



ATHLETES BECOMING ACTIVISTS

When the Portuguese hacker Rui Pinto was arrested for creating Football Leaks, he argued that he only revealed wrongdoing in the interest of the common good and gathered data which contained evidence of crimes committed by powerful people in football.

From this perspective, Pinto claimed to be a democratic idealist whose acts served transparency in sport. But he was also one of many stakeholders in sport to whom speaking out about wrongdoing is not enough. In trying to change sports for the better they become activists.

While whistleblowers often prefer anonymity, activists seek publicity. But sometimes the two go hand in hand, and both serve the goal of inclusion. If all stakeholders in sport felt included and respected, there would be no need for whistleblowing and activism.

Although international sport brands itself as a celebration of humanity, freedom of expression has not always been a human right for athletes.

Some have avoided exclusion after making their statements heard or seen, like the Irish athlete Peter O'Connor who climbed up a flagpole at the 1906 Olympic Games in Greece and replaced the Union Jack with an Irish flag to protest that the IOC did not recognise Ireland as an independent nation. This happened during the medal ceremony in long jump, but O'Connor nevertheless took the gold medal in triple jump two days later.

Colin Kaepernick's decision to take a knee during the national anthem before a NFL game as a symbolic gesture against police brutality and racism made him a role model worldwide, but cost him his career. Photo: Ezra Shaw/Getty Images



US hammer thrower Gwendolyn Berry turned away from the flag during the national anthem at the country's team trials before the Tokyo Summer Olympics in 2021, explaining she finds a line in the anthem disrespectful to black people. She had earlier been reprimanded by the USOPC, but was not blocked from the Olympics.

Photo: Patrick Smith/Getty Images

Others were not so lucky, like the black quarterback Colin Kaepernick from the American football league NFL. In 2016, he started kneeling during the national anthem that is regularly played before major team sports events to mark his resistance against police brutality and racial inequality, and it led US president Donald Trump to suggest that NFL

club owners should fire all players who protested during the national anthem. Since then, Colin Kaepernick has not been able to find a club owner who would offer him a job, even though his act later has been copied and multiplied by thousands of athletes of all complexions around the world.

The Olympic Rule 50

In Olympic sport, freedom of expression is limited by Rule 50 of the IOC's Olympic Charter. The rule concerns advertising, demonstrations, and propaganda, and it states that:

“Except as may be authorised by the IOC Executive Board on an exceptional basis, no form of advertising or other publicity shall be allowed in and above the stadia, venues and other competition areas which are considered as part of the Olympic sites. Commercial installations and advertising signs shall not be allowed in the stadia, venues, or other sports grounds. No kind of demonstration or political, religious, or racial propaganda is permitted in any Olympic sites, venues, or other areas.”

Rule 50 is rooted in Pierre de Coubertin's ideal of the Olympic Games as an apolitical arena. But the ideal was not written into the Olympic Charter until 1955, three years after Avery Brundage, an American businessman and president of the NOC in the US, was elected president of the IOC.

The text demanded that host cities “must state that no political demonstrations will be held in the stadium or other sport grounds, or in the Olympic Village, during the Games, and that it is not the intention to use the Games for any other purpose than for the advancement of the Olympic Movement.”

At the Olympic Games in Mexico in 1968, the IOC was challenged by several athletes who used their platform to demonstrate, including the famous black power protests of Tommie Smith, John Carlos, and Peter Norman.

After the terror-stained 1972 Olympic Games in Munich, the IOC responded in 1974 by demanding that potential Olympic host cities should “guarantee that no political meeting or demonstration will take place in the stadium or the Olympic Village during the Games.”

And in 1975, further Olympic restrictions were implemented when the IOC decided to add “religious and racial propaganda” to the Olympic Charter’s list of forbidden acts.

Winds of change

In recent years, a new wave of athlete activism has challenged the IOC’s attempts to protect its business model and Olympic ideals by silencing athletes who want to advertise for their personal sponsors during the Olympic Games and speak out about human rights and social injustice whenever they please.

Unlike before, modern athlete activists have managed to gain strong public support for their demands. And in some cases, the protesting athletes are even embraced by some of the present rulers of sport.

For example, two US athletes at the Pan American Games in 2019 only got a warning after using their platform at the medal podium to demonstrate against the government and the president of the US during the national anthem.

The white fencer Race Imboden took a knee in protest of racism, mistreatment of immigrants, and “a president who spreads hate”, a reference to the political rhetoric of then US president Donald Trump. The black hammer thrower Gwen Berry raised her fist in protest of social and racial injustice in the US and “a president who’s making it worse”.

Both athletes risked being banned from Olympic sport but were only given 12 months probation by the US Olympic and Paralympic Committee and a warning that they could face more serious sanctions for any future protests.

The changes facing the Olympic movement became even clearer when the German Cartel Office that same year stated that the IOC and the German Olympic Sports Confederation (DOSB) were subject to existing competition laws and would need to grant more possibilities for German athletes and their sponsors to advertise ahead of and during the Olympic Games.

“While athletes are the key figures of the Olympic Games, they cannot benefit directly from the IOC’s high advertising revenue generated with official Olympic sponsors. However, as the Games mark the height of their sporting careers, self-marketing during the Games plays a very important role,” Andreas Mundt, Germany’s Cartel Office president, said.

He explained that advertising activities planned by German athletes for the Olympics no longer needed the approval of the DOSB and that athletes were allowed to use social

media more freely during the Olympic Games.

The German cartel decision applied to German athletes only. But it was expected that more athletes from other countries, especially from the EU, would demand similar changes, even though the IOC noted that the German Cartel Office with its decision had also recognised that there are “legitimate reasons for restricting individual athletes’ advertising opportunities in order to ensure the ongoing organisation of the Olympic Games.”

Nevertheless, the German cartel case showed that the IOC’s restriction of Olympic athletes’ right to advertise is under attack, and so is the Olympic restrictions on their democratic right to protest.

Bravery, dignity, and morality

Another example of the winds of change came in December 2020 when the Olympic sprinters Tommie Smith and John Carlos from the US and Peter Norman from Australia received the World Athletics’ special President’s Award 52 years after their protest during the medal ceremony at the 1968 Olympic Games.

Back then, the two Americans wore black socks without shoes to bring attention to black poverty and one black glove each on their fist. When they raised their fists in the air during the national anthem, their act was seen as a salute to the Black Panther movement in the US.

The Australian Peter Norman, who wore a human rights badge on the podium in support of his



From sanctions to statues: The demonstration by Tommie Smith, John Carlos and Peter Norman was punished but achieved iconic status and is now put on display at the Smithsonian Institution in Washington, D.C.

Photo: Chip Somodevilla/Getty Images

two black colleagues, was not officially sanctioned, but remained marginalised and largely forgotten until his death in 2006.

Carlos and Smith were expelled from the Olympics and met with harsh reactions in the US because of their protest of social and racial injustice, but they felt their gesture had been largely misconstrued:

“What happened in Mexico wasn’t done to hate the flag. I love the flag. It was the platform I had to make others realise we need love, joy, and not hate. We picked that direction because it was a needed direction, not only by the athletes, to do something everyone would see and understand. It was time for the athletes to stand up,” Tommie Smith told World Athletics when receiving the World Athletics President’s Award.

“We had been put in that position by society and by the need to withstand the pressure of a system that didn’t recognise everyone as equal. We did it from an athletic platform of courage and excitement and a need to provide an avenue for those who didn’t have one to go down this road, headed for that intersection where you had to choose,” John Carlos said.

Other Olympic athletes at the 1968 Games followed up. The American long jump champion Bob Beamon rolled up his pants to reveal long black socks ahead of his medal ceremony. When the national anthem ended, the long jumper faced the crowd and raised his right arm with a fist.

And Vera Cáslovská, a Czechoslovakian gymnast, looked down and turned her head away from the Soviet flag during the Soviet anthem in protest of the Soviet Union’s invasion of her country.

None of these two were punished, and Cáslovská even received the Olympic Order in Silver in 1991.

It took more than half a century for the rulers of athletics to repair the damage done to the three most famous athlete activists of the 1968 Mexico Games. According to World Athletics’ president Sebastian Coe, Tommie Smith, John Carlos, and Peter Norman were given the award because of their “bravery, dignity, and morality”.

In an interview with the National Danish Broadcasting Corporation (DR), the former British middle-distance runner and Olympic gold winner Sebastian Coe said that to him the protest represented “a seismic moment in our sport” that had inspired him to join an athletics club.

“But to be honest, I was too young then to fully understand the significance of their demonstration on the podium. I do now,” Sebastian Coe said and added that protesting

social and racial injustice to him is not a political statement but should be the standard of any civilised society.

New focus in the gender debate

Today, not only World Athletics but also the IOC and the US NOC praise the acts of Tommie Smith and John Carlos. The Olympic Museum in Lausanne pays tribute to the two activists, and they are also inducted into the Hall of Fame of Olympic sport in the US.



Social media is important for awareness raising, and some of the most followed athletes are female, says Paulina Tomczyk, general secretary of EU Athletes. Photo: Thomas Søndergaard/Play the Game

But the athletes' fight to be heard and included is in no way over. Especially the rise of a new generation of female activists seems to have the potential to change the way sport is ruled today.

According to Else Trangbæk, the first female gymnast to represent Denmark at the Olympic Games and European winner of the 2020 IOC Women and Sport Award for her lifelong advocacy of gender equality in sport, a new generation of women in sport have changed the fight for gender equality in many different directions since she became an Olympian at the 1968 Games in Mexico.

“Our focus was primarily on the structure and the top management of sport. But since then, there has been only little change in these areas. The arrival of money in elite sport has resulted in some changes, even though there is less money in women's sport. Women raise new questions. Professional women in sport have new demands,” Else Trangbæk said in an article about female athlete activism published by *Play the Game* in 2020.

“The role of the media has changed fundamentally too and can help focus attention on the significant women's problems. Earlier, there was a relatively narrow focus on equality in sport. Today, women in sport focus on many different issues that are related directly to their sport. To me, this is a clear tendency.”

This new trend of female athletes using their platform in sport to fight for equality on all levels in sport was also observed by Paulina Tomczyk, a former member of Poland's national judo team and general secretary of EU Athletes, the European federation of athlete and player associations.

“For the past five years I have seen a change in the creation of organisations that represent women athletes and in the number of women asking for more equality and speaking out about their rights,” she said.

According to Paulina Tomczyk, it can be quite challenging for a woman even to access sport and be a woman at the same time. To be a professional athlete as a woman can be seen by the public as entering a domain that is not really for women. Their performances can be neglected, and they can hear negative and disgusting comments about their bodies.

“Standing up to something like that and fighting for your own personal justice may empower you strongly to think that maybe you should also do something for the society at large. I think that since sport is an important part of society there are parallel trends that go hand in hand,” Paulina Tomczyk argued.

“The Caster Semenya case happened at the same time as discussions increased in society about ‘non-normal’ people and everything that is related to that. One provokes the other. Generally, it is the same with issues like gender equality and pregnancy. Really personal stuff that women must fight for and then can bring forward in more general discussions in society.”

Social media opportunities

In the same article, Paulina Tomczyk observed that the general trend of athletes being concerned with society probably is related to the increasing popularity of social media.

She noted that there is less coverage of female athletes in traditional media than of male athletes and that the reporting on women in sport often follows who they are married to or what kind of outfit they prefer. On social media, female athletes are free to create their own content.

“Some of the most followed athletes on social media are female. It is easy to use social media as an important tool to bring awareness to your case. Back in the old days, athletes mainly had the opportunity to protest at games, on the podium, or in media interviews. Now, they have an opportunity to reach millions of their followers.”

Paulina Tomczyk added that sports organisations in general expect athletes to be role models but only if what they say is not too controversial or makes the people in power uncomfortable. If athletes are speaking out against a sports organisation or a country, they are often met with repression and attempts to silence them.

“This is still very visible. But hopefully, the trend of athlete activism will make it less frequent. For many years, the approach of sports organisations to women’s sport was like ‘You are lucky to be allowed to play here and you are lucky that we are giving you the t-shirts for free’. Now, women have become much more aware of the fact that they have certain rights,” she said.

However, according to Nikki Dryden, a former Olympic swimmer and human rights lawyer from Canada, there is still a difference in athlete activism that is caused by the way male and female athletes are organised. While athlete activism on the men’s side comes mostly from professional male athletes who have the support of unions behind them, Olympic female athletes often do it without any union support.

“This means they need sport administrators and even coaches behind them who support what they are doing and empower them to speak out. The rise of female athlete voices corresponds somewhat to the rise of the increased involvement and promotion of female athletes on boards and other women in administration positions. The rise of women involved off the field and in coaching has naturally created space for female issues to be reviewed and raised,” Nikki Dryden said.

“The rise of the female athlete voice truly is a team effort. From women coaches and administrators to top female athletes and the human rights activists working off the field to support them, there is nothing to stop us now.”

From individual to collective acts

The fight for inclusion of sportswomen goes back to the beginning of the 20th century. But collective acts of protest seem to be stronger today than ever before. In the US, female WNBA basketball players have taken the lead by collectively speaking out against police brutality, racial discrimination, and social injustice.

According to Amira Rose Davis, a professor of history and African American studies at Penn State University, athletes protesting collectively is a new thing in the US where athlete activism has usually been individual acts of protest:

“When we go back to that long history of athletic activism in this country, we’ve seen all too often how disposable a singular athlete can be. We’ve seen athletes be blackballed. We’ve seen athletes be cut off from the team or ostracised. We’ve seen brands run away and scatter from the athletes they represent. So, what has been a source of protection is that collective action,” Amira Rose Davis told National Public Radio in 2020 when many NBA basketball players collectively joined already protesting WNBA players and decided to strike after the police shot Jacob Blake, a 29-year-old black man suspected of carrying a knife.

According to Amira Rose Davis, the collective power of the WNBA players’ protests is rooted in a necessity for women, especially black women, to fight for their right to be included in US sport:

“When the entire team is like ‘Yeah, no, I’m not with this’, then it’s a different ballgame. And I think that is a blueprint the WNBA has long abided by. The WNBA is a league that is gritty by necessity,” she said.



The female basketball players in the North American WNBA league have been leading anti-racism protest in collective actions since 2016. Photo by Erica Denhoff/Icon Sportswire via Getty Images

“It catches so much hate because it’s ‘too Black, too queer’. It’s full of women. And I think that it draws the ire of a lot of people. And so, they have always been fairly outspoken as a league, because it’s the only way to be. Their very presence on a court, their very insistence that they have the right to play and make a living by playing is a political act in and of itself. So, I think they were already kind of primed towards action.”

Sentenced to prison

In Belarus, Yelena Leuchanka, a former WNBA player, became a national role model in her home country in 2020 when she was sentenced to prison after attending public mass demonstrations against the suspicious re-election of Belarusian president Aleksander Lukashenko who had been in power since 1994.

“I was born in the former Soviet Union where you couldn’t speak freely about what was on your mind, and everyone had to be the same. I grew up in a small town where you had to stand in line for milk and bread. Never did I think that basketball would help me to get to a point in my life where I can express my opinion, where I matter and can be heard,” Yelena Leuchanka told *Play the Game* in an interview a few weeks after she was released after spending 15 days in prison.

The Belarusian basketball player, who has been a part of her country’s national team and Olympic team, said she was inspired by athlete activism in both the US and Europe to use her platform in sport to stand up and speak out against the president of her home country.

“The difference for me is that in the US and other democratic countries, people can go out and protest and say what is on their minds. In Belarus, it is a totally different thing. Belarus is not a democracy. We are at a different level, we are North Korea,” Yelena Leuchanka explained.

The athlete activist said she felt honoured by the Belarusian people who regarded her as a role model for the democratic movement in Belarus and not just as an athlete. And she believed that athlete activism in Belarus and other countries is changing the position of athletes in both sport and society in general:

“We are changing the way athletes are viewed all over the world. Many people believe we only care about dribbling a ball. But I think many more athletes in the future will stand up for what they believe is right and use their platform in sport to fight for the good of the people.”

Yelena Leuchanka was the most famous Belarusian athlete to be sentenced to prison for using her platform in sport to fight for the good of the people. But she wasn’t the only athlete who spoke out against ‘Europe’s last dictator’ in collective acts of protest that put a bomb under the Olympic movement and forced the IOC to choose between supporting Olympic athletes or Aleksander Lukashenko who was also head of the National Olympic Committee of Belarus.

More than 900 athletes and sports administrators in Belarus, which is a country known for its strong ties between sport and politics, signed an open letter in which they demanded a new presidential election after Aleksander Lukashenko was accused of fraud after he won a sixth term as president of Belarus.

The time is ready

One of Yelena Leuchanka's strongest supporters was Yegor Mesheriakov, a former basketball player and an assistant coach for the national basketball team, who had played as a professional in Italy, Greece, Turkey, Russia, and Ukraine.

"Two weeks ago, I was a vice president of the Belarusian Basketball Federation. When I heard that the federation would not try and help Yelena Leuchanka out of prison, I left the federation," Yegor Mescheriakov told *Play the Game* in 2020.

The Belarusian basketball player estimated that 95 per cent of all athletes in Belarus supported the demonstrations against Aleksander Lukashenko. But he also said that many athletes were afraid they would be kicked out of their national teams and clubs.

"After having been a part of the national Belarusian basketball team for 20 years, I never expected to end up in a situation like this. But when Yelena Leuchanka was arrested as the first sportswoman, many Belarusian sportsmen, including me, were ready to take her place," Yegor Mescheriakov said, adding that going back to the old state sport system in Belarus was no longer an option.

"When you look at the world of sport and see what happens, the time is ready for athlete activism. For many years, Belarusian politicians have used athletes to promote the country and their own political purposes. For some reason they still expect us to keep silent now. But that is not how it works anymore."

Athletes in exile

The Belarusian swimmer Aliaksandra Herasimenia, a triple Olympic medallist, knew she was at risk of being prisoned when she became head of the Belarusian Sport Solidarity Foundation set up to help Belarusian athletes who lost their careers and income after demonstrating against Aleksander Lukashenko's regime.



The swimmer Aliaksandra Herasimenia was among the top athletes ready to sacrifice their privileges and risk imprisonment while opposing the Belarusian dictator Lukashenko. Photo: Adam Pretty/Getty Images

In 2020, she was forced to close her swimming club at a state-owned school in Minsk and decided to leave her home country and move to Vilnius in Lithuania.

“I left Belarus because I understood it was only a matter of one or two days before I would be arrested. Now, I work from Vilnius with strong support from the national Olympic committee of Lithuania. And I hope that national Olympic committees in other countries will help us too. The national Olympic committee in Belarus has done nothing

to help. They are only interested in our medals.” Aleksandra Herasimenia told Play the Game from her exile.

“As athletes, we are used to fight and struggle to achieve our goals and that really helps us now. But nobody takes part in the street protests because someone has told them to. They all do it because they don’t want to be afraid anymore. Everyone is supporting each other. The people are motivated by the athletes, and the athletes are motivated by the people. It’s a good balance.”

For Aleksandra Herasimenia, the IOC holds the key to change in Belarusian sport and to stop the arrests of athletes using its platform in sport to speak out against the regime:

“We know the rules of the Olympic Charter. We are allowed to express our civic opinions and we should not be kicked out of our sport just because we criticise the regime. We are athletes, not politicians. When we see someone attack our girls, our moms, or our husbands, we just try to tell people that this is not normal, this is violence,” Aleksandra Herasimenia said and urged the IOC to declare the Lukashenko-controlled NOC illegal and give its financial support directly to the Belarusian athletes instead.

“If the present situation goes on for months, Belarusian sport will disappear. Some athletes will leave the country. Others will be forced to leave their sport. Nothing will change if the regime does not change.”

In 2020, Aleksandra Herasimenia took part in a demonstration in Lausanne where a group of Belarusian protesters marched through the Olympic capital with banners declaring that “Champions don’t play with dictators.” But to the IOC, the case was not that simple.

An exclusion of the Belarusian NOC headed by Aleksander Lukashenko could also hit back at the IOC. For decades, IOC leaders had turned a blind eye to national Olympic committees mixing sport and politics, as documented in 2017 in a survey by Play the Game that showed that one in seven NOCs had direct links to national governments.

Pursuing Olympic unity

In an interview with the Danish Broadcasting Corporation, Niels Nygaard, then head of Denmark’s NOC and acting president of the European Olympic Committees (EOC), labelled Aleksander Lukashenko’s position as both head of state and head of the national NOC as “absurd”.

The Dane also explained why the Belarusian case was a ticking bomb that could explode if the IOC interfered in the Belarusian NOC's legal right to elect its own president.

“In Azerbaijan, President Ilham Aliyev is the president of the NOC in his country. I doubt that the members of the NOC in Russia can elect a president that has not been approved by the Russian president Vladimir Putin, and I expect the same is the case with China.”

In late 2020, the IOC concluded that the leaders of the NOC in Belarus had not protected the athletes from political discrimination and decided to exclude all elected members of the NOC, including Aleksander Lukashenko, and to suspend all financial payments to the NOC.

But when the Belarusian NOC in 2021 elected the president's son Viktor Lukashenko as the new head of the NOC, the IOC only reacted by expressing its “great disappointment”. The Belarusian NOC was not excluded and still isn't, and the committee was still under Aleksander Lukashenko's control.

Neglecting duty of care

To Rob Koehler, director general of the athlete-led organisation Global Athlete, the case showed that the IOC had neglected its duty of care by not fully suspending the Belarusian NOC.

“Athletes have been unlawfully incarcerated, removed from jobs, fined, intimidated, and kidnapped; yet the IOC continues to allow the Belarusian NOC to retain its good standing and attend the Games. For a year, Belarusian athletes and the Belarusian Sport Solidarity Foundation have been pleading with the IOC to fully suspend their own NOC. The IOC's inaction has sent a clear message to athletes worldwide that their health and safety are secondary to the implementation of the Games and the preservation of a ‘global unity’ marketing strategy,” Rob Koehler told *Play the Game* in 2021.

Using the same argument for individual sanctions that the IOC used to not sanction Russian sport collectively for the nation's state-sponsored doping regime, IOC president Thomas Bach underlined the ideal of an autonomous Olympic world where all nations are included, regardless of the political actions of their governments.

“We will only sanction the people that are responsible for something. We will not sanction a national Olympic committee for the actions of its government, so long as the NOC's leading individuals do not support these actions. None of you should be held



The IOC's inaction in Belarus has sent a clear message to athletes worldwide that their health and safety are secondary issues, says Rob Koehler from Global Athlete. Photo: Thomas Sondergaard/Play the Game

responsible for the actions of your government. It is up to governments to deal with governments,” Thomas Bach said in a speech held at the Oceania National Olympic Committees General Assembly in Fiji.

While Rule 50 of the Olympic Charter was still in place to collectively restrict freedom of expression and advertising possibilities for all Olympic athletes, collective sanctions against nations led by dictators who had broken the Olympic Truce and for decades had misused Olympic sport to promote their own political agendas was not an option.

Collective responsibility

If collective responsibility is never accepted, how is it possible to protect athletes and other stakeholders in sport against numerous crimes involving doping, corruption, match-fixing, sexual abuse, and human rights violations?

Though some individual sports leaders have begun embracing protesting athletes and fans, there are still no signs that sport will take collective responsibility for supporting athletes who take a stand in the fight for democracy, transparency, and freedom of speech in sport.

With WADA as a notable exception, cleaning up sport has mostly been a matter for individual athlete groups supported by individual whistleblowers, activists, journalists, researchers, human rights experts, advocacy groups, and public prosecutors in a small number of Western democracies.

But most countries in the world are not democratic. In these countries, it can be outright dangerous to blow the whistle, take a knee, raise a fist, or advocate human rights on t-shirts and banners. Even in democracies, most people still seem to care more about being entertained by sport than cleaning up the crimes it produces.

Who killed the boxer?

Nearly 60 years ago, the later Nobel Prize winner and songwriter Bob Dylan came to almost the same conclusion in his song ‘Who Killed Davey Moore?’.

As a young songwriter who loved boxing, Dylan questioned who was to blame for the death of a former Olympic boxer who passed away in 1963 after a fight for the featherweight World Championship at Dodger Stadium in Los Angeles. When the song was recorded during a live concert at New York’s Philharmonic Hall in 1964, Bob Dylan introduced his lyrics by stating:

“This is a song about a boxer. It’s got nothing to do with boxing; it’s just a song about a boxer really, and, uh, it’s not even having to do with a boxer, really. It’s got nothing to do with nothing. I just fit these words together, that’s all.”

In 2011, Sports Illustrated ranked his words as the best sports song of all time.

Who Killed Davey Moore?

Who killed Davey Moore
Why and what's the reason for?
"Not I," said the referee
"Don't point your finger at me
I could've stopped it in the eighth
An' maybe kept him from his fate
But the crowd would've booed, I'm sure
At not getting their money's worth
It's too bad he had to go
But the pressure was on me too, you know
It wasn't me that made him fall
No, you can't blame me at all"

Who killed Davey Moore
Why and what's the reason for?
"Not us," says the angry crowd
Whose screams filled the arena loud
"It's too bad he died that night
But we just like to see a good fight
We didn't mean for him t' meet his death
We just meant to see some sweat
There ain't nothing wrong in that
It wasn't us that made him fall
No, you can't blame us at all"

Who killed Davey Moore
Why and what's the reason for?
"Not me," says his manager
Puffing on a big cigar
"It's hard to say, it's hard to tell
I always thought that he was well
It's too bad for his wife an' kids he's dead
But if he was sick, he should've said
It wasn't me that made him fall
No, you can't blame me at all"

Who killed Davey Moore
Why and what's the reason for?
"Not me," says the gambling man
With his ticket stub still in his hand
"It wasn't me that knocked him down
My hands never touched him none
I didn't commit no ugly sin
Anyway, I put money on him to win
It wasn't me that made him fall
No, you can't blame me at all"

Who killed Davey Moore
Why and what's the reason for?
"Not me," says the boxing writer
Pounding print on his old typewriter
Sayin', "Boxing ain't to blame
There's just as much danger in a football game"
Sayin', "Fistfighting is here to stay
It's just the old American way
It wasn't me that made him fall
No, you can't blame me at all"

Who killed Davey Moore
Why and what's the reason for?
"Not me," says the man whose fists
Laid him low in a cloud of mist
Who came here from Cuba's door
Where boxing ain't allowed no more
"I hit him, yes, it's true
But that's what I am paid to do
Don't say 'murder', don't say 'kill'
It was destiny, it was God's will"

Lyrics by Bob Dylan, 1963.



Athletes should not be gagged in exchange for Olympic dream

Rule 50.2 in the IOC's Charter is a clear violation of the human rights of athletes to free speech and expression, argued the Canadian lawyer and former Olympian Nikki Dryden at Play the Game 2022. Though the IOC has introduced some improvements regarding human rights in its charter in 2023, rule 50.2 was not revised, and Nikki Dryden's 2022 proposals are still valid.



There is no transparent process for dealing with breaches of the Charter's restrictions on freedom of expression, Nikki Dryden told Play the Game 2022. Photo: Thomas Søndergaard/Play the Game

[...] The Olympics are built on human rights principles used to market the Olympics as an idealistic, magical gathering of the world's people represented through each nation's most physically gifted. To execute that vision, the IOC goes to extensive lengths to protect their financial interests and preserve their exalted image. In some cases that means violating the human rights of the very athletes at the center of the Olympic Movement including their right to free speech.

The right to free speech is articulated in everything from the Universal Declaration of Human Rights to supporting treaties protecting minorities and children. Regional human rights bodies that cover Europe, Africa and the Americas protect it as well as the domestic law of the 2020 Olympic host, Japan, the IOC host Switzerland, the Olympics' main revenue generator the USA, and most other countries. Even the IOC's own Athletes' Rights Declaration guarantees the right to freedom of expression.

Rule 50.2 of the Olympic Charter states in part, "No kind of demonstration or political, religious or racial propaganda is permitted in any Olympic sites, venues or other areas," thereby curtailing the Olympian's universal human right to free speech and expression.

In January 2020, the IOC published additional guidelines to clarify Rule 50.2 in collaboration with the IOC Athlete's Commission. Unfortunately, like their attempts in 2014, they failed to provide a legal justification for this human rights breach.

Moreover, without any hint of irony, their examples of what constitutes a demonstration (signs, armbands,

hand gestures and kneeling) leave the IOC itself open to a Rule 50.2 violation as playing a national anthem and raising a national flag is in and of itself a political demonstration. [...]

Nothing can replace the moment of Olympic glory broadcast to over three billion people around the world. Nothing can replace a medal ceremony either. But Rule 50.2 gags Olympians from using these moments on live television (that cannot be edited by the media) how they choose.

However, the "dignity" of the medal ceremony is not "destroyed" because an Olympian exercises their human rights. It is destroyed if the world continues to stand by while Olympians are threatened and gagged in order to realize their Olympic dreams.

Whether you want to make the sign of the cross as you step to the podium, wear a hijab when you compete, make a lightning bolt when you win, take a knee, or weep as you struggle to sing the words to your national anthem, what you do in your moment of glory is your right and your choice. [...]

As I outline in a longer legal piece, for women and minority Olympians, the IOC also has an affirmative obligation to enable them to be heard. Grave violations of free expression, like the "counselling" and shaming of Australian boxer Damien Hooper at the 2012 Olympics for daring to wear a federally recognized Aboriginal flag t-shirt, must end.

The right to free speech appears unfettered in US law, and First Amendment protections form the backbone of the US Constitution. However, the US Supreme

Court limits free speech when it contains obscenity, fraud, child pornography, is connected to illegal conduct, and “incites imminent lawless action.” Under international law, speech that is intolerant of minorities or incites hatred or violence can be outlawed.

The problem with the IOC’s Rule 50.2 is that it fails to provide lawful justification for curtailing the fundamental right to free speech, and that the Olympic Charter more broadly fails to provide a fair and transparent process (remedy) for alleged breaches of the rule. [...]

The current Charter fails to outline the boundaries or provide lawful due process for an alleged breach. Instead, the Charter threatens athletes with temporary or permanent ineligibility, exclusion from the Games, disqualification, withdrawal of accreditation, loss of Olympic result including medals, and financial sanctions. Rather than using paternalistic words and idealistic language (peace, harmony and neutrality), the IOC should be focused on two things: Creating a framework for how speech will be viewed (rather than trying to define it) and creating a fair and transparent process for alleged breaches of Rule 50.2.

Suggestions for the IOC:

- Align Rule 50.2 to international law by removing generic language like “propaganda” and “demonstration” and inserting bans on speech that incites hatred or violence or intolerance to minorities.

- Define a transparent process and framework for determining an alleged breach, including timeline, cost, access to paid legal counsel for the athlete, and standards from the United Nations, international law and other guiding bodies.
- Create and fund an independent tribunal of diverse and inclusive free speech and human rights experts to sit during the Olympics and evaluate alleged breaches.
- Outline the penalties for an alleged breach. For example, if it is found that the speech is not protected, the penalty for a first-time offense could be a fine of 5,000 US dollars. A second time offense might include a penalty of handing all prize money to a charity, third time, removal from Olympic results. There could be different penalties for different situations: unprotected speech on the podium could be fined more heavily than unprotected speech made before or after a race.
- Define the penalties for the IOC when they bring a failed claim against an athlete.

[...] The IOC needs to stop its authoritarian treatment of athletes as infants without agency. It is time for the IOC to put the human rights of athletes at the center of the Olympic Games.

Find the full text at www.playthegame.org

SAPIS: Empowering the athlete voice in sport

Athletes are the beating heart of sport. Without athletes, sports organisations would lose the legitimacy they draw from the multitudes engaging in elite and grassroots sports. Stadia would remain empty, TV and tablet screens turn blank, and sport would stop generating large revenues from public and private sources. One of the world's fastest-growing industries would cease to exist. Millions of employees would lose their jobs, and hundreds of thousands of investors would go bankrupt.

Despite their importance to the industry, athletes rarely have a say. They are often excluded from the meeting rooms where important decisions are made.



The former captain of the national Brazilian football team Raí Oliveira visited Play the Game in 2011 and 2017 to talk about the advocacy group Atletas pelo Brasil that he co-founded with other Brazilian top athletes. Photo: Thomas Søndergaard/Play the Game

They are deprived of influencing decisions that affect their sport, their daily lives, and their future careers.

So, how can we strengthen the athlete voice? That was the question three athlete groups and a collective of academic researchers decided to answer in a project with financial support from the European Union. The project 'Strengthening Athlete Power in Sport' (SAPIS) ran from 2020 to 2023 and aimed to:

- create an overview of existing practices of athlete representation
- develop opportunities for athletes to participate in decision-making in their federation
- point to new ways of preparing athletes for a role in the governance of sport.

First, the SAPIS researchers identified three dimensions of democracy as central in forming the bedrock for sports organisations. Taken together, these principles offer a solid and legitimate grounding upon which to establish athlete representation in sport:

- Representative – those who govern should be accountable to the governed, usually achieved through free, fair, and open elections.
- Participatory – people should be able to contribute to collective decision-making.
- Deliberative – systems and processes should be established to enable the exchange of ideas and perspectives to promote reflection and better-informed decision-making.

These three types of democracy should apply not only to sports governing bodies but also to athlete representative bodies such as athlete associations and athletes' commissions, as well as to the interactions between sports governing bodies and athlete representatives.

The SAPIS project took a closer look at three types of athlete organisations:

Athlete associations (unions) are independent, member-based organisations owned and led by athletes with their own democratic structures. Athlete associations can offer an independent collective voice for athletes and engage in collective bargaining and negotiations on terms and conditions of employment. They can offer collective voices that sports authorities can trust to best represent the views of athletes given their independence and democratic structures.

Athletes' commissions (or athletes' committees) are advisory bodies within sports federations and Olympic committees established to represent athletes' voices and interests in decision-making. Some have a share in decision-making power through representation on the executive body of their federation, others act in a consultative role within the sports governing bodies.

Athlete advocacy groups range from informal groups with no member base to more formal groups with legal structures. They can influence decision-making via

Strengthening Athlete Power in Sport

A guide to opening new ways in sports governance



You can find the SAPIS good practice guide and more about athlete representation at www.athletepower.eu

SAPIS was coordinated by Play the Game, and the partners included the European Elite Athletes Association, JPY - Football Players Association of Finland, NOC*NSF - The Dutch Olympic Committee* Dutch Sports Federation, Pompeu Fabra University, Spain, Swansea University, United Kingdom, University of Ljubljana, Slovenia, and Utrecht University, the Netherlands. Moreover, assistance was given by ICERIS at KU Leuven.

SAPIS was co-funded by the Erasmus+- programme with a grant of approximately 250,000 euro.

social and mass media or by using athlete members' networks to spread messages. Their legitimacy depends on qualities like transparency, democracy, and accountability. Advocacy groups will often depend on a strong engagement from individuals and can be vulnerable if they do not secure a lasting commitment from members, sustainable financing, and good governance.

Based on interviews with these groups and officials from sports governing bodies, SAPIS made a checklist of recommendations for athlete representatives. Here is a selection:

Have the right knowledge

- Know your rights as a representative and the duties of sports governing bodies to negotiate with you or to consult you.
- Know your mandate – who do you represent and how have you become a spokesperson – e.g., through election or similar democratic means?
- Know your constituents – make sure you know the views and interests of those you seek to represent and speak on behalf of.
- Know the issues – make sure you have researched and understand the issues you are speaking about to gain and maintain credibility.
- Know your sports governing body or employer – how are decisions made, who makes them and how can you influence them?
- Know your allies – who else might support your position and how can they help?

Get the right structures

- Ensure that all members can access the association/ commission services on equal terms.
- Create a network of local athlete representatives to serve as a contact point between teams and the association.
- Ensure that active athletes are a part of the governance of the association or commission and that any elected or appointed officers are accountable to athletes.

Connect with your constituents

- Report back to those you represent and speak on behalf of.
- Keep regular contact with athletes through regular team visits, general assemblies and other meetings as well as informal channels such as social media.
- Work proactively to ensure that all athletes are properly informed about their rights as members of your association.
- Gather athlete views and opinions through in-person meetings, but also via athlete surveys, and use them to define, amend or develop the associations' functioning and work.
- Stimulate discussion on the central issues with your constituents and be open to their criticism.
- Make clever use of social media as a space for dialogue with your constituents and communication about your work.