



World Players Association
#WorldPlayersUnited

Dr. Thomas Bach
President
International Olympic Committee

Av Général-Guisan 70
1009 Pully
Switzerland]

Nyon, Switzerland, Thursday 4 October 2018
Our Ref: Brendan Schwab

International Olympic Committee: The Athletes' Rights and Responsibilities Declaration

Dear President Bach,

As you are aware, over the course of the last three years, there has been a meaningful multi-stakeholder effort to embed human rights in sport. The International Olympic Committee (IOC) is a major player in that historic effort which, if successful, will help ensure that sport is at all times a genuine and powerful force for good throughout society and does not cause or contribute to harm and human suffering.

The World Players Association (World Players) has also been a major player in that effort. World Players represents some 85,000 athletes through over 100 athlete associations based in more than 60 countries. 90% of the athletes work within the 'Olympic Movement'. Together with our partner organisations in the Sport and Rights Alliance (SRA), we have been able to contribute to significant policy decisions to protect, respect and fulfil internationally recognised human rights in sport in accordance with applicable standards and guidelines including, most notably, the *United Nations Guiding Principles on Business and Human Rights* (UNGPs).

World Players understands that the IOC will this week or next approve a document the IOC has termed 'The Athletes' Rights and Responsibilities Declaration'. Since our inception in December 2014, we have advocated for the articulation of the fundamental rights of athletes within global sports law and believe that process is a prerequisite to the legitimisation of the global legal order which international sports governing bodies such as the IOC seek to autonomously administer.

The SRA has written to you requesting that the adoption of any declaration of athlete rights be delayed until the IOC has taken the requisite steps to embed internationally recognised human rights within its operations and business relationships. We are a signatory to the SRA's letter and commend it to you as the correct course of action. The same course of action has also been

requested of you by Athletes CAN, the British Athletes Commission, the DOSB Athletes' Commission, the Track & Field Athletes Association and the United States Olympic Committee Athletes' Advisory Council in their joint letter of 2 October 2018.

Unfortunately, both the suggested content of the proposed declaration of athlete rights and responsibilities and the process by which it has been developed fail to respect the internationally recognised human rights of athletes and the framework of the UNGPs. The suggested content is incomplete, does not respect the language of internationally recognised human rights and subjects even the limited statement of athlete rights to sporting rules. It is clear that the suggested content has been developed without properly identifying and taking into account the salient human rights risks of athletes over which the IOC has leverage. These were extensively yet non-exhaustively set out in our letter of 17 January 2018 to the IOC's steering committee and sports department. The identified risks are profound and fundamental. Only by working in partnership with human rights experts and key stakeholders, including the SRA and World Players, can the IOC take the appropriate action to prevent and address risks to the human rights of athletes and provide access to remedy when necessary.

Accordingly, the approval of the document by the IOC will only serve to exacerbate the risks athletes within the Olympic Movement face in being harmed or having their fundamental rights violated. By proceeding with the approval of the proposed declaration, the IOC will also be failing to:

- recognise and uphold its duty under the UNGPs to respect the internationally recognised human rights of athletes. These are, at a minimum, those expressed in:
 - *The International Bill of Human Rights*;
 - the *International Labour Organization's Declaration on Fundamental Principles and Rights at Work and Its Follow-Up*; and
 - additional international standards pertaining to vulnerable groups, including the *United Nations Convention on the Rights of the Child*;
- advance key policy commitments made under the auspices of UNESCO with the support and involvement of the IOC, including the 2017 *Kazan Action Plan* and the 2015 *Revised International Charter of Physical Education, Physical Activity and Sport*;
- meet, in relation to athletes, the example set by the IOC in the 2024 and 2028 *Host City Contracts* that require the Olympic Games to be delivered in accordance with the UNGPs, a policy position arrived at following close consultation with the SRA;
- meet the standards being increasingly set by sports governing bodies such as the Fédération Internationale de Football Association and the Commonwealth Games Federation which have made binding policy commitments to human rights in accordance with the UNGPs and expressly included the athletes within the ambit of those commitments;
- uphold the 2018 *Sporting Chance Principles* as adopted in June 2018 by the Advisory Council of the new Centre for Sport and Human Rights, also with the support and involvement of the IOC. Further, the IOC will be conscientiously failing to follow best practice in relation to embedding the human rights of athletes within its governance framework as promoted by the Centre, including in the 2018 guide *Championing Human Rights in the Governance of Sports Bodies* which was authored with input from the IOC; and
- respect established relationships, processes and agreements in place between affiliated athlete associations of World Players and key constituents within the Olympic Movement. Not only are these committed to respecting the internationally recognised human rights of athletes, including freedom of association and effective recognition of the right to collective bargaining, they are essential to ensuring that athlete rights are respected, and any adverse impacts addressed.

The IOC commonly says that the athletes are the 'heart' of the Olympic Movement. The substantial body of work which has been developed in recent years through collective action to ensure the rights of all involved in the delivery of sport – including athletes – is available to the IOC. There is no reason for the IOC to chart a separate and dangerous course that exposes athletes to further risk of harm when the stated intent of this initiative is precisely the opposite.

Yours sincerely,

A handwritten signature in blue ink that reads "Brendan Schwab". The signature is written in a cursive, flowing style.

Brendan Schwab
Executive Director