



Athleten  
Deutschland e.V.

Ahead of the 2022 Winter Games

# Sport and Human Rights: Options for Action for Athletes, States, Federations, and Sponsors

January 2022

## Summary

---

Shortly before the Winter Games in Beijing, Athleten Deutschland publishes the following discussion paper that highlights various aspects of the discussion on sporting and diplomatic boycotts. Further, it addresses the responsibilities and possible causes for action of different stakeholders such as athletes, states and their governments, sponsors, and National Olympic Committees. In this way, we want to back athletes and take pressure off them. We also show ways in which sport can fulfill its human rights responsibilities internationally and nationally in the future and bring its values credibly back to life.

To us, there are several reasons why a sporting boycott is not an option. While, in theory, it could be a highly effective instrument, it is not practically feasible at this stage. Athletes could be the most powerful group in the world of sports. Yet, this is not the case, as their collective self-organization still requires significant progress globally.

If athletes choose not to participate in the Olympic Games for ethical reasons, they must be able to do so without fearing disadvantages. On an individual level it is legitimate to pursue their profession and to participate in the Olympic Games. There is no real choice for the athletes to decide freely for or against the Olympic Games. Therefore, they should not be expected to shoulder the individual costs of abstaining from the Olympic Games.

On site, the participants must encounter conditions in which they can freely express themselves without fearing sanctions. It helps when politics and sporting federations get behind the athletes and stand up for their freedom of expression.

Not the athletes, but the IOC is responsible for awarding and hosting of the Games. Athletes were excluded from all awarding and decision-making processes, had no say whatsoever, and are affected themselves. It is therefore unjust that years later they should have to pay for the IOC's mistakes. The IOC bears the overall responsibility. To date, it has not or inadequately fulfilled its human rights responsibilities (see Appendix).

Aside from the human rights risks in the Olympic Movement's realm of responsibility, we call for a debate on red lines and limits regarding future awarding decisions to ensure that similar situations do not repeat themselves. Silence cannot be the answer if the IOC wants to restore trust and revive the values of sport.

Most of the TOP sponsors have committed themselves to comply with human rights standards based on the UN Guiding Principles on Business and Human Rights (UNGPR). Hence, they should critically reflect on their sponsorship decision for an organization like the IOC that, as of now, has inadequately fulfilled its human rights responsibilities.

It is up to politics to decide whether a diplomatic boycott is an effective instrument. In any case, the international community should not only take a stance against China, but also promote national and international efforts to ensure that sports associations fulfill their human rights due diligence obligations in the future.

Compliance with the human rights due diligence obligations of sports federations must be the foundation of the integrity of sport and a prerequisite for a responsible approach to the autonomy granted to sport. In the future, state funding for sport must be linked to compliance of federations with their human rights due diligence obligations.

We welcome the German Olympic Sport Federation's (DOSB) numerous efforts in the past weeks to prepare athletes for the Olympic Games and to take adequate precautions for quarantine and crisis situations on site. We hope that the DOSB will take a clear stance on the human rights responsibility of sport and, in the future, exert its influence internationally.

Nationally, the DOSB can set an excellent example as a global pioneer: A human rights policy, including a coherent and comprehensive statutory commitment to human rights, would be pathbreaking for German sport. On this basis, German sport could fulfill its human rights responsibilities by implementing a human rights strategy and proactively countering human rights risks.

Athleten Deutschland is hopeful that the newly elected German Federal Government and the new DOSB leadership will make a substantial contribution nationally and internationally to strengthening human rights aspects in sport and thus contribute to the fulfillment of human rights.

## **1. Why we Oppose a Sporting Boycott:**

---

### **1.1) On a collective and global level, a sporting boycott would fail due to the athletes' insufficient self-organization.**

The decision in favor of or against a boycott always requires an assessment of its potential effectiveness. A sporting boycott can be a highly effective measure if it is organized globally and across national borders so that it does not remain an individual symbolic action. Athletes are the protagonists of sport. If they went on strike, staying away from the arenas and competitions, there would be no vivid television images, no records, and marketable revenues worth billions of dollars. The business model of the Olympic Movement depends on the athletes' presence and participation. They could be the most powerful group in the world of sport. However, this is not yet the case: Their self-organization still requires considerable progress from a global perspective.

The IOC and the international as well as national federations often restrict the athletes' human right to freedom of association. Organizing the heterogeneous group of elite athletes with short-lived careers and high dependencies on the federations is complex per se. A country like Germany has recognized this problem making a groundbreaking contribution to strengthening the athletes' independent self-organization by financing an independent athlete representative body, which is still a rarity in international comparison. Germany is a pioneer in this regard, even though we are only at the beginning here.

Since the athletes have not yet overcome the high hurdles to global self-organization, a sporting boycott remains a purely theoretical option to send a clear signal to China and the IOC. From a practical perspective, a sporting boycott remains unfeasible for now.

### **1.2) On an individual level, it is legitimate for athletes to participate in their personal and sporting highlight.**

There are regular appeals to the athletes' responsibility in the context of the Winter Games in China, but also in the context of other controversial major sporting events. If athletes decide not to participate for personal and ethical reasons, they must do so without fear of disadvantages or sanctions. Even more: They should be supported in their decision.

Individual acts of boycott, such as staying away from tournaments due to discriminatory dress codes, have also had an impact in the recent past and [have resulted](#) in rule changes. It is doubtful whether this will be the case at this year's Winter Games as this would only be possible in a globally and collectively organized alliance. Therefore, athletes should not be expected to bear the individual costs of abstaining from the Games - without knowing with certainty the benefit of such a boycott apart from its symbolic character.

Instead, it is legitimate for athletes to pursue their profession. They cannot choose their place of work. The participation in the Games directly affects economic factors such as state funding and sponsorships. Such pronounced dependencies are inherent in elite sport. There is no real free choice for the athletes whether or not to participate in the Games. For years, they have worked towards this career highlight and have borne the costs. Family celebrations were canceled, personal relationships had to take a back seat, job opportunities and professional training possibilities were missed or postponed.

### **1.3) When athletes want to express themselves on site, their right to freedom of expression must be protected.**

The participants must encounter conditions to express themselves freely and without fear of sanctions. It is helpful for the athletes if politics and sporting federations get behind them and stand up for protecting their freedom of expression. A member of the Chinese organizing committee [threatened](#) that athletes might face sanctions if they speak out in a way that is against Chinese regulations and the principles of Olympism. Athleten Deutschland has [called on the IOC](#) to distance itself from these statements and protect the athletes' freedom of expression. As long as this does not happen, it is understandable that athletes refrain from making statements out of pure self-protection. We also demand clarification of the guidelines on the controversial Rule 50.2 of the Olympic Charter, which [in our view](#) continues to inadmissibly restrict expressions of opinion during the Games on the podium and playing field. The guidelines [refer](#) to "*applicable laws*" in the host country, which is entirely unclear in the Chinese context. The precedent set by hockey player Nike Lorenz at the Tokyo Olympics shows that forms of expression such as wearing an armband on the playing field are permitted by the IOC. Thus, the blanket restrictions of its own rule can hardly continue to be upheld.<sup>1</sup>

---

<sup>1</sup> Following this precedent, all athletes [should](#) have the opportunity to request permission in advance of any planned speech or statement, to provide them with certainty and to alleviate concerns about sanctions. Such a process should be set up and

#### **1.4) The IOC, not the athletes, bears responsibility for awarding and hosting the Games.**

The IOC has put athletes worldwide, also in Germany, in an impossible situation with its irresponsible awarding decision. Athletes do not want their sport to cause harm or be linked to human rights violations. Many athletes are sensitized to China's disastrous human rights situation, thanks to the DOSB's information efforts on the issue. Some dare to criticize openly. At the same time, the responsibility for this unbearable situation that world sport has been heading towards for years should not be put on the athletes' shoulders. They were excluded from all awarding and decision-making processes, had no say whatsoever, and are affected themselves. Therefore, it is unfair to blame them for IOC's mistakes years later. The IOC bears the overall responsibility and for years, it has been obliged to face it.

To date, the IOC has not fulfilled its human rights responsibilities or has done so inadequately. As we explained in our [detailed position, "Nailing Colors to the Mast: IOC Must Make Protection of Athletes and Compliance with Human Rights Responsibilities Its First Priority"](#) (see appendix for a summary), the IOC must be held accountable to the same standards as multi-national corporations. Moreover, it must proactively and comprehensively address the human rights risks in its sphere of influence based on the [UN Guiding Principles on Business and Human Rights](#) (UNGP), i.e., those associated with the preparation and staging of the Games.

Apart from the human rights risks in the area of responsibility of the Olympic Movement, we call for a debate within sport on limits and red lines for future awarding decisions, so that such situations do not repeat themselves. Human rights risk analyses and strategies can help build an appropriate basis for decision-making. In our view, it is not compatible with the IOC's noble values - e.g., human dignity, non-discrimination, and solidarity - for the Olympic and Paralympic Games to take place in a country that is accused of crimes against humanity. While political neutrality is fundamental for sport to protect itself from political instrumentalization and to be as globally active as possible, it must serve as an excuse to tacitly accept and possibly even tolerate severe violations of universally applicable human rights. The IOC owes this debate to everyone in sport, first and foremost the athletes and all those affected by its actions. Silence is not the answer if the IOC wants to restore lost trust and revive the values and power of sport.

## **2. What Sponsors Can Do:**

---

The TOP sponsors of the IOC [accounted](#) for almost 25% of the IOC's turnover of USD 5.16 billion in the Olympiad from 2013 to 2016. This puts a special responsibility on sponsors. Business enterprises are obliged to respect human rights based on the [UN Guiding Principles on Business and Human Rights](#) (UNGP). The 14 TOP sponsors of the IOC, except for the Chinese company [Alibaba](#), have consequently

---

facilitated by independent experts instead of being regulated by non-transparent procedures that open the door to arbitrary decisions by the IOC.

committed to the UNGP.<sup>2</sup> Companies adhering to these standards should critically reflect on their sponsorship decisions for an organization like the IOC that has so far inadequately fulfilled their human rights responsibilities. They should insist on immediate actions by the IOC regarding the human rights risks associated with the Beijing Winter Games and link the continuation of their sponsoring to a comprehensive implementation of an IOC human rights strategy.

### **3. What States and Governments Can Do:**

---

#### **3.1) A diplomatic boycott should not be a short-term symbolic action.**

It is up to politics to decide whether a diplomatic boycott is an effective instrument. The Chinese regime should not be given a stage to use the Olympic Games for propaganda and sportswashing. It is essential for athletes that the international community sends a clear signal towards China and the IOC, thus taking the pressure off their shoulders. In our opinion, a diplomatic boycott should not be merely an act of short-term symbolism and window-dressing but a measure that is sustainably and coherently integrated into foreign policy objectives. We explicitly welcome the fact that irrespective of the absence of high-ranking representatives from Germany, the DOSB crisis response team and an Olympic attaché with diplomatic immunity will support the athletes on-site in case of emergency.

#### **3.2) States should demand from the IOC to fulfil its human rights responsibilities.**

In any case, the international community should not only take a stand towards China and insist on adhering to human rights, but also towards the IOC and the Olympic Movement. It must be made unmistakably clear that the Olympic Movement must fulfill its human rights responsibility that such situations cannot be allowed to recur.

Respect for human rights should be a fundamental value of sport and should condition its core values. Compliance with the human rights due diligence obligations of sports federations must be the foundation of the integrity of sport and a prerequisite for a responsible approach to the autonomy granted to sport. A value-based sport with integrity requires all stakeholders to recognize their human rights responsibilities. These include, in addition to federations and their sponsors, states, and their governments. Based on the [UN Guiding Principles on Business and Human Rights](#) (UNGPR), they are obliged to respect the human rights of all those affected by sport.

In the future, state funding for sport must be linked to compliance of federations with their human rights due diligence obligations.<sup>3</sup> Regarding hosting major international sporting events, we support the [German Federal Government's expectation](#) that international sporting organizations "comply with their human rights due diligence obligations in accordance with the [UN Guiding Principles on Business and Human Rights](#) when deciding on the host of major sporting events". We welcome that the new

---

<sup>2</sup> Individual references to the respective human rights policies of the TOP sponsors except for Alibaba: [Visa](#), [Allianz](#), [Coca-Cola](#), [Intel](#), [Panasonic](#), [Samsung](#), [Airbnb](#), [Atos](#), [Bridgestone](#), [Toyota](#), [Dow](#), [Omega](#), [P&G](#).

<sup>3</sup> We expressly welcome that various state and supranational actors from the USA and the EU, including Germany, have recently taken a clear position on human rights violations in sport ([here](#), [here](#), [here](#), [here](#), and [here](#)).

government coalition expects in its [coalition agreement](#) that awarding and hosting major international sporting events should be "strictly linked to compliance with the UN Guiding Principles on Business and Human Rights and Sustainability" (p. 114) and are pleased with its commitment to strengthening international sports policy (p. 126).

### **3.3) State funding for sports should be linked to compliance with human rights due diligence obligations.**

The debate on human rights due diligence in sport does not only concern extreme cases such as awarding major sporting events to non-democratic states like China or Qatar. There are also [human rights risks in the realm of sporting federations](#) at the national level. Athletes, children, and other groups in sport may be exposed to human rights risks without adequate protection.

As the main funders of sport, states and governments should hold federations more accountable and insist that they comply with their human rights responsibilities. Their compliance must be the fundamental prerequisite for public funding and support. At the national level, we have made corresponding proposals with our [recent reflections on a paradigm shift and far-reaching structural reforms of the integrity governance in German sport](#): In the future, in a harmonized integrity system with actors free of conflicts of interest, an independent National Integrity Agency could accompany the implementation of human rights due diligence obligations of the federations. Comprehensive 360° audits could identify room for improvement and provide a better basis for decision-making on government grants to sporting federations.

## **4. What Federations such as the DOSB Can Do:**

---

### **4.1 The DOSB has made efforts to prepare and support athletes.**

We welcome that the DOSB has sought dialogue with various stakeholders over the past months and has comprehensively informed and sensitized athletes on multiple issues, including the human rights situation and China and on-site COVID regulations. Moreover, the DOSB successfully advocated for a reduction in CT levels as well as improved quarantine conditions and recommended the use of separate electronic devices to protect against surveillance and spying. In cooperation with the crisis response center of the Federal Foreign Office, support is provided to athletes in China in the event of a crisis.

### **4.2 The DOSB should take a clear stance on the human rights responsibility of sport governing bodies.**

Not least to strengthen the athletes' positions and to do justice to its social responsibility, we ask the DOSB to take a clear stance on:

- the human rights situation in China,
- the human rights responsibility of the IOC and the Olympic Movement,
- and the protection of athletes' freedom of expression in general and in the Chinese context.

In the future, German sport should assert its influence on an international level, also through German representatives in International Sports Federations.

#### **4.3 The DOSB could lead by example nationally and implement a foundational human rights policy in conjunction with a human rights strategy.**

Nationally, the DOSB can set an excellent example as a global pioneer: A human rights policy, as well as a coherent and comprehensive statutory commitment to human rights, would be pathbreaking for German sport. On this basis, German sport could fulfill its human rights due diligence obligations by implementing a human rights strategy. This responsibility does not only apply in the context of major sporting events but extends to all popular and elite sport in Germany. As part of its [human rights strategy](#) for UEFA Euro 2024, the German Football Association has already [enshrined](#) such a commitment in its statutes and supplemented it by adopting a comprehensive [human rights policy](#).

In addition to violence and abuse, there are human rights risks in sport that receive comparatively little attention in Germany. These risks primarily affect athletes and partly apply to the employees of the federations and persons in the athletes' sporting environment. These risks include discrimination and questions related to gender equity, group-based enmity, interference with freedom of expression, barriers to access to international sports arbitration, restrictions on freedom of association, and the curtailment of workers' rights. Federations must proactively and holistically address these human rights risks and fulfill their human rights due diligence obligations. The various human rights risks in sport must be identified and mitigated with appropriate measures. Appropriate mechanisms for remedy and redress must be created for human rights violations in sport. Our recent reflections have outlined [corresponding proposals on a paradigm shift and far-reaching structural reforms of the integrity governance in German sport](#).

Athleten Deutschland is hopeful that the newly elected German Federal Government and the DOSB' new leadership will make a weighty contribution nationally and internationally to strengthening human rights aspects in sport and thus contribute to achieving human rights goals.



## **Annex: Examples of the IOC's Inadequate Fulfillment of its Human Rights Responsibilities in the Context of the Beijing Winter Games**

---

Summary of the detailed position "[Nailing Colors to the Mast: IOC Must Make Protection of Athletes and Compliance with Human Rights Responsibilities Its First Priority](#)".

- The IOC must be measured against the same standards as globally operating firms and proactively and comprehensively address the human rights risks in its sphere of influence based on the UN Guiding Principles on Business and Human Rights (UNGP) - i.e., also those associated with the preparation and staging of the Games. This also includes a comprehensive and coherent commitment to internationally recognized human rights, which Athleten Deutschland and numerous other athletes [have demanded](#) for a long time.
- The IOC received comprehensive [recommendations for such a human rights strategy](#) based on the UN Guiding Principles on Business and Human Rights (UNGP) [in February 2020](#) but has not yet implemented them. Their implementation could have far-reaching effects on major sporting events and athletes' rights.
- These recommendations [identify](#) the Beijing Winter Games as a priority area for action (p.41): "*In the case of the Olympic Winter Games in Beijing in 2022, in our view, the human rights impacts that could be connected to the Games are severe [...] (p.8)*". Despite this assessment, the recommendations have not yet been implemented as far as we know.
- The IOC must urgently present a risk analysis for the human rights risks associated with the Games and credibly explain how these risks will be mitigated. It must transparently explain how the rights of all groups involved will be protected.
- Regarding the upcoming Winter Games, the IOC must prove that it can ensure the athletes' protection and safety and proactively address the human rights risks affecting them. How will they be protected from surveillance and espionage? Can their physical safety be ensured? How will their freedom of expression and speech be guaranteed, especially if they wish to express themselves critically? The organizers should be prepared for all scenarios.
- Auditing companies seem to be increasingly ceasing their business activities in the Xinjiang region ([here](#) and [here](#)). The IOC must credibly assure and verify that, for example, apparel, merchandise, or other products and business activities for the Winter Games are not linked to forced labor in Xinjiang or other human rights violations. Chinese equipment suppliers [HYX](#) and [Anta Sports](#) have production sites in Xinjiang. Referring to independent audit firms, the IOC claims in its [due diligence report](#) that the IOC products from HYX and Anta Sports are not linked to forced labor. In addition, products for the Olympic Movement had been sourced from cotton outside of China. At this stage, the IOC has missed the opportunity to disclose the name of the audit companies and their respective audit reports. Accordingly, the IOC's conclusions should be viewed with critical caution. In any case, it can be stated that the IOC purchases products from companies that have production in Xinjiang and, as the [withdrawal of the Better Cotton](#)

[Initiative](#), for example, shows, it can no longer be reliably determined whether production there is free of forced labor.

- The IOC [received](#) written assurances from the Chinese side to comply with human rights standards before the award decision in 2015. It must immediately disclose the written commitments and explain how their implementation is monitored.
- Furthermore, the IOC had room for maneuver to integrate human rights standards into the preparation and staging of the Games if it had applied the current Operational Requirements in the [2018 version](#), which explicitly take human rights standards into account (p. 127). Updating the Operational Requirements to the latest available version, even after the initial award decision, has been common practice in the past. The Operational Requirements for the Beijing Winter Games were updated once but have been left in the [2016 version](#) without human rights standards and have not been updated to the latest 2018 version. Thus, the IOC must urgently disclose whether it demanded the application of the 2018 Operational Requirements from the contracting parties and why this attempt obviously failed.

## **About Athleten Deutschland e.V.**

---

Athleten Deutschland was founded in 2017 to give Germany's elite athletes a real say for the first time. The association is committed to fundamentally change the German and international sporting system.

Our focus is to represent, protect and empower our members. We fight for working conditions which allow our members to fulfil their full potential as athletes and human beings alike. We stand for fair and clean sport, free from abuse and violence, manipulation, and mismanagement. To fulfil our mission, we collaborate with various stakeholders from politics, business, science, and civil society, as well as like-minded partners in Europe and around the world.

Athleten Deutschland is funded by the Federal Ministry of the Interior and for Community based on a resolution of the German Bundestag

## **Contact**

---

Athleten Deutschland e.V.  
Johannes Herber, Managing Director  
Maximilian Klein, Representative for International Sport Policy  
Friedbergstraße 19  
14057 Berlin  
E-mail: [info@athleten-deutschland.org](mailto:info@athleten-deutschland.org)  
[www.athleten-deutschland.org](http://www.athleten-deutschland.org)

Gefördert durch:



aufgrund eines Beschlusses  
des Deutschen Bundestages