



KRISTEN WORLEY'S CASE & THE HUMAN RIGHTS OF ATHLETES

Play The Game 2017

'Riding Waves of Change'

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“The practice of sport is a human right...”
(the 4th fundamental principle of Olympism)

Universal Declaration of Human Rights, article 2:

- *“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”*

UNESCO Charter on Sport, article 1:

- *“Every human being has a fundamental right to physical education, physical activity and sport without discrimination on the basis of ethnicity, gender, sexual orientation, language, religion, political or other opinion, national or social origin, property or any other basis.”*

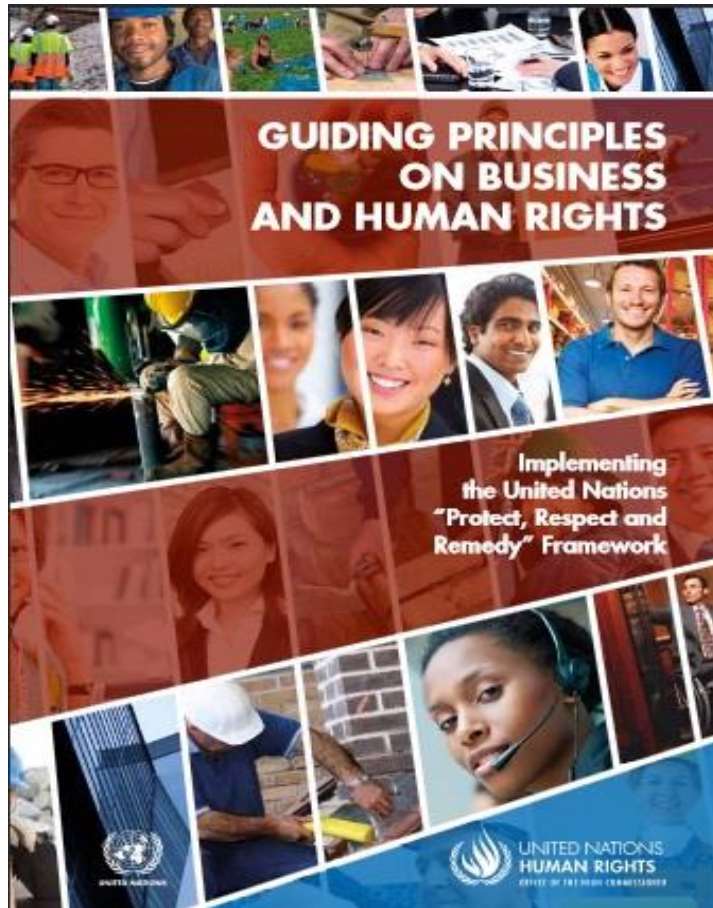


National vs. world 'sports law'

Antoine Duval (Asser Institute) –

- *“In the absence of international rules imposed conjointly by national states, the football world has developed, in the shadow of Bosman and Swiss arbitration law, a specific ‘global law without the state.’”*

UN Guiding Principles on Business & Human Rights, 2011 (UNGPs)



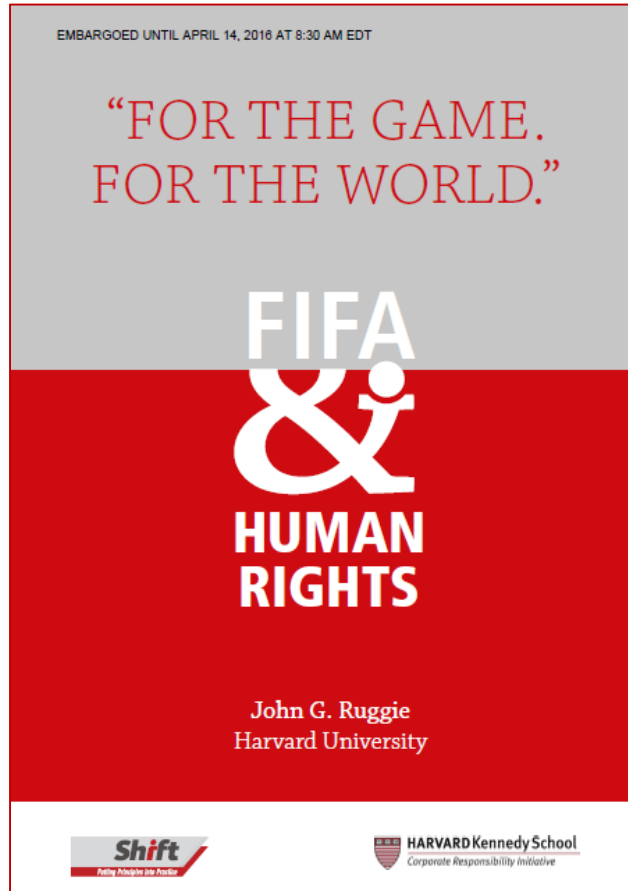
- Framework:
 - Protect
 - Respect
 - Remedy
- 4 requirements for business:
 - Human rights policy
 - Human rights due diligence
 - Access to an effective remedy
 - Engagement & communication



Internationally recognised human rights

- International Bill of Rights:
 - Universal Declaration of Human Rights
 - International Covenant on Civil & Political Rights
 - International Covenant on Economic, Social & Cultural Rights
- ILO Declaration on Fundamental Principles & Rights at Work
- UNESCO International Charter of Physical Education, Physical Activity & Sport

Professor Ruggie on the CAS

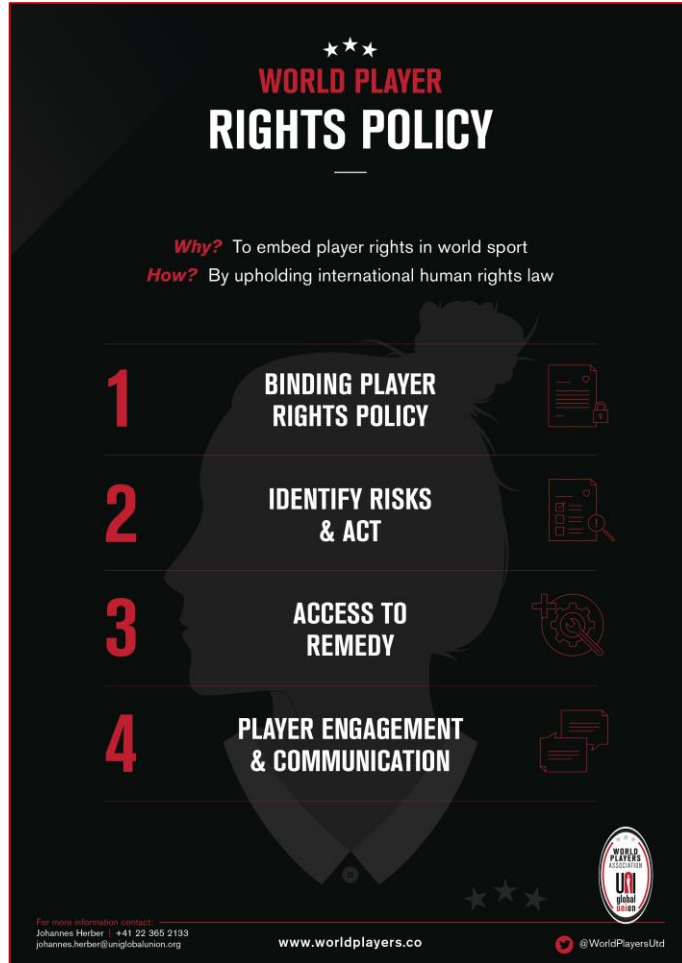


Recommendation 6.2, April 2016

FIFA should review its existing dispute resolution system for football-related issues to ensure that it does not lead in practice to a lack of access to effective remedy for human rights harms.

- FIFA should ensure that its own dispute resolution bodies have adequate human rights expertise & procedures to address human rights claims, & urge member associations, confederations & the Court of Arbitration for Sport to do the same;
- The review should involve independent experts as well as representatives of players & other users of the system.

World Player Rights Policy, July 2017



Four key player rights obligations of ISOs:

1. Binding player rights policy
2. Player rights due diligence (i.e. proactively identify risks & take action)
3. Access to an effective remedy
4. Engagement & communication with affected people & their legitimate representatives (inc. player associations)

“Volumes of legal docs in world sport impose onerous obligations on athletes. None guarantee their fundamental human rights.”



Q & A.
Thank you

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