴³¹ Information obtained through consultation with an athlete.

wellbeing officers, or better yet, trained mental health professionals, for athletes to speak with during the events. For example, the IOC employs accredited practitioners to provide support to athletes during the Games and hosted a **Mentally Fit Helpline** around the Olympic Games Tokyo 2020 and Beijing 2022 that provided independent, confidential counselling services in over 70 languages to athletes⁴³². The IOC has also introduced a **Welfare Officer** during the Olympic Games, which is an accredited function in each national Olympic delegation open to nationally certified mental health practitioners and/or internationally certified safeguarding practitioners⁴³³.

While these good practices support mental health during the lifecycle of big sport events, it is crucial that longer term solutions are in place for athletes with mental ill-health, and that prevention and protections are in place for athletes throughout their careers. As outlined in Section 3.1.2 above, another struggle experienced by a number of athletes is the post-tournament blues, where athletes experience an emotional or mental health drop following a large event if they have not had the chance to process their experience⁴³⁴. The English Institute of Sport has developed a **Performance Decompression model** that guides athletes through a process of navigating these emotions, processing them, and moving forward with a healthier psychological well-being⁴³⁵. The **IOC Mental Health in Elite Athletes Toolkit** provides resources that can be used by athletes, their entourage, coaches and sport officials to recognise symptoms of mental ill-health and better understand the issues surrounding athlete mental health⁴³⁶. It also includes training and resources for licensed mental health practitioners to understand the specific context of elite sport, and for athlete entourage members to provide better informed support to athletes.

There are also good practices in relation to the risk of social media on athletes' mental health, self-image, and sport performance during big sport events. Sport stakeholders have developed initiatives and practices to **protect athletes from online hate speech**. For example, FIFA in collaboration with FIFPRO launched a **Social Media Protection Service** (SMPS) during football cups to limit the amount of online abuse athletes are subject to during events (see Box 11). A similar practice is planned for the Olympic Games Paris 2024⁴³⁷. Additionally, the Council of Europe's Combatting Hate Speech in Sport project aims to provide technical assistance to public authorities in preventing, countering, reporting and remedying hate speech by providing guidance on the development of national strategies, hosting an online repository of good practices, and launching an awareness raising campaign on how stakeholders can support these efforts⁴³⁸.

Box 11: Social Media Protection Service of FIFA and FIFPRO

The SMPS was launched in response to research commissioned by FIFA that found more than half of the players who took part in the semi-finals and finals of UEFA EURO 2020 and AFCON 2021 were subjected to online abuse. Since then, the SMPS has been in place for the Men's FIFA World Cup in Qatar in 2022 and the Women's FIFA World Cup in Australia and New Zealand in 2022. Across the two tournaments, the SMPS scanned more than 22 million posts and comments and reported more than 26,000 of those to social media platforms for further

⁴³² IOC (n.d.), *The Mentally Fit Helpline – Always There for You*, <https://olympics.com/athlete365/well-being/access-the-mentally-fit-helpline/.fif>

⁴³³ IOC (n.d.), *Provision of Welfare Officers and a Safe Sport Hub at the Olympic Games*, available at: <https://olympics.com/ioc/safe-sport/provision-welfare-officers-safe-sport-hub-olympic-games>.

⁴³⁴ IOC (2021), *Psychologically Recovering from a Big Event*, <https://olympics.com/athlete365/performance/psychologically-recovering-from-a-big-event/>.

⁴³⁵ UK Sports Institute (2021), *Performance support in sport: How to manage Performance Decompression*, <https://uksportsinstitute.co.uk/article/performance-decompression-post-games-celebration-and-support/>.

⁴³⁶ IOC (2021), *IOC Mental Health in Elite Athletes Toolkit*.

⁴³⁷ IOC (n.d.), *Cyber abuse protection for athletes, entourage and technical officials at Paris 2024*, available at: <https://olympics.com/athlete365/well-being/mentally-fit/cyber-abuse-protection-service-for-competing-athletes-at-paris-2024/>.

⁴³⁸ Council of Europe (n.d.), *About the project: Combating Hate Speech in Sport*, available at: <https://pjp-eu.coe.int/en/web/combating-hate-speech-in-sport/about-the-project>.

action. In addition, around **400,000 potentially abusive or offensive comments** were instantly removed from player's social media accounts⁴³⁹.

The SMPS provides three layers of protection to teams and players participating in tournaments, such as FIFA Euro or World Cups, namely it:

1. Monitors the social media accounts of players and teams for abusive, discriminatory, and threatening comments, replies and mentions.
2. Reports comments, replies, and mentions that are deemed to break social media platforms' terms of service to the platforms in question so that they can take further action against those who post online abuse.
3. Moderates the accounts of opted-in users, removing abuse content instantly.

Athlete safeguarding during big sport events

While there was a consensus amongst stakeholders that there is a positive trend in safeguarding efforts at big sport events, a number of stakeholders mentioned that these efforts are still in the early stages in a number of sports and that it will take time for more concrete efforts and practices to be seen. For example, the ongoing Erasmus+ project '**Building European Safe Sport Together**' is bringing sport governing bodies and experts in athlete safeguarding together to develop a legal framework and best practice approaches in safeguarding at big sport events; however, the final results of this project will only be available in 2025⁴⁴⁰. Nevertheless, there are a number of good practices that can be highlighted in this area.

Similarly to efforts towards protecting athletes from mental ill-health, common safeguarding measures include employing safeguarding officers during big sport events and hosting confidential hotlines to report potential cases of harassment, violence or abuse. The **IOC** requires safeguarding officers to be present in the Olympic Village(s) throughout the Games period and also hosts an online hotline that can be used to report potential harassment or abuse⁴⁴¹. **FIFA** also provides different avenues for reporting safeguarding concerns during its major competitions, including location-specific reporting mechanisms as well as an online, confidential reporting system⁴⁴².

There are also a number of actions that can be taken following allegations of abuse and misconduct, not all of which do the allegations or athletes justice. Nevertheless, there are a number of good examples of sport governing bodies taking these reports seriously commissioning **independent reviews of allegations**, notably the independent report on allegations in UK gymnastics commissioned by Sport England and UK Sport⁴⁴³, as well as the independent investigation of abuse and misconduct in U.S. women's professional soccer, commissioned by U.S. Soccer⁴⁴⁴. Additionally, there is an increasingly common practice of banning fans who racially abuse athletes during sport events⁴⁴⁵, which is a

⁴³⁹ InsideFIFA (n.d.), *FIFA Social Media Protection Service*, available at: <https://www.fifa.com/social-impact/campaigns/no-discrimination/fifa-social-media-protection-service>.

⁴⁴⁰ BESST (n.d.), *Building European Safe Sport Together*, available at: <https://besst-safesport.eu/>.

⁴⁴¹ IOC (2023), *IOC Framework for Safeguarding Athletes and Other Participants From Harassment and Abuse in Sport (Games-Time Period)*, available at: <https://stillmed.olympics.com/media/Documents/Athletes/Safeguarding/IOC-Games-Time-framework-ENG.pdf>.

⁴⁴² FIFA (n.d.), *How to report a concern at Australia/New Zealand 2023*, available at: <https://www.fifa.com/social-impact/fifa-guardians/competition-safeguarding/report-a-concern/safeguarding-fwvc-australia-new-zealand-2023>.

⁴⁴³ Whyte, A. (2022), *The Whyte Review*, available at: <https://www.sportengland.org/guidance-and-support/safeguarding/whyte-review?section=summary>.

⁴⁴⁴ Yates, S. (2022), *Report of the Independent Investigation to the U.S. Soccer Federation Concerning Allegations of Abusive Behavior and Sexual Misconduct in Women's Professional Soccer*, available at: https://www.kslaw.com/attachments/000/009/931/original/King___Spalding_-_Full_Report_to_USSF.pdf?1664809048.

⁴⁴⁵ For examples, see: Crown Prosecution Service (2023), *Football ban for fan who racially abused Tottenham Hotspur forward*, available at: <https://www.cps.gov.uk/london-north/news/football-ban-fan-who-racially->

positive development and can have a broader impact on the culture and behaviour of others⁴⁴⁶.

In addition to actions taken by sport governing bodies and big sport event organisers, national governments are increasingly adopting policies targeting the protection of athletes from violence and harassment. As mentioned above, **Portugal** recently adopted a law that strengthens mechanisms to combat violence at sport events, including racism, xenophobia and intolerance⁴⁴⁷. Legislation in **Sweden**⁴⁴⁸ and the **Netherlands**⁴⁴⁹ also have sport-specific measures targeting sexual harassment.

In the consensus statement developed following the ILO's Global Dialogue Forum on Decent Work in the World of Sport, it was agreed that **more proactive measures are needed** to combat sexual violence and harassment, including education and training, awareness raising, the development of clear policies on player rights and protections, and joint actions between athletes and sport federations⁴⁵⁰. Similar points were raised in UNESCO's Kazan Action Plan⁴⁵¹. There is not a single solution or way forward; a range of actions and measures is necessary to comprehensively address sexual violence and harassment in sport.

abused-tottenham-hotspur-forward; and Valencia CF (2023), *Official Statement: Valencia CF Will Ban for Life the Fans Who Racially Abused Vinícius Jr.*, available at: <https://www.valenciacf.com/en-official-statement-valencia-cf-will-ban-for-life-the-fans-who-rationally-abused-vinicius-jr-2023-05-22>.

⁴⁴⁶ Information obtained through consultation with a stakeholder.

⁴⁴⁷ Assembleia da República (2023), *Lei n.º 40/2023, de 10 de agosto*.

⁴⁴⁸ Swedish Sport Confederation (2016), *International guidelines for sports in Sweden*, available at: <https://www.rf.se/download/18.5424ab70183abb853551a55/1665068714168/international-guidelines-for-sports-in-sweden.pdf>.

⁴⁴⁹ Government of the Netherlands (n.d.), *Safety in Sport (Veilig, eerlijk en met plezier sporten)*, available at: <https://www.rijksoverheid.nl/onderwerpen/sport-en-bewegen/veilig-sporten>.

⁴⁵⁰ ILO (2020), *Global Dialogue Forum on Decent Work in the World of Sport: Points of Consensus*.

⁴⁵¹ UNESCO (2017), *Kazan Action Plan*.

5.0 Conclusions

This research study has provided a comprehensive mapping and overview of the key rights, issues, and good practices concerning athletes' rights in and around big sport events across the three main dimensions of the study. Our findings have been based on extensive desk research and stakeholder interviews. This section describes the main conclusions in relation to each of the three key dimensions of the study, in addition to the key lessons learnt and recommendations for future actions. A summary of these key points is illustrated in the box below.

5.1 Conclusions in relation to each of the key three dimensions of the study

This section describes the key conclusions in relation to each of the key three dimensions of the study, namely sport governance and athletes' representation, global politics and the use of social media, and mental health.

5.1.1 Sport governance and athletes' representation

There has been an increasing focus on the rights of athletes and protections for athletes' rights across the sport ecosystem. In line with international standards on human rights, there is now a greater emphasis on athletes' rights to representation, freedom from discrimination, social protections and the right to a fair trial and access to justice. It is clear from stakeholders consulted for this study and the literature that athletes are increasingly involved in discussions on matters that impact on conditions for their participation in sport and their social and human rights. Important developments in recent years include an increasing number of sport governing bodies committing to upholding declarations on athletes' rights, such as the Sporting Chance Principles and the adoption of a human rights strategy for the Olympic Games Paris 2024.

The application of good governance principles such as transparency and accountability, representation and consultation, and integrity help to ensure that athletes' rights are protected in the context of big sport events. Nevertheless, despite developments on good governance practices, concerns remain regarding the extent to which the rights and well-being of athletes are protected and respected in a consistent way. While athletes are entitled to their human and social rights, there is a lack of consensus amongst stakeholders regarding what labour protections should apply to elite athletes, and inconsistencies across Member States on what legal protections are afforded to them as they train and prepare for big events as well as in relation to their participation.

Stakeholders in the sector have also raised concerns in relation to potential conflicts of interest within sport governing bodies given their role as both regulators and commercial operators; as big sport events are the most significant source of revenue for sport governing bodies, there is a perception that financial and commercial interests can conflict with the best interests of athletes. Further, an overall lack of representation in leadership can result in decisions on big events lacking diverse perspectives and not serving the interests of or actively discriminating against women, racial or ethnic minorities, individuals from minority religions, and LGBTQIA+ individuals.

It is common for elite-level athletes to have been training for much of their lives for the opportunity to participate in an event such as the Olympics or a World Cup and they make significant sacrifices in order to achieve their goals and provide satisfaction for their audiences and followers. Questions remain however over whether there is an appropriate power balance between sport governing bodies and athletes, in making decisions that affect the conditions under which athletes must participate.

Existing channels for athlete representation may be sufficient for the majority of athletes and competitions; however, inconsistencies remain in relation to how athletes are represented at key stages of decision-making including at the bidding and planning stages and on issues such as event conditions, competition calendars, rest periods, athlete safety and safeguarding procedures. In many cases, sport governing bodies have nearly exclusive control over the operation of big sport events. There are questions over whether athletes are given sufficient inputs into key decisions and whether athletes are left with too limited options if they do not agree with the conditions for participation.

There is a wide concern that athletes have limited avenue for recourse when they disagree with the decisions made, even in cases where these may impede on their social and human rights. There is evidence that existing tribunals within the sport community, such as the CAS, lack the human rights expertise necessary to ensure athletes' rights are upheld during proceedings, and tribunals outside the sport community often lack expertise on the specificities of sport, including the need for quicker timelines to comply with sport calendars.

5.1.2 Global politics and use of social media

Sport governing bodies aim to maintain the political neutrality of big events by ensuring that the events are separate from political, religious or any other type of interference. There are challenges, however, in ensuring that global political issues do not interfere with athletes' participation in big sport events, as shown by political boycotts, bans or politically motivated conditions which are imposed on athletes.

While each political conflict requires careful assessment of the circumstances, international sport governing bodies' face challenges in making consistent decisions over the participation of affected athletes. In addition, sport governing bodies have been powerless to stop the exclusion of certain athletes due to political disputes between states or governments or administrative decisions (e.g., visa). Intervention at a higher level would be necessary to ensure the participation of all eligible athletes in big sport events on equal grounds and to prevent any form of interference of political and diplomatic relations with sport.

The political and social activism of athletes has a long-standing history throughout the Olympic Movement, famously seen with the demonstrations of U.S. athletes John Carlos and Tommie Smith in 1968 in solidarity with the civil rights movement and with more recent examples of protests for social or human rights causes. Such demonstrations can be met with disciplinary action from the IOC and national sport federations. After a recent wave of athlete activism around human rights and social issues (e.g., racial discrimination, sexual harassment, mental health, etc.), athletes have requested clarity and additional ways to express their views during big events.

As a result of a consultation process with athletes' commissions, the athlete expression element of the Olympic Charter's Rule 50.2 was clarified in Rule 40.2 with additional guidance on the forms and spaces of expression (e.g., media zones, press conferences, social media) allowed during the event. In the Olympic Games Paris 2024, athletes will be allowed to express their views and opinions during the event, except for the podium, field of play and the opening ceremony. Despite additional clarifications, legal experts and athlete representative bodies continue to challenge the rule by questioning the criteria used to define 'political' expression, asking for more clarity and consistent reasoning behind decisions of disciplinary sanctions against athletes.

While athlete expression in principle has no limitations outside the limitations imposed by organisers of big events, for periods around the staging of events athletes are expected to comply with organisers' requirements, such as ethical codes, sponsorship agreements or safeguards protecting the integrity of the event, including in their social media statements. However, athletes often find their opportunities for freedom of expression

limited by the lack of clarity around sanctions or disciplinary action, financial dependence on federations and sponsors and fear of recrimination (e.g., not being selected, withdrawal of financial support) from coaches, teams, or sport federations. In addition, athletes face pressure from public opinion, which could have a negative impact on their image, reputation, and career.

Sharing athletes' images through media and broadcasting, commercial partnerships and sponsorships, and merchandising is an important source of financial income for both athletes and sport governing bodies. While athletes have the right to exploit their own personal image, this may be limited by employment or commercial contracts, conditions of participating in sport events or the collective interests of sport clubs or federations. In the context of the Olympic Games, Rule 40.1 of the Olympic Charter aims to protect the income generated through Olympic sponsors as 90% of contributions are redistributed to organisations and sports within the Olympic Movement.

At the same time, athletes have voiced the need for additional ways to engage with their individual sponsors during the Olympic Games due to its high income-generating potential. As a result, athletes are now allowed to share thank you messages to their sponsors during the Olympic Games, with additional room for flexibility from NOCs. Nevertheless, in some cases athletes' sponsorship opportunities may be limited by their federation's practices, or other contractual agreements. Furthermore, the unequal representation and portrayal of male and female sports in (social) media could limit female athletes' opportunities to generate an income through their sporting careers. Therefore, it is crucial that sport governing bodies work towards creating and promoting fair income-generation opportunities, and greater equity in representing women's sports and female athletes' achievements.

When entering contracts with federations or sponsors, athletes may also have to waive some or all of their rights related to how their image, or other personal, health or performance data is being used. This is exacerbated by the lack of transparency in how athletes' data is being processed, stored and protected and which third parties it is shared with. This could cause privacy and data protection concerns. Athlete representative organisations have therefore called for performance and health data collected in the course of athletes' professional activity not to be used without the explicit consent of athletes and highlighted the need for athletes' contracts to comply with privacy, data, economic, and human rights.

5.1.3 Mental health

There is a growing awareness and recognition of the importance of mental health for athlete well-being and performance, particularly following several high-level athletes speaking out openly about their mental health struggles in elite sport, and athletes reporting mental health struggles during the COVID-19 pandemic. Athletes have reported various forms of mental health struggles and ill-health, including anxiety, depression, eating disorders, sleep disturbance and disorders, distress, and alcohol misuse.

Sport governing bodies are increasingly recognising the importance of mental health as a part of a holistic approach to health and have implemented good practices to promote a psychologically safe sporting environment for athletes (e.g., IOC's Mental Health Action Plan), provide mental health support to athletes, and mental health training for staff. Sport governing bodies have also reported challenges, however, in devoting the same attention to psychological health as to the physical health of athletes due to the 'invisibility' of mental health issues as opposed to physical injuries, lack of sufficient resources, the shortage of mental health professionals and coaches that are trained to work with athletes, and the 'have what it takes' and 'win at all cost' sporting mentality and culture. Moreover, there are still significant differences in the perception of mental health and its incorporation into health services and policies across countries. Both sport governing bodies and national policymakers still have a long way to go in recognising the need to take mental health as

seriously as physical health, and incorporate it into health services and policies, both in a general and in a sporting context.

Mental ill health related to participation in big events can be caused by wider factors specific to elite sport and athletes' circumstances. Stressors, such as training and performing at heightened intensity in a competitive environment, the risk of physical injuries, relationships with teammates and coaches, the end of a sporting career, vulnerable career paths, employment contracts and social security protections (e.g., maternity leave), and other economic factors can also lead to chronic stress and increase the risk of developing anxiety, depression and eating disorders. Athletes often refrain from seeking support related to mental health struggles linked to these pressures for many reasons, including fear of contract termination or expulsion from the team. Therefore, stakeholders call for safeguarding measures and structures which can ensure that athletes receive adequate mental health support without recrimination.

Big sport events are naturally a high-pressure and stressful environment for athletes. Stress factors specific to big sport events most commonly include extended travel away from home for training or competitions, poor facilities and nutrition during competitions, the tight scheduling of competitions, excessive anti-doping tests during competitions, and increased public and media attention including criticisms and hateful comments online (particularly for women and those who belong to a minority group (e.g., LGBTQI+ athletes)). Athletes therefore require support, reassurance, and adequate rest, in the lead up, during, and after big sport events to prevent 'post-tournament blues'. To prevent hate speech, racism, and other discriminatory actions being directed at athletes, there is a need for safeguarding mechanisms, including during big sport events (e.g. FIFA has a three-step procedure for referees in case of discriminatory incidents during matches).

Safeguarding of athletes in and around big sport events has a number of barriers that are related to structural elements of the sporting environment, such as a lack of dedicated policies, commercial or financial priorities that may come into conflict with athlete safeguarding and a lack of widespread remedy mechanisms and support structures available in case of misconduct. Moreover, a culture of leniency in sport (e.g., coaches accused of abusive behaviour might be able to continue their careers in another team), a lack of human and financial resources dedicated to safeguarding, and athletes' fear of retribution for reporting mistreatment or mental health struggles could limit athletes from seeking necessary support. Therefore, it is crucial that along with reducing stigma around mental ill-health, mental health literacy is promoted among athletes, coaches, and support teams.

5.2 Lessons learnt and recommendations for the development of future actions

The diverse nature of sport and the complexity of arrangements governing the management and delivery of big events means that inconsistent standards in how athletes' rights are recognised, protected and implemented are almost inevitable. The recommendations from the study are therefore necessarily formulated at a broad and aspirational level building on the key learnings from the research. They focus on measures and initiatives that would promote greater consistency and limit the impact of diverse practices on athletes' rights. The suggested initiatives are not for any one organisation to take forward but may emerge from (or depend on) continuing structured dialogue between relevant stakeholders on the issues raised (see recommendation 1). In this context, the specific recommendations emerging from the research analysis are set out below.

Recommendation 1: The European Commission should continue to facilitate structured dialogue and knowledge exchange on issues of athletes' rights and big sport events through events and initiatives that bring together perspectives from all stakeholders including international sport federations and athlete bodies.

Recommendation 2: National governments and international bodies should work together to develop a framework for athletes' rights that applies to the staging of big sport events and athlete's rights based on international human rights standards, criteria and principles and taking into consideration principles of fair and open competition.

Recommendation 3: Best practice standards and criteria should be developed to ensure fair and reasonable representation of athletes at key stages of big event decision-making including at the bidding and planning stages and in addressing issues such as event conditions, competition calendars, rest periods, athlete safety and safeguarding procedures.

Recommendation 4: Principles and guidelines should be developed to ensure the need for freedom of expression at big events is balanced appropriately with political neutrality objectives. This should include clearer definitions of 'political' expression, to create greater clarity and consistent reasoning behind disciplinary sanctions against athletes.

Recommendation 5: Principles and guidelines should be developed to develop greater consistency in approaches to safeguarding the participation of athletes from countries involved in disputes and conflicts including with host countries.

Recommendation 6: The development of a common framework and establishment of an international body to improve recognition of the importance of mental health literacy, and of the development and enforcement of minimum professional standards.

Recommendation 7: To increase the level of dedicated resources for mental health support services to athletes taking part in big events including provision for trained mental health professionals to support athletes in their preparation for, participation at, and period following participation at big events.

Annex One: Literature list/Inventory

Citation	Website Link	Language	Date ⁴⁵²	Summary
Agence Mondiale Antidopage (2020), Declaration des droits antidopage des sportifs (World Anti-Doping Agency, (2020), Declaration of Anti-Doping Rights of Athletes)	https://www.wada-ama.org/sites/default/files/resources/files/athlete_act_fr2_0.pdf	FR	2020	This document sums up current rights athletes have when it comes to antidoping in large sporting events. It also covers recommended rights for athletes and rights that athletes would like to see adopted by antidoping agencies to reinforce the fight against doping and the integrity for the system.
Åkesdotter, C. Kenttä, G. Håkansson, A. Franck, J. (2012), Prevalence and comorbidity of psychiatric disorders among treatment-seeking elite athletes and high-performance coaches, <i>BMJ Open Sp Ex Med</i> 2022;8:e001264. doi:10.1136/bmjsem-2021-001264	https://pubmed.ncbi.nlm.nih.gov/35444812/	EN	2012	This article describes the prevalence of psychiatric disorders among treatment-seeking elite athletes (EA) or high-performance coaches (HPC) in two publicly funded psychiatric outpatient treatment clinics for elite athletes in Stockholm and Malmö, Sweden.
Athleten Deutschland e. V. (2020), Freedom of expression of athletes. Position Paper.	https://athleten-deutschland.org/wp-content/uploads/Position_Paper_Freed	EN	2020	The position paper (of athletes) was developed by Athleten Deutschland, an independent organisation representing athletes and a task force of six German elite athletes supported by a human rights expert. The document looks at the basic provisions of the German constitution on freedom

⁴⁵² Literature considered includes 2010–2024-time period

	om_of_Expression-September-2020.pdf			of expression and how this is limited by Rule 50.2 of the IOC Charter.
Athleten Deutschland (2022), Öffentliche Anhörung: "Menschenrechte und Sport" Stellungnahme von Athleten Deutschland e.V. – Maximilian Klein. Agenda für Menschenrechte im Sport angehen. Menschenrechts-Check im Spitzensport umsetzen. (Athletes Germany (2022), Public hearing: "Human rights and sport" statement from Athletes Deutschland e.V. – Maximilian Klein. Addressing the human rights agenda in sport. Implementing human rights checks in top-class sport.)	https://www.bundestag.de/resource/blob/894470/8fd58f67529837512013046935c5cf1b/Stellungnahme-Klein-data.pdf	DE	2022	This is a position paper by the Athleten Deutschland e.v. (athletes representing organisation) to the public hearing of the Committee on Human Rights and Humanitarian Aid of the German Bundestag on the topic of sport and human rights on 11 May 2022.
Bundeskartellamt (2019), Bundeskartellamt erwirkt Öffnung der Werbemöglichkeiten für deutsche Sportler und ihre Sponsoren während der Olympischen Spiele - IOC und DOSB verpflichten sich zu Änderung der Werberegeln. (Federal Cartel Office (2019), Federal Cartel Office opens advertising opportunities for	https://www.bundeskartellamt.de/SharedDocs/Meldung/DE/Pressemittteilung/2019/27_02_2019_DOSB_IOC.html#:~:text=Nach%20Regel	DE	2019	The article discusses a decision by the German competition authority (<i>Bundeskartellamt</i>) to allow German athletes and their sponsors to have increased advertising opportunities during the Olympic Games. The German Olympic Sports Confederation (DOSB) and the IOC have agreed to ease advertising restrictions outlined in Rule 40 Bye-law 3 of the Olympic Charter. The new guidelines allow athletes to engage in self-marketing during the Games, including the use of certain Olympic terms, pictures, social media activities, and more freedom in advertising.

German athletes and their sponsors during the Olympic Games - IOC and DOSB commit to changing the advertising rules.)	%2040%20N r.,Spielen%2 0%E2%80% 93%20zu%2 0Werbezweck ken%20nutz en%20lassen			
Carrío A, Geeraert A, Ham E, Harvey A, Zohn A. (2021), Strengthening Athlete Power in Sport: A multidisciplinary review and framework, Play the Game, c/o Danish Institute for Sports Studies.	https://www.playthegame.org/media/23ibxlv/strengthening-athlete-power-in-sport_lit-review.pdf	EN	2021	This paper provides an overview of athletes' socio-economic rights, the labour market in sport, sport governance and representation. The paper is based on the review of existing literature and sources from sport stakeholders (e.g., EU Athletes), therefore, it does not present new concepts. However, the cases of athlete right violations, and literature review focused on specific sports provides a relevant right- and sport-specific context.
Centre for Sport & Human Rights (2021), Case Study: Managing Acts of Discrimination and Activism at Mega-Sporting Events.	https://sporthumanrights.org/library/managing-acts-of-discrimination-and-activism-at-mega-sporting-events	EN	2021	This case study focuses on how international sport federations have navigated addressing discrimination at mega sporting events. It discusses the balance between freedom of expression and freedom from discrimination, and how freedom of expression should be limited in cases of hate speech. It ends with recommendations and best practices.
Centre for Sport & Human Rights (2022), Sporting Chance Principles.	https://www.sporthumanrights.org/media/kluhan5c/sporting-	EN	2022	The Sporting Chance Principles were first published in 2016 by the Mega Sporting Events Platform for Human Rights. They were updated in 2018 and again in 2022. The Principles aim to prevent the violation of human rights in

	chance-principles-for-website.pdf			sport, ensure remedy is effective and accessible, and harness opportunities to promote human rights in sport.
Court of Justice (2023), Judgment of the Court (Grand Chamber) of 21 December 2023. <i>International Skating Union v European Commission</i> , Court reports, ECLI:EU:C:2023:1012.	https://eur-lex.europa.eu/legal-content/en/XT/?uri=CELEX:62021CJ0124	EN	2023	The ruling discusses at length the rights of athletes to participate in sport events and the power of governing bodies to make decisions on their behalf.
Council of Europe, (2010), Recommendation CM/Rec(2010)9 of the Committee of Ministers to member states on the revised Code of Sports Ethics, adopted by the Committee of Ministers on 16 June 2010 at the 1088th meeting of the Ministers' Deputies.	https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805cecaa	EN	2010	The Recommendation of the Committee of Ministers to member states on the revised Code of Sports Ethics recommends that the governments of member states give their full support to the Code of Sports Ethics, take steps to ensure a wide dissemination of the Code of Sports Ethics to sports organisations and promote it; encourage the authorities responsible for school and out-of-school education to introduce the principles set out in the Code of Sports Ethics into physical education and sports curricula and encourage regional, national and international sports organisations to take account of the principles of the Code of Sports Ethics in their activities on the basis of co-operation between public authorities and the sports movement.
Council of Europe (2018), Human rights protection in Europe in the context of sports organisations' disciplinary and arbitration procedures - Good practice handbook No. 5.	https://edoc.coe.int/en/online-resources/7688-human-rights-	EN	2018	This handbook explores the operation of sports organisations' disciplinary and arbitration procedures, reviewing in particular the application of human rights principles in proceedings. It provides a review and recommendations on how disciplinary procedures can be conducted to ensure the right to a fair trial. It also indicates

	<p>protection-in-europe-in-the-context-of-sports-organisations-disciplinary-ans-arbitration-procedures-good-practice-handbook-no-5.html</p>			<p>'current' (as they were in 2018) legal understandings of common human rights concerns within sport (i.e., freedom of expression, freedom of privacy re: anti-doping measures).</p>
<p>Council of Europe (2019), Toolkit: How to Make an Impact on Gender Equality in Sport.</p>	<p>https://rm.coe.int/all-in-toolkit-how-to-make-an-impact-on-gender-equality-in-sport-all-y/1680989ab2</p>	<p>EN</p>	<p>2019</p>	<p>This toolkit was developed as part of a joint EU and Council of Europe project. It complements an online library of good practices and resources on gender mainstreaming in sport. It covers information on gender inequality in sport, then provides concrete tips, good practice examples and strategies to improve gender equality.</p>
<p>Council of Europe (2020), Guidelines on sport integrity: Action 3 of the Kazan Action Plan.</p>	<p>https://rm.coe.int/sports-integrity-guidelines-action3-kazan-action-plan-en/16809f321d</p>	<p>EN</p>	<p>2020</p>	<p>The Council of Europe's Enlarged Partial Agreement on Sports (EPAS) prepared the Guidelines on Integrity in Sport within the framework of the Kazan Action Plan. It focuses on five main themes, including preserving the rights and safety of athletes, preventing and addressing harassment and abuse in sport, and fostering good governance in sport organisations. For each area, it presents an overview of the issue, the main challenges in addressing it, and recommended actions for moving forward.</p>

<p>Council of Europe (2021), Recommendation CM/Rec(2021)5 of the Committee of Ministers to Member States on the Revised European Sports Charter, adopted by the Committee of Ministers on 13 October 2021 at the 1414th meeting of the Ministers' Deputies.</p>	<p>https://rm.coe.int/recommendation-cm-rec-2021-5-on-the-revision-of-the-european-sport-cha/1680a43914</p>	<p>EN</p>	<p>2021</p>	<p>The Recommendation by the Committee of Ministers provides four recommendations to ensure the implementation of the European Sports Charter at national level. It lays down the basic principles for national sports policies, allowing governments to provide everyone with opportunities to practise sport under well-defined conditions. It inspires policy makers and provides guidance to member states on how to perfect their existing sport legislation or other policies and to develop a comprehensive framework for sport.</p>
<p>Council of the European Union (2021), Resolution of the Council and of the representatives of the Governments of the Member States meeting within the Council on the key features of a European Sport Model, OJ C 501, 13.12.2021, p. 1–7</p>	<p>https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celext:x:42021Y1213(01)</p>	<p>EN</p>	<p>2021</p>	<p>The Resolution aims to promote the benefits of the values and traditions of European sport for European society. The resolution highlights the key features of the European sport model, mainly focusing on values-based organised sport.</p>
<p>Dulitzky, A. (2023), El tri: deportes, derecho y violencia (Triptych: Sport, law and violence (Dulitzky, A. (2023). Triptych: Sport, law and violence)</p>	<p>https://archivos.juridicas.unam.mx/www/bjv/libros/15/7190/10.pdf</p>	<p>ES</p>	<p>2023</p>	<p>The publication covers the relationship between sport and human rights, discussing the approach taken by international federations to protect the rights of professional athletes, describing the main human rights granted to professional athletes and its main limitations.</p>
<p>EU Athletes (2022), Research on the long-term impact of the COVID-19 Pandemic on Players and their Player Associations</p>	<p>https://euathletes.org/wp-content/uploads/2022/06/EUA-</p>	<p>EN</p>	<p>2022</p>	<p>The paper is based on a survey conducted with 27 players associations (members of EU Athletes) covering 15 countries and various sports. The results found that because of the pandemic, there is increased demand for player associations' services. In addition, results highlight the need for improvement of the protection of athletes' rights in the following areas: 1) Involvement of players' associations in</p>

	REPORT_FINAL_0622.pdf			decision-making, 2) Targeted support for elite women's sport, 3) Access to dual career programmes, 4) Mental health support, 5) Recognising rights of athletes as workers.
EU Athletes (2021), Statement on Rule 50.	https://euathletes.org/statement-on-rule-50-of-the-olympic-charter/	EN	2021	The statement expresses concern for the IOC's report and recommendations, as a result of consultation with Athletes Committees and Commissions, on Rule 50 of the Olympic Charter. According to EU Athletes, the Rule 50 disregards athletes' fundamental human rights. They call on governments, international organisations, and sport stakeholders to encourage the IOC to amend rule 50 and allow peaceful protests on issues that are important to athletes and wider society.
EU Athletes (2022), Common Position Paper 2022: Athletes Rights are Human Rights.	https://euathletes.org/wp-content/uploads/2022/11/EUA_COMMON-POSITION-PAPER_2022_BDef.pdf	EN	2022	The document presents the common position of EU Athletes' members, player unions and associations across Europe, on 12 topics that have been identified as fundamental for professional and elite athletes.
EU Athletes (2021), Response to the Lobby for a "European sports model".	https://euathletes.org/eu-athletes-statement-on-the-key-features-of-a-european-sport-model/	EN	2021	This document provides EU Athletes' statement on 'the key features of a European Sport Model' following the adoption of the Council Resolution. They expressed the need to have ongoing discussions through multi-stakeholder consultations and initiatives on a European Sport Model and ensuring that sport is well governed, complies with the law and respects the fundamental rights of athletes and other stakeholders.

<p>European Commission (2022), Study on the European Sport Model: A report to the European Commission.</p>	<p>https://op.europa.eu/en/publication-detail/-/publication/d10b4b5b-e159-11ec-a534-01aa75ed71a1/language-en/format-PDF/source-258671565</p>	<p>EN</p>	<p>2022</p>	<p>The study has aimed to provide more informed evidence and background on what is happening to the European Sport Model at large through undertaking a mapping of the evolution of sport governance regulations, finances and practices in different places and different organised sports over time. It provides useful insights on governance trends across sport federations, as well as important context on the broader trends influencing sport governance and sport more generally.</p>
<p>European Commission (2022), Towards more gender equality in sport: recommendations and action plan from the High-Level Group on Gender Equality in sport.</p>	<p>https://op.europa.eu/en/publication-detail/-/publication/684ab3af-9f57-11ec-83e1-01aa75ed71a1</p>	<p>EN</p>	<p>2022</p>	<p>The report covers the situation faced by women in sport, as well as the way forward to improve gender equality in sport. It covers all levels of sport, from recreational to elite sport. It covers issues related to participating, leadership, economics, media coverage, and gender-based violence. The report includes recommendations for the European Commission, Member States, international and national sport organisations, and the grassroots level.</p>
<p>European Commission (2024), Expert Group on Strengthening the recovery and the crisis resilience of the sport sector during and in the aftermath of the COVID-19 pandemic. Final report.</p>	<p>https://op.europa.eu/en/publication-detail/-/publication/a482583b-b3a7-11ee-b164-01aa75ed71a1</p>	<p>EN</p>	<p>2024</p>	<p>This report stems from an Expert Group established by the European Commission in 2021 to address the challenges faced by the sport sector during and post the COVID-19 pandemic. The report focuses on the pandemic's direct impacts as well as environmental sustainability, climate change, and governance. It also touches upon the welfare and athlete's rights in decision-making process, including the precarious nature of athletes' employment during the pandemic which raised concerns about their rights, social protections, and health.</p>

<p>European Court of Human Rights (2022), Factsheet: Sport and the European Convention on Human Rights.</p>	<p>https://www.echr.coe.int/documents/d/echr/fs_sport_eng</p>	<p>EN</p>	<p>2022</p>	<p>This factsheet provides an overview of recent / ongoing cases relating to sport and human rights. Some of the cases include those related to sport spectators and sport organisations, but the majority relate to athletes. They include cases on the freedom of expression, the right to a fair trial, the right to privacy (in anti-doping contexts), and the prohibition of discrimination.</p>
<p>European Parliament (2010), The Lisbon Treaty and EU Sport Policy.</p>	<p>https://www.europarl.europa.eu/meetdocs/2009_2014/documents/cult/dv/estudyusportspolicy/esstudyusportspolicyen.pdf</p>	<p>EN</p>	<p>2010</p>	<p>This report summarises the possibilities of EU sport policy right after the approval of the Lisbon Treaty that provided the EU with competence on sport in 2009. It focuses in particular on ensuring the fairness and openness of sporting competitions, as well as the freedom of movement and competition.</p>
<p>European Parliament, CULT Committee (2021). EU Sports Policy: assessment and possible ways forward.</p>	<p>https://www.europarl.europa.eu/RegData/etudes/STUD/2021/652251/IPOL_STU(2021)652251_EN.pdf</p>	<p>EN</p>	<p>2021</p>	<p>This study provides a comprehensive overview of the historical perspective and current state of EU sports policy such as relevant EU policy documents and the most recent actions of EU institutions, human and social rights, principles of good governance, hosting sport mega events, the impact of digitalisation on sport, and the socio-cultural aspect of sport. The study takes stock of the development of European sport from the previously mentioned perspectives and considers scenarios for the future governance of sport.</p>
<p>European Parliamentary research Service (2021), How coronavirus infected sport.</p>	<p>https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/65</p>	<p>EN</p>	<p>2021</p>	<p>The briefing document provides an overview of the socio-economic impact of the COVID-19 pandemic on the sporting industry as a whole (i.e. loss of direct sports related GDP), and specifically on sport federations (i.e. loss of revenue and opportunities for athletes, unemployment) and directly on</p>

	9449/EPRS_BRI(2021)659449_EN.pdf			athletes (i.e. salary cuts, lack of social protection). The paper also briefly discusses the specific and even more adverse implications for professional women's football. Finally, the briefing presents a list of national response measures (e.g., exemption or postponement of tax, rent and social security obligations, targeted funds).
Fenton, C., (2023), Gérer les tensions concurrentes des médias sociaux en tant qu'athlète de haut niveau. (Caela Fenton (2023), Managing the competing tensions of social media as an elite athlete.)	https://sirc.ca/fr/blog/des-medias-sociaux-en-tant-quathlete-de-haut-niveau/	FR	2023	This article summarises diverse research on the impact of social media on sport and athletes more generally. While social media platforms have allowed athletes to earn money more easily, or stand up for causes they believe in, it also makes them more accessible and visible on a global scale which can lead to new pressures and abuse.
FIFPRO World Players' Union (2023), FIFA World Cup 2022: Post-tournament review & player survey.	https://fifpro.org/reports/fifa-world-cup-2022-post-tournament-review-and-player-survey/	EN	2023	This report from FIFPRO presents the results of a survey of players that participated in the 2022 FIFA World Cup on the workload demands they faced. The World Cup was exceptionally held in winter rather than summer, and related scheduling decisions taken by club competition organisers resulted in an extremely heavy workload for players, impacting their performance, physical and mental health.
FIFPRO (2019), At the Limit: Player Workload in Elite Professional Men's Football.	https://www.fifpro.org/media/bffctrd1/at-the-limit.pdf	EN	2019	This report provides players' perspectives of their workload from club and country duties. The report builds on previous FIFPRO medical reports and player surveys. Additional scientific findings concerning the exposure of players to excessive workloads and insufficient rest is also considered.

<p>FIFPRO (2022), Post-Tournament Blues Guide: By the Players, For the Players.</p>	<p>https://fifpro.org/media/3ogpx2xz/post-tournament-blues-guide.pdf</p>	<p>EN</p>	<p>2022</p>	<p>FIFPRO developed this guide on post-tournament blues after the issue was raised by Stephanie Labbé and based it on the experiences shared by other female athletes consulted in 2022. It provides an overview of what can lead to lower mental health following a large sporting event, what types of feelings may come as a result, and how individuals / teammates can seek support.</p>
<p>FIFPRO, NBPA, WNBPA (2022), Decoding Online Abuse of Players. Collective Responses by Players and Unions</p>	<p>https://fifpro.org/media/ntie13bw/fifpro-nbpa-wnbpa-decoding_online_abuse.pdf</p>	<p>EN</p>	<p>2022</p>	<p>The report is an outcome of a project which focused on targeted online abuse and how it affects mental health and well-being of today's top athletes. The report raises important questions about athletes' workplace and what can be done to ensure they enjoy adequate protection as workers.</p>
<p>Global Athlete (2020), 2020 Survey Results: Athlete rights, Athlete welfare, Athlete representation</p>	<p>https://static1.squarespace.com/static/62977c0c6d5ae019f8967785/t/62d5402531a49939d63d5c39/1658142758869/Global%2BAthlete%2BSurvey%2BResults%2BRights%2BWelfare%2BCompensation.pdf</p>	<p>EN</p>	<p>2020</p>	<p>The report includes results of the Global Athlete's listening exercise, which surveyed 491 athletes from 48 countries representing all continents. Athletes from 40 summer and 16 winter sports provided feedback on athlete rights, welfare and representation.</p>

<p>Heerdt, D., Rook, W., (2022), Remedy and redress for sport-related human rights abuses. <i>Int Sports Law J</i>, 22, 85–92.</p>	<p>https://link.springer.com/article/10.1007/s40318-022-00227-0</p>	<p>EN</p>	<p>2022</p>	<p>The paper looks into the context of human rights abuses in and around big sporting events, including that of athletes and those involved in the construction or hosting of major events. While in principle there is a range of dispute resolution methods and mechanisms available, few of them have an explicit mandate or capacity to address human rights issues in the context of sport or sporting events. Solutions for an effective remedy are the responsibility of international federations and sport organisations (e.g., IOC, FIFA) and states as primary duty-bearers for protecting human rights.</p>
<p>Hussein, Al Prince Zeid R. Davis, R. (2020), Recommendations for an IOC Human Rights Strategy, Expert Report.</p>	<p>https://stillmedab.olympic.org/media/Document%20Library/OlympicOrg/News/2020/12/Independent_Expert_Report_IOC_HumanRights.pdf</p>	<p>EN</p>	<p>2020</p>	<p>The document was prepared by two independent experts (i.e. UN human rights specialists), which starts with common human rights challenges facing athletes, including harassment which is enabled by inappropriate governance models of sport organisations. In light of this, there are recommendations (with a step-by-step guide) designed for the IOC to better identify and tackle human rights risks, based on the UNGP framework, which should seek to protect individuals as opposed to the Olympic Movement.</p>
<p>ILO (2022), Declaration on Fundamental Principles and Rights at Work.</p>	<p>https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/normativeinstrument/wcms_716594.pdf</p>	<p>EN</p>	<p>2022</p>	<p>The ILO Declaration on Fundamental Principles and Rights at Work, adopted in 1998 and amended in 2022, is an expression of commitment by governments, employers' and workers' organisations to uphold basic human values.</p>

<p>ILO (2020), Global Dialogue Forum on Decent Work in the World of Sport: Points of Consensus.</p>	<p>https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/meetingdocument/wcms_735388.pdf</p>	<p>EN</p>	<p>2020</p>	<p>This document outlines the points of consensus that were adopted at the ILO's Global Dialogue Forum on Decent Work in the World of Sport. It covers points related to opportunities for and challenges to decent work in the world of sport, current practices in advancing decent work in the world of sport, and recommendations for future action by the ILO and its Members.</p>
<p>ILO (2023), ILO Sectoral Brief: COVID-19 and the sports sector.</p>	<p>https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/briefingnote/wcms_870973.pdf</p>	<p>EN</p>	<p>2023</p>	<p>This sectoral brief provides an overview of the impact of the pandemic on athletes' employment situation, working conditions, mental and physical health, and the extent to which social dialogue and social protection was available from national governments, sport federations and player associations. Many of the findings point out inequalities between men and women athletes, as well as athletes with disabilities who were overall more severely impacted by the pandemic.</p>
<p>International Olympic Committee (2023), Olympic Charter.</p>	<p>https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf</p>	<p>EN</p>	<p>2023</p>	<p>The Olympic Charter sets out the main principles, and rules of the Olympic Movement. This includes rules on the mission, composition and role of the IOC, international federations, and NOCs. Moreover, it sets out the organisation of the Olympic Games, rules of participation, and ways of dispute resolution.</p>

<p>International Olympic Committee (2020), The European Sport Model.</p>	<p>https://rm.oe.int/the-european-sport-model-paper-by-the-ioc/1680a1b876</p>	<p>EN</p>	<p>2020</p>	<p>This document provides IOC's opinion on the European Sport Model. It describes the European sport model and provides recommendations on how the model can be safeguarded and improved. It requests high level political support, to uphold principles of good governance, transparency, and integrity in all sport activities.</p>
<p>International Olympic Committee Athletes' Commission (2021), Athlete expression consultation report.</p>	<p>https://olympics.com/athlete365/app/uploads/2021/04/IOC_AC_Consultation_Report-Athlete_Expression_21.04.2021.pdf</p>	<p>EN</p>	<p>2021</p>	<p>This report covers athletes' perspectives on Rule 50 of the Olympic Charter and the right to freedom of expression.</p>
<p>International Olympic Committee (2018), Athletes' Rights and Responsibilities Declaration.</p>	<p>https://olympics.com/athlete365/athletes-declaration/</p>	<p>EN</p>	<p>2018</p>	<p>This Declaration outlines a common set of aspirational rights and responsibilities for athletes within the Olympic Movement and within the jurisdiction of its members. It is inspired by the Universal Declaration of Human Rights and other internationally recognised human rights standards, principles and treaties. Its objective is to guide the Olympic Movement's actions.</p>
<p>International Olympic Committee (2021), IOC Mental Health in Elite Athletes Toolkit.</p>	<p>https://stillmed.olympics.com/media/Document%20Library/IOC/Athletes/Safe-Sport-</p>	<p>EN</p>	<p>2021</p>	<p>This toolkit is aimed at assisting Olympic Movement stakeholders develop and implement initiatives related to the protection and promotion of mental health and well-being in elite athletes. It provides an overview of the prevalence / causes of poor mental health amongst athletes, as well as the role sport organisations, athlete entourages and health professionals play in athlete well-being.</p>

	Initiatives/IOC-Mental-Health-In-Elite-Athletes-Toolkit-2021.pdf			
International Olympic Committee (2024), IOC Code of Ethics.	https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/Documents/Code-of-Ethics/Code-of-Ethics-ENG.pdf?_ga=2.130554959.1932098033.1677582407-1835431091.1676301713	EN	2024	The IOC's Code of Ethics applies to sport organisations operating under the IOC. The most relevant elements are those under good governance and safeguarding procedures. The document includes the IOC's Basic Universal Principles of Good Governance, of which Principle 5 relates entirely to support for athletes. It calls for appropriate measures to adopt and implement the Athletes' Rights and Responsibilities Declaration, as well as other relevant measures.
International Olympic Committee (2017), Safeguarding athletes from harassment and abuse in sport: IOC Toolkit for IFs and NOCs.	https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/IOC/What-We-Do/Promote-Olympism/W	EN	2017	The IOC's safeguarding toolkit provides sport organisations with principles and guidelines to use when developing safeguarding policies. The toolkit underlines the importance of cooperation and communication between stakeholders and the need to implement preventative efforts and policies that centre around athlete well-being.

	omen-And-Sport/Boxes%20CTA/IOC_Safeguarding_Toolkit_ENG_Screen_Full1.pdf			
International Olympic Committee (2022), IOC Strategic Framework on Human Rights.	https://stillmed.olympics.com/media/Documents/Beyond-the-Games/Human-Rights/IOC-Strategic-Framework-on-Human-Rights.pdf	EN	2022	The framework provides a history of the IOC's work on protecting athletes' human rights up until 2021, the adoption of the Olympic Agenda 2020+5 with a commitment to amend the Olympic Charter and develop a strategic framework on human rights. The document also presents recommendations of these documents, the IOC's areas of responsibility and its objectives for 2024, including specific actions.
International Olympic Committee (2022), IOC Basic Universal Principles of Good Governance within the Olympic Movement.	https://stillmed.olympics.com/media/Documents/Beyond-the-Games/Integrity/Bonne-Gouvernance-EN.pdf	EN	2022	The publication includes a summary of 7 Basic Universal Principles of Good Governance within the Olympic Movement. Principle 5 refers to the support to athletes including athletes' rights and responsibilities and representation and active participation in the decision-making processes among others.
International Olympic Committee (2023), Empowering Athletes: Launch of a Practical Guide to	https://olympics.com/athlete365/voic/e/empowerin	EN	2023	The guidebook aims to reinforce the rights and responsibilities of athletes across the Olympic Movement and provides a detailed roadmap for organisations to implement the Athletes' Declaration gradually and

Implement the Athletes' Declaration - Athlete365.	g-athletes-launch-of-a-practical-guide-to-implement-the-athletes-declaration/			effectively. It outlines practical steps, shares best practices, and offers insights into successful implementation by other NOCs and IFs.
International Olympic Committee (2023), Guidelines on athlete expression for the Paris Olympics-Athlete365.	https://olympics.com/athlete365/app/uploads/2024/01/2023.12.01.-OC-Athlete-expression-guidelines-amendment-EN.pdf	EN	2023	The Guidelines reflects on the rights of athletes' expression during the Olympic Games taking into consideration the changes of the Olympic Charter adapted in October 2023. It explains when and how athletes can express their views during the Games and what limitations they have.
International Olympic Committee (2023), Rule 40 - Athlete365.	https://olympics.com/athlete365/rule-40/	EN	2023	The publication includes updated information on Rule 40, the latest key principles, illustrative guidance and an FAQ document for the Olympic Games Paris 2024.
Kegelaers, J. Wylleman, P. Defruyt, S. Praet, L. Stambulova, N. Torregrossa, M. Kenttä, G. Brandt De, K. (2022), The mental health of student-athletes: a systematic scoping review, International Review of Sport and Exercise Psychology, DOI: 10.1080/1750984X.2022.2095657	https://psycnet.apa.org/record/2022-82932-001	EN	2022	This systematic scoping review of the research focuses on athletes' possibilities to combine their elite sport with an academic career (i.e., student-athletes) and its impact on their mental health. Results show that student-athletes were at a similar or decreased risk for mental health problems, although notable exceptions were identified.

<p>Lyons, Deirdre, et al., (2022), Tackle Your Feelings: Experience of Help-Seeking for Mental Well-Being Concerns in Professional Rugby Union Players.</p>	<p>https://journals.humankinetics.com/view/journals/jcsp/aop/article-10.1123-jcsp.2022-0014/article-10.1123-jcsp.2022-0014.xml</p>	<p>EN</p>	<p>2022</p>	<p>This journal article presents findings from a qualitative study on players' experiences with Rugby Players Ireland's mental wellbeing service. It covered players' experiences of mental health in a high-performance environment, as well as experiences with wellbeing services. It highlights the importance of embedding mental health literacy in the broader sports environment and ensuring players have access to readily available support.</p>
<p>Matín-Portugués, F. P. (2018), Los derechos «comunes» del deportista profesional. (Common rights of professional athletes in Spain) Editorial Reus.</p>	<p>https://burjcdigital.urjc.es/bitstream/handle/10115/13224/Tesis%20Fulgencio%20Pagan.pdf?sequence=1&isAllowed=y</p>	<p>ES</p>	<p>2015</p>	<p>The publication discusses various topics related to the nature of labour in professional sport and the rights and obligations of professional athletes. The publication mentions the Royal Decree 1006/1985, which aimed to consolidate the progress made in protecting athletes' rights, particularly by eliminating the "right of retention."</p>
<p>McNamee, M. Harvey, Bottenburg Maarten van A. Geeraert, A. Semenova, A. Sampedro, Carrio A. Fabra, P. Fiege, L. Seltmann, M. Andersen Sejer J. Coq, Le C. (2023), Strengthening Athlete Power in Sport: A guide to opening new ways in sports governance. SAPIS project.</p>	<p>https://www.playthegame.org/media/15xbc34n/sapis-good-practice-guide.pdf</p>	<p>EN</p>	<p>2023</p>	<p>The paper provides results of the SAPIS project which assessed how athletes are formally represented in international sport organisations and compiles a good practice guide on athlete representation and sports governance. It includes findings on the role of athletes' commissions, their composition, and the presence of athletes in decision-making bodies.</p>

<p>Mega Sporting Events: Platform for Human Rights (2017), Sporting Chance White Paper 2.4: Remedy Mechanisms for Human Rights in the Sports Context</p>	<p>https://www.ihrb.org/uploads/reports/MSE_Platform%2C_Remedy_Mechanisms_for_Human_Rights_in_the_Sports_Context%2C_Jan-2017.pdf</p>	<p>EN</p>	<p>2017</p>	<p>This White Paper goes in depth on the grievance mechanisms available to athletes in the context of MSEs. It focuses in particular on existing state-based judicial, state-based non-judicial, and non-state-based mechanisms, including their strengths and weaknesses. It identifies existing gaps in grievance mechanisms, recommendations for how they can be filled, and good practice case studies of MSEs providing access to remedy.</p>
<p>Mega Sporting Events: Platform for Human Rights (2017), Sporting Chance White Paper 4.2: Athletes' Rights and Mega-Sporting Events.</p>	<p>https://www.ihrb.org/uploads/reports/MSE_Platform%2C_Athletes_Rights_and_Mega-Sporting_Events%2C_Jan._2017.pdf</p>	<p>EN</p>	<p>2017</p>	<p>This White Paper provides an overview of the interface between ISOs, as the international governing bodies of sport, and the application of international human rights standards to athletes, particularly in the context of MSEs.</p>
<p>Mind (2022), Mental health in elite sport: How attitudes and support have changed.</p>	<p>https://www.mind.org.uk/media/12369/mental-health-in-elite-sport-report-2022-vf.pdf</p>	<p>EN</p>	<p>2022</p>	<p>This report from the UK mental health charity, Mind, updates the findings of a report from 2014 on mental health in elite sport. It covers what changes have been working, including mentioning a few positive examples, as well as where more efforts are needed.</p>

Mittag, J. Seltmann, M. Fiege, L. O'Leary, L. Zembura, P.I Luiz Haas, L. Santos, T. Smokvina, V. Tomczyk, P. Lämmer, M. Schadwinkel, S. (2022), Good Governance in the Employment Relations of Athletes in Olympic Sports in Europe, EMPLOYS Project.	https://repository.pravri.uniri.hr/en/islandora/object/pravri%3A3107	EN	2022	This study explores the framework of athletes' employment and social relations, in particular in the context of Olympic sports. It maps and evaluates current practices in national and EU contexts on the basis of rights-based good governance in the employment relations of athletes. Finally, it provides recommendations on contracts, income, commercial opportunities, occupational safety and health, social protection, participation and bargaining.
Official Journal of the European Union (2020), Resolution of the Council and of the Representatives of the Governments of the Member States meeting within the Council on the European Union Work Plan for Sport (1 January 2021-30 June 2024).	https://eur-lex.europa.eu/legal-content/EN/XT/?uri=CELEX%3A42020Y1204%2801%29	EN	2020	The Resolution establishes the EU Work Plan for Sport 2021-2024. It clearly states priorities, key topics, sub-themes, goals, responsible bodies, outputs and target dates and the leading organisation. It is a policy document for the EU, its presidencies, and the Members States. Relevant sport stakeholders are encouraged to participate in various working formats as experts in the field.
Purcell, Gwyther and Rice (2019), Mental Health in Elite Athletes: Increased Awareness Requires an Early Intervention Framework to Respond to Athlete Needs	https://link.springer.com/article/10.1186/s40798-019-0220-1	EN	2019	The Paper reviews the current situation of elite athlete mental health and wellbeing, which has primarily focused on awareness and mental health literacy, but not addressing already persisting issues. The Paper proposes a comprehensive mental health framework focused on both prevention and intervention.
Reardon, C. L., et al., (2019), Mental health in elite athletes: International Olympic Committee consensus statement.	https://bjsm.bmj.com/content/53/11/667	EN	2019	The IOC convened a consensus meeting on 12–14 November 2018 in Lausanne, Switzerland, at which experts reviewed the scientific literature addressing mental health symptoms and disorders in elite athletes.
Rook, W, Heerdt D. (2024), The Routledge Handbook of Mega-Sporting Events and Human Rights, Routledge.	https://www.routledge.com/The-Routledge-	EN	2024	The book explores the topic of mega-sporting events (MSEs) and human rights, offering accounts of adverse human rights impacts linked to MSEs while considering the potential

	Handbook-of-Mega-Sporting-Events-and-Human-Rights/Rook-Heerd/p/book/9781032298924			for promoting human rights in and through the framework of these events.
Ruotolo G. M. (2022), Diritto allo sport e nello sport nell'ordinamento internazionale tra tutela dei diritti fondamentali e perseguimento della pace: alcune considerazioni sulle misure sportive contro la Russia (Ruotolo G. M. (2022), Right to sport and in sport in the international legal system between protection of fundamental rights and pursuit of peace: some considerations on sporting measures against Russia)	https://www.dirittodellospport.eu/sito/wp-content/uploads/2022/06/DdS-1-2022-a-Ruotolo_Diritto-allo-sport-e-nello-sport-1.pdf	IT	2022	The article examines the existence of a fundamental right to sports at the international level, exploring whether and to what extent international law includes provisions that require states to ensure individuals the right to engage in sports activities. It also explores how international law impacts sports governance, particularly in terms of non-discrimination and actions for promoting peace, with a specific focus on the recent measures taken against Russia.
Safe Sport International (2014), Safe Sport International Declaration and Principles - A Platform for action.	https://www.paralympic.org/sites/default/files/document/180522085027180_2_4_Attachment_Safe+Sport+International+Declaration+and	EN	2014	The Safe Sport Declaration that the sports movement should set up a mechanism to monitor and quality assure compliance by all NOCs and international federations with the proposed 10 Safe Sport International Principles.

	+Principles.pdf			
Schinke, J. R. Henriksen, K. Petersen, B. Wylleman, P. Si, G. Zhang, L. McCann, S. Papaioannou, A. (2021), Pathways through acute athlete care during training and major tournaments: a multi-national conceptualised process, <i>International Journal of Sport and Exercise Psychology</i> , 19:3, 295-309, DOI: 10.1080/1612197X.2021.1892940	https://www.tandfonline.com/doi/full/10.1080/1612197X.2021.1892940	EN	2021	This consensus statement focuses on discussions and structural suggestions regarding standards of care for athletes in their daily training environments and at major international tournament events. Emphasis is placed on how an integrated support team can work efficiently with high-performance athletes when acute care is required in two general contexts: (1) within the training environment, and (2) on site at major events. A model is proposed to spur discussions and better standards to guide the athlete acute care process. Recommendations are provided for sport psychology practitioners, researchers, and high-performance sport organisations.
Seltmann, M. (2021), Disrupting institutional reproduction? How Olympic athletes challenge the stability of the Olympic Movement, in <i>Sport und Gesellschaft</i> , vol. 18, no. 1, 2021, pp. 9-37.	https://www.degruyter.com/document/doi/10.1515/sug-2021-0002/html	EN	2021	The paper discusses the impact of the emerging role of Olympic athletes in the Olympic Movement, in light of recently established independent associations, and cases where athletes were supported by public authorities in the fight for their human rights, and representation in decision-making. In this context, it presents the IOC membership structure, and new bodies established by Olympic athletes, as well as their growing influence through cases, such as the relaxation of Rule 40 of the IOC Charter, and the financial support granted to Athleten Deutschland by the German Parliament.
Solazzi G., (2021), Endorsement Agreements: Lo sfruttamento dell'immagine di un atleta, in <i>Diritto dello Sport</i> , Volume 1. (Solazzi G., (2021), Endorsement Agreements:	https://www.dirittodellospport.eu/sito/wp-content/uplo	IT	2021	The article discusses the commercial utilisation of a celebrity or athlete's image, differentiating between sponsorship and endorsement. It examines the regulations imposed by various federations that restrict endorsement agreements, including the IOC's Rule 40. The article specifically focuses

The exploitation of an athlete's image, in Sports Law, Volume 1).	ads/2021/07/DdS-1-2021-d.-Solazzi.pdf			on key provisions within these contracts, such as the suitability clause and moral clause, which enable brands to terminate endorsements in response to scandals involving endorsers.
Talleu, C. (2016), Gender equality in sports. Council of Europe – EPAS.	https://edoc.coe.int/en/gender-equality/6957-gender-equality-in-sports.html	EN	2016	The handbook on good practices presents general notions on gender equality in sport (mostly as a leisure activity). It looks at the most common areas of inequalities and obstacles of women's access and participation in sport. However, it does not focus on elite athletes.
Tuakli-Wosornu YA, Goutos D, Ramia I, et al. (2021), Development and validation of the athletes' rights survey. BMJ Open Sport & Exercise Medicine 2021;7:e001186. doi:10.1136/bmjsem-2021-001186.	https://bmjopensem.bmj.com/content/7/4/e001186	EN	2021	The paper explores athletes' knowledge, attitude and beliefs about their rights (as per the IOC and WPA declarations) in sport. The methodology includes a survey and interview with 13 athletes, and a survey validation process with over 1,000 athletes. Key findings include challenges with the interpretation of words such as 'pressure,' 'violence,' and 'harassment' in sport.
Tuakli-Wosornu YA, Goutos D, Ramia I, et al. (2022), 'Knowing we have these rights does not always mean we feel free to use them': athletes' perceptions of their human rights in sport. BMJ Open Sport & Exercise Medicine 2022; 8:e001406. doi:10.1136/bmjsem-2022-001406	https://bmjopensem.bmj.com/content/8/3/e001406	EN	2022	The study aims to determine athletes' knowledge, attitudes and beliefs about their human rights in sport settings. Despite multiple global rights declarations that enshrine athletes' entitlements at the policy level, the study looks at how these documents translate to athletes' lived experiences.
UNESCO (2017), Kazan Action Plan.	https://unesdoc.unesco.org/ark:/4822	EN	2017	The Kazan Action Plan was developed during the Sixth International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport. It covers actions and priorities to contribute to the achievement of

	3/pf0000252725			SDGs in the fields of physical education, physical activity and sport.
World Players Association and UNI Global Union (2017), Universal Declaration of Player Rights.	http://uniglobalunion.dev-zone.ch/sites/default/files/imce/world_players_udpr_1-page_0.pdf	EN	2017	The Declaration aims to protect players from ongoing and systemic human rights violations in global sport. The Declaration, the first comprehensive articulation of athletes' rights, sets a benchmark for international sporting organisations to meet their obligations to protect, respect and guarantee the fundamental rights of players.
World Players Association (2019), The Economic Rights of Players.	https://uniglobalunion.org/wp-content/uploads/WPA-Economic-Rights-of-Players-2019.pdf	EN	2019	This is the WPA's declaration on the Economic Rights of Players. It first outlines the legal basis of players' rights, then sets out five key requirements that sport must comply with to embed the economic rights of players into their activities and business relationships.
World Players Association (2020), Economics of international sport bodies.	https://uniglobalunion.org/wp-content/uploads/WPA_Economics-of-ISFs-2020_FINAL.pdf	EN	2020	The report focuses particularly on the revenues received by SGBs through mega sporting events and the share of this that is made available to athletes (i.e., through prize money). Where possible, it provides a gendered breakdown as well, highlighting pay disparities.

<p>World Players Association (2021), Census of Athlete Rights Experiences (CARE): Report 2021.</p>	<p>https://files.cargocollective.com/c520687/World-Players_CAR_E-Report-2021-.pdf</p>	<p>EN</p>	<p>2021</p>	<p>The report is based on the results of an online questionnaire with nearly 300 active and former athletes (regularly competing in big sport events) who participated in organised sport as a child, and testimonies from interviews. The report explores to what extent athletes' rights of protection, participation and provision were respected as children. While exploring these, the report cites several cases of abuse of rights, e.g., physical abuse, mental pressure, lack of remedy, etc. Key findings show that over 60% of athletes surveyed experienced emotional abuse, and nearly 40% physical abuse. Many of them were not aware of ways of protection and athlete representation.</p>
<p>World Players Association (2023), #Right2Organise Survey & Report: Effective Athlete Representation in Global Sport.</p>	<p>https://uniglobalunion.org/wp-content/uploads/WPA-R2O-Report_Digital-1.pdf</p>	<p>EN</p>	<p>2023</p>	<p>The WPA conducted a survey in 2022 of 79 player associations from 48 countries and 17 different sports to explore how the right to organise (#R2O) is respected, and the role of players associations in this regard.</p>

Annex Two: Case studies on issues or breaches of athletes' rights

Case study 1: Athlete protections during the IAAF World Championship 2019

Study on athletes' rights in and around big sport events

Produced by: Ecorys

Date produced: May 2024

Introduction

The 'Study on athletes' rights in and around big sports events' maps, defines and discusses athletes' rights in and around big sport events focusing on three dimensions: sport governance and athletes' representation; global politics and use of social media; and mental health. Each case study explores a specific topic related to athletes' rights in the context of big sport events within one of the three themes of the study, providing examples of specific issues and/or breaches of athletes' rights.

The case study provides an overview of the topic concerned, the main factors that conflict with athletes' rights, how they impacted the athlete(s) and what the lessons learnt are for the future. Contributions from an affected athlete and other stakeholders gathered through interviews are included throughout the case study but they do not necessarily represent the views of all parties involved.

Background

World Athletics (formerly known as IAAF – the International Association of Athletics Federations) is the international governing body for the sport of athletics. In November 2014, the IAAF Council voted and awarded the city of Doha (Qatar) to host the 2019 IAAF World Championships⁴⁵³. This big sport event sparked an animated debate around the climate-related challenges that were faced by athletes competing in athletics endurance events. For example, despite the risk mitigating actions undertaken by the event organisers, over 40% of the runners in the women's marathon failed to reach the finish line due to extreme heat, as the competition ended with a temperature of 32°C and 74% humidity⁴⁵⁴.

The 2019 IAAF World Championship case was quite important to understand the potential implications of hosting big sport events in locations characterised by unfavourable weather conditions. Moreover, the case contributed to raising awareness around the health protection afforded to athletes during big sport events, as also witnessed by the actions taken by international federations and organisers of other big sport events to prevent heat-related illnesses for elite athletes (i.e., Olympic Games Tokyo 2020, FIFA 2022⁴⁵⁵ and 2026⁴⁵⁶ World Cup, etc.).

⁴⁵³ Bermon, S., & Adami, P. E. (2019), *Meteorological risks in Doha 2019 athletics world championships: health considerations from organizers.*, *Frontiers in Sports and Active Living*, 1, 58, https://www.researchgate.net/publication/337192421_Meteorological_Risks_in_Doha_2019_Athletics_World_Championships_Health_Considerations_From_Organizers

⁴⁵⁴ Ibid.

⁴⁵⁵ Scott, D., DeChano-Cook, L.M., Dingle, G., Ross, W. J. (2023), *How climate change could affect the future of the FIFA World Cup*, Taylor and Francis, <https://insights.taylorandfrancis.com/sustainability/climate-change-world-cup#>

⁴⁵⁶ Lockwood, D. (2023), *World Cup 2026: Could climate crisis impact the men's tournament?*, BBC, <https://www.bbc.com/sport/football/66211285>

Main enabling factors

In recent years, a growing number of top athletics athletes have complained about the increasing impact of extreme heat on their performance and about events hosted in locations characterised by adverse weather conditions (i.e., 2010 Delhi Commonwealth Games⁴⁵⁷, 2016 US Olympic trials in Los Angeles⁴⁵⁸, etc.). In this context, the 2019 IAAF World Championships organised in Qatar was also characterised by extreme weather conditions and high risks of heat-related illnesses for athletes⁴⁵⁹.

While several **risk-mitigating measures** were taken in accordance with the IAAF Competition Medical Guidelines⁴⁶⁰, it has been argued that the organisation of this competition did not fully prevent the occurrence of heat-related illnesses⁴⁶¹. In particular, due to the high number of athletes that dropped out from the competition and that required medical investigations after the competition, a more precise assessment of the risks associated with heat-related illnesses and more effective guidelines for preventing such illnesses could have been put in place to ensure adequate protection of athletes' health during this large sporting event.

As part of the IAAF Competition Medical Guidelines⁴⁶², Chapter Three specifically covers the potential impact of **adverse meteorological conditions during competitions**. A specific composite indicator is used to assess the feasibility of the competition, which considers both the athlete's body temperature and the environmental temperature⁴⁶³. The Wet Bulb Globe Temperature (WBGT) index was therefore considered to assess the feasibility of the event, as it provides for a corresponding-coloured flag system that can be used to visually signal the thermal injury risk of weather conditions to competitors. For instance, a black flag means an extreme risk and corresponds to WBGT above 28°C. A red flag means a high risk and corresponds to WBGT between 23 and 28°C⁴⁶⁴.

Since extreme heat conditions are usually registered throughout the entire day in Doha during the month of August (i.e., when IAAF World Championships usually took place), in line with the pre-event assessment, one of the first mitigating measures was to shift the dates of the competition and to host the event in September – October. However, during September – October, the mean WBGT was expected to be above 28°C (black flag)

⁴⁵⁷ Ingle, S. (2019), *IAAF make extra provisions for extreme heat at world championships in Qatar*, The Guardian, <https://www.theguardian.com/sport/2019/sep/25/iaaf-world-athletics-championships-qatar>

⁴⁵⁸ Oikawa, Y., Downie, V., Tipton, M., Marlin, D., Périard, J., Castro, P., & Dyson, J. (2021), *Rings of fire: How heat could impact the 2021 Tokyo Olympics*, British Association for Sustainability in Sport (BASIS), https://basis.org.uk/wp-content/uploads/2021/09/Rings_of_Fire.pdf

⁴⁵⁹ Ibid.

⁴⁶⁰ World Athletics (2020), *Competition Medical Guidelines for World Athletics Series Events – A practical guide*, October 2020 – Second Edition, <https://worldathletics.org/about-iaaf/documents/health-science>

⁴⁶¹ Nestler, S. (2019), *World Athletics Championships in Doha: Foreseeable problems*. Deutsche Welle (DW), <https://www.dw.com/en/iaaf-world-athletics-championships-in-doha-foreseeable-problems/a-50700712>;

Ingle, S., (2019), *Doha world championships 'a disaster', says decathlon record-holder Mayer*, The Guardian, <https://www.theguardian.com/sport/2019/sep/28/world-athletics-championships-doha>

Weber, J. (2019), *Opinion: Everyone's a loser at World Championships*. Deutsche Welle (DW), <https://www.dw.com/en/opinion-everyones-a-loser-at-the-world-athletics-championships-in-qatar/a-50688080>

⁴⁶² World Athletics (2020), *Competition Medical Guidelines for World Athletics Series Events – A practical guide*, October 2020 – Second Edition, <https://worldathletics.org/about-iaaf/documents/health-science>

⁴⁶³ Bermon, S., & Adami, P. E. (2019), *Meteorological risks in Doha 2019 athletics world championships: health considerations from organizers*, *Frontiers in Sports and Active Living*, 1, 58, https://www.researchgate.net/publication/337192421_Meteorological_Risks_in_Doha_2019_Athletics_World_Championships_Health_Considerations_From_Organizers

⁴⁶⁴ Ibid.

between 7 a.m. and 5 p.m., with possibilities to be extended from 6 a.m. to midnight in case of heat waves.

Therefore, most of the IAAF World Championship competitions took place in the Khalifa Stadium, which was equipped with an air-conditioning system that guaranteed an internal temperature as low as WBGT 20°C. However, the warm-up and training areas around the stadium did not offer similar thermal conditions, thus presenting an additional challenge and **increasing injury-related risks** for athletes of disciplines hosted in the stadium (i.e., discus, hammer throw, javelin). Moreover, due to the nature of some competitions (i.e., marathon and race-walking events), it was not possible to host these events inside the stadium and thus the only feasible solution was to start these competitions later at night, despite the still relatively high WBGT temperatures, i.e., between 23 and 28°C (i.e., red flag)⁴⁶⁵.

In this context, the decision to move the competitions to after midnight to ensure a more favourable climate did not contribute to preventing heat-related issues and to ensuring that all athletes could complete the races, as demonstrated by the fact that the temperatures registered were still associated with a high-risk (red flag). In fact, while the temperatures were lower, the humidity made it feel equally warm (i.e., over 40°C). A few experts have argued that the use of WBGT to assess the feasibility of sporting events bears some potential conceptual limitations as it does not take into account the possible restriction of sweating, the type of clothing, and more importantly, the level of endogenous caloric production associated with exercise⁴⁶⁶.

In addition to the potential inadequacies of the risk-mitigating measures, the IAAF awarding decision in favour of Qatar was also strongly debated and culminated in investigations against a few selected IAAF Council members. It has been argued that potential **political interferences** might have played a role in the selection and awarding of this big sport event. A recent paper highlighted the increasing importance in the awarding decisions of the economic dimension of a bid to host these events, rather than of other factors linked to the sporting dimension of the competition (i.e., environment conditions, human rights, sport's appeal, etc.)⁴⁶⁷.

Hosting big international sporting events has been part of Qatar's strategy to diversify its economy and improve its international relations through tourism, trade, and aid⁴⁶⁸. However, the potential political interferences in the organisation of big sport events may have also contributed to federations overlooking some specific critical factors, such as

⁴⁶⁵ Ibid.

⁴⁶⁶ Ibid.

⁴⁶⁷ Knudsen, M. T., Krieger, J., & Duckworth, A. (2020), *The role of global sports events in Qatar's nation promotion strategy: the case of the IAAF 2019 world athletics championships in Doha*, *Journal of Qualitative Research in Education*, 14(1), 49-62, https://www.researchgate.net/publication/350663324_The_role_of_global_sports_events_in_Qatar's_nation_promotion_strategy_the_case_of_the_IAAF_2019_World_Athletics_Championships_in_Doha

⁴⁶⁸ Ibid.

extreme heat conditions, sustainability of infrastructure⁴⁶⁹ and human rights⁴⁷⁰. As in the case of the FIFA World Cup, corruption allegations were also made in relation to the awarding decision of the IAAF 2019 World Championships, with French judges currently investigating whether approximately USD4.5 million was paid by Qatari organisers to a former senior IAAF official ahead of the awarding decision⁴⁷¹.

Impacts of the practice

Heat-related issues are one of the main life-threatening issues for athletes⁴⁷², since both cognitive and physical performance can deteriorate when environmental temperature and/or humidity increases. Several athletes competing in various disciplines of the 2019 IAAF World Championship in Doha faced **cognitive and physical deterioration**, which could have potentially led to long-term health issues. In particular, 28 out of 68 women competing in the marathon dropped out, 30 runners were given medical inspections, and one was briefly hospitalized⁴⁷³. Similarly, in the men's 50km walk, 15 out of 46 athletes dropped out, and six out of 23 were non-finishers in the women's 50km walk. Several athletes complained after the event about the extreme heat conditions experienced outside of the stadium and the strong impact of humidity levels⁴⁷⁴.

Recent research (2023)⁴⁷⁵ highlights that “*high levels of thermal strain were experienced by athletes in the out-of-stadium events at the 2019 IAAF World Athletics Championships, under hot-humid, night-time conditions*”⁴⁷⁶. Research conducted by the British Association for Sustainable Sport (BASIS)⁴⁷⁷ reveals that, according to Steve Boyd, the experienced coach of the Canadian long-distance runner Lyndsay Tessier, Lyndsay needed to adjust her goal pace by 20 seconds per km to make sure she could complete the race. This adjustment was crucial to **avoid potential health repercussions**, but strongly affected Lyndsay's

⁴⁶⁹ To counteract the heat and humidity, the Khalifa stadium was equipped with an air conditioning system which potentially contributed to one of the highest levels of CO2 footprint in the history of athletics competition. Weber, J. (2019), *Opinion: Everyone's a loser at World Championships*. Deutsche Welle (DW),

<https://www.dw.com/en/opinion-everyones-a-loser-at-the-world-athletics-championships-in-qatar/a-50688080>

⁴⁷⁰ Nestler, S. (2019), *World Athletics Championships in Doha: Foreseeable problems*. Deutsche Welle (DW),

<https://www.dw.com/en/iaaf-world-athletics-championships-in-doha-foreseeable-problems/a-50700712>

⁴⁷¹ Ingle, S. (2019), *World Athletics Championships: \$4.5m Doha cash plan investigated by judges*, The Guardian, <https://www.theguardian.com/sport/2019/sep/27/world-athletics-championships-doha-payment-investigated-french-judges>

Williams, R. (2019). *Doha's empty seats tell tale of corruption, warped priorities and vested interests*. The Guardian, <https://www.theguardian.com/sport/blog/2019/sep/30/doha-empty-seats-iaaf-sellout-world-athletics-championships>

⁴⁷² Racinais, S., Hosokawa, Y., Akama, T., Bermon, S., Bigard, X., Casa, D. J., & Budgett, R. (2023), *IOC consensus statement on recommendations and regulations for sport events in the heat*, British journal of sports medicine, 57(1), 8-25, <https://bjsm.bmj.com/content/bjsports/early/2022/09/23/bjsports-2022-105942.full.pdf>

⁴⁷³ Ingle, S., (2019), *Doha world championships 'a disaster', says decathlon record-holder Mayer*, The Guardian, <https://www.theguardian.com/sport/2019/sep/28/world-athletics-championships-doha>

⁴⁷⁴ Ibid.

⁴⁷⁵ Aylwin, P., Havenith, G., Cardinale, M., Lloyd, A., Ihsan, M., Taylor, L., ... & Racinais, S. (2023), *Thermoregulatory responses during road races in hot-humid conditions at the 2019 Athletics World Championships*, Journal of Applied Physiology, 134(5), 1300-1311, <https://journals.physiology.org/doi/full/10.1152/jappphysiol.00348.2022>

⁴⁷⁶ Ibid.

⁴⁷⁷ Oikawa, Y., Downie, V., Tipton, M., Marlin, D., Périard, J., Castro, P., & Dyson, J. (2021), *Rings of fire: How heat could impact the 2021 Tokyo Olympics*, British Association for Sustainability in Sport (BASIS), https://basis.org.uk/wp-content/uploads/2021/09/Rings_of_Fire.pdf

overall sporting performance. Racinais et al. (2015) further confirms that⁴⁷⁸. Lyndsay Tessier also stressed the draining psychological and physical effect of competing under such adverse weather conditions, since "you see somebody down on the course and it's just extremely grounding and scary. That could be you in the next kilometre, the next 500m"⁴⁷⁹.

Lessons learnt and ways forward

As pointed out in the research conducted by BASIS following the Doha competition⁴⁸⁰, the most impactful risk mitigating measure for athletes competing in extreme heat conditions relates to the possibility to **rearrange the host venue** in cases of red or black flags. In case this would not be possible, the research suggests the possibility of cancelling the event in case of a black flag or to recommend voluntary withdrawal of participants at increased risk of a health collapse (i.e., those who poorly acclimatised and/or non-resident competitors that did not spend enough time acclimatising to the local conditions before the event).

The 2019 IAAF World Championship in Qatar raised increased awareness around the risks associated with competing in extreme heat conditions and several steps have been recently taken by local organisers of international events, by the international federations and by the Olympic Committee. For example, following the Doha competition, it was decided to move the venue of specific athletics competitions during the Olympic Games Tokyo 2020 from Tokyo to Sapporo, where temperatures are generally cooler⁴⁸¹. International federations have also placed increased attention on this issue, and the IOC Medical and Scientific Commission, together with several international federations have developed recommendations to ensure the protection of athletes competing in the heat⁴⁸². The first set of recommendations is addressed to organisers of international events and mainly relates to their need to monitor weather conditions and **present historical weather data** for the 10 preceding years in their bid⁴⁸³. Then, another set of recommendations is addressed directly to athletes and suggests adequate procedures and methods for heat acclimatisation, management of hydration, the adaptation of warm-up training, and clothing⁴⁸⁴.

The recommendations also highlight the need for international federations to develop an **environmental heat risk analysis** for each specific sport. As a result, World Athletics has produced guidelines and documents aimed at supporting and informing athletes on

⁴⁷⁸ Racinais, S., Casa, D., Brocherie, F., & Ihsan, M. (2019), *Translating science into practice: the perspective of the Doha 2019 IAAF world Championships in the heat*, *Frontiers in Sports and Active Living*, 1, 39, <https://www.frontiersin.org/articles/10.3389/fspor.2019.00039/full>

⁴⁷⁹ Oikawa, Y., Downie, V., Tipton, M., Marlin, D., Périard, J., Castro, P., & Dyson, J. (2021), *Rings of fire: How heat could impact the 2021 Tokyo Olympics*, British Association for Sustainability in Sport (BASIS), https://basis.org.uk/wp-content/uploads/2021/09/Rings_of_Fire.pdf

⁴⁸⁰ Ibid.

⁴⁸¹ Ibid.

⁴⁸² Racinais, S., Hosokawa, Y., Akama, T., Bermon, S., Bigard, X., Casa, D. J., & Budgett, R. (2023), *IOC consensus statement on recommendations and regulations for sport events in the heat*, *British journal of sports medicine*, 57(1), 8-25, <https://bjsm.bmj.com/content/bjsports/early/2022/09/23/bjsports-2022-105942.full.pdf>

⁴⁸³ Ibid.

⁴⁸⁴ Ibid.

how to best prepare for competitions in hot and humid environments⁴⁸⁵, as well as to raise awareness on the importance of **pre-participation medical evaluations** (PPME) and potential cardiovascular, pulmonary or musculoskeletal risks for athletes competing in World Athletics events⁴⁸⁶.

Finally, as suggested by various experts⁴⁸⁷, **greater involvement of athletes in decision-making processes** could also be beneficial for the overall organisation of big sporting events, since athletes could provide specialised knowledge and understanding of competition-related issues. In this context, greater involvement of the World Athletics' Athletes' Commission could contribute to **more effective problem-solving processes** and potentially lead to the identification of alternative risk-mitigating measures, based on the specialised knowledge and experience of athletes that have competed or that are still competing in big international sport events.

⁴⁸⁵ World Athletics (2020), *Beat the Heat in World Athletics Road Races*, December 2020, <https://worldathletics.org/about-iaaf/documents/health-science>

World Athletics (2021), *Health Promotion Policy Paper*, August 2021, <https://worldathletics.org/about-iaaf/documents/health-science>

⁴⁸⁶ World Athletics (2021), *World Athletics Health Promotion Policy Paper*, April 2021, <https://worldathletics.org/about-iaaf/documents/health-science>

⁴⁸⁷ Grigaliūnaitė, I., Eimontas, E. (2018), *Athletes' Involvement In Decision Making For Good Governance In Sport*, *Baltic Journal Of Sport & Health Sciences*, https://www.researchgate.net/publication/332473390_Athletes'_Involvement_in_Decision_Making_for_Good_Governance_in_Sport

Koppenjan, J. F. M., Klijn, E. H. (2004), *Managing Uncertainties in Networks*, Routledge,

https://www.researchgate.net/publication/200026701_Managing_Uncertainties_in_Networks

Sørensen, E., Torfing, J. (2009), *Making Governance Networks Effective and Democratic Through Metagovernance*,

https://www.researchgate.net/publication/230284920_Making_Governance_Networks_Effective_and_Democratic_Through_Metagovernance

Case study 2: World Athletics decision to remove the 50km race from racewalking

Study on athletes' rights in and around big sport events

Produced by: Ecorys

Date produced: May 2024

Introduction

The 'Study on athletes' rights in and around big sport events' maps, defines and discusses athletes' rights in and around big sport events focusing on three dimensions: sport governance and athletes' representation; global politics and use of social media; and mental health. Each case study explores a specific topic related to athletes' rights in the context of big sport events within one of the three themes of the study, providing examples of specific issues around and/or breaches of athletes' rights.

The case study provides an overview of the topic concerned, the main factors that conflict with athletes' rights, how they impacted the athlete(s) and what the lessons learnt are for the future. Contributions from an affected athlete and other stakeholders gathered through interviews are included throughout the case study but they do not necessarily represent the views of all parties involved.

Background

Racewalking has been an integral part of the Olympics since 1908 with an introduction of the 50km long-distance event in 1932 in Los Angeles⁴⁸⁸. Since 2017, World Athletics (the sport's international federation) together with the International Olympic Committee (IOC) argued for the removal of the 50km distance from the Olympics due to gender equality concerns. It was the only event in the Olympic programme without an equivalent version for women⁴⁸⁹.

Since then, many athletes, including Australian Tim Erickson, U.S. athletes Erin Taylor-Talcott and Susan Randall, have advocated for the inclusion of women to race 50km at the Olympics to preserve gender equality and therefore save the 50km distance race at the Olympic Games⁴⁹⁰. However, in 2020, the 50km distance race for men was removed from the Olympics programme in Paris and replaced with a new mixed-gender event⁴⁹¹. The decision received a backlash from athletes who were not consulted in the process.

Main enabling factors

The case raises questions regarding the representation and involvement of athletes in the decision-making process. The **World Athletics Athletes' Commission was not**

⁴⁸⁸ Parkar, U., (2021) *Race walking: Origin, rules and Olympic history*, <https://olympics.com/en/news/all-you-need-to-know-about-race-walking>

⁴⁸⁹ Belson, K. (2021) *50-kilometer racewalking strides off the Olympic stage*, <https://www.nytimes.com/2021/08/05/sports/olympics/racewalking-olympics.html>

⁴⁹⁰ DeMeester, P. & Erickson, T. (2017) Ending gender discrimination in Lord COE's IAAF. Correcting the IAAF's flawed reasoning on Gender discrimination. The future: Taicang, Doha, Tokyo, and beyond. Media presentation & press conference,

<http://vrwc.org.au/documents/Ending%20Gender%20Discrimination%20in%20Lord%20Coe%27s%20IAAF.pdf>

⁴⁹¹ IOC (2020), *Gender equality and youth at the heart of the Paris 2024 Olympic Sports Programme*, <https://olympics.com/ioc/news/gender-equality-and-youth-at-the-heart-of-the-paris-2024-olympic-sports-programme>

consulted on this decision, one which has a large impact on the rules and requirements of the sport of racewalking⁴⁹². Furthermore, numerous athletes, including Jonathan Hilbert, a German racewalker, argued that there was a lack of communication and consultation between athletes and the IOC and World Athletics around the decision, which he heard from media outlets⁴⁹³. This also raises concerns about **a lack of transparency** around how decisions are made by the IOC or World Athletics, which is confidential and not accessible to the public⁴⁹⁴.

The **importance of broadcasting revenues** associated with sport has been increasing⁴⁹⁵. Athletes have therefore expressed concern that commercial profit interests drove the decision to remove the men's long-distance 50km event from the Olympics programme, due to low viewership statistics⁴⁹⁶. The IOC further highlighted in 2017 that the 50km racewalking event had a reduced interest from younger target audiences⁴⁹⁷, the main target audience for the Olympic Games Paris 2024⁴⁹⁸.

Impacts of the practice

The impact of the IOC decision to remove the 50km racewalking distance race and replace it with a shorter, mixed-gender event highly affects 50km racewalkers' **professional careers**. Such a race requires a different type of physical and mental preparation in comparison to shorter-distance races. Canadian racewalker Evan Dunfee refers all professional racewalkers who specialise only in the 50km distance race as 'role models'⁴⁹⁹. The 50km distance race is considered to be 'the longest and toughest of all events' in racewalking, which requires endurance and special physical preparation from athletes⁵⁰⁰. Therefore, many professional athletes avoid shorter distances (for example, Irish racewalker Brendan Boyce has participated only in 50km races during the Olympics⁵⁰¹) and consider them 'boring'⁵⁰² or more prone to athlete disqualifications due to the many

⁴⁹² Morgan, L. (2020), *Former World Athletics Athletes' Commission chairman criticises IOC process after 50km race walk axed*, <https://www.insidethegames.biz/articles/1101806/gomez-lack-of-athlete-engagement-ioc>

⁴⁹³ Gallagher, C. (2021), *Tokyo Olympic walkers slam IOC decision to scrap 50-kilometre race in Paris 2024*, <https://www.theglobeandmail.com/sports/olympics/article-tokyo-olympic-walkers-slam-ioc-decision-to-scrap-50-kilometre-race-in/>

⁴⁹⁴ Information obtained through consultation with attorney DeMeester in November 2023.

⁴⁹⁵ Byers, J. (2022), *Tokyo Games Help IOC Generate \$7.6B in Revenue*, <https://frontofficesports.com/tokyo-games-help-ioc-generate-7-6b-in-revenue/>

⁴⁹⁶ Kelsall, C. (2017), *Potential event loss: 50K race walk in danger of being cancelled*, <https://athleticsillustrated.com/potential-event-loss-50k-race-walk-in-danger-of-being-cancelled/>;

Information obtained through consultation with attorney DeMeester in November 2023.

⁴⁹⁷ International Association of Athletics Federations Race Walking Committee (2017), *Report to the IAAF Council*. London.

⁴⁹⁸ IOC (2020), *Gender equality and youth at the heart of the Paris 2024 Olympic Sports Programme*, <https://olympics.com/ioc/news/gender-equality-and-youth-at-the-heart-of-the-paris-2024-olympic-sports-programme>

⁴⁹⁹ Pandey, S. (2021), *Firstpost Explains: Why 50km race walk has been dropped from Olympics and what athletes are saying*, <https://www.firstpost.com/sports/firstpost-explains-why-50km-race-walk-has-been-dropped-from-olympics-and-what-athletes-are-saying-9874821.html>

⁵⁰⁰ Belson, K. (2021), *50-kilometer racewalking strides off the Olympic stage*, <https://www.nytimes.com/2021/08/05/sports/olympics/racewalking-olympics.html>

⁵⁰¹ Cork Athletics County Board (2020), *IOC Cut 50km Race Walk from Paris Olympics 2024*, <https://www.corkathletics.org/news/1924-50km-race-walk-dropped-from-paris-2024.html>

⁵⁰² Pandey, S. (2021), *Firstpost Explains: Why 50km race walk has been dropped from Olympics and what athletes are saying*, <https://www.firstpost.com/sports/firstpost-explains-why-50km-race-walk-has-been-dropped-from-olympics-and-what-athletes-are-saying-9874821.html>

technical rules associated with racewalking events (for example, one foot must be always in contact with the ground)⁵⁰³.

Lessons learnt and ways forward

This case study illustrates the importance of **involving athletes in decision-making procedures** and therefore ensuring that their interests are taken into consideration. The IOC and World Athletics should involve athletes through athletes' commissions and consult with them on any changes to racewalking procedures⁵⁰⁴. Furthermore, sport governing bodies should ensure **greater transparency of decisions taken** including information sharing (e.g., including the publication of meeting agendas beforehand, minutes of sessions, and results of voting (with limited exceptions for confidential discussions and voting in meetings (e.g., personnel matters)) and direct communication with athletes⁵⁰⁵.

Further considerations including **reviewing qualification times for women to enter the 50km race** should be made to provide an opportunity for women to compete in the 50km race instead of removing this distance race altogether. The results of women have been steadily increasing despite strict qualification times⁵⁰⁶. This alternative would improve gender equality in the sport of racewalking and promote the sport to girls and younger generations to come.

⁵⁰³ Information obtained through consultation with attorney DeMeester in November 2023.

⁵⁰⁴ Ibid.

⁵⁰⁵ The Victorian Race Walking Club. (n.a.) *Save The 50km*, <https://www.vrwc.org.au/save-the-50km.shtml>

⁵⁰⁶ DeMeester, P. & Erickson, T. (2017), *Ending gender discrimination in Lord COE's IAAF. Correcting the IAAF's flawed reasoning on Gender discrimination. The future: Taicang, Doha, Tokyo and beyond. Media presentation & press conference*, <http://vrwc.org.au/documents/Ending%20Gender%20Discrimination%20in%20Lord%20Coe%27s%20IAAF.pdf>

Case study 3: Discrimination against pregnant athletes in elite sport

Study on athletes' rights in and around big sport events

Produced by: Ecorys

Date produced: May 2024

Introduction

The 'Study on athletes' rights in and around big sports events' maps, defines and discusses athletes' rights in and around big sport events focusing on three dimensions: sport governance and athletes' representation; global politics and use of social media; and mental health. Each case study explores a specific topic related to athletes' rights in the context of big sport events within one of the three themes of the study, providing examples of specific issues around and/or breaches of athletes' rights.

The case study provides an overview of the topic concerned, the main factors that conflict with athletes' rights, how they impacted the athlete(s) and what the lessons learnt are for the future. Contributions from an affected athlete and other stakeholders gathered through interviews are included throughout the case study but they do not necessarily represent the views of all parties involved.

Background

Discrimination against pregnant athletes has been increasingly discussed in recent years due to a number of high-profile cases brought forward by athletes who are victim to this kind of mistreatment. From having federation or club contracts terminated following disclosure of their pregnancy to sponsors pulling their funding, female athletes are often faced with the situation of choosing between their sporting career or motherhood. In 2016, track and field champion Alysia Montano, who had already competed while pregnant before, lost her sponsorship contract after suggesting she might have a baby before competing in the Olympic Games Tokyo 2020⁵⁰⁷. While there have been cases where athletes combine the two, recent mothers in sport face unique challenges compared with other sectors due to the basis of their profession depending on their physical performance, as well as having to comply with sporting event schedules beyond their control that can require them to return before they are ready.

This case study focuses in particular on Lara Lugli, exploring the drivers that led to the discrimination she faced and the broader implications it has on the treatment of women in sport. Lugli was the team captain of a Northern Italy volleyball club, Volley Maniago Pordenone, when she became pregnant and subsequently had her contract terminated by the club in March 2019. After not being paid her salary for the time she spent playing prior to realising she was pregnant, she requested payment from the club through a lawyer. The club refused this payment and instead sued Lugli for damages against the club. The club argued that she had not disclosed her intention to have children during contract negotiations, that her becoming pregnant was illicit behaviour, and that following her

⁵⁰⁷ The 19th, (2021), Athletes don't have pregnancy protections. Here's why that could finally change, <https://19thnews.org/2021/11/athletes-pregnancy-protections-contract/>.

termination, the club had a worse performance during sport events and lost out on a sponsorship contract⁵⁰⁸.

A few days after being served the lawsuit, Lugli posted the letter from the club on her social media account alongside her thoughts on the matter. By the next day, she had requests from the New York Times and the Guardian, was invited to speak on Italian television and had messages of support from Italian politicians⁵⁰⁹. The coverage of the case was overwhelmingly in support of Lugli and called into question the credibility of the Italian Volleyball Federation⁵¹⁰.

Main enabling factors

At the time, the majority of athletes in Italy did not have a professional status that would require an employment contract, but rather signed 'private agreements' with sport clubs that did not have to comply with basic labour protections, such as freedom from discrimination⁵¹¹. The **lack of a legal framework** that protected the rights of athletes resulted in the widespread practice of including pregnancy clauses in contracts with female athletes that stipulated immediate termination if the athlete became pregnant⁵¹². Even if athletes did not agree with the clause, they did not have an alternative—if they wanted to participate in the sport, they had to accept the terms of the club. While international labour standards state that all employees have the right to collectively bargain, when there is no formal structure in place for representation, the burden and risks of collectively organising falls on individual athletes. Athletes having limited options to negotiate sport contracts is an issue that is unfortunately seen across sports. For example, breastfeeding mothers were originally faced with the decision of either spending a month without their babies or not competing in the Olympic Games Tokyo 2020 due to the 2020 Olympics Organising Committee COVID-19 protocol; however, the decision was ultimately reversed following public pressure and pleas from athletes⁵¹³.

Although clubs and sport federations have the ability to go beyond the basic requirements of the law, **conflicting interests** often prevent sport governing bodies from doing what is best for the athlete. At the end of the day, sport federations have to consider their bottom line and the sustainability of their operations, which does not always align with the interests or rights of athletes. As mentioned in the lawsuit against Lugli, the main concern of the club was the lower performance in competition and the sponsorship they had lost as a result of Lugli's termination, which was in conflict with her right to make decisions about

⁵⁰⁸ La Gazzetta dello Sport (2021), Sei rimasta incinta? Niente stipendio. E ti cito pure per danni. Il caso di Lara Lugli (*Did you get pregnant? No salary. And I'm also suing you for damages. The case of Lara Lugli*), <https://www.gazzetta.it/Volley/09-03-2021/lara-lugli-caso-sei-rimasta-incinta-allora-niente-stipendio-ti-cito-pure-danni-4001332279894.shtml>.

⁵⁰⁹ Information obtained through consultation with Lara Lugli in November 2023.

⁵¹⁰ Information obtained through consultation with the Italian Volleyball Players' Association in November 2023.

⁵¹¹ The New York Times, (2021), *A Volleyball Player Lost Her Job Over a Pregnancy. Now She's Fighting Back*, <https://www.nytimes.com/2021/03/11/world/europe/pregnant-volleyball-player-sues.html>.

⁵¹² La Gazzetta dello Sport (2021), Sei rimasta incinta? Niente stipendio. E ti cito pure per danni. Il caso di Lara Lugli (*Did you get pregnant? No salary. And I'm also suing you for damages. The case of Lara Lugli*), <https://www.gazzetta.it/Volley/09-03-2021/lara-lugli-caso-sei-rimasta-incinta-allora-niente-stipendio-ti-cito-pure-danni-4001332279894.shtml>.

⁵¹³ Associated Press (2021), *Breastfeeding Olympians allowed to bring babies to Tokyo*, <https://apnews.com/article/tokyo-lifestyle-travel-health-breastfeeding-4789ba6d2a7fa8cc7505b5380f548d15>.

her own body. Furthermore, while the Italian National Olympic Committee had reached out directly to Lugli and offered words of support, she felt their lack of more concrete action to protect athletes' interests in future sport events was a missed opportunity to take a stronger stance on a very important matter⁵¹⁴. Questions regarding protections for athletes and the professionalisation of sport in Italy had already arisen prior to the case of Lara Lugli, but the president of the Italian Women's Volleyball League had pushed back against these, arguing it would have a disproportionately negative impact on the finances of the sport⁵¹⁵.

Lastly, broader **gender inequalities** were a key driver in the mistreatment of Lara Lugli. Clearly displayed in the lawsuit against Lugli, there is a cultural viewpoint in Italy that considers pregnancy a damage done onto others rather than a personal decision that every woman has the right to take. The club felt that it was entitled to disclosure from Lugli about whether she was even considering having a child in the future. These cultural expectations are exacerbated further by the underrepresentation of women in sport governance⁵¹⁶, which has led to maternity policies being considered a low priority, or being developed in a way that does not properly consider the needs of recent mothers⁵¹⁷. Ultimately, women athletes are left without the same level of security, employment protections and compensation as men active in the same sport.

Impacts of the practice

The actions of Volley Maniago Pordenone had a **negative impact on the personal well-being** of Lugli. She expressed feeling hurt and angered by the discrimination she faced, especially after having dedicated over twenty years of her life to the sport⁵¹⁸. She also expressed not being prepared for the attention she received from the media, which caused additional stress. While she agreed to discuss the issue on television and in the media, she did this because she felt the issue was important, but it was not something she particularly enjoyed or felt comfortable with. Nevertheless, Lugli also mentioned how the experience gave her a stronger awareness of her rights and confidence in herself, as she was ultimately vindicated from a legal, ethical, and moral standpoint.

The case and others like it also have clear **implications on the professional and financial well-being of athletes**. Not only did Lugli lose her position, her ability to participate in sport events, and her salary, her professionalism was called into question by the statement of the club, equating her pregnancy with illicit behaviour. Furthermore, the lawsuit alleged that because Lugli ultimately had a miscarriage and had not taken the opportunity to then return to the club, she caused further damages. Although both Lugli and the president of the club have both said that such a request was never made, it is not

⁵¹⁴ Information obtained through consultation with Lara Lugli in November 2023.

⁵¹⁵ iVolleyMagazine (2019), Pallavolo&Professionalismo – Il presidente Mauro Fabris e il professionismo per le atlete nel volley (*Volleyball&Professionalism – President Mauro Fabris and professionalism for female athletes in volleyball*), <https://www.ivolleymagazine.it/2019/12/12/pallavolo-legafemminile-il-presidente-mauro-fabris-e-il-professionismo-per-le-atlete-donne-nel-volley/>.

⁵¹⁶ The New York Times, (2021), *A Volleyball Player Lost Her Job Over a Pregnancy. Now She's Fighting Back*, <https://www.nytimes.com/2021/03/11/world/europe/pregnant-volleyball-player-sues.html>.

⁵¹⁷ BBC (2023), *Emma Mukandi criticises FA & Reading maternity policy*, <https://www.bbc.com/sport/football/64250066>.

⁵¹⁸ Information obtained through consultation with Lara Lugli in November 2023.

uncommon for sport bodies or sponsors to pressure athletes to return before there are physically or emotionally ready to return⁵¹⁹. Even if this is not explicitly requested, competition rules in some sport, such as seeding in tennis that give higher ranked players an advantage in a tournament's draw, may pressure pregnant athletes to remain active longer and return sooner to avoid negative consequences in future sport events⁵²⁰.

Lessons learnt and ways forward

This case became a **call to action in Italy**, with senators, ministers and high-level officials speaking in support of Lugli and condemning the inequality women athletes face in being forced to choose between motherhood and employment⁵²¹. The case was ultimately resolved outside of court, and within a month or two from speaking publicly about the ordeal, Lugli received her overdue salary and the club withdrew their lawsuit. As a result of this case and lobbying efforts by the Italian Volleyball Players' Association⁵²², which represents the interests of athletes, the Italian Volleyball Federation established a **supplementary fund** to ensure the salaries of athletes can continue to be paid during and immediately following pregnancy⁵²³. Additionally, a **new law in Italy** recognises athletes as sport workers⁵²⁴. While this does not provide the same level of protection as employees, it has resulted in greater protection of women during pregnancy⁵²⁵.

Despite the positive outcome for Lugli, the number of cases in recent years of discrimination against pregnant athletes highlights the pervasive nature of the issue and the **need for legal protections and avenues for justice to be put in place**. In a recent paper on ensuring decent work in the world of sport, the International Labour Organization (ILO) listed the cancelation of contracts and the lack of protections in place for pregnant athletes as a key issue⁵²⁶. Moving forward, the ILO suggested that **sport federations adopt parental leave policies** for all athletes and **create flexibility in competition rules** to allow for parental leave, as well as for **national governments to ensure social protections are in place** for pregnant athletes⁵²⁷. It is important to highlight that Lugli

⁵¹⁹ Pennintons Manches Cooper (2023), *Elite Female Athletes: Competing for Maternity Rights on the Largest Playing Fields*, <https://www.pennintonslaw.com/news-publications/latest-news/2023/elite-female-athletes-competing-for-maternity-rights-on-the-largest-playing-fields>.

⁵²⁰ Fortune, (2019), *Serena Williams on International Women's Day: 'We Must Band Together to Fight for What's Fair'*, <https://fortune.com/2019/03/08/serena-williams-international-womens-day/>.

⁵²¹ The Guardian, (2021), *Italian volleyball club sues player for contract breach over pregnancy*, <https://www.theguardian.com/world/2021/mar/11/italian-volleyball-club-sues-player-for-contract-breach-over-pregnancy>.

⁵²² Information obtained through consultation with the Italian Volleyball Players' Association in November 2023.

⁵²³ Italian Volleyball Federation (2022), *Motherhood belongs to everyone*, <https://www.federvolley.it/la-maternit-di-tutti>.

⁵²⁴ Gazzetta Ufficiale, (2021), Decreto legislativo 28/02/2021, n. 36 (*Legislative Degree 28 February 2021, n. 36*), <https://www.gazzettaufficiale.it/eli/id/2021/03/18/21G00043/sg>.

⁵²⁵ IPSOA (2023), *Riforma del lavoro sportivo: cosa cambia per associazioni e società sportive (Reform of sports work: what changes for sports associations and clubs)*, <https://www.ipsoa.it/documents/quotidiano/2023/06/27/riforma-lavoro-sportivo-cambia-associazioni-societa-sportive-in-correttivo>.

⁵²⁶ ILO, (2020), *Decent work in the world of sport: Issues paper for discussion at the Global Dialogue Forum on Decent Work in the World of Sport*, https://ilo.primo.exlibrisgroup.com/discovery/fulldisplay?docid=alma995062993202676&context=L&vid=41ILO_INST:41ILO_V2&lang=en&search_scope=ALL_ILO&adaptor=Local%20Search%20Engine&tab=ALL_ILO&query=sub,exact,working%20conditions&offset=0.

⁵²⁷ ILO (2020), *Points of consensus: Global Dialogue Forum on Decent Work in the World of Sport*, https://www.ilo.org/global/docs/WCMS_766761/lang--en/index.htm.

only received justice after pressure was placed on the club by the public, and not all athletes come forward to expose discrimination or mistreatment.

Case study 4: Player involvement in the scheduling of tennis tournaments

Study on athletes' rights in and around big sport events

Produced by: Ecorys

Date produced: May 2024

Introduction

The 'Study on athletes' rights in and around big sports events' maps, defines and discusses athletes' rights in and around big sport events focusing on three dimensions: sport governance and athletes' representation; global politics and use of social media; and mental health. Each case study explores a specific topic related to athletes' rights in the context of big sport events within one of the three themes of the study, providing examples of specific issues around and/or breaches of athletes' rights.

The case study provides an overview of the topic concerned, the main factors that conflict with athletes' rights, how they impacted the athlete(s) and what the lessons learnt are for the future. Contributions from an affected athlete and other stakeholders gathered through interviews are included throughout the case study but they do not necessarily represent the views of all parties involved.

Background

The tennis tournament calendar has long faced scrutiny due to the length of the tennis season and the limited time for athletes to rest and recover over the course of the year. The Women's Tennis Association (WTA) and the Association of Tennis Professionals (ATP) have minimum requirements regarding how many events associated players must participate in over the course of a season, including required participation in all Grand slams and nearly each Masters 1000 tournament. Given that multiple tournaments can be scheduled one after another, it can be a challenge for players to meet participation obligations and still incorporate adequate time for rest and recovery⁵²⁸. While players can choose which matches they participate in beyond the minimum requirements, top players fear taking too much time off in case it would result in their rankings dropping⁵²⁹. This results in players participating in tournaments nearly year-round, with the official off-season lasting around a month.

The toll of the long season and the high number of tournaments that athletes participate in is particularly intense for athletes due to the demands of tournament schedules. In November 2023, Italian tennis player Jannik Sinner had to withdraw from the Paris Masters 1000 tournament due to fatigue, after his match ended past 2a.m. and he was scheduled for his next match at 5p.m. the same day⁵³⁰. The withdrawal drew critique against the ATP scheduling of the tournament from other players, coaches, and the public more broadly⁵³¹. Late matches are particularly heavy on athletes given the additional duties they have

⁵²⁸ Information obtained through consultation with stakeholder.

⁵²⁹ The New York Times, (2011), *It's Called a Season; It Lasts 11 Months*, <https://www.nytimes.com/2011/09/04/sports/tennis/pro-tennis-season-can-nearly-a-year.html>.

⁵³⁰ BNN, (2023), *Jannik Sinner's Withdrawal Sparks Debate on Tennis Match Scheduling*, <https://bnnbreaking.com/world/jannik-sinners-withdrawal-sparks-debate-on-tennis-match-scheduling/>.

⁵³¹ The Guardian, (2023), *Ruud rails at Paris Masters schedule as Sinner pulls out after late-night win*, <https://www.theguardian.com/sport/2023/nov/02/casper-ruud-tennis-paris-masters-schedule-jannik-sinner-pulls-out-late-night-win>.

afterwards, including requirements to speak with the media and potential selection for doping tests, that further delay their ability to rest⁵³².

Main enabling factors

Several **external challenges** must be navigated and overcome in tournaments. The calendar of tournaments is so compact due to the numerous governing bodies and event organisers in the field of tennis – there are seven governing bodies, the four Grand slams, plus the tournaments organised by the ATP, WTA and the International Tennis Federation (ITF). Tournament officials have also pushed back against criticism on match schedules within tournaments citing the challenges in fitting the necessary matches within the days available, the inability to predict how long a given match may take, and the impact of elements beyond their control, such as bad weather⁵³³.

The tennis calendar and tournament structures are also largely influenced by **commercial interests**. Tournament organisers make decisions about the structure of the event, taking into consideration ways to increase broadcast and spectator revenues to maximise profits and the prize money available for athletes⁵³⁴. For example, if a player is from a particular region, they would ideally play when their locals can tune in and watch. Additionally, evening sessions tend to be the most attractive in terms of ticketing revenue, so organisers will often schedule the best players then. Furthermore, having a high number of tournaments can be helpful for lower-ranked players, as it gives more opportunities to earn points and prize money. While tournament organisers are aware of the impact scheduling can have on athletes⁵³⁵, it can be difficult for them to balance this against commercial interests.

Although athletes sit on the boards of the ATP, WTA, and ITF, concerns remain around the lack of **athlete involvement in decision-making** around the scheduling of events. Some have argued that since there is no structure for tennis players to collectively bargain on equal footing with their federation, they have limited ability to advocate for meaningful changes to tournament schedules⁵³⁶. The Professional Tennis Players Association (PTPA) was founded in 2021 to address this gap and has advocated that players should be more involved in the scheduling and organisation of tennis tournaments⁵³⁷.

Impacts of the practice

The structure of the tennis calendar, the scheduling of matches within tournaments, the presence or lack of tournament curfews, and other fundamental elements of competition in professional tennis have a marked impact on the **physical and mental well-being of**

⁵³² Information obtained through consultation with stakeholder.

⁵³³ The Guardian, (2023), *No plans to change Australian Open scheduling despite backlash over 'crazy' 4am finish*, <https://theguardian.com/sport/2023/jan/20/no-plans-to-change-australian-open-scheduling-despite-backlash-over-crazy-4am-finish>.

⁵³⁴ Information obtained through consultation with stakeholder.

⁵³⁵ Ibid.

⁵³⁶ The New York Times, (2011), *It's Called a Season; It Lasts 11 Months*, <https://www.nytimes.com/2011/09/04/sports/tennis/pro-tennis-season-can-nearly-a-year.html>.

⁵³⁷ Professional Tennis Players Association, (2023), *Understanding PTPA Principle Tenet #5: The Best Vision & Structure of Tennis*, <https://www.ptpaplayers.com/understanding-ptpa-principle-tenet-5-the-best-vision-structure-of-tennis/>.

athletes and their **ability to continue performing at a high level**. A lack of time for rest and recovery negatively impacts players' performance and personal well-being, which if prolonged, can have significant impacts on their sporting careers. Numerous players have indicated that they would have been able to have longer careers in the sport, had the seasons themselves not been so gruelling⁵³⁸.

The tournament calendar and structure of tournaments themselves **influence the physical well-being and injury rates of players**, their ability to participate in relevant tournaments, and their performance in future matches. A recent study on tennis match involvement found that players who participated in a higher number of matches were at risk of a more severe injury the following season⁵³⁹. This issue has also been explored in the context of football, which faces similar scheduling issues due to overlapping calendars. After the 2022 FIFA World Cup, which was exceptionally held in winter and thus led to schedule crowding, players reported experiencing heightened emotional, mental, and physical fatigue, as well as feeling more at risk of injury than they normally would have at that point in the season⁵⁴⁰. In addition to injury, overlapping schedules also impact the ability of athletes to participate in each tournament they are interested in since more than one tournament can be scheduled on a given weekend⁵⁴¹. During the tournaments themselves, matches that continue late into the night may impact players' performance in their following match, as they could be at a disadvantage against opponents who finished earlier the day before⁵⁴².

The tennis tournament schedule can also have a **negative impact on the mental health of athletes**. Because of the various factors associated with tennis tournaments, players have to be able to cope with playing extremely early or late in the day, having limited sleep, traveling around the world, and the unknown of what time exactly the match before theirs will finish⁵⁴³. Tennis is also a highly international sport that involves significant travel, which can have an even greater impact on athletes' mental health due to extended time away from support networks, changing time zones, varying cuisine, and the general toll of consistently moving from place to place⁵⁴⁴. Players have argued that the season and tournaments do not provide them with enough time to rest and recover, and over a prolonged period, this can lead to burnout or other serious mental health challenges⁵⁴⁵.

Lessons learnt and ways forward

⁵³⁸ The New York Times, (2011), *It's Called a Season; It Lasts 11 Months*,

<https://www.nytimes.com/2011/09/04/sports/tennis/pro-tennis-season-can-nearly-a-year.html>.

⁵³⁹ Williams S., et al., (2022), *The influence of match exposure on injury risk in elite men's rugby union*, *J Sci Med Sport*;26(1):25-30, <https://pubmed.ncbi.nlm.nih.gov/36371396/>.

⁵⁴⁰ FIFPRO World Players' Union, (2023), *FIFA World Cup 2022: Post-tournament review & player survey*, <https://fifpro.org/reports/fifa-world-cup-2022-post-tournament-review-and-player-survey/>.

⁵⁴¹ Information obtained through consultation with stakeholder.

⁵⁴² Information obtained through consultation with stakeholder.

⁵⁴³ Information obtained through consultation with stakeholder.

⁵⁴⁴ Professional Tennis Players Association, (2023), *PTPA Players Share Their Perspectives on the Importance of Mental Health*, <https://www.ptpaplayers.com/ptpa-players-share-their-perspectives-on-the-importance-of-mental-health/>.

⁵⁴⁵ The New York Times, (2011), *It's Called a Season; It Lasts 11 Months*,

<https://www.nytimes.com/2011/09/04/sports/tennis/pro-tennis-season-can-nearly-a-year.html>.

Athletes, athlete representative organisations and sport governance stakeholders consulted for this study have tended to believe that it is the responsibility of federations and event organisers to ensure calendars and timetables are set up well for athletes⁵⁴⁶. International labour standards and sport principles highlight the right of athletes to engage in social dialogue and the responsibility of sport federations to ensure players are provided with a sporting environment that promotes players' well-being⁵⁴⁷. Tournament organisers should engage in **meaningful consultations with athletes and athlete representative organisations**, such as the PTPA, to lessen the negative impacts of the tennis competition schedule.

In addition to consulting athletes on tournament scheduling, organisers can **adopt policies that limit the physical and psychological strain on athletes**, such as by implementing strict curfews that require unfinished matches to roll over into the next day, or by only scheduling one match during night sessions of Grand slams. Existing policies in place to safeguard athlete well-being could also be better-taken advantage of, such as the ATP's rule that states matches can be postponed or moved to an alternative court to avoid late starts⁵⁴⁸.

⁵⁴⁶ Information obtained through consultation with stakeholder; and EU Athletes, (2022), Common Position Paper 2022: Athletes Rights are Human Rights.

⁵⁴⁷ For example, see: ILO, (2020), Points of consensus: Global Dialogue Forum on Decent Work in the World of Sport; and World Players Association, (2017), Universal Declaration of Player Rights.

⁵⁴⁸ ATP Tour, (2022), *2023 ATP Official Rulebook*, <https://www.atptour.com/en/corporate/rulebook>.

Case study 5: Kosovo's participation in the World Boxing Championships

Study on athletes' rights in and around big sport events

Produced by: Ecorys

Date produced: May 2024

Introduction

The 'Study on athletes' rights in and around big sports events' maps, defines and discusses athletes' rights in and around big sport events focusing on three dimensions: sport governance and athletes' representation; global politics and use of social media; and mental health. Each case study explores a specific topic related to athletes' rights in the context of big sport events within one of the three themes of the study, providing examples of specific issues around and/or breaches of athletes' rights.

The case study provides an overview of the topic concerned, the main factors that conflict with athletes' rights, how they impacted the athlete(s) and what the lessons learnt are for the future. Contributions from an affected athlete and other stakeholders gathered through interviews are included throughout the case study but they do not necessarily represent the views of all parties involved.

Background

Sport neutrality is one of the characteristics that, according to sport governing bodies, contribute to the '*specificity of sport*'⁵⁴⁹; characteristics that set it apart from other economic and social activities. Neutrality is also stipulated by the Olympic Charter, which introduced specific rules to uphold political neutrality of big sport events, namely that they must be free of "*demonstration, or political, religious, or racial propaganda*"⁵⁵⁰. In line with good governance principles, federations and organisers of big sport events are expected to follow the same principles when organising these events.

However, sport federations have faced challenges in upholding the neutrality and integrity of sport, directly impacting athletes' participation in big sport events. One of the most recent examples is the case of Russian and Belarusian athletes following the internationally condemned Russian Federation's war of aggression against Ukraine in 2022. Allowing the (neutral) participation of Russian and Belarusian athletes has divided sport governing bodies and governments, with some withdrawing their athletes from competing⁵⁵¹. Another notable example of geopolitical conflict is the case of Iranian judo competitors, such as Saied Mollaei, who was ordered by Iranian authorities to withdraw from competing against Israeli opponents in the 2019 World Judo Championships, on political grounds.

This case study, in particular, focuses on Kosovar athletes and the denial of their right to participate in international boxing championships based on their nationality and political disputes around the recognition of Kosovo. The country declared its independence in

⁵⁴⁹ European Commission (2016), *Mapping and Analysis of the Specificity of Sport*, https://ec.europa.eu/assets/eac/sport/library/studies/mapping-analysis-specificity-sport_en.pdf, p. 3.

⁵⁵⁰ IOC (2023), *Rule 50 Advertising, demonstrations, propaganda*, <https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf>.

⁵⁵¹ See, for example: The Guardian (2023), *GB boxers to boycott women's world championships over Russia stance*, <https://www.theguardian.com/sport/2023/feb/14/gb-boxers-to-boycott-womens-world-championships-over-russia-stance>.

February 2008, with most EU countries and the United States recognising it⁵⁵². Kosovo has also been a member of IOC, FIFA, and international sport federations since 2014. Despite Kosovar boxers' right to equal participation in international sporting competitions, they faced discrimination from organisers of the International Boxing Association's (IBA's) World Boxing Championships. In 2018, Donjeta Sadiku was denied participation in the Women's World Boxing Championships as Indian authorities did not grant her a visa⁵⁵³. Similarly, just before the 2021 World Boxing Championships, several Kosovar boxers were turned away at the Serbian border for wearing national symbols on their uniforms^{554,555}. Most recently, in 2023, Kosovar competitors of the Men's Championship in Uzbekistan received their visas too late⁵⁵⁶, and World and European medallist Sadiku withdrew from the Women's Championship, as the host country, India, would have granted her visa only on the condition that the Kosovan flag and national anthem were not displayed during the competition^{557,558}. In recent years, several Kosovar athletes suffered similar discriminatory treatment in athletics, karate, and table tennis^{559,560}.

Main enabling factors

Both the Kosovo Olympic Committee (KOC) and the IOC have accused the IBA of **not conducting necessary due diligence** when organising the championships⁵⁶¹. According to the United Nations's Guiding Principles on Business and Human Rights (UNGPs), all economic entities, including the organised sport sector, are responsible for duly applying human rights due diligence, and receiving and addressing grievances when harm occurs⁵⁶². However, experts argue that the human rights due diligence process is often absent when organising championships⁵⁶³. According to the KOC, this was the case for the IBA Championships, where the international federation failed to protect Kosovar athletes' rights⁵⁶⁴.

⁵⁵² Most European Union Member States, except for Cyprus, Greece, Slovakia, Spain, and Romania, have recognised the independence of Kosovo as of 31 October 2023.

⁵⁵³ DW (2021), *Challenges of being an athlete from Kosovo*, <https://www.dw.com/en/this-is-discrimination-challenges-of-being-an-athlete-from-kosovo/a-59768212>.

⁵⁵⁴ Information obtained through consultation with Bujar Turjaka, member of the Kosovo Olympic Committee's Executive Board in January 2024.

⁵⁵⁵ DW (2021), *Challenges of being an athlete from Kosovo*, <https://www.dw.com/en/this-is-discrimination-challenges-of-being-an-athlete-from-kosovo/a-59768212>.

⁵⁵⁶ Inside the games (2023a), *Kosovo miss out on third consecutive IBA Men's World Boxing Championships due to visa issues*, <https://www.insidethegames.biz/articles/1136575/kosovo-denied-visa-for>.

⁵⁵⁷ Inside the games (2023b), *Kosovo refuses to compete at IBA Women's Boxing World Championships over "discriminatory" conditions*, <https://www.insidethegames.biz/articles/1134764/kosovo-refuse-to-compete-world-champs>.

⁵⁵⁸ Information obtained through consultation with Donjeta Sadiku in January 2024.

⁵⁵⁹ See, for example: Albanian Daily News (2022), *Serbia bans Kosovo's participation in Table Tennis Championship*, <https://albaniandailynews.com/news/serbia-bans-kosovo-s-participation-in-table-tennis-championship>.

⁵⁶⁰ Information obtained through consultation with Bujar Turjaka, member of the Kosovo Olympic Committee's Executive Board in January 2024.

⁵⁶¹ Inside the games (2023a).

⁵⁶² Al Hussein, Z. R. & Davis, R. (2020), *Recommendations for an IOC Human Rights Strategy*, https://stillmedab.olympic.org/media/Document%20Library/OlympicOrg/News/2020/12/Independent_Expert_Report_IOC_HumanRights.pdf.

⁵⁶³ Mega-Sporting Events Platform for Human Rights (2017), *Athletes' Rights and Mega-Sporting Events*, p. 27-28, https://www.ihrb.org/uploads/reports/MSE_Platform%2C_Athletes_Rights_and_Mega-Sporting_Events%2C_Jan._2017.pdf.

⁵⁶⁴ Information obtained through consultation with Bujar Turjaka in January 2024.

While the Code of Ethics of the IOC states that "*the right of athletes to participate in sports competitions and within applicable rules (including competition laws) shall be protected*"⁵⁶⁵, the direct **responsibility of sport governing bodies** to ensure participation for all is vaguely addressed in national or international legislation. While international federations claim to have the right to operate autonomously from public authorities (but within the law), legal experts and athlete representative organisations argue that the broad application of this principle of autonomy could lead to abuse of human rights within sport, such as the right to equal participation and non-discrimination^{566,567,568}. A recent statement (2021) of EU ministers responsible for sport also reiterated that while fully respecting the autonomy of sport principle, international sport governing bodies should be encouraged to take accountable decisions on the hosts for big sport events⁵⁶⁹. In this context, legislation should ensure the equal participation of athletes in big sport events and not allow room for **political interference**⁵⁷⁰.

Impacts of the practice

Host countries of the IBA World Boxing Championships have repeatedly set discriminatory principles for Kosovar athletes' participation, thus stripping them of equal opportunities in the world of sport. Boxers, such as Donjeta Sadiku and Shpetim Bajoku who could not attend world championships fear the trajectory of their sporting careers are strongly impacted by political and diplomatic disputes between Kosovo and other countries. Being prevented from competing on the world stage leaves them with **fewer opportunities to build their careers** outside of a local context and earn international recognition. Missing big sport events can also have significant **financial implications**⁵⁷¹. Prize money and other benefits associated with winning play an important role in securing athletes' livelihood, economic circumstances, and financial well-being. For example, winners of IBA Championships receive thousands of euro in prize money in addition to benefits that are provided by the Government of Kosovo for medallists.

⁵⁶⁵ IOC (2024), *IOC Code of Ethics, Principle 5: Support to athletes*, <https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/Documents/Code-of-Ethics/Code-of-Ethics-ENG.pdf>.

⁵⁶⁶ Mega-Sporting Events Platform for Human Rights (2017), *Athletes' Rights and Mega-Sporting Events*, p. 27-28, https://www.ihrb.org/uploads/reports/MSE_Platform%2C_Athletes_Rights_and_Mega-Sporting_Events%2C_Jan._2017.pdf.

⁵⁶⁷ Centre for Sport & Human Rights (2022), *White Paper: Child Labour in Sport*, <https://www.sporhumanrights.org/media/thph1xuc/white-paper-june-2022.pdf>.

⁵⁶⁸ EU Athletes (2021), *EU Athletes Response to the Lobby for a 'European sports model'*, <https://rm.coe.int/eu-athletes-response-to-the-lobby-for-a-european-sports-model/1680a2430e>.

⁵⁶⁹ Finnish Government (2021), *EU Sports Ministers: Human rights must be ensured at all international sporting events*, Press Release, available at: <https://valtioneuvosto.fi/en/-/1410845/eu-sports-ministers-human-rights-must-be-ensured-at-all-international-sporting-events>.

⁵⁷⁰ See, for example: Athleten Deutschland (2022), *Öffentliche Anhörung: „Menschenrechte und Sport“ Stellungnahme von Athleten Deutschland e.V. – Maximilian Klein*, <https://www.bundestag.de/resource/blob/894470/8fd58f67529837512013046935c5cf1b/Stellungnahme-Klein-data.pdf>.

⁵⁷¹ Information obtained through consultation with Shpetim Bajoku in January 2024.

The pressure for athletes to secure economic stability through the financial rewards of successful performance can also lead to **mental health problems**⁵⁷². For Donjeta Sadiku, learning a few days before the competition that she would not be able to participate in the IBA World Boxing Championship in India (2023) following months of training affected her mental health. She expressed disappointment, having to learn that "*discrimination in sport can happen*"⁵⁷³. Nevertheless, this setback gave Sadiku more motivation to prepare for the Olympic Games Paris 2024⁵⁷⁴.

Lessons learnt and ways forward

The future participation of Kosovar athletes in championships in several sports still remains unclear. For instance, the 2024 European Boxing Championships will be held in Serbia, where Kosovar athletes are unlikely to be allowed to participate with national symbols. Difficulties faced by Kosovar athletes highlight the **role of international federations to ensure host countries respect athletes' rights and provide equal conditions of participation for all**. Athlete representative organisations have a crucial role in pressuring international sport governing bodies to secure equal conditions and participation for all athletes. The EU can also continue to **raise awareness** of the issue and such discriminatory behaviour, including the impact that prohibiting athletes from participating in big sport events has for athletes.

⁵⁷² Henriksen, K., et. al (2019), *Consensus statement on improving the mental health of high performance athletes*. International Journal of Sport and Exercise Psychology, 2020 Vol. 18, No. 5, 553–560, <https://doi.org/10.1080/1612197X.2019.1570473>.

⁵⁷³ Information obtained through consultation with Donjeta Sadiku in January 2024.

⁵⁷⁴ Information obtained through consultation with Donjeta Sadiku in January 2024.

Case study 6: Repercussions from criticisms made in the media

Study on athletes' rights in and around big sport events

Produced by: Ecorys

Date produced: May 2024

Introduction

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The case study provides an overview of the topic concerned, the main factors that conflict with athletes' rights, how they impacted the athlete(s) and what the lessons learnt are for the future. Contributions from an affected athlete and other stakeholders gathered through interviews are included throughout the case study but they do not necessarily represent the views of all parties involved.

Background

Despite freedom of expression and opinion being universally recognised human rights that all persons enjoy⁵⁷⁵, repercussions from criticism made by athletes against sport governing bodies in (social) media have a long-standing history. From threats of being suspended to denying players transfer to other teams, athletes' public complaints against sport governing bodies often have substantial implications on their professional careers, preparation, and participation in big sport events. In 2015, female football players, including Abby Wambach (United States) and others from Brazil, Germany, and Spain, spoke up publicly and filed a lawsuit in Canada on the grounds of gender discrimination, as players were made to play the 2015 FIFA Women's World Cup on artificial turf⁵⁷⁶. The lawsuit was eventually dropped as multiple players expressed fear of reprisal from both FIFA and the Canadian Soccer Association for their role in the protest⁵⁷⁷. Such instances show that athlete's freedom of expression may be limited by potential repercussions, particularly when it involves criticism of sport governing bodies.

This case study focuses on Aleksandra Shelton, Polish American Olympic fencer, exploring the drivers that led to having to take her case to the CAS in Switzerland and the broader implications it has on athletes' freedom of speech. Shelton is a four-time Olympic fencer for Poland, who was a founding member of the Athletes' Commission at the Polish Fencing Federation (PFF) in 2008 and was a member of the Polish Olympic Committee (POC)⁵⁷⁸. When Shelton became pregnant in 2016, she was one of the top female fencers on the

⁵⁷⁵ See, for example: Universal Declaration of Human Rights, Charter of Fundamental Rights of the European Union, European Convention on Human Rights.

⁵⁷⁶ NBC News (2015), *U.S. Soccer Star Abby Wambach: Playing on Turf a 'Nightmare'*, <https://www.nbcnews.com/news/sports/us-soccer-star-abby-wambach-playing-turf-nightmare-n371906>.

⁵⁷⁷ ESPN (2015), *Abby Wambach, players drop World Cup turf suit*, https://www.espn.com/espnw/news-commentary/story/_/id/12205330/abby-wambach-players-withdraw-women-world-cup-lawsuit-use-artificial-turf.

⁵⁷⁸ Information obtained through consultation with Aleksandra Shelton in November 2023.

Polish team; however, according to Aleksandra, after returning from maternity leave, the POC no longer wanted to support her participation in the Olympic Games Tokyo 2020, referring to her age as the main reason. As a result, Aleksandra requested her official transfer to the United States (USA) team in November 2018. According to the by-law to Rule 41 of the Olympic Charter, athletes who wish to change their nationality are required to wait at least three years (hereinafter: 'grace period') since representing their former country in the Olympic Games, however, with the agreement of the respective National Olympic Committee, this period may be reduced or cancelled (hereinafter: 'waiver')⁵⁷⁹. In January 2019, the PFF in agreement with the POC granted Shelton a release to change sporting nationalities and to compete for the USA in 2020.⁵⁸⁰

Following the agreement, during interviews with Polish journalists, Aleksandra criticised what she considered a lack of support from the POC, and the request to pay EUR 43,000 for her transfer to the USA⁵⁸¹. As a repercussion of these interviews, the PFF threatened to sue Shelton unless she publicly apologised, claiming that the PFF and KOC were supporting her preparation with significant financial resources, and her resignation was a surprise to the Polish sport authorities⁵⁸². As a result of the athlete's critical statements, the POC attempted to withdraw its waiver to allow Aleksandra's transfer before the three-year grace period. In January 2020, Aleksandra appealed to the CAS, which found in her favour in September 2020⁵⁸³. The CAS award reiterated that Aleksandra's freedom of speech rights was guaranteed by Article 9 of the European Convention on Human Rights and emphasised "*the importance of protecting - of course subject always to the limits imposed by law - freedom of speech and the right to criticize in good faith those in positions of authority even if there may be errors of fact in the criticism.*"⁵⁸⁴

Main enabling factors

The root cause of the dispute between the PFF and POC and Aleksandra Shelton was her decision to transfer to the USA team due to what she perceived as the **lack of support from representatives of the PFF**.

The athlete also raised issues around the **selection criteria** currently in place to qualify for the national team for the Olympic Games. In several countries and sports, while there are qualifications held in advance of big sport events, the final decision of being selected for the team may lie with sport governing bodies. Potentially biased decisions can

⁵⁷⁹ IOC (2023) By-law to Rule 41: Nationality of competitors, https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf?_ga=2.220409624.1643160210.1706780306-855551077.1699872332.

⁵⁸⁰ TVP Sport (2020), Aleksandra Socha (Shelton) chce walczyć o medal IO w Tokio dla USA (Aleksandra Socha (Shelton) wants to fight for the Olympic medal in Tokyo for the USA).

<https://sport.tvp.pl/46825176/aleksandra-socha-shelton-chce-walczy-c-o-medal-io-w-tokio-dla-usa>.

⁵⁸¹ The New York Times (2020), *Polish Olympian Wins Fight to Compete in Fencing for Team U.S.A.*, <https://www.nytimes.com/2020/10/14/sports/aleksandra-shelton-wins-cas-case-team-usa-fencing.html#:~:text=The%20Switzerland%2Dbased%20Court%20of,married%20to%20an%20American%20erviceman>.

⁵⁸² Polski Związek Szermierczy (2021), *PZS poprosił TVP Sport o sprostowanie* (PZS request for correction of TVP Sport), <https://pzszerm.pl/pzs-poprosil-o-sprostowanie-tvp-sport/>.

⁵⁸³ CAS 2020/A/6693 Alexandra Shelton v. Polish Olympic Committee (POC) & Polish Fencing. Federation (PFF), award of 28 September 2020.

⁵⁸⁴ Court of Arbitration of Sport (2022), *Sport and Human Rights: Overview from a CAS perspective*, https://www.tas-cas.org/fileadmin/user_upload/2022.06.20_Human_Rights_in_sport__20_June_2022_.pdf.

discourage athletes from speaking up critically against sport governing bodies in fear of the impact on their selection or participation in big sport events⁵⁸⁵. In addition, in the PFF, the Athletes' Commission only has an advisory vote in the General Meeting of Delegates and operates under the Management Board⁵⁸⁶. The **fear of repercussion and reprisal** can lead to an indirect limitation of athletes' freedom of expression or self-censorship. According to Shelton, with these conditions "there is no such thing as freedom of speech"⁵⁸⁷.

Impacts of the practice

Months of negotiations with the PFF and the POC, and eventually having to bring the case to the CAS in Switzerland impacted Aleksandra's personal and professional life. Aleksandra experienced extreme **mental pressure** while preparing for the court case, and at the same time she was preparing for the Olympic Games Tokyo 2020, not knowing whether she would be able to participate at all. She reported living in fear and uncertainty for months and having to deal with public and private accusations as she fought for her right to compete at the Olympic Games Tokyo 2020⁵⁸⁸.

Naturally, the above-described circumstances had an **impact on her preparation for the Olympic Games Tokyo 2020**. In 2021, Aleksandra travelled to Tokyo as a team substitute, but did not qualify to compete. Shelton highlighted that had her waiver been granted by the PFF and the POC when agreed in early 2019, she believes she would have had more chances to qualify⁵⁸⁹.

The case also significantly **impacted her coaches** in Poland, who were prevented from training with her during the negotiations with the PFF. According to Aleksandra, a coach who secretly worked with her was warned that the PFF would suspend the membership of their fencing club should the coach continue to work with her⁵⁹⁰.

Lessons learnt and ways forward

Despite the positive outcome of the CAS case for Aleksandra, it has yet to bring a change in factors enabling freedom of speech of fencing athletes in Poland. The case highlights the need to **establish a whistleblowing or safe sport entity that could support the resolution of disagreements between athletes and sport governing bodies** in the future. According to Aleksandra, Polish fencers cannot speak up about injustices due to the fear of potential repercussions from sport governing bodies in the country⁵⁹¹, and the lack of access to timely and effective remedies in domestic courts. The athlete hopes that the

⁵⁸⁵ Information obtained through consultation with a representative of a National Olympic Committee (September 2023), and international sport federation (September 2023), and an athlete representative body (September 2023).

⁵⁸⁶ Polski Związek Szermierczy (2020), Statute of the Polish Fencing Federation, CHAPTER IV., <https://pzszerm.pl/zwiazek-pzs/statut/>.

⁵⁸⁷ Information obtained through consultation with Aleksandra Shelton in November 2023.

⁵⁸⁸ TVP Sport (2020), *Aleksandra Shelton: the player is nothing here [INTERVIEW]* (Aleksandra Shelton: zawodnik jest tu nikim [WYWIAD]), <https://sport.tvp.pl/51439901/aleksandra-socha-shelton-zawodnik-jest-tu-nikim-wywiad>.

⁵⁸⁹ Information obtained through consultation with Aleksandra Shelton in November 2023.

⁵⁹⁰ Ibid.

⁵⁹¹ Information obtained through consultation with Aleksandra Shelton in November 2023.

Polish government will be willing to amend the Polish Sports Act (2010) to establish such an entity, enabling athletes to seek help in cases of mistreatment. This would also help athletes to practice their right to free speech without risking their careers or participation in big sport events.

Case study 7: The History of Rule 50 of the Olympic Charter

Study on athletes' rights in and around big sport events

Produced by: Ecorys

Date produced: May 2024

Introduction

The 'Study on athletes' rights in and around big sports events' maps, defines and discusses athletes' rights in and around big sport events focusing on three dimensions: sport governance and athletes' representation; global politics and use of social media; and mental health. Each case study explores a specific topic related to athletes' rights in the context of big sport events within one of the three themes of the study, providing examples of specific issues around and/or breaches of athletes' rights.

The case study provides an overview of the topic concerned, the main factors that conflict with athletes' rights, how they impacted the athlete(s) and what the lessons learnt are for the future. Contributions from an affected athlete and other stakeholders gathered through interviews are included throughout the case study but they do not necessarily represent the views of all parties involved.

Background

There has been a long-lasting debate on the freedom of expression for athletes in and around the Olympic and Paralympic games. Prior to its recent incorporation into Rule 40, Rule 50 of the Olympic Charter served as the main legal document to ensure that the games remain politically neutral. After its adoption in 1975, Rule 50 did not allow athletes to demonstrate or express their views in the Olympic sites with the aim of protecting the political, religious, and racial neutrality of the Olympics⁵⁹². According to the IOC, Rule 50 was enshrined in the fundamental principles of Olympism and its historic tradition (for example, the Olympic Truce, which aims to allow the safe participation of athletes despite the broader geopolitical context⁵⁹³). Athletes who are in breach of the Rule faced a disciplinary hearing by their National Olympic Committee, international sport federation, or the IOC, which could result in disciplinary action⁵⁹⁴.

Rule 50 has been refined multiple times over the years to better protect the freedom of expression of athletes without jeopardising the IOC's value of the neutrality of sport. However, many athlete representation bodies still consider the changes made to Rule 50 to disregard the fundamental human rights of athletes with regard to freedom of expression and have called to further amend the Rule to allow peaceful protests on issues that are important to athletes and wider society⁵⁹⁵.

⁵⁹² International Olympic Committee (1975), Olympic Rules, <https://library.olympics.com/Default/doc/SYRACUSE/70266/olympic-rules-by-laws-and-instructions-international-olympic-committee>

⁵⁹³ International Olympic Committee, Olympic Truce, <https://olympics.com/ioc/olympic-truce>

⁵⁹⁴ International Olympic Committee Athletes' Commission (2020), Rule 50 Guidelines, <https://olympics.com/athlete365/app/uploads/2020/12/Rule-50-Guidelines-Tokyo-2020.pdf>

⁵⁹⁵ EU Athletes (2021), EU Athletes statement on rule 50, <https://euathletes.org/statement-on-rule-50-of-the-olympic-charter/>

In 2020, before the Olympic Games Tokyo 2020, more than 150 Olympic athletes signed an open letter to the IOC and the International Paralympic Committee (IPC) asking not to impose any sanctions on athletes during the games if they decide to protest and to amend the Rule 50⁵⁹⁶. In response to Rule 50 concerns in 2020, the **IOC Athletes' Commission (AC)** issued **guidelines** explaining the reasoning of the policy and further clarifying which occasions are not permitted for athletes to express their opinion during the Olympics, including the field of play, Olympic village, the podium and opening and closing ceremonies. The guidelines also clarified that athletes have the right to express themselves during press conferences and interviews, team meetings and through digital or traditional media⁵⁹⁷.

In 2021, the IOC AC further **consulted athletes** as part of the report on *Athlete Expression and its recommendations to the IOC Executive Board (EB)* to understand their concerns over Rule 50 and provide their suggestions. The report provided **recommendations** on how athletes' expression can be increased and that more information on Rule 50 should be provided, specifically regarding its scope and purpose⁵⁹⁸. After the consultations, in October 2023 the Olympic Charter was amended. The free speech aspect has been moved to the modified Rule 40 which allows freedom of expression if it adheres to the Olympic values and the fundamental principles of Olympism⁵⁹⁹.

Impacts of the practice

Athlete representation bodies emphasise that freedom of speech and expression are universally recognised human rights that athletes are entitled to exercise⁶⁰⁰. However, while doing so, athletes, under Rule 50 of the Olympic Charter, faced disciplinary actions that affected their **professional careers**. Since the first mention of the political demonstrations in the Olympic charter in 1955⁶⁰¹, before the introduction of Rule 50, athletes have faced consequences over their protestive actions. At the 1968 Mexico City Olympic Games, 200m meter sprinters Tommie Smith and John Carlos raised a black-gloved fist to protest against racial discrimination in America on the podium which resulted in condemnation by the sports authorities and repatriation in disgrace⁶⁰². During the same Olympic Games, Czechoslovakian Vera Caslavská turned her head away from the Soviet

⁵⁹⁶ Sharnak, Debbie & Kluch, Yannick (2021), *Rule 50 and Racial Justice: The Long History of the IOC War on Athletes' Free Expression*, <https://historynewsnetwork.org/article/rule-50-and-racial-justice-the-long-history-of-the>

⁵⁹⁷ International Olympic Committee Athletes' Commission (2020), *Rule 50 Guidelines*, <https://olympics.com/athlete365/app/uploads/2020/12/Rule-50-Guidelines-Tokyo-2020.pdf>

⁵⁹⁸ International Olympic Committee Athletes' Commission (2021), *Athlete expression consultation report*, https://olympics.com/athlete365/app/uploads/2021/04/IOC_AC_Consultation_Report-Athlete_Expression_21.04.2021.pdf

⁵⁹⁹ International Olympic Committee (2023), *Olympic Charter*, https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf?_ga=2.185480169.1150724657.1703062356-354480607.1688038249

⁶⁰⁰ EU Athletes (2021), *EU Athletes statement on rule 50*, <https://euathletes.org/statement-on-rule-50-of-the-olympic-charter/>. United Nations General Assembly. The Universal Declaration of Human Rights (UDHR). New York: United Nations General Assembly, 1948.

⁶⁰¹ International Olympic Committee (1955), *Olympic Charter*, https://library.olympics.com/Default/doc/SYRACUSE/64826/the-olympic-games-charter-rules-and-regulations-general-information-comite-international-olympique?_lg=en-GB

⁶⁰² Burke, M. (2023), In *History: How Tommie Smith and John Carlos's protest at the 1968 Mexico City Olympics shook the world*, <https://www.bbc.com/culture/article/20231011-in-history-how-tommie-smith-and-john-carlos-protest-at-the-1968-mexico-city-olympics-shook-the-world>

flag at the medal ceremony which led to repercussions from Czech authorities⁶⁰³.

The adoption of Rule 50 has led to closer scrutiny regarding the limits of freedom of expression. While some protests have not resulted in disciplinary actions (during Olympic Games Sydney 2000, Cathy Freeman carried the national flag of Australia and the Aboriginal flag wrapped together during her gold medal victory lap⁶⁰⁴ breaching Rule 50) others have faced investigations by the IOC. During the Olympic Games Tokyo 2020, Algerian Judoka Fethi Nourine withdrew from his event to avoid the risk of facing Israeli competitor Tohar Butbul in the second round which subsequently led to his suspension from all International Judo Federation events for 10 years⁶⁰⁵. During the same Olympic Games, Raven Saunders, Black LGBTQ athlete and a silver medallist in women's shot put raised her hands above her head in an X formation on the podium to express the unity. Her gesture led to the IOC investigation which was suspended a few days afterwards⁶⁰⁶.

Lessons learnt and ways forward

Recent examples of freedom of expressions showcase those protests in support of social justice, inclusion, anti-discrimination and LGBTQI+ rights are continuously being accepted during the Olympic Games, however, there are still limitations on how, when and where these expressions are allowed. The recent consultations with the athletes and the amendments to the Olympic charter provide more clarity on these aspects and allows freedom of expression if it adheres to the Olympic values and the fundamental principles of Olympism.

Despite positive developments and greater clarity, multiple stakeholders including athletes' representation bodies and human rights experts continue to advocate that the current clarifications and changes to the previous Rule 50 are not sufficient to protect athletes' right to freedom of expression⁶⁰⁷. Therefore, **further consultations with relevant stakeholders including human rights experts** may be needed to ensure more consistent guidelines and practice on balancing the need for freedom of expression and political neutrality at big events.

⁶⁰³ Elsborg, S. (2020), *A fist of freedom or a fist of iron? Rule 50 and the Olympic paradox*, <https://www.playthegame.org/news/a-fist-of-freedom-or-a-fist-of-iron-rule-50-and-the-olympic-paradox/>

⁶⁰⁴ Staff Reporter (2023), *Cathy Freeman was warned not to carry the Aboriginal flag at the Olympics*, <https://guyanachronicle.com/2020/09/27/442990/>

⁶⁰⁵ James, M. (2022), *The Re-Emergence of the Athlete Activist*, <https://verfassungsblog.de/the-re-emergence-of-the-athlete-activist/>

⁶⁰⁶ Nuñez, X. (2021), *The IOC Has Suspended Its Investigation Into Raven Saunders' Podium Demonstration*, <https://www.npr.org/sections/tokyo-olympics-live-updates/2021/08/04/1024805283/raven-saunders-ioc-investigation-tokyo-olympics>

⁶⁰⁷ Athleten Deutschland e. V. (2020), *Freedom of expression of athletes*, Position Paper, https://athleten-deutschland.org/wp-content/uploads/Position_Paper_Freedom_of_Expression-September-2020.pdf

Case study 8: The influence of coaching on athlete mental health

Study on athletes' rights in and around big sport events

Produced by: Ecorys

Date produced: May 2024

Introduction

The 'Study on athletes' rights in and around big sport events' maps, defines and discusses athletes' rights in and around big sport events focusing on three dimensions: sport governance and athletes' representation; global politics and use of social media; and mental health. Each case study explores a specific topic related to athletes' rights in the context of big sport events within one of the three themes of the study, providing examples of specific issues around and/or breaches of athletes' rights.

The case study explores the role coaches play in relation to athletes' mental health, particularly in the context of big sport events, the main risk factors which have a negative impact on athlete mental health, and what the lessons learnt are for the future. Contributions from stakeholders gathered through interviews are included throughout the case study but they do not necessarily represent the views of all parties involved.

Background

Coaches play a vital role in an athlete's career, often becoming the primary source of guidance, encouragement, and mentorship. As the individuals whom athletes spend the most time with, coaches have a substantial impact on athletes' development and performance. Athletes typically value their coach's opinion above all others, as they possess a deep understanding of their strengths, weaknesses, and potential. Beyond physical training, coaches play a crucial role in safeguarding the mental well-being of athletes. Establishing a strong and positive athlete-coach relationship fosters an environment of trust and support, which can enable coaches to detect early signs of mental distress and intervene effectively.

The right to the highest attainable standard of physical and mental health is a fundamental human right⁶⁰⁸. The World Health Organization (WHO) defines health as a state of "complete physical, mental and social well-being and not merely the absence of disease or infirmity" and that mental health is an integral part of physical health⁶⁰⁹. Athletes encounter mental health challenges at rates similar to those in the general population, in relation to anxiety, depression, post-traumatic stress, and sleep disorders. However, there is also evidence that highlights specific risk factors for the mental health of athletes, which can be exacerbated during major sporting events, due to higher performance pressure, extended travel away from home and exposure to unfamiliar environments⁶¹⁰. During high-

⁶⁰⁸ Committee on Economic Social and Cultural Rights, *General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12 of the Covenant)*, <https://www.refworld.org/legal/general/cescr/2000/en/36991>.

⁶⁰⁹ World Health Organisation (n.d.), *The global health observatory - Health and Well-Being*, <https://www.who.int/data/gho/data/major-themes/health-and-well-being#:~:text=The%20WHO%20constitution%20states%3A%20%22Health,absence%20of%20disease%20or%20infirmity.%22>.

⁶¹⁰ Purcell, R., Gwyther, K. and Rice, S.M (2019), *Mental Health In Elite Athletes: Increased Awareness Requires An Early Intervention Framework to Respond to Athlete Needs*, *Sports Med - Open* 5, 46 (2019), <https://sportsmedicine-open.springeropen.com/articles/10.1186/s40798-019-0220-1#citeas>.

stress phases, such as competitions at big sport events a supportive and healthy relationship between athletes and coaches is particularly important⁶¹¹. Coaches have a profound and influential effect on the athletes they are coaching. Depending on whether they use an authoritarian or a supportive coaching style coaches can either increase athletes' stress levels or feelings of burnout or strengthen athletes' self-esteem, motivation and resilience⁶¹².

In recent years, mental health and the influence of coaches on athletes' mental health have garnered greater attention within the realm of sport. In 2019, the IOC released an Expert Consensus Statement on mental health in elite athletes, aiming to promote a more standardised, evidence-based approach to addressing mental health symptoms and disorders among elite athletes⁶¹³. The IOC also developed the 'Sport Mental Health Recognition Toolkit', which aims to assist athletes' entourage members and coaches, among others, with the protection and the promotion of mental health and well-being of athletes⁶¹⁴. The 'qualities of a great sports coach' guidelines⁶¹⁵ provide an overview of positive qualities of coaches. At the same time, stakeholders highlighted significant differences between mental health awareness and the level of protection and support offered to athletes in different countries and that more needs to be done to protect athletes' mental health effectively, especially by focusing on the important role that coaches play⁶¹⁶.

Main risk factors

As highlighted above, athletes encounter mental health challenges at rates similar to those in the general population. However, specific risk factors for the mental health of athletes, such as sport-related injuries, overtraining or performance failure and general risk factors, such as low social support and impaired sleep, can be exacerbated during **major sport events**⁶¹⁷. Uncomfortable travel conditions, inadequate accommodation, tight spaces, public attention, social media exposure and high pressure can strain not only the athlete but also the coaches and the entourage, which can then have a spillover effect on athletes' mental health⁶¹⁸. Coaches operate in the same elite-level environments as athletes during sport events. They may encounter difficult organisational challenges and be exposed to stressors, such as long working hours, performance pressures, job insecurity, media scrutiny and social isolation⁶¹⁹. Therefore, it is crucial for coaches to receive sufficient

⁶¹¹ Ibid.

⁶¹² Hagerty, S., Felizzi, M. V. (2023), *The Impact of Authoritarian Coaching Styles on Athletes' Anxious States*, <https://www.researchgate.net/publication/368673336>

⁶¹³ Reardon, C. L., Hainline, B., Aron, C. M., Baron, D., Baum, A.L., Bindra, A., et al. (2019), *Mental health in elite athletes: International Olympic Committee consensus statement* (2019), <https://bjsm.bmj.com/content/53/11/667.long>.

⁶¹⁴ IOC (2021), *Mental Health Toolkit*, <https://stillmed.olympics.com/media/Document%20Library/IOC/Athletes/Safe-Sport-Initiatives/IOC-Mental-Health-In-Elite-Athletes-Toolkit-2021.pdf>.

⁶¹⁵ IOC (n.d.), *Qualities of a great sports coach*, <https://olympics.com/athlete365/entourage/qualities-of-a-great-sports-coach/>

⁶¹⁶ Information obtained through consultation with the International Council for Coaching Excellence

⁶¹⁷ Purcell, R., Gwyther, K. and Rice, S.M (2019), *Mental Health In Elite Athletes: Increased Awareness Requires An Early Intervention Framework to Respond to Athlete Needs*, *Sports Med - Open* 5, 46 (2019), <https://sportsmedicine-open.springeropen.com/articles/10.1186/s40798-019-0220-1#citeas>.

⁶¹⁸ Information obtained through consultations with the International Council of Coaching Excellence and Swim Ireland.

⁶¹⁹ Frost, J., Walton, C.C. et al. (2024), *The Mental Health of Elite-Level Coaches: A Systematic Scoping Review*, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10859359/>

training and support to prevent their anxiety from negatively affecting athletes, before, during and after big sport events. Such training should also provide coaches with the necessary skills to be able to prepare and support athletes for the physical and psychological pressures such major sport events can have on them.

The performance and well-being of athletes are greatly influenced by the **athlete-coach relationship and coaching style**⁶²⁰. The athlete-coach relationship is capable of either nurturing or impeding mental well-being depending on its quality. Different coaching styles have been demonstrated to significantly impact athletes, either meeting or disregarding their psychological needs. The two most well-known coaching styles are the autonomy-supportive and the controlling or authoritarian style. Coaches with an autonomy-supportive style exhibit behaviours such as providing choices within set limits, explaining tasks, acknowledging athletes' perspectives, encouraging initiative, offering constructive feedback, avoiding criticism, and refraining from using rewards or punishments. These behaviours are associated with enhanced motivation and well-being of athletes. In contrast, controlling coaches use power-assertive techniques to pressure athletes, offer negative feedback, and may resort to punishment for non-compliance, which can lead to heightened anxiety in athletes⁶²¹. At its most detrimental, athletes may be subjected to interpersonal violence, encompassing behaviours such as physical, financial, sexual, psychological, or emotional abuse, as well as neglect or abandonment. Interpersonal violence is linked with notable alterations in the psychosocial health and emotional well-being of athletes⁶²².

The **performance narrative** in sport can also significantly impact the mental health of athletes, often leading to heightened stress, anxiety, and self-esteem issues. Athletes have been found to suppress signs of psychological suffering because they fear being weak and vulnerable in the sporting environment, which is still centred around the belief that they need to be 'mentally tough'⁶²³. Coaches who buy into that narrative and induce feelings of guilt or shame around negative performance, tend to worsen feelings of anxiety and lower confidence and competency in athletes. Such behaviour also fosters a negative-athlete coach relationship, and an environment in which athletes may not feel safe to express their psychological needs⁶²⁴. The **stigma** around mental health issues, often leads athletes to hide vulnerabilities⁶²⁵. This can impede the timely detection of athletes who could benefit from mental health assistance, whether to address mental illness or enhance overall well-

⁶²⁰ Purcell, R., Gwyther, K. and Rice, S.M (2019), *Mental Health In Elite Athletes: Increased Awareness Requires An Early Intervention Framework to Respond to Athlete Needs*, <https://sportsmedicine-open.springeropen.com/articles/10.1186/s40798-019-0220-1#citeas>

⁶²¹ Macarone, M. (2017), *The Impact of Coaching Styles on the Motivation and Performance of Athletes*, <https://soar.suny.edu/handle/20.500.12648/4054>

⁶²² Zogg, C.K. et al (2024), *Experiences of Interpersonal Violence in Sport and Perceived Coaching Style Among College Athletes*, *JAMA Network Open*, <https://jamanetwork.com/journals/jamanetworkopen/article-abstract/2813930>

⁶²³ Lebrun, F., MacNamara, A., Rodgers, S., & Collins, D. (2018), *Learning from elite athletes' experience of depression*, *Frontiers in Psychology*, 9, 2062, <https://www.frontiersin.org/journals/psychology/articles/10.3389/fpsyg.2018.02062/full>

⁶²⁴ Hagerty, S., Felizzi, M. V. (2023), *The Impact of Authoritarian Coaching Styles on Athletes' Anxious States*, <https://www.researchgate.net/publication/368673336>.

⁶²⁵ Lebrun, F., MacNamara, A., Rodgers, S., & Collins, D. (2018), *Learning from elite athletes' experience of depression*, *Frontiers in Psychology*, 9, 2062, <https://www.frontiersin.org/journals/psychology/articles/10.3389/fpsyg.2018.02062/full>

being. Since coaches engage with athletes on a day-to-day basis, they have the potential to intervene when observing early warning signs of mental distress or illness. Untreated mental health issues are consequently linked to worsened symptoms, diminished athletic performance, and loss of motivation for engaging in sport. Research suggests that a cultural shift is needed to support athletes' mental health, which includes the recognition of the importance of the athlete-coach relationship and different ways to engage them in mental health promotion⁶²⁶.

Lessons learnt and ways forward

Athletes operate in high-pressure environments where they are exposed to different risk factors which can negatively affect their mental health. Coaches can either exacerbate the negative impact of these risk factors or serve as a positive influence on their mental health. Given coaches' daily interactions with athletes, they have the potential to recognise and address early signs of mental distress or illness, if they are adequately trained in mental health literacy and manage to create a supportive and psychologically safe environment.

One possible way forward is to **strengthen the role of sport coaches in promoting athletes' mental health**. The education of coaches, for example, could aim to increase their mental health literacy, to teach them how to recognise mental health symptoms, how to facilitate athletes' help-seeking behaviours and how to refer athletes to evidence-based interventions⁶²⁷. As highlighted above, the IOC's Mental Health Working Group developed the 'Sport Mental Health Recognition Toolkit' to assist entourage members in recognising mental health symptoms or disorders in elite athletes⁶²⁸. More supportive coaching approaches and team atmospheres have been found to correlate with decreased reporting of interpersonal violence⁶²⁹. Coaches can therefore destigmatise and support mental health help-seeking (primary prevention), notice changes, and intervene (secondary prevention) and support athletes when receiving mental health care (tertiary prevention)⁶³⁰.

Moreover, creating a **psychologically safe culture** during and outside big sporting events that supports help-seeking of athletes should be encouraged. Positive relationships between athletes and coaches but also between athletes and other entourage members, such as managers, agents and physical trainers are key in this regard⁶³¹. Coaches may behave in an authoritarian or abusive manner, possibly due to training in a system that cannot be considered best practice by today's standards. Educating coaches on athlete

⁶²⁶ Bissett, J.E., Kroshus, E. and Hebard, S. (2020), *Determining the role of sport coaches in promoting athlete mental health: a narrative review and Delphi approach*, *BMJ Open Sport Exerc Med.* 2020 Jan 27;6(1), <https://pubmed.ncbi.nlm.nih.gov/32095271/>

⁶²⁷ Ibid.

⁶²⁸ IOC (2021), *Mental Health Toolkit*, <https://stillmed.olympics.com/media/Document%20Library/IOC/Athletes/Safe-Sport-Initiatives/IOC-Mental-Health-In-Elite-Athletes-Toolkit-2021.pdf>.

⁶²⁹ Zogg, C.K. et al (2024), *Experiences of Interpersonal Violence in Sport and Perceived Coaching Style Among College Athletes*, *JAMA Network Open*, <https://jamanetwork.com/journals/jamanetworkopen/article-abstract/2813930>

⁶³⁰ Bissett, J.E., Kroshus, E. and Hebard, S. (2020), *Determining the role of sport coaches in promoting athlete mental health: a narrative review and Delphi approach*, *BMJ Open Sport Exerc Med.* 2020 Jan 27;6(1), <https://pubmed.ncbi.nlm.nih.gov/32095271/>

⁶³¹ IOC (2021), *Mental Health Toolkit*, <https://stillmed.olympics.com/media/Document%20Library/IOC/Athletes/Safe-Sport-Initiatives/IOC-Mental-Health-In-Elite-Athletes-Toolkit-2021.pdf>.

mental health and training them in the autonomous-supportive coaching style has been identified as one of the most effective steps in fostering change⁶³². In order to be able to support athletes adequately, however, **coaches** and wider support staff, must **receive sufficient support themselves** to prevent potential spillover from the stress of coaches to athletes⁶³³. Some initiatives, including the elite sport mental health clinics in Sweden discussed in Case Study 13 recognise the mental health needs and stressors that coaches themselves are exposed to, and offer support to both elite athletes and elite coaches. Additionally, coaches should be educated on healthy emotional coping and emotional regulation themselves. This may subsequently enhance their own psychological well-being and coaching effectiveness, as well as the mental health of individuals and communities who operate within their interpersonal environment (e.g., athletes and support staff)⁶³⁴.

The mental health of athletes therefore needs to be put into **wider policy and legal frameworks**. This includes adopting adequate **regulations on coaching qualifications** and specific requirements to coach children or vulnerable adults, which do not exist in all countries⁶³⁵. Regulations could encompass various aspects, such as defining coaching, outlining coaches' responsibilities (including developing a safe sport environment), specifying the organisations accountable for coaching development and management within the country, and establishing quality standards for coach education programs⁶³⁶. Education programmes should also include mental health literacy and autonomous-supportive coaching style training. The International Council of Coaching Excellence, for example, is working on developing coaching globally by supporting the development of policy, offering policy frameworks and different tools that organisations, countries, and federations can use to evaluate and improve their coaching systems. For example, the code of conduct for coaches provides guidelines to ensure a professional standard of coaching and to safeguard the welfare of individuals under coaches' supervision. The main principles of the code are competence, trustworthiness, respect, fairness, caring, integrity, and responsibility. It also serves as a resource for coaches, providing reference points on appropriate conduct, particularly in challenging scenarios⁶³⁷. Lastly, legal frameworks to protect athletes from abuse and provide accessible mental health services are vital.

⁶³² Hagerty, S., Felizzi, M. V. (2023), *The Impact of Authoritarian Coaching Styles on Athletes' Anxious States*, <https://www.researchgate.net/publication/368673336>.

⁶³³ Information obtained through consultation with Swim Ireland

⁶³⁴ Hagerty, S., Felizzi, M. V. (2023), *The Impact of Authoritarian Coaching Styles on Athletes' Anxious States*, <https://www.researchgate.net/publication/368673336>.

⁶³⁵ Information obtained through consultation with the International Council of Coaching Excellence

⁶³⁶ PEAK (2022), European Sport Coaching Policy Framework, https://ec.europa.eu/programmes/erasmus-plus/project-result-content/7f34791e-b8d3-46cd-a41a-870ec51e4bf8/20220408_PEAK_Framework_010422_EN.pdf

⁶³⁷ International Council of Coaching Excellence (2023), *Codes of Conduct for Coaches*, <https://icce.ws/about-us/>.

Case study 9: Sexual violence and harassment in the context of big sport events

Study on athletes' rights in and around big sport events

Produced by: Ecorys

Date produced: May 2024

Introduction

The 'Study on athletes' rights in and around big sports events' maps, defines and discusses athletes' rights in and around big sport events focusing on three dimensions: sport governance and athletes' representation; global politics and use of social media; and mental health. Each case study explores a specific topic related to athletes' rights in the context of big sport events within one of the three themes of the study, providing examples of specific issues around and/or breaches of athletes' rights.

The case study provides an overview of the topic concerned, the main factors that conflict with athletes' rights, how they impacted the athlete(s) and what the lessons learnt are for the future. Contributions from an affected athlete and other stakeholders gathered through interviews are included throughout the case study but they do not necessarily represent the views of all parties involved. Due to the highly sensitive nature of the case, stakeholder contributions to the case study have been anonymised.

Background

Sexual violence and harassment in sport has been reported by experts and other sport stakeholders to be prevalent. Initial studies on gender-based violence have shown that four in ten male elite athletes and two in three female elite athletes had experienced sexual violence in sport, indicating a higher risk for female athletes⁶³⁸. This risk is exacerbated further for athletes of colour and members of the LGBTQI community⁶³⁹. Rates of violence and harassment largely reflect the prevalence of sexual violence and harassment in broader society; however, the field of sport and the context of big sport events have unique risk factors that result in athletes, and other sport event participants, being particularly vulnerable to abuse.

There have been several high-profile cases in recent years of abuses against athletes in the context of big sport events. For example, one of the most high-profile cases in recent years due to the scale of the abuse is the sexual violence conducted by Larry Nassar, who was the national team doctor for USA Gymnastics. Nassar abused over 265 gymnasts over the course of twenty years, including during overseas competitions that he attended and mandatory training camps⁶⁴⁰. Another recent case brought forward by Canadian ice hockey players drew attention to the reality that peers are also often perpetrators, as allegations were brought against eight Canadian Hockey League players due to a sexual assault that occurred during the World Junior Championships⁶⁴¹. Most recently, the president of the

⁶³⁸ Ohlert, J., et al., (2020), *Comparison of elite athletes' sexual violence experiences in and outside sport*, *Ger J Exerc Sport Res* 50, 435–443, <https://link.springer.com/article/10.1007/s12662-020-00678-3>.

⁶³⁹ ILO (2020), *Decent work in the world of sport: Issues paper for discussion at the Global Dialogue Forum on Decent Work in the World of Sport*.

⁶⁴⁰ The Guardian, (2018), *How was Larry Nassar able to abuse so many gymnasts for so long?*, <https://www.theguardian.com/sport/2018/jan/26/larry-nassar-abuse-gymnasts-scandal-culture>.

⁶⁴¹ CBC, (2022), *Crisis on ice: What you need to know about the Hockey Canada scandal*, <https://www.cbc.ca/news/politics/hockey-canada-sexual-assault-crisis-parliamentary-committee-1.6535248>.

Spanish Football Federation, Luis Rubiales, kissed player Jenni Hermoso without her consent after her team won the World Cup final⁶⁴². This case study aims to look more closely at how sexual violence and harassment manifests in the context of big sport events, and the resulting implications for athlete safeguarding.

Main enabling factors

Sporting events include a **high prevalence of 'risk situations'**, such as changing rooms, carpooling, and overnight stays⁶⁴³. Athletes are typically isolated from their support networks during big sport events or mandatory training camps that precede them. They are often in foreign countries that may have cultural or language barriers, and so are often reliant on the sport personnel accompanying them, which can make them more vulnerable to abuse⁶⁴⁴. International events bring together individuals from diverse backgrounds, leading to cultural and language barriers that may make it more difficult for others to pick up on sexual violence or harassment. For example, in a recent international championship for an individual sport, sexual harassment against an athlete by a referee was written off as '*just a joke*' that others would not understand, and language barriers may give further confidence to perpetrators, as others are less likely to understand what is being said⁶⁴⁵. Fans and spectators at big sport events also pose a threat to athletes, as hooliganism and heckling often cross the line into harassment. This has become a particular focus in female sports, as the changing demographics of the fanbase have raised concerns for athletes' safety⁶⁴⁶.

The **governance of big sport events**, such as a lack of dedicated policies, shared responsibilities, and conflicts of interest can also enable the continuation of and lack of remedy for sexual violence and harassment. A lack of policies dedicated to preventing and addressing abuse in sport at European level, as well as in many national and individual sport contexts, has allowed the status quo to continue largely unchallenged⁶⁴⁷. Stakeholders consulted for this study noted that in the absence of a national legal framework against abuse, the responsibility is on the federation to address the case, which is not always thoroughly done⁶⁴⁸. Furthermore, the shared responsibility of actors involved in big sports events, including event hosts and organisers, the local government where the event is hosted, participating sport federations and coaches, can make it difficult to ensure adequate procedures are in place to safeguard athletes and establish who is responsible when cases of misconduct occur⁶⁴⁹. The involvement of local governments in sporting events can create further challenges, as countries have varying levels of protection against sexual violence and harassment, particularly in the field of sport. There are also

⁶⁴² BBC, (2023), *Spain's Hermoso says image tarnished by Rubiales World Cup kiss*, <https://www.bbc.com/news/world-europe-67063403>.

⁶⁴³ Council of Europe, (2020), *Guidelines on sport integrity: Action 3 of the Kazan Action Plan*.

⁶⁴⁴ Information obtained through consultation with stakeholder.

⁶⁴⁵ Information obtained through consultation with stakeholder.

⁶⁴⁶ Information obtained through consultation with stakeholder.

⁶⁴⁷ Lang, M., et al., (2018), *Gender-based violence in EU sport policy: Overview and recommendations*. *Journal of Gender-Based Violence*, 2(1), 109-118.

<https://bristoluniversitypressdigital.com/view/journals/jgbv/2/1/article-p109.xml>.

⁶⁴⁸ Information obtained through consultations with stakeholders.

⁶⁴⁹ Information obtained through consultations with stakeholders.

sensitivities in terms of global politics and jurisdiction regarding the extent to which a sport federation can raise attention on or seek remedy for violence against athletes⁶⁵⁰.

Organisers of big sport events can also have conflicts of interest between the commercial and financial priorities of federations and ensuring the protection of and remedy for athletes. Athletes interviewed in an article exploring how Larry Nassar was able to abuse female athletes for twenty years before being charged felt that USA Gymnastics and the US Olympic and Paralympic Committee (USOPC) were more concerned with the potential impact reporting the abuse might have on sponsors and Olympic medals than their responsibility to protect athletes⁶⁵¹. After the final settlement decision between the victims, USA Gymnastics, and the USOPC, the CEO of the USOPC released a statement recognising the role their organisation played in failing to protect their athletes⁶⁵². This is a sentiment that has been reflected in other sports as well⁶⁵³.

Another key enabler of sexual violence and harassment is the **power imbalance between athletes and sporting officials**, particularly around an athlete's ability to compete in big sporting events, that leaves them in a vulnerable position with limited options for remedy in cases of abuse. The majority of sport federations have largely independent systems of governance and can operate with limited transparency or external accountability, and they have significant influence over the careers of athletes, acting as gatekeepers to opportunities and access to big sport events⁶⁵⁴. The severity of this power imbalance leaves the sport sector particularly vulnerable to sextortion, a form of abuse where those with power use it for sexual benefit⁶⁵⁵. Because of the power sport federations or officials have over athletes' careers, victims fear retribution for uncovering abuse and may decide to drop cases once they reach a certain level⁶⁵⁶ or after being pressured by sporting officials to do so⁶⁵⁷. This becomes particularly heightened leading up to and during major sporting events, as athletes do not want to risk losing their spot on a national team or being subject to unfair sporting practices, such as punitive scoring or fixed refereeing⁶⁵⁸.

⁶⁵⁰ For example, the World Tennis Association initially boycotted China due to their treatment of Peng Shuai following her accusation of sexual assault against the Chinese Vice Premiere; however, this boycott only lasted four months. For more information, see: The Guardian, (2023), *Tennis's support for Peng Shuai has turned to dust with WTA's China U-turn*, <https://www.theguardian.com/sport/2023/apr/13/tennis-peng-shuai-wta-china-u-turn>.

⁶⁵¹ The Guardian, (2018), *How was Larry Nassar able to abuse so many gymnasts for so long?*

⁶⁵² Associated Press, (2021), *USA Gymnastics, USOPC reach \$380M settlement with victims*, <https://apnews.com/article/sports-2020-tokyo-olympics-sexual-abuse-gymnastics-larry-nassar-40c88c269a8fedf28b5fada59b9079ef>.

⁶⁵³ For example, see Case Study 1 on sexual abuse and abuses of power in women's football within: UNESCO, (2023), *Tackling violence against women and girls in sport: a handbook for policy makers and sports practitioners*, <https://unesdoc.unesco.org/ark:/48223/pf0000386159>.

⁶⁵⁴ UNESCO, (2023), *Tackling violence against women and girls in sport: a handbook for policy makers and sports practitioners*.

⁶⁵⁵ Transparency International, (2022), *On Your Marks, Set... Stop Sextortion in Sport*, <https://www.transparency.org/en/news/sextortion-sport>.

⁶⁵⁶ Information obtained through consultation with stakeholder.

⁶⁵⁷ For example, Jenni Hermoso has spoken about the consistent pressure she faced from federation officials and her coach to say that the kiss from Luis Rubiales was consensual. For more information, see: BBC, (2023), *Spain's Hermoso says image tarnished by Rubiales World Cup kiss*.

⁶⁵⁸ Information obtained through consultation with stakeholder.

Impacts of the practice

In any context, the impact of sexual violence and harassment on an individual's well-being and professional development cannot be understated. Sexual violence has been associated with **an increase in psychological disorders** among victims, such as anxiety, withdrawal behaviour, post-traumatic stress disorder, depression, and suicidal ideation⁶⁵⁹. Studies exploring the impact of violence in sport more generally have found worsened self-esteem, body image, academic performance, eating disorders, substance use, and psychological disorders on victims⁶⁶⁰, as well as negative impacts on their behaviour, emotional volatility, and interpersonal relationships⁶⁶¹.

For example, Jenni Hermoso has spoken to multiple outlets about the toll the incident with Luis Rubiales has taken on her personally. In her statement to prosecutors, Hermoso spoke about how she felt her image was tarnished by the Spanish Football Federation, that her victory became overshadowed by the incident, and that she felt disrespected as both a player and a person⁶⁶². She spoke elsewhere of having to bear the consequences of an act she did not provoke, including the additional pressures of being involved in a high-profile case, receiving threats, and the re-traumatisation of continuously having to speak about the incident⁶⁶³.

Sexual violence and harassment can also have **negative impacts on the performance of athletes**. In the general population, it is understood that experiencing sexual violence can lead to decreased performance, the need to take time off, and an inability to work altogether⁶⁶⁴. These findings also apply to the context of sport⁶⁶⁵. However, athletes can be further negatively impacted if they face **retribution for speaking out**, which is unfortunately not uncommon. One federation stakeholder indicated that because corruption in her sport was widespread, such as referees being paid off to influence results or punitive decisions on who is chosen for specific teams, athletes fear bringing cases of mistreatment forward or being critical of their federation⁶⁶⁶. Athletes in other sports have also reported being ostracised by peers or not being chosen for the national team for 'rocking the boat'⁶⁶⁷.

⁶⁵⁹ Suhita, B. M., et al., (2021), *Psychological Impact On Victims of Sexual Violence: Literature Review*, STRADA Jurnal Ilmiah Kesehatan, 10(1), 1412–1423, <https://sjik.org/index.php/sjik/article/view/825>.

⁶⁶⁰ Reardon, C. L., et al., (2019), *Mental health in elite athletes: IOC consensus statement*, <https://bjsm.bmj.com/content/53/11/667>.

⁶⁶¹ IOC (2017), *Safeguarding athletes from harassment and abuse in sport: IOC Toolkit for IFs and NOCs*, https://library.olympics.com/Default/doc/SYRACUSE/171450/safeguarding-athletes-from-harassment-and-abuse-in-sport-ioc-toolkit-for-ifs-and-nocs-related-to-cre?_lg=en-GB.

⁶⁶² BBC, (2023), *Spain's Hermoso says image tarnished by Rubiales World Cup kiss*.

⁶⁶³ CNN, (2023), *Jennifer Hermoso says that she has received threats after Luis Rubiales' unwanted kiss*, <https://edition.cnn.com/2023/11/07/sport/jennifer-hermoso-kiss-interview-luis-rubiales-spt-intl/index.html>.

⁶⁶⁴ Loya, R. M. (2015), *Rape as an Economic Crime: The Impact of Sexual Violence on Survivors' Employment and Economic Well-Being*, *Journal of Interpersonal Violence*, 30(16), 2793-2813, <http://doi.org/10.1177/0886260514554291>.

⁶⁶⁵ Reardon, C. L., et al., (2019), *Mental health in elite athletes: IOC consensus statement*, <https://bjsm.bmj.com/content/53/11/667>.

⁶⁶⁶ Information obtained through consultation with stakeholder.

⁶⁶⁷ The Guardian, (2018), *How was Larry Nassar able to abuse so many gymnasts for so long?*

Lessons learnt and ways forward

There is much that should be done in the field of sport more generally to **address the culture** that enables sexual violence and harassment, **raising awareness** that this type of abuse can happen in all sports and contexts, and **sharing knowledge between stakeholders on best practices** in addressing and preventing violence and harassment in sport. In the context of big sport events, several good practices have been implemented by federations that should be more widely adopted across sports. For example, the International Fencing Federation has implemented a safeguarding policy that requires two safeguarding officers to be present at all World Championships for athletes and proactively watch out for potential abuse⁶⁶⁸. Additionally, the IOC has an online hotline that can be used to report harassment or abuse during the Olympic Games, requires IOC Safeguarding Officers to be present in the Olympic Village(s) throughout the Games period, raises awareness on safeguarding needs, and shares best practices in safeguarding through its Safe Sport Unit⁶⁶⁹. Nevertheless, federations can still do more to leverage the power of hosting big sports events to ensure host countries and cities have measures in place to protect the human rights of athletes⁶⁷⁰.

One of the most common recommendations put forward by stakeholders is to **establish structures of independent oversight** in sport for cases of violence, harassment, and abuse. As sport federations have image, financial, and internal political considerations, they should not be the sole actors tasked with ensuring accountability. **National governments should step in and deal with breaches by sport clubs within their jurisdiction**⁶⁷¹; for example, Sweden⁶⁷² and the Netherlands⁶⁷³ already have sport-specific legislation that addresses sexual harassment. Multiple stakeholders stressed the importance of having **legislation or policies against harassment and abuse in sport**, as they provide a framework to hold perpetrators to account and prevent further abuse moving forward⁶⁷⁴. **EU-level policies that target safeguarding of athletes** during big sport events and in sport more generally that recognise the power imbalance between athletes, coaches, and federations would also strengthen the protection of athletes against sexual violence and harassment⁶⁷⁵.

⁶⁶⁸ International Fencing Federation, (2018), *FEI Safeguarding Policy*, https://static.fie.org/uploads/20/102345-FIE_safeguarding_policy.pdf.

⁶⁶⁹ IOC, (2023), *IOC Framework for Safeguarding Athletes and Other Participants From Harassment and Abuse in Sport (Games-Time Period)*, <https://stillmed.olympics.com/media/Documents/Athletes/Safeguarding/IOC-Games-Time-framework-ENG.pdf>.

⁶⁷⁰ FIFPro, (2021), *Abuse in Football: Lessons Learned, Calls for Action & FIFPro's Commitment*.

⁶⁷¹ Institute of Constitutional Studies of the State of Querétaro, (2023), *El "tri": deportes, derecho y violencia* (The "tri": sport, law and violence), <https://archivos.juridicas.unam.mx/www/bjv/libros/15/7190/10.pdf>.

⁶⁷² Swedish Sport Confederation, (2016), *International guidelines for sports in Sweden*, <https://www.rf.se/download/18.5424ab70183abb853551a55/1665068714168/international-guidelines-for-sports-in-sweden.pdf>.

⁶⁷³ Government of the Netherlands, *Safety in Sport (Veilig, eerlijk en met plezier sporten)*, <https://www.rijksoverheid.nl/onderwerpen/sport-en-bewegen/veilig-sporten>.

⁶⁷⁴ Information obtained through consultations with stakeholders.

⁶⁷⁵ Information obtained through consultation with stakeholder.

Case study 10: Semenya vs. Switzerland

Study on athletes' rights in and around big sport events

Produced by: Ecorys

Date produced: May 2024

Introduction

The 'Study on athletes' rights in and around big sports events' maps, defines and discusses athletes' rights in and around big sports events focusing on three dimensions: sport governance and athletes' representation; global politics and use of social media; and mental health. Each case study explores a specific topic related to athletes' rights in the context of big sport events within one of the three themes of the study, providing examples of specific issues around and/or breaches of athletes' rights.

The case study provides an overview of the topic concerned, the main factors that conflict with athletes' rights, how they impacted the athlete(s) and what the lessons learnt are for the future. Contributions from affected athletes and other stakeholders gathered through interviews are included throughout the case study but they do not necessarily represent the views of all parties involved.

Background

There is a lengthy history of eligibility criteria for female athletes in sport, dating back to the early 20th century when women first began participating in elite sport. While these rules have undergone changes over time, initially focusing on all women and later adopting a suspicion-based model, there is a current trend of regulations concentrating on intersex individuals or those with differences in sex development (DSD), as well as transgender athletes⁶⁷⁶. The eligibility criteria of the World Athletics Federation restrict the permissible amount of naturally occurring testosterone in female athletes and require them to undergo interventions to lower their testosterone to specified levels to compete. This case study examines the impact of these eligibility criteria on the career and mental health of athletes with differences in sex development, using the example of Caster Semenya.

Caster Semenya is a South African two-time women's 800m Olympic champion, a three-time 800m world champion, and a double Commonwealth Games middle distance gold medallist⁶⁷⁷. In 2009 Semenya was required by the International Association of Athletics Federation IAAF (now called World Athletics) to undergo hormone treatment to decrease her natural testosterone level to be allowed to participate in international competitions in the female category. She underwent the hormone treatment despite suffering significant side effects that affected her both physically and mentally⁶⁷⁸. Semenya felt constantly nauseous during the treatment and suffered from regular fevers and abdominal pain⁶⁷⁹. In

⁶⁷⁶ United Nations General Assembly. Human Rights Council (2020), *Report "Intersection of race and gender discrimination in sport" (A/HRC/44/26) of the United Nations High Commissioner for Human Rights of 15 June 2020*, p. 7, <https://www.ohchr.org/en/documents/thematic-reports/ahrc4426-intersection-race-and-gender-discrimination-sport-report-united>

⁶⁷⁷ IOC website, *Biography Caster Semenya*, <https://olympics.com/en/athletes/caster-semenya>

⁶⁷⁸ European Court of Human Rights (2023), *Discrimination against international-level athlete who was not afforded sufficient procedural safeguards when challenging World Athletic Regulation*, Press Release, <https://hudoc.echr.coe.int/eng-press?i=003-7701636-10631196>

⁶⁷⁹ The Guardian (2019), *Caster Semenya accuses IAAF of using her as a 'guinea pig experiment'*, <https://www.theguardian.com/sport/2019/jun/18/caster-semenya-iaaf-athletics-guinea-pig>

addition, she developed panic attacks and sleeping issues and felt mentally drained⁶⁸⁰. In 2015, Semenya stopped taking treatment after the CAS temporarily suspended the regulations around hormonal treatment in 2015, due to insufficient scientific evidence about *'the quantitative relationship between enhanced testosterone levels and improved athletic performance in hyperandrogenic athletes'*⁶⁸¹. In April 2018, the IAAF adopted the DSD Regulations – 'Eligibility Regulations for the Female Classification (Athletes with Differences of Sex Development)'⁶⁸². Semenya refused to undergo the hormone treatment and was not able to partake in international competitions as a result.⁶⁸³ The High Commissioner for Human Rights argued that the right to mental health can be put into question when athletes are compelled to make choices that affect their health or career, based on sport eligibility rules rather than their own well-being⁶⁸⁴. However, Semenya's legal actions challenging the regulations in question first before the CAS and then the Swiss Federal Court were rejected. As a result, Semenya lodged an application with the European Court of Human Rights (ECHR) on 18 February 2021.

In a landmark decision on 11 July 2023, the ECHR held that there had been a violation of Article 14 (prohibition of discrimination) taken together with Article 8 (right to respect for private life) of the European Convention on Human Rights, and a violation of Article 13 (right to an effective remedy) in relation to Article 14 and Article 8. The Court found that that in the presence of such high personal stakes, namely not being able to practice one's profession and the narrow margin of appreciation afforded to Switzerland, a thorough institutional and procedural review should have taken place, which was however not available to Semenya. The Court therefore found that Semenya had not received sufficient institutional and procedural safeguards in Switzerland to have her substantiated and credible claims of discrimination examined effectively⁶⁸⁵.

The Swiss authorities, supported by World Athletics, decided to appeal the decision to the ECHR's Grand Chamber, whose rulings are binding. In November 2023 the referral to the Grand Chamber was accepted by the ECHR⁶⁸⁶. The outcomes of the appeal are expected to have huge implications on the careers of athletes who do not fit the World Athletics eligibility criteria.

⁶⁸⁰ <https://www.cbc.ca/radio/sunday/caster-semenya-right-to-compete-1.7025616>

⁶⁸¹ Court of Arbitration for Sport (2015), Arbitration CAS 2014/A/3759 Dutee Chand v. Athletics Federation of India (AFI) & International Association of Athletics Federations (IAAF), award of 24 July 2015, 547, <https://jurisprudence.tas-cas.org/Shared%20Documents/3759-PA.pdf>

⁶⁸² IAAF Athletics (2018), *Eligibility Regulations for the female classification (Athletes with differences of sex development)*, [https://www.worldathletics.org/download/download?filename=0c7ef23c-10e1-4025-bd0c-e9f3b8f9b158.pdf&urlslug=IAAF%20Eligibility%20Regulations%20for%20the%20Female%20Classification%20\(Athletes%20with%20Differences%20of%20Sex%20Development\)%20in%20force%20as%20from%201st%20November%202018](https://www.worldathletics.org/download/download?filename=0c7ef23c-10e1-4025-bd0c-e9f3b8f9b158.pdf&urlslug=IAAF%20Eligibility%20Regulations%20for%20the%20Female%20Classification%20(Athletes%20with%20Differences%20of%20Sex%20Development)%20in%20force%20as%20from%201st%20November%202018)

⁶⁸³ European Court of Human Rights (2023), *Discrimination against international-level athlete who was not afforded sufficient procedural safeguards when challenging World Athletic regulation*, Press Release, <https://hudoc.echr.coe.int/eng-press?i=003-7701636-10631196>

⁶⁸⁴ United Nations General Assembly. Human Rights Council (2020), *Report "Intersection of race and gender discrimination in sport" (A/HRC/44/26) of the United Nations High Commissioner for Human Rights of 15 June 2020*, <https://www.ohchr.org/en/documents/thematic-reports/ahrc4426-intersection-race-and-gender-discrimination-sport-report-united>

⁶⁸⁵ European Court of Human Rights (2023), *Semenya v Switzerland*, no. 10934/21, Strasbourg 11 July 2023, <https://hudoc.echr.coe.int/eng?i=001-225768>.

⁶⁸⁶ <https://www.echr.coe.int/w/referral-to-the-grand-chamber-1>

Main enablers of the breach

The main drivers of the breach are complex and intertwined. Since the beginning of women's participation in elite sport in the early 20th century, they have faced barriers due to cultural ideologies about their bodies. Concerns about who belonged to the female category arose almost immediately leading to the strict two-sex division that was applied in sport. There has been a long history of **discrimination around female eligibility criteria**. Sex testing originated in the 1930s, initially triggered by suspicions about athletes' physical appearances. By 1960, the IAAF and IOC mandated that all female athletes obtain certification if they intended to participate in international competitions. However, in 1990, influenced by pressure from policymakers, athletes, and medical professionals, the IAAF and IOC returned to suspicion-based testing, focusing on women whose bodies were perceived as "masculine"⁶⁸⁷.

A large portion of the rules that govern the world of sport, also sometimes referred to as **Lex Sportiva**, are not issued by governments on the basis of a democratic process but by private sport governing bodies. These private regulations are enforced by private adjudicating bodies. The term *lex sportiva* has been used to imply the existence of a transnational autonomous legal system beyond state control. In the context of breaches of athletes' rights, it is important to note that only states are legally obliged to guarantee human rights compliance at all levels of rulemaking and adjudication, but sport governing bodies are not⁶⁸⁸.

The enforcement of these private rules typically takes place in arbitration procedures where tribunals can adjudicate claims arising between parties that have signed an arbitration agreement, as it has been in the case of Semenya. The ECHR referred to the arbitration agreement as **compulsory arbitration** in this particular case because in order to be able to participate in World Athletics competitions, Semenya had to consent to an arbitration clause that excluded recourse to the ordinary courts in her own country or elsewhere. The ECHR did not deny that there are certain advantages to such a centralised system for handling disputes and has acknowledged the benefits of such a centralised dispute resolution system. Despite this, the court maintained its jurisdiction in the case, emphasising that not doing so could risk preventing a certain category of individuals from accessing the court, a situation inconsistent with the Convention's intended purpose⁶⁸⁹.

The discussions regarding *lex sportiva* and compulsory arbitration are intricately linked to **gaps in human rights protection within professional sport, particularly in terms of accountability and access to justice**. According to the Report of the United Nations High Commissioner for Human Rights, human rights law is applied in a limited and inconsistent manner to disputes before the CAS, and most court arbitrators lack human

⁶⁸⁷ United Nations General Assembly. Human Rights Council (2020), *Report "Intersection of race and gender discrimination in sport"* (A/HRC/44/26) of the United Nations High Commissioner for Human Rights of 15 June 2020, p. 7, <https://www.ohchr.org/en/documents/thematic-reports/ahrc4426-intersection-race-and-gender-discrimination-sport-report-united>

⁶⁸⁸ Human Rights Centre of Ghent University (2021), *European Court of Human Rights – Semenya v. Switzerland (Application no. 10934/21). Third Party Intervention by the Human Rights Centre of Ghent University*, p. 4, <https://hrc.ugent.be/wp-content/uploads/2021/10/Final-Submission.pdf>

⁶⁸⁹ European Court of Human Rights (2023), *Semenya v. Switzerland - 10934/21. Legal Summary*, [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22002-14151%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22002-14151%22]})

rights experience. This can pose a serious challenge to access effective remedies for athletes whose human rights are alleged to have been violated. Moreover, the award of the CAS may only be appealed before the Swiss Federal Court, which can only set aside an arbitral award in the case of a breach of Swiss public policy⁶⁹⁰. Although the recent judgement of the ECHR has been acknowledged by World Athletics, no change of rules has taken place, as the federation considers it to be applicable to Switzerland and not themselves. This means that despite winning the case in front of the ECHR, Semenya has not been able to continue her career⁶⁹¹. Lastly, court proceedings before the ECHR take a long time, during which the career of an athlete may have come to an end and since it is a regional human rights court there can be inconsistencies in the application and protection of human rights in sport around the world⁶⁹².

Impacts of the breach

The hormonal treatments Semenya had to undergo to be able to participate in races had a **significant negative impact on her physical and mental health**. Semenya reported that the hormonal treatments made her feel nauseous, depressed, and mentally drained. She also developed sleeping issues and panic attacks, which she had to live with to reach her goal of becoming an Olympic champion. After the testosterone limit for women was not only reinstated but the amount of testosterone was lowered from 10 nanomoles per litre of blood to five, Semenya decided to stop to protect her health and well-being⁶⁹³.

Public discussion on her medical dossier and her gender has caused significant mental stress⁶⁹⁴. In an interview with the New York Times, Semenya expressed, “*I have also had to endure insults and humiliations from a world that very publicly questioned my identity*”⁶⁹⁵. In addition, she was not able to get relief by practicing her sport, and she was forced to spend her time and energy fighting lengthy legal battles⁶⁹⁶. The restrictions imposed by World Athletics **severely impacted Semenya’s career**. She has been unable to compete in her preferred event, the 800 metres since the guidelines came into effect in 2019, and is now dedicating her time to coaching and fighting for human rights⁶⁹⁷.

The breach therefore also had **significant financial impacts**, both because her career was severely affected and the costly legal proceedings. Some of Semenya’s lawyers have offered their services free of charge, but the court proceedings have drained Semenya’s

⁶⁹⁰ United Nations General Assembly. Human Rights Council (2020), *Report “Intersection of race and gender discrimination in sport” (A/HRC/44/26) of the United Nations High Commissioner for Human Rights of 15 June 2020*, p. 12, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/144/04/PDF/G2014404.pdf?OpenElement>

⁶⁹¹ Information obtained through consultation with stakeholder

⁶⁹² United Nations General Assembly. Human Rights Council (2020), *Report “Intersection of race and gender discrimination in sport” (A/HRC/44/26) of the United Nations High Commissioner for Human Rights of 15 June 2020*, p. 13, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/144/04/PDF/G2014404.pdf?OpenElement>

⁶⁹³ <https://www.cbc.ca/radio/sunday/caster-semenya-right-to-compete-1.7025616>

⁶⁹⁴ Information obtained through consultation with stakeholder

⁶⁹⁵ New York Times (2021), *Caster Semenya on Maintaining Dignity and Hope in the Face of Oppression*, <https://www.nytimes.com/2021/12/08/special-series/olympics-caster-semenya.html>

⁶⁹⁶ Information obtained through consultation with stakeholder

⁶⁹⁷ <https://www.enca.com/sport-videos/caster-semenya-fight-about-human-rights-and-inclusivity>

financial resources considerably⁶⁹⁸. and she needs crowdfunding to sustain the costs of the legal proceedings⁶⁹⁹.

Lessons learnt and ways forward

This case study illustrates that because of restrictive sport regulations, there is a new tendency for athletes with elevated testosterone levels to go public about their struggles undergoing hormone treatments, as well as to challenge these regulations before the CAS and beyond⁷⁰⁰. Examples in addition to Semenya include Dutee Chand, an Indian sprinter who first challenged the Hyperandrogenism Regulations,⁷⁰¹ and Annet Negesa, who also publicly criticised the treatment she faced because of the regulations⁷⁰². Landmark rulings like the one of the ECHR in the case *Semenya vs Switzerland* bring attention to the issue of bridging human rights and sports law, including providing effective access to judicial review and remedies.

In order to address these issues, policymakers and international sport federations should work together to find **effective legal and procedural solutions to integrate human rights law in the world of sport**. Particularly, States should ensure that private actors, such as sport governing bodies, respect human rights in their regulatory regimes and are held accountable for breaches⁷⁰³. A good starting point to ensure that sporting bodies can respond to discrimination and promote equal rights is to ensure that the CAS panels have adequate expertise in the field and that human rights are respected in all sporting regulations.

⁶⁹⁸ New York Times (2021), *Caster Semenya on Maintaining Dignity and Hope in the Face of Oppression*, <https://www.nytimes.com/2021/12/08/special-series/olympics-caster-semenya.html>

⁶⁹⁹ <https://www.enca.com/sport-videos/caster-semenya-fight-about-human-rights-and-inclusivity>

⁷⁰⁰ Information obtained through consultation with stakeholder

⁷⁰¹ Court of Arbitration for Sport, *CAS 2014/A/3759 Dutee Chand v. Athletics Federation of India (AFI) & The International Association of Athletics Federations (IAAF)*, https://www.doping.nl/media/kb/3317/CAS%202014_A_3759%20Dutee%20Chand%20vs.%20AFI%20%26%20IAAF%20%28S%29.pdf

⁷⁰² CNN, *Running as equals. The elite athletes fighting for acceptance*, <https://edition.cnn.com/interactive/2021/07/sport/athletics-testosterone-rules-negesa-imali-running-as-equals-dsd-spt-intl-cmd/>

⁷⁰³ United Nations General Assembly. Human Rights Council (2020), *Report "Intersection of race and gender discrimination in sport" (A/HRC/44/26) of the United Nations High Commissioner for Human Rights of 15 June 2020*, p. 7, <https://www.ohchr.org/en/documents/thematic-reports/ahrc4426-intersection-race-and-gender-discrimination-sport-report-united>

Annex Three: Good practice case studies on protection of athletes' rights

Case Study 11: A legal status for elite and professional athletes

Study on athletes' rights in and around big sport events

Produced by: Ecorys

Date produced: May 2024

Background

The 'Study on athletes' rights in and around big sports events' maps, defines, and discusses athletes' rights in and around big sport events focusing on three dimensions: sport governance and athletes' representation; global politics and use of social media; and mental health. Each case study provides granular information on good practice(s) that grant the right level of protection of athlete's rights, seen through one of/the three dimensions of the study. The case study is therefore solution orientated and highlights how the French government has been working to tackle the main issues highlighted in this study.

Feedback from selected stakeholders gathered through interviews is included where relevant – this shows key traits, evolving trends, threats, or challenges with the protection of athletes' rights and does not necessarily represent the views of all potential stakeholders.

Reason for inclusion

This case study provides an example of national legislation adopted in 2015 in France to increase social protection and support the career transition of elite and professional athletes. Different studies highlighted that the career of a professional athlete very rarely lasts for more than 10 years, with athletes retiring on average at the age of 34⁷⁰⁴. The short period of athletes' careers can have a strong impact on both their economic and social status. Professional athletes can lose their only source of income due to injuries and can face difficulties in transitioning from their sporting career to another type of employment. Law 2015-1541 aims to tackle these issues in France by i) ensuring social and medical protection of athletes competing in big sport events; and, ii) promoting their professional development through ad-hoc career transitions and dual career incentives.

Law 2015-1541⁷⁰⁵ therefore represents a good practice aimed at supporting the social, economic, and legal protection of athletes training for or competing in big sport events, by providing them with insurance schemes and other social protection measures to mitigate the health and economic risks of injuries and accidents. Furthermore, Law 2015-1541 promotes the professional development and career transition of elite athletes, by establishing a legal framework and subsidies to re-skill and up-skill professional athletes through enhanced access to education programmes or distance learning pathways, as well as to apprenticeship schemes and better validation of their experience.

⁷⁰⁴ Wylleman, P. and Reints, A. (2010), *A lifespan perspective on the career of talented and elite athletes: Perspectives on high-intensity sports*. Scandinavian Journal of Medicine & Science in Sports. Quoted in: Lavalley, D., Wylleman, P., Blanco, M. C., Echevarria, R., *Life after sport: Why Athletes need to prepare*, <https://olympics.com/athlete365/whitepaper/life-after-sport-why-athletes-need-to-prepare/>

⁷⁰⁵ LOI n° 2015-1541 du 27 novembre 2015 visant à protéger les sportifs de haut niveau et professionnels et à sécuriser leur situation juridique et sociale. (*Law 2015-1541 of 27 November 2015 aimed at protecting high-level and professional athletes and at safeguarding their juridical and social conditions*). <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000031535624>

Legal and policy framework

In 2014, the French Secretary of State for Sport commissioned a dedicated team of experts to propose social and legal recommendations that could support the career transition and social and working integration of professional athletes after the end of their sporting careers. As a result of this process, a specific report was produced and outlined many recommendations that constitute the basis of the **Law 2015-1541** entered into force on 27 November 2015.⁷⁰⁶

Law 2015-1541 not only aimed at supporting the career transition of professional athletes through specific professional development incentives, but also at providing a legal framework to ensure adequate legal and social protection of their rights⁷⁰⁷. In particular, Law 2015-1541 consists of the following main elements:

- **Recognition of the role of elite athletes:** Law 2015-1541 defines a new category of elite athletes, i.e., national team athletes (*sportifs des collectifs nationaux*) and generally recognises the importance of elite athletes in promoting national values. The possibility for these athletes to sign an agreement with federations that recognise their status as national team athletes also contributes to raising awareness about their rights and obligations (i.e., socio-professional support, competitive practice, medical monitoring, compliance with ethical rules and image rights);
- **Social protection and medical support:** Law 2015-1541 establishes insurance for accidents occurring while training or competing in big sport events for non-salaried athletes. Moreover, Law 2015-1541 introduced the notion of 'occupational illness', which requires federations to establish insurance schemes for athletes that are not self-employed or employees (hence not salaried athletes). Finally, Law 2015-1541 offers additional social protection to sportswomen by extending their status as national team athletes also during periods of maternity leave.
- **Career transition:** Law 2015-1541 contributes to the recognition of athletes' professional experience and defines the roles of federations in supporting the career transition of professional athletes after the end of their sporting careers. In particular, Law 2015-1541 facilitates access for athletes to apprenticeship schemes, and distance learning opportunities, as well as to university accommodation. Moreover, it establishes that employers and federations shall monitor the career transition process of athletes and ensure that they are offered throughout their sporting career enough time to focus on their professionalisation and qualifications to improve their future employability.

Key aspects of the practice

Ahead of the Olympic Games Rio 2016 and in parallel with the decision to bid for hosting the Olympic Games in 2024, the French government commissioned a study to a pool of academics under the supervision of Professor Jean-Pierre Karaquillo on the **social and economic status of athletes** in France. The study was published at the beginning of 2015 and it was generally known as the *Rapport Karaquillo*⁷⁰⁸. The study investigated the level of economic and social protection of elite athletes in France and found that approximately

⁷⁰⁶ Ibid.

⁷⁰⁷ Information obtained through consultation with stakeholder.

⁷⁰⁸ Karaquillo, J.P. (2015), *Statuts des Sportifs*, <https://www.vie-publique.fr/rapport/34648-statuts-des-sportifs>

40% of elite athletes in France were earning less than 500 EUR per month⁷⁰⁹.

In addition to this, the study highlighted that a large number of elite athletes, notably those involved in less popular sports, generally face economic challenges due to the absence of a stable income throughout their sporting career. In this context, many athletes faced gaps in terms of economic, social, and legal protection due to the lack of statutory measures supporting them against risks of injuries and accidents during big sport events. As a result, the *Rapport Karaquillo* proposed a list of recommendations that were considered for the development of Law 2015-1541.

According to the evaluation report on the implementation of Law 2015-1541⁷¹⁰, its provisions on social protection and medical support played a crucial role in securing the status of elite athletes, by including them as beneficiaries of social protection instruments in case of workplace accidents and occupational diseases. The funding is provided directly by the State, enabling elite non-salaried athletes to benefit, like other employees, from **medical care and financial subsidies** when accidents and illnesses occur during or as a result of their sporting activities or participation in big sport events.

Law 2015-1541 represents a step forward for the protection of the rights of athletes in general, due to the progress made in terms of **sport pensions, insurance, training, professional integration, and medical monitoring**⁷¹¹. Law 2015-1541 was also positively assessed by the sporting world as a whole as it contributed to filling the legislative gap in terms of the social, economic,⁷¹² and medical protection of athletes⁷¹³. The implementation of Law 2015-1541 contributed to the registration of more than 14,000 athletes (as of 2019) as elite athletes (including also national team athletes), suggesting that elite ~~top~~ sportsmen and sportswomen are now entitled to an improved legal, social, and economic protection while training for or competing in big sport events⁷¹⁴.

Moreover, the evaluation report found that in the first two years of Law 2015-1541's implementation (2016-2017) there were 83 accidents involving registered elite athletes. The report estimated that around EUR 5.4 million was spent in ensuring the adequate social, legal, and economic protection of the non-salaried elite French athletes who were affected by injuries or accidents while training or performing at big sport events (both in France and abroad). As regards the protection of athletes' rights during their maternity leave, the evaluation report indicated that six female athletes benefited from this protection measure between 2017 and 2018⁷¹⁵.

⁷⁰⁹ Ibid.

⁷¹⁰ Assemblée Nationale (2019), *Rapport d'information sur l'évaluation de la loi n° 2015-1541 du 27 novembre 2015 visant à protéger les sportifs de haut niveau et professionnels et à sécuriser leur situation juridique et sociale* (Information report on the evaluation of Law No. 2015-1541 of November 27, 2015 aimed at protecting high-level and professional athletes and securing their legal and social situation), https://www.assemblee-nationale.fr/dyn/15/rapports/cion-cedu/l15b1634_rapport-information

⁷¹¹ Information obtained through consultation with stakeholder.

⁷¹² Ibid.

⁷¹³ Assemblée Nationale (2019), *Rapport d'information sur l'évaluation de la loi n° 2015-1541 du 27 novembre 2015 visant à protéger les sportifs de haut niveau et professionnels et à sécuriser leur situation juridique et sociale* (Information report on the evaluation of Law No. 2015-1541 of November 27, 2015 aimed at protecting high-level and professional athletes and securing their legal and social situation), https://www.assemblee-nationale.fr/dyn/15/rapports/cion-cedu/l15b1634_rapport-information

⁷¹⁴ In particular, in order to be registered as an elite athlete and be eligible for social, legal, and economic protection, the Law requires participation in large sporting events (i.e., European or World tournaments or championships, Olympic Games).

⁷¹⁵ Assemblée Nationale (2019), *Rapport d'information sur l'évaluation de la loi n° 2015-1541 du 27 novembre 2015 visant à protéger les sportifs de haut niveau et professionnels et à sécuriser leur situation juridique et sociale* (Information report on the evaluation of Law No. 2015-1541 of November 27, 2015 aimed at protecting high-level and professional athletes and securing their legal and social situation), https://www.assemblee-nationale.fr/dyn/15/rapports/cion-cedu/l15b1634_rapport-information

Law 2015-1541 also aimed to tackle the employment situation of elite athletes after the end of their sporting career. In this context, the provisions supporting the **dual career and career transition** of elite athletes in France were praised by the evaluation report on Law 2015-1541⁷¹⁶. In particular, Law 2015-1541 expanded the scope of adapted training programmes for elite athletes by increasing the total number of individuals eligible for such adjustments to approximately 12,000 and by creating over 1,000 school sport departments (*sections sportives scolaires*) which support both the academic and sporting development of young athletes⁷¹⁷.

However, the evaluation also highlights that further steps could be taken to further tailor the support provided to athletes in light of specific cases of non-salaried athletes. In particular, the evaluation recommends the possibility of **expanding the scope of subsidies and grants** provided to non-salaried workers (*aides personnalisées*) to ensure that a larger number of athletes can be eligible and receive economic support⁷¹⁸. Moreover, the evaluation report on the implementation of Law 2015-1541 recommends extending the scope of medical care and financial subsidies in case of athletes' accidents, by providing them with a daily allowance in line with the existing framework of occupational diseases applied to other categories of workers in France⁷¹⁹.

Transferability of the practice

On average, athletes retire when they are 34 years old. It is therefore crucial that athletes are provided with enough guidance and support from their national governments or federations to transition to another career already at the beginning of or during their career. The emphasis of Law 2015-1541 on supporting the dual careers of athletes and their professional development in non-sporting disciplines represents a good practice that could be replicated in other national contexts. It complements the ongoing efforts undertaken by the IOC and NOCs to raise awareness among athletes on the importance of these issues, and on the **post-sporting careers of elite athletes**.

Moreover, Law 2015-1541 ensures an adequate level of economic protection to athletes who are part of the national teams, and that contributes to promoting the national value. This provides athletes with adequate protection in case of injuries or illnesses while training for or competing in big sport events. National authorities should increase the level of social protection available to elite athletes through statutory measures that could support athletes in case of specific accidents and injuries⁷²⁰.

The recognition of the role of elite athletes and the establishment of the national teams' athlete's category therefore represents a positive step to ensuring the **medical, social, and economic protection** of elite athletes when training for or competing in big sport events. The adoption of a specific legal framework safeguarding elite non-salaried athletes can therefore be replicated in other countries and potentially expanded to cover a larger number of non-salaried athletes competing in other types of events (i.e., national or European events of less popular sports).

⁷¹⁶ Ibid.

⁷¹⁷ Ibid.

⁷¹⁸ Ibid.

⁷¹⁹ Ibid.

⁷²⁰ Mittag, J., Seltmann, M., Fiege, L., O'Leary, L., Zembura, P., Luiz Haas, L., ... & Schadwinkel, S. (2022), *Good Governance in the Employment Relations of Athletes in Olympic Sports in Europe: Understanding-Evaluating-Improving*, https://www.ltusportas.lt/wp-content/uploads/2023/03/Good-governance-in-the-employment-relations-of_athletes.pdf

Further information

- LOI n° 2015-1541 du 27 novembre 2015 visant à protéger les sportifs de haut niveau et professionnels et à sécuriser leur situation juridique et sociale. (*Law 2015-1541 of 27 November 2015 aimed at protecting high-level and professional athletes and at safeguarding their juridical and social conditions*).
<https://www.legifrance.gouv.fr/loda/id/JORFTEXT000031535624>
- Karaquillo, J.P. (2015), *Statuts des Sportifs*, <https://www.vie-publique.fr/rapport/34648-statuts-des-sportifs>
- Assemblée Nationale (2019), *Rapport d'information sur l'évaluation de la loi n° 2015-1541 du 27 novembre 2015 visant à protéger les sportifs de haut niveau et professionnels et à sécuriser leur situation juridique et sociale* (Information report on the evaluation of Law No. 2015-1541 of November 27, 2015 aimed at protecting high-level and professional athletes and securing their legal and social situation), https://www.assemblee-nationale.fr/dyn/15/rapports/cion-cedu/l15b1634_rapport-information

Case study 12: Hosting requirements to ensure non-discrimination against athletes

Study on athletes' rights in and around big sport events

Produced by: Ecorys

Date produced: May 2024

Background

The 'Study on athletes' rights in and around big sport events' maps, defines, and discusses athletes' rights in and around big sport events focusing on three dimensions: sport governance and athletes' representation; global politics and use of social media; and mental health. Each case study provides granular information on good practice(s) that grant the right level of protection of athlete's rights, seen through one of/the three dimensions of the study. The case study is, therefore, solution-orientated and highlights how sport governing bodies are working to tackle the main issues highlighted in this study.

Feedback from selected stakeholders gathered through interviews is included where relevant – this shows key traits, evolving trends, threats, or challenges concerning the protection of athletes' rights and does not necessarily represent the views of all potential stakeholders.

Reason for inclusion

This case study provides a good example of protecting athletes' rights to equal participation in big sport events considering recent political and geopolitical disputes leading to discriminatory practices against athletes. A prominent example of such a practice is Kosovar boxers whose visas were repeatedly denied on the grounds of the non-recognition of their home country by hosting country authorities of world championships (See case study #5 for more information). Most recently, Iranian volleyball players were at risk of missing the Volleyball Nations League 2023 competition due to their visas being nearly denied by United States authorities⁷²¹. Against this background, some international sport federations have introduced specific requirements in their hosting regulations to ensure athletes receive non-discriminatory treatment in competitions and have equal access to participation. As these practices can differ significantly, this case study looks at a selected example of host agreements in equestrian sports and explores its transferability to other sports.

Legal and policy framework

Some international federations have introduced specific criteria to ensure non-discrimination in and around competitions - to avoid the possibility of organisers and hosting countries of big sport events having discriminatory practices against athletes. One of these examples is that of the International Federation for Equestrian Sports (*Fédération Équestre Internationale* – FEI). **Host agreements** between FEI and host countries stipulate in the Term & Termination section that the federation is entitled to terminate the agreement immediately in case *"the Championship(s) are not accessible to all teams (including, but not limited to their Athletes, Horses, Support Personnel and Team Officials) that have a right under the FEI Rules and Regulations and the sports criteria, to participate*

⁷²¹ Tehran Times (2023), *No U.S. visa yet for Iran volleyball coach Ataei: 2023 VNL*, <https://www.tehrantimes.com/news/486353/No-U-S-visa-yet-for-Iran-volleyball-coach-Ataei-2023-VNL>.

in the Championship(s)^{722,723}. In addition to this requirement, the FEI **Code of Ethics**⁷²⁴ lays down principles of non-discrimination "on the basis of race, gender, ethnic origin, religion, philosophical or political opinion, marital status or other grounds" that apply to event hosts alike⁷²⁵.

Key aspects of the practice

Awarding hosting rights for big sport events is one of the most significant decisions in sport governance. Their relevance stems from the publicity of these events and their relation to human rights, sustainability, transparency, and athletes' participation⁷²⁶. In addition, these events provide a significant source of income generation for athletes. However, **athletes may be subject to discrimination by host countries** and organisations despite sport governing bodies pledged political, cultural, and religious neutrality. Several interviewees noted that athletes' safety, well-being, and right to equal participation in championships are strongly impacted by the countries where those events are hosted. Apart from several examples of athletes being deprived of the possibility of representing their country due to political reasons⁷²⁷, interviewees cited unsafe conditions for female athletes and coaches, as well as those identifying with minority groups or the LGBTQI community⁷²⁸. Competitions organised in countries that do not recognise and respect universal human rights can lead to the inaccessibility of events for several athletes due to the lack of safe and equal conditions. An interviewee consulted for this study explained that the decision to host this year's 2024 Field Hockey5s World Cup in Oman has led to several female coaches, staff members, and athletes considering not participating in the event due to their rights not being guaranteed in the organising country⁷²⁹.

The *Code of Ethics of the International Olympic Committee* stipulates that "the right of athletes to participate in sports competitions and within applicable rules (including competition laws) shall be protected."⁷³⁰ In addition, "no form of discrimination on whatever grounds, be it race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status, shall be tolerated."⁷³¹ Nevertheless, there are no uniform standards for hosting requirements and protecting athletes' rights against discrimination in terms of participation, and we have

⁷²² Information obtained through consultation with a stakeholder in December 2023.

⁷²³ Article 16.2 of Term & Termination of FEI Host Agreements with FEI Event Organisers. Information obtained through consultation with a stakeholder in December 2023.

⁷²⁴ Internal Regulations of the FEI 2023, Appendix 3 Code of Ethics and Conflict of Interest Policy with Disclosure Statement, FEI Code of Ethics, A (2), https://inside.fei.org/sites/default/files/Internal%20Regulations%20of%20the%20FEI%202023_CLEAN_0.pdf.

⁷²⁵ Ibid.

⁷²⁶ Mittag, J. & Naul, R. (2021), *EU sports policy: assessment and possible ways forward*, European Parliament, Research for CULT Committee – Policy Department for Structural and Cohesion Policies, Brussels, [https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU\(2021\)652251](https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU(2021)652251), p. 46.

⁷²⁷ According to the International Labour Organization (ILO), the privilege of representing one's country in a sporting event can be used as a means to deprive an athlete (a person) of their rights. See: ILO (2020) *Rapport: Forum de dialogue mondial sur le travail décent dans le monde du sport (Report: Global Dialogue Forum on Decent Work in Sport)*, https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/meetingdocument/wcms_754681.pdf.

⁷²⁸ Information obtained through consultation with stakeholders.

⁷²⁹ Information obtained through consultation with a stakeholder.

⁷³⁰ IOC (2024), IOC Code of Ethics, Principle 5: Support to athletes, <https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/Documents/Code-of-Ethics/Code-of-Ethics-ENG.pdf>.

⁷³¹ Ibid.

seen several examples to the contrary.

Therefore, the practice of FEI can be considered a good example as it has an **explicit host agreement policy on the non-discrimination of athletes** which ensures that events are accessible to athletes and their support teams. The FEI host agreement and the Code of Ethics stipulate that no discrimination against athletes is tolerated by the federation, which inherently requires host countries and organisations to perform due diligence in advance of organising competitions.

Despite being a good practice example, this practice has potential limitations. One of these is the lack of requirement for explicit prior proof of due diligence of hosts. As seen with the example of Kosovar and Iranian athletes, host country governments may make last-minute decisions about granting entry access to athletes, which might be too late to take necessary action or could impact the conditions provided during the event. For example, the location and dates of the 2023 European Fencing Championships changed within two weeks' notice from Poland to Bulgaria because Russian athletes could not apply for a visa to Poland. The last-minute change of location led to unacceptable conditions during the competition^{732,733}. Another limitation of the FEI practice could be the understanding of the word "accessible" in the hosting requirements. As argued above, it is not only the physical accessibility (i.e. visa for athletes) that needs to be considered, but also the equal, non-discriminatory, and safe participation of all athletes in host cities and countries. While this is stipulated in the FEI Code of Ethics, it is not directly mentioned in the context of hosting requirements.

Transferability of the practice

The responsibility of sport federations and big sport event hosts to conduct human rights due diligence is one of the most relevant elements of good governance principles. Nevertheless, several athletes have been deprived of safe and equal participation in competitions in recent years. While sport federations may stipulate these rights in their founding regulations or code of ethics, these are rarely mentioned explicitly in hosting requirements.

The FEI's host agreement policy can serve as a transferable practice, implementing a requirement for hosts to provide **explicit prior proof of due diligence**, especially regarding entry access for athletes. Paired with transparency, such a policy could enhance the effectiveness of already existing similar policies and help prevent non-discriminatory practices of host organisations or countries. Furthermore, emphasising the broader aspects of equal, non-discriminatory, and safe participation in competitions for athletes is essential for fostering respect for universal human rights in the context of big sport events.

Further information

- Heerdt, D. (2021) 'Legal responsibilities for promoting human rights and preventing

⁷³² In this case, while the European Fencing Confederation banned the participation of Russian athletes, the International Fencing Federation made a different decision.

⁷³³ Information obtained through consultation with a stakeholder.

human rights abuses in relation to large sporting events' in *Large Sporting Events: Human Rights as a Game Changer? Workshop*. Brussels,
[https://www.europarl.europa.eu/RegData/etudes/STUD/2021/653642/EXPO_STU\(2021\)653642_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/653642/EXPO_STU(2021)653642_EN.pdf).

- ILO (2020), *Rapport: Forum de dialogue mondial sur le travail décent dans le monde du sport (Report: Global Dialogue Forum on Decent Work in Sport)*,
https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/meetingdocument/wcms_754681.pdf.
- International Olympic Committee (2023), *Code of Ethics*,
<https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/Documents/Code-of-Ethics/Code-of-Ethics-ENG.pdf>.
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[https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU\(2021\)652251](https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU(2021)652251).

Case study 13: The Swedish elite sport mental health clinics

Study on athletes' rights in and around big sport events

Produced by: Ecorys

Date produced: May 2024

Background

The 'Study on athletes' rights in and around big sport events' maps, defines, and discusses athletes' rights in and around big sport events focusing on three dimensions: sport governance and athletes' representation; global politics and use of social media; and mental health. Each case study provides *granular* information on good practice(s) that grant the right level of protection of athlete's rights, seen through one of/the three dimensions of the study. The case study is therefore solution orientated and highlights how the Swedish health care system and the Swedish Sports Confederation are working together to respond to the mental health needs of elite athletes and coaches.

Feedback from selected stakeholders gathered through interviews is included where relevant – this shows key traits, evolving trends, threats, or challenges concerning the protection of athletes' rights and does not necessarily represent the views of all potential stakeholders.

Reason for inclusion

This case study provides a good example of protecting elite athletes' mental health by offering multidisciplinary support through two specialised mental health clinics in Sweden. Athletes of elite sport have been found to suppress signs of psychological suffering because they fear being weak and vulnerable in the sporting environment, which is still centred around the belief that they need to be 'mentally tough'. The stigma around mental health issues, often leads athletes to hide vulnerabilities⁷³⁴ and to seek help outside their sporting environment⁷³⁵. The Swedish mental health clinics for elite sport in Stockholm and Malmö, respond to the mental health needs of athletes and coaches by offering evidenced-based, multidisciplinary, professional mental health support under the umbrella of the public health care system and in collaboration with a sport governing body.

Legal and policy framework

The Swedish elite sport mental health clinics are part of the **Swedish public healthcare system** and covered by the respective norms and regulations. The two specialised clinics in Stockholm and Malmö are integrated into a larger mental health clinic, which supports the efforts of the specialised clinics in delivering tailored treatment to elite athletes and coaches⁷³⁶.

⁷³⁴ Lebrun, F., MacNamara, A., Rodgers, S., & Collins, D. (2018), *Learning from elite athletes' experience of depression*, *Frontiers in Psychology*, 9, 2062,

<https://www.frontiersin.org/journals/psychology/articles/10.3389/fpsyg.2018.02062/full>

⁷³⁵ Åkesdotter, C., Kenttä, G. and Sparkes, A. C. (2023), *Elite athletes seeking psychiatric treatment: Stigma, impression management strategies, and the dangers of the performance narrative*, *Journal of Applied Sport Psychology*, <https://www.tandfonline.com/doi/pdf/10.1080/10413200.2023.2185697>.

⁷³⁶ Information obtained through consultation with Göran Kenttä in December 2023.

Key aspects of the practice

The two sister clinics are the first of their kind in Sweden to focus on psychiatric assessment and treatment for elite athletes and coaches, and possibly the first in the world organised through a collaboration between a sport governing body and the public health care system⁷³⁷. The two clinics were established through the initiative of sport psychologists representing the Swedish Sports Confederation, who led a pilot project in 2015 in partnership with a major mental health clinic⁷³⁸.

One of the elements that make the Swedish elite sport mental health clinics particularly effective is the **comprehensive multidisciplinary assessment** conducted by a team comprising of medical professionals, such as psychiatrists, and specialists in psychotherapy and counselling with sound knowledge of the sport context. This initial evaluation is crucial for identifying the most suitable professional and evidence-based treatment for individuals⁷³⁹. The importance of multidisciplinary teams in treating athletes with mental health disorders and complex mental health needs has also been highlighted in sport research⁷⁴⁰. Moreover, the team has a sound understanding of the elite sport context and can therefore provide personalised treatment to athletes and coaches aligned with their specific needs. Elite athletes and coaches are exposed to unique stress factors, particularly leading up to, during, and after big sport events, that general psychological services may not be equipped to address. Göran Kentta, a sports psychologist at the Swedish mental health clinic for elite sport in Stockholm and founder of the initiative, emphasised in an interview that some athletes have previously encountered a lack of understanding regarding their unique situation and career. They were advised, for example, to exit elite sport if the stress became overwhelming, without adequate consideration for the implications on an elite athlete's life. Consequently, a deep **understanding of elite sport** and its implications for athletes and coaches distinguishes the Swedish clinic for mental health for elite athletes as a best practice⁷⁴¹.

Given the sensitive nature of mental health discussions, maintaining athletes' **privacy** is paramount, as any breach could serve as a barrier, dissuading athletes from seeking the help they need⁷⁴². Some athletes refrain from engaging with sports therapists provided by their club or federation due to concerns about potential repercussions on their standing within the team or future participation in sport events. Research suggests that athletes are inclined to seek psychiatric treatment outside of their sporting environment, especially when confronting more severe mental disorders⁷⁴³. The Swedish clinic prioritises confidentiality throughout the entire treatment process and **support outside of the**

⁷³⁷ Ibid.

⁷³⁸ Ibid.

⁷³⁹ Ibid.

⁷⁴⁰ Purcell, R., Gwyther, K. and Rice, S.M (2019), *Mental Health In Elite Athletes: Increased Awareness Requires An Early Intervention Framework to Respond to Athlete Needs*, *Sports Med - Open* 5, 46 (2019), <https://sportsmedicine-open.springeropen.com/articles/10.1186/s40798-019-0220-1#citeas>

⁷⁴¹ Information obtained through consultation with Göran Kentta in December 2023.

⁷⁴² Bissett, J.E., Kroshus, E. and Hebard, S. (2020), *Determining the role of sport coaches in promoting athlete mental health: a narrative review and Delphi approach*, *BMJ Open Sport Exerc Med.* 2020 Jan 27;6(1), <https://pubmed.ncbi.nlm.nih.gov/32095271/>

⁷⁴³ Cecilia Åkesdotter, Göran Kenttä & Andrew C. Sparkes (15 Mar 2023), *Elite athletes seeking psychiatric treatment: Stigma, impression management strategies, and the dangers of the performance narrative*, *Journal of Applied Sport Psychology*, <https://www.tandfonline.com/doi/pdf/10.1080/10413200.2023.2185697>

federations or clubs to which the athletes belong Athletes and coaches can initiate the referral process independently through a confidential system, ensuring a discreet and secure pathway to mental health support⁷⁴⁴.

Whilst working under the umbrella of the public health care system has clear advantages, such as affordability for the clients and continuity, which also allows the professionals to build a solid knowledge base, there are also **limitations posed by the system and its rules**, which at times can be rather rigid. For example, due to the division of the Swedish mental health care system into an adult track and treatments for minors, the clinics cannot accept elite athletes under the age of 18. Reconciling the very regulated psychiatric system, with its procedural requirements and clearly defined working hours with elite athletes preparing or participating in big sport events, which requires them to travel and train a lot, can be challenging at times. To accommodate athletes participating in big sport events, the clinics offer online consultations. However, the first consultation always needs to take place in person. Lastly, fewer resources available for the public health care system also means fewer resources for the specialised clinics⁷⁴⁵.

Transferability of the practice

The identified practice has the potential to be effectively transferred to other EU Member States, either in its current form as a collaborative initiative between the public health care system and a national sport confederation, or with slight modifications tailored to the specific characteristics of each Member State's public health care system. **Collaboration with the public health care system** is a key aspect of the practice. The Canadian Centre for Mental Health in Sport (CCMHS), which offers collaborative sport-focused mental health care services⁷⁴⁶ is an initiative inspired by the Swedish sister clinics. However, a key difference is the centre is not under the umbrella of public health care, which can lead to financial difficulties and constraints⁷⁴⁷.

Whether the practice can be extended to other athlete types, such as non-elite athletes, depends on the definition of an elite athlete and the structure of the system offering the mental health service. Göran Kenttä, in an interview, explained that for collaboration with the Swedish public healthcare system, a restrictive **definition of an elite athlete** or coach had to be established. According to this definition, an individual qualifies as an elite athlete or coach if they have been a part of a national team within the last two years, presuming that those individuals can be considered high-performing athletes. This formulation poses greater challenges to access the service for athletes in sports like football, where it is more difficult to become part of a national team, compared to those in other disciplines.

⁷⁴⁴ Purcell, R., Gwyther, K. and Rice, S.M (2019), *Mental Health In Elite Athletes: Increased Awareness Requires An Early Intervention Framework to Respond to Athlete Needs.*, Sports Med - Open 5, 46 (2019), <https://sportsmedicine-open.springeropen.com/articles/10.1186/s40798-019-0220-1#citeas>

⁷⁴⁵ Information obtained through consultation with Göran Kenttä in December 2023.

⁷⁴⁶ Van Slingerland, K., Durand-Bush, N., DesClouds, P., and Kenttä, G. (2019), *Providing Mental Health Care to an Elite Athlete: The Perspective of the Canadian Centre for Mental Health and Sport Team*, https://www.researchgate.net/publication/340041083_Providing_Mental_Health_Care_to_an_Elite_Athlete_The_Perspective_of_the_Canadian_Centre_for_Mental_Health_and_Sport_Team.

⁷⁴⁷ Information obtained through consultation with Göran Kenttä in December 2023.

Additionally, the criteria for selecting members of the national team can vary, adding another layer of complexity⁷⁴⁸.

Notably, the Swedish sister clinics highlight the significance of offering mental health support to elite athletes within a specialised framework and through the involvement of a **multidisciplinary team, outside of the federations or clubs to which the athletes belong**. This aligns with research findings from Sweden, indicating that athletes are more likely to seek psychiatric treatment outside their sporting environment, particularly when dealing with more severe mental disorders. The reluctance to disclose such issues within the sport context may also be connected to the perceived pressure to conform to performance expectations in sporting environments⁷⁴⁹. Another important lesson learned from the practice is the need to support elite athletes and coaches in **career transitions and retirement**. The Swedish mental health clinics offer support to athletes and coaches within two years of ending their careers⁷⁵⁰. Lastly, offering the **service to both elite athletes and coaches** shows awareness of the pressure coaches are exposed to and the inter-dynamics and spill-over effects between the mental health of coaches and athletes.

In the context of EU sport policy, the Swedish mental health clinics for elite sport shed light on the need for a comprehensive and athlete-centric mental health support system. The example could inspire the establishment of collaborative efforts between public health entities and sport organisations to address the unique mental health challenges elite athletes and coaches face. This best practice exemplifies how a country, by prioritising mental well-being of athletes and coaches beyond club or federation affiliations, can promote a holistic approach to athlete health and contribute to a broader culture of mental health awareness and support within the sporting community.

Further information

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⁷⁴⁸ Ibid.

⁷⁴⁹ Cecilia Åkesdotter, Göran Kenttä & Andrew C. Sparkes (15 Mar 2023), *Elite athletes seeking psychiatric treatment: Stigma, impression management strategies, and the dangers of the performance narrative*, *Journal of Applied Sport Psychology*, <https://www.tandfonline.com/doi/pdf/10.1080/10413200.2023.2185697>

⁷⁵⁰ Information obtained through consultation with Göran Kenttä in December 2023.

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Annex Four: Seminar Report

Introduction

An online workshop was organised by Ecorys on the Study on Athletes' Rights in and around big sport events on **14 February 2024** from 09.30 to 12.30 CET via Microsoft Teams. The workshop served as an opportunity to present the study, including its main findings, case studies, and receive some feedback from stakeholders and high-level experts in the field. A total of 37 participants attended the workshop. The full list of participants is provided in Table A 1 below.

Table A 1: Workshop participants

Name	Organisation/ Stakeholder
Adam Bakker	NL Sporter
Adriaan Wijckmans	IIHF - International Ice Hockey Federation
Aleksandra Shelton	Retired athlete
Ana Valero-Collantes	European Fencing Confederation
Anna Linter	Ecorys
Anna Semenova	EU Athletes
Annaliza Tsakona	FIFA
Borja Garcia-Garcia	Loughborough University
Claire Bloomfield	European Club Association
Coralie Silvestre	FNASS - Fédération Nationale des Associations et Syndicats de Sportifs
Dorottya Meszner	Ecorys
Federico Centomo	AIP - Associazione Italiana Pallavolisti
Florian Yelin	World Players Association
Folker Hellmund	European Olympic Committees EU Office
Francisco Lemos Araujo	DG EAC, European Commission
Francisco Lima	FEI - International Federation for Equestrian Sports
Franck Leclerc	FNASS - Fédération Nationale des Associations et Syndicats de Sportifs
Gillian Kelly	Ecorys
Irem Karamete	Athlete

James Carr	ASOIF - Association of Summer Olympic International Federations
James Sennett	Ecorys
Karen Dolphin	IOC – International Olympic Committee
Kate Allenby	Retired athlete
Katia Mascagni	IOC – International Olympic Committee
Keelin Dunn	Ecorys
Lily Brazel	Global Athlete
Matteo Zacchetti	DG EAC, European Commission
Maximilian Seltmann	German Sport University Cologne
Milda Butkute	Ecorys
Paul DeMeester	Retired athlete/ Lawyer
Paul Wylleman	VUB - Vrije Universiteit Brussel
Paulo Gomes	Council of Europe
Pia Haschke	DG EAC, European Commission
Sarah Townsend	EGLSF - European Gay & Lesbian Sport Federation
Sergio Goffredo	Ecorys
Sergio Lara-Bercial	ICCE - International Council for Coaching Excellence
Tarek Elias	Athleten Deutschland

Presentation of the study

The study team gave a presentation of the study including the following:

- Scope and objectives of the study;
- Methodology and outputs of the study;
- Main findings around the three main dimensions of the study: sport governance and athletes' representation, global politics and the use of social media, mental health;
- Three case studies on good practices that grant the right level of protection of athletes' rights in and around big sport events, and three case studies on potential breaches/ issues concerning athletes' rights in and around big sport events.

The slides of the presentation were disseminated to the participants after the workshop and are also attached below.



**Athletes Rights
validation workshop :**

Feedback provided by participants

The workshop comprised of different sessions for participants to provide their feedback on the presentations given: firstly, on the main findings across the three main dimensions of the study, and on the six case studies presented. Participants were also asked to rate draft recommendations emerging from the study and share their feedback on how those can be improved. The feedback provided is summarised below.

It is important to note that the below summary integrates the general aspects of the feedback shared and questions raised by the participants, and subsequent initial discussions which followed, with the time available during the workshop. The summary gathers a variety of individual views which are not necessarily aligned with each other, and hence do not represent an exhaustive view of the topic discussed and should not be considered as a positioning agreed by all participants.

General considerations:

- The study contributes to the European Commission's Workplan for Sport and covers a broad range of topics around big sport events. The study aims to identify the main issues around athletes' rights, which explains the broad coverage of themes.
- A participant highlighted that the Final Report should clarify whether the research focuses only on senior events, or also junior championships. There can be a big difference in the issues athletes face at junior events, in comparison to senior events.
- Another participant indicated that when talking about athletes' rights, the further away athletes are from the dominant culture [in society], the more discrimination they face. For example, women from the Global South, or transgender women are more likely to face discrimination, violence, and harassment. This should be stated clearly in the Final Report.

Sport governance and athletes' representation:

- The ILO Declaration on Fundamental Principles and Rights at Work (2022) highlights that any type of worker has the right to have proper representation. There is also evidence on barriers athletes face when they unionise (WPA, Right to Organise Survey & Report, 2023). In addition, a recent decision of the European Court of Justice (C-333/21, December 2023) states that the power sport organisations hold must be subject to criteria ensuring they are transparent, objective, non-discriminatory and proportionate. One participant highlighted that social dialogue is an important element of that and these documents should be integrated into the study linked to the discussion on athletes' commissions and players associations. However, another participant disagreed indicating that there is no direct link from the preliminary ruling of this case to social dialogue in sport. It was also highlighted that social dialogue in sport has been on the agenda of some actors for a decade. Due to the missing employer-employee relationship in nearly all sports (apart from professional team sports), the establishment of social dialogue has failed at European level. Major developments in the field of governance have occurred in the recent years, many of which are referred to in the Final Report.
- According to the SAPIS good practice Guide P10, the vast majority of 150 athlete representatives surveyed, both from athletes' commissions and players

associations, were very positive about their ability to contribute to the discussion. It was highlighted by a participant that this shows progress in how well federations and athlete representatives can work together on issues around governance. There are also dedicated athletes' commissions around the Olympic Games.

- A participant indicated that whether what he understands as the current representation model (i.e. athletes having one seat at the decision-making table through athletes' commissions, but unions are not involved) practically works or not for athletes also depends on the sport. In athletics, there are 48 different events but not all sports and their athletes are equally represented due to the different popularity of the events. This can lead to the exclusion of athletes in decision-making. Another participant indicated that in Modern Pentathlon, the current representation model is not working well for athletes and needs to be reformed. However, another participant disagreed with this description of the current representation model, which she highlighted is an example of anti-union behaviour and constitutes a violation of athletes' rights to freedom of association and the right to organise, and it cannot be said whether this model works or not for different sports. She highlighted that there are inherent limitations to athletes' commissions not only when it comes to independence but also when it comes to capacity to represent athletes (e.g., athletes' commissions cannot start a court case or engage in collective bargaining). Athlete unions and associations are therefore being created because athletes were not happy with the representation that was available through the athletes' commissions.
- One participant indicated that the ILO's work on the topic of decent work in the world of sport as well as other human rights documents highlights that every athlete, including every athlete in Europe, has a right of association and the right to be collectively represented, despite the sport they participate in. There are many good practice examples in terms of athletes' representation and the role of unions in negotiating conditions for athletes (e.g., sporting calendars, occupational health and safety, etc.) in Europe and internationally. For example, in New Zealand, cyclists and rowers have the right of association and right to be collectively represented even though they participate in individual sport. This is an interesting case that should be considered in the Final Report.

Global politics and the use of social media:

- One participant highlighted that it is a responsibility of sport organisations to make sure that athletes can enjoy their human rights while practicing sport. This implies important responsibilities when it comes to choosing a hosting country and the standards they should meet. She highlighted the example of the Olympic Games Beijing 2022 where athletes were told that their security would not be guaranteed if they decided to speak up on human rights issues in China.
- Freedom of expression, as a human right, is an extremely important right of athletes. One participant highlighted that this topic strongly relates to the uneven power distribution between sport governing bodies and athletes (linked to the currently dominant governance and athletes' representation model), and this is also the reason why self-censorship among athletes is so common. The participant also indicated that athletes' careers depend on their participation in events, and sponsorship contracts. Therefore, athletes might think twice before exercising their right to freedom of expression and may be willing to accept restrictions because of this uneven power distribution.
- One participant highlighted that Rule 50 of the Olympic Charter has been amended in consultation with Olympians who competed in previous games and human rights experts who provided reasoning as to why the current limitations are proportionate

and why it is aligned with international standards. The main change included moving the athlete expression element of Rule 50 of the Olympic Charter to Rule 40 ('Participation in the Olympic Games'), which now explicitly states that "all competitors, team officials or other team personnel in the Olympic Games shall enjoy freedom of expression" in accordance with the Guidelines determined by the IOC Executive Board. However, athlete expression on the podium, field of play and Olympic opening ceremony have remained off limits for athletes. According to the consultation undertaken by the IOC itself, around 70% of respondents to a survey with athletes' commission representatives agreed with the limitation of athlete expression in these three spaces. However, another participant voiced concerns that such a consultation with Olympians cannot be considered as a basis for limiting human rights.

- A participant highlighted that it is problematic to say that there is a justification for limiting human rights, and that human rights need to be granted to all persons. He also highlighted that Rule 50 of the Olympic Charter currently limits this by imposing sanctions on athletes who express themselves in certain moments (i.e. on the podium, field of play, opening ceremony) during the Olympic Games. The participant indicated that therefore what international sport governing bodies are doing about this issue is still not enough. Another participant agreed by referring to EU Athletes' Common Position Paper 2022 which presents a common position of EU Athletes members representing over 25,000 athletes across sports and countries in Europe. This Paper highlighted that "*it must be remembered that sport organisations cannot unilaterally restrict or redefine the human rights of athletes*". However, another participant indicated that human rights are inherent to every human being and codified in various legal texts. From a legal standpoint, he indicated that many human rights are not absolute, hence they can be limited, provided that these limitations are necessary, proportionate, pursue legitimate objectives, etc. Limitations to human rights are assessed (by courts and public authorities) on a case-by-case basis.
- Another participant highlighted that an important element that is still missing from Rule 50 is the lack of safeguarding and protection for athletes who speak up/ exercise their right to freedom of expression, especially in the case of certain athletes, e.g., Iranian athletes, Russian athletes who may face repercussions from their own sport governing bodies and governments. However, another participant indicated that such a safeguarding framework within the Rule 50 framework, where athletes would be protected from their own national authorities (sport governing bodies or governments) with regard to the consequences of self-expression at the Olympic Games is outside of the IOC's remit. Moreover, as stated in the Guidelines on Athlete Expression, the Rule also aims to protect athletes from the potential consequences of being placed in a position where they may be forced to take a public position on a particular domestic or international issue regardless of their beliefs.
- One example of addressing safeguarding is the IOC's Refugee Team, which aims to provide a safeguarding framework for refugees and provides them with specialist services, e.g., mental health support. Another good practice example related to safeguarding is FIFA's three-step procedure for referees in case of discriminatory incidents during competitions. Should spectators engage in discriminatory behaviour during football matches, the match can be suspended. Although good examples exist, a participant highlighted that safeguarding needs to be more holistically implemented in sport and around big sport events.

Mental health:

- The Background Paper summarising the main findings of the study, which was disseminated to participants ahead of the workshop, highlighted many challenges that athletes face. For example, a physical injury can have a strong impact on mental health and requires support from specialists. However, not all athletes have access to financial means and support networks that can help them through such situations.
- One participant highlighted that mental health has fewer existing frameworks than the other two themes of the study which makes it difficult to define. The basic concepts are outlined in the WHO Declaration and in the IOC's Mental Health Action Plan. He recommended that it is important to clarify the term 'mental health' and whether it refers to a process of ensuring the mental health of athletes on an ongoing basis and/ or a result of something.
- Another participant indicated that while the IOC provides mental health support to athletes during the Olympic Games, mental health helplines alone are not sufficient, and a holistic approach to tackling mental health is needed. The experience of athletes is that internal services (provided by sport governing bodies, especially during competitions) lack the trust of athletes due to the lack of the same confidentiality that exists in external mental health services. It is important to ensure that internal service providers are trained and accredited mental health professionals who work under a strict ethical code.
- It was also suggested by a participant that it is important to invest in mental health support and prepare athletes and coaches for challenges that stem from pressures around competing in sport and from media attention. A holistic approach to mental health was implemented with the support of the NOC's head psychologist and team of psychologists between 2014 and 2022 in the Netherlands and has started to change the way mental health and the required support is regarded in elite sport in the country.
- The Final Report of the European Commission Expert Group on "Strengthening the recovery and the crisis resilience of the sport sector during and in the aftermath of the COVID-19 pandemic" highlights that individual athletes face higher distress levels than team sport members, and female athletes were more likely to report mental health issues during lockdown than their male counterparts. The findings are based on two athletes' surveys. The Report also highlights the role of player associations in supporting athletes, including in mental health. It was highlighted by a participant that they provide support to athletes in a consistent and holistic way, not only around major sport events.

Good practice case study on "Legal status for high-level and professional athletes in France":

- A participant indicated that the case study highlights that the role and responsibility of national public authorities should also be considered in protecting athletes' rights. Athletes are citizens of countries and are involved in elite sport programmes, which are often government funded.
- Not all countries have the same political/ legal tradition to regulate sport that France has. Therefore, it was suggested that the EU could raise awareness about this good practice on a European level to encourage other Member States to implement similar legislation in their countries.

Good practice case study on "Sport federations hosting requirements to ensure non-discrimination against athletes":

- In 2013, EU Ministers for Sport (under the Dutch Presidency of the Council of the European Union) discussed the responsibility of sport organisations in ensuring equal participation for all qualified athletes in competitions (Letter to Commissioner Mrs Androulla Vassiliou from EU Sport Ministers, November 2013). According to EU Ministers for Sport, this responsibility emerges from the autonomy of sport principle. It was suggested that the Council should reiterate this message and ensure that sport organisations engage in best practices and are held accountable for their autonomy with respect to protecting the rights of athletes and making decisions on where big events take place.
- The policy of FEI, according to which the federation is entitled to terminate host agreements should FEI events not be accessible to all eligible teams is important not only to avoid discrimination, but also to ensure a level playing field for athletes.

Case study on "World Athletics changes to racewalking without proper athlete consultation":

- A participant indicated that the case study highlights that the work of sport governing bodies must be more transparent. For example, meeting agendas, meetings (with limited exceptions for confidential discussions, e.g., personnel matters), minutes of sessions and results of voting should be made public. The case also illustrates that there is a long way to go in ensuring athletes' participation and proper consultation in decision-making around big sport events.
- Another participant highlighted that there are already governance solutions on paper that would address similar issues in the future, but these are currently not sufficiently applied in practice.

Case study on "Repercussions from criticism made in the media":

- There is a perception from one participant that due to the lack of transparency and accountability in sport governance, athletes are often silenced, for example, in fear of not being selected for competitions due to the lack of objective selection criteria. She also highlighted that while athletes are represented in athletes' commissions, those are not independent, which limits their right to freedom of speech. As a result, many athletes wait until the end of their careers to raise certain issues.
- Another participant indicated that Bye-Law 2 to Rule 41 of the Olympic Charter stipulates that *"a competitor who has represented one country in the Olympic Games, in continental or regional games or in world or regional championships recognised by the relevant IF, and who has changed his nationality or acquired a new nationality, may participate in the Olympic Games to represent his new country provided that at least three years have passed since the competitor last represented his former country. This period may be reduced or even cancelled, with the agreement of the NOCs and IF concerned, by the IOC Executive Board, which takes into account the circumstances of each case"*. The CAS in the Alexandra Shelton case (case 2020/A/6693) recalled the reasoning behind Rule 41 of the Olympic Charter, which was developed in case OG 08/006: *"The drafters of the Charter had the following objective: the holder of dual or multiple nationalities should not be entitled to switch allegiance from the one to the other at his or her convenience. This would make it possible for one athlete to move, opportunistically, from one team to another should the former not select him or her and the latter be willing to include him or her in their national team. Such conduct would not be compatible with the spirit of Rule 42 of the Olympic Charter"* (current that is Rule 41).

Draft recommendations:

Five initial draft recommendations, as outlined below, were presented based on the analysis completed to date. These recommendations reflect the lessons learnt from the evidence collected but are not recommendations for policy decisions. These will be refined, and further recommendations may be developed after the analysis is finalised. An overview of the feedback provided by participants to each of the recommendations presented is summarised below. It should be noted that due to time constraints these recommendations were not debated in full and were not unanimously agreed upon by participants.

Recommendation 1: The European Commission should facilitate a structured dialogue and knowledge exchange on issues of athlete's rights in and around big sport events between international sport federations and athlete bodies.

- This recommendation should go beyond knowledge exchange and focus on meaningful consultation and bargaining, for example in the form of social dialogue at the European level. This reflects the position of EU elite athletes since a long time. One participant highlighted that the European Commission could therefore play an important role in promoting and facilitating social dialogue in the sport sector.
- Another participant indicated that it is important to consider private-public partnerships and cooperation to effectively protect athletes and athletes' rights. A good practice example is the cooperation of FIFA and FIFPro in monitoring hateful comments on social media accounts during World Cups as part of the Social Media Protection Service (SMPS).

Recommendation 2: The development of a policy framework or set of criteria to apply to the staging of big sport events and athlete's rights based on international human rights standards, criteria and principles and taking into consideration the role of sport federations in ensuring fair and open competition.

- A participant indicated that it needs to be clarified who should be responsible for implementing and overseeing this recommendation. Developing a policy framework would rather be an outcome of the social dialogue mentioned in the first recommendation. Therefore, establishing a connection between recommendations 1 and 2, by means of investigating the potential of social dialogue as a policy forum (recommendation 1) for specific outcomes (recommendation 2) was suggested.
- In terms of ensuring policies are carried out according to human rights and business standards in the sport industry, it was suggested that the EU could play a more active role in holding sport organisations accountable for this and in providing an effective remedy.

Recommendation 3: The development of good practice standards and criteria on the representation of athletes at different stages of large events planning and decision-making.

One participant highlighted that if such work is undertaken it must be ensured that it is guided by the international human rights instruments.

Recommendation 4: The development of guidelines to promote consistent approaches to addressing political issues including clearer definitions of what constitutes political expression and principles to safeguard the participation of athletes from countries involved in disputes and conflicts.

- One participant highlighted that the first part of the recommendation does not need to be considered as the right to freedom of speech is a given and is not something that needs to be defined. It is not in the competence of the European Commission to develop guidelines on what athletes should speak up about.

- However, the second part of the recommendation on safeguarding the participation of athletes from political interference was considered by participants to be highly relevant.

Recommendation 5: The development of minimum standards in the provision of mental health support to athletes in their preparation for and participation at big events to support provision of dedicated resources and to improve recognition and mental health literacy.

- The following rewording was suggested for Recommendation 5: To improve recognition of the importance of mental health literacy, and of the development and enforcement of minimum professional standards and dedicated resources in the provision of mental health support services to athletes in their preparation for, participation at, and period following participation at big events.
- Mental health standards in sport are relevant not just during big sport events, but also outside their context as reflected when applying a holistic perspective.
- A participant highlighted that the Final Report should clarify in relation to this recommendation what minimum professional standards, recognition, and quality of provision (whether quality of treatment or quality of outcome) mean.
- It was also suggested that the development of minimum professional standards in the provision of mental health support to athletes should also be the outcome of the social dialogue mentioned in Recommendation 1.

Annex Five: Acknowledgements

Ecorys is grateful to all those who kindly agreed to give up their valuable time to participate in interviews, discussions, and the online validation workshop as part of the study. Ecorys would also like to specifically thank Maximilian Seltmann, Borja Garcia, and Paul Wylleman for providing their expert advice, guidance, and review of all deliverables produced as part of the study. A list of those consulted for the study is provided below. Please note that several individuals chose to remain anonymous for the study, to whom Ecorys extends its thanks to also.

- Aleksandra Shelton (retired fencing athlete)
- Association of Paralympic Sports Organisations
- Association of Summer Olympic International Federations (ASOIF)
- Athleten Germany (*Athleten Deutschland*)
- Catherine Lallemand (athletics coach)
- Centre for Sports Law and Economics
- Council of Europe, Sport Unit
- Donjeta Sadiku (boxing athlete)
- EU Athletes
- European Club Association
- European Fencing Confederation
- European Gay & Lesbian Sport Federation
- European Olympic Committees EU Office
- European Volleyball Confederation
- *Fédération internationale de football association* (FIFA)
- *Fédération Nationale des Associations et Syndicats de Sportifs* (FNASS)
- FIFPRO World Players' Union
- Football Against Racism in Europe (FARE)
- German Handball Federation
- Global Athlete
- International Basketball Federation (FIBA) Europe
- International Biathlon Union
- International Council for Coaching Excellence (ICCE)
- International Federation for Equestrian Sports (FEI)
- International Ice Hockey Federation
- International Judo Federation
- International Olympic Committee, Athletes' Department
- International Tennis Integrity Agency
- Irem Karamete Baldini (fencing athlete)
- Irish Cricketers Association
- Irish Rugby Football Union

- Italian Association of Volleyball Players (*AIP- Associazione Italiana Pallavolisti*)
- Italian Athletics Federation (*FIDAL - Federazione Italiana Di Atletica Leggera*)
- Karla Kilic (tennis player and coach)
- Kate Allenby (retired pentathlon athlete)
- Kosovan Olympic Committee
- Lara Lugli (retired volleyball player)
- Leander Carmanns (speed climbing athlete)
- Manuel Frigo (swimming athlete)
- National Olympic Committee and Sports Confederation of Denmark
- NL Sporter
- Paul DeMeester (retired racewalking athlete/lawyer)
- Swedish Ski Federation
- Swim Ireland
- The Swedish School of Sports and Health Science
- Union of European Football Associations (UEFA)
- World Players Association
- World Rowing Federation

Annex Six: Bibliography

Academic literature, position papers and press releases

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