

Submission to the Special Rapporteur on cultural rights

The right to participate in sports

Sexual Rights Initiative

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Introduction

1. The Sexual Rights Initiative (SRI)¹ welcomes the opportunity to inform the Special Rapporteur's upcoming report on the right to participate in sports.² This submission advocates for an intersectional approach that examines the colonial, racist, patriarchal and capitalist underpinnings and root causes for violations of the right to participate in sports. This requires engaging with the enabling environment, material conditions and socio-economic rights necessary for the enjoyment of the rights to sports participation, leisure and rest, including with regard to reproductive labor. The submission also looks at the colonial past and present of competitive sports, and the targeting of racialized athletes based on essentialist and racist conceptions of womanhood. Finally, it calls for analyzing the capitalist dimensions of human rights violations in the context of large sporting events and for human rights accountability for corporations and sporting bodies.

Recommendation 1: Assert the rights to rest and leisure, social protection and the redistribution and remuneration of care work as requirements for the right to participate in sports (question 5)

2. The right to participate in sports applies at all levels, beyond competitive and professional sports. Sports at the community level is a way of exercising freedoms - to run, play, have leisure activity, assemble, associate, participate, access public spaces, etc. It is important to reiterate this very important aspect and challenge patriarchal and classist social norms and conceptions of 'productivity' that restrict free time and play for women and girls. In that context, the idea of

¹ The Sexual Rights Initiative is a coalition of national and regional organizations based in Argentina, Canada, India and Egypt, that work together to advance human rights related to sexuality and gender at the United Nations. For more information about the Sexual Rights Initiative, please visit <http://www.sexualrightsinitiative.com/>

² Special Rapporteur in the field of cultural rights: Call for input on the right to participate in sports. OHCHR, 2024. <https://www.ohchr.org/en/calls-for-input/2024/call-input-right-participate-sports>

sports as a ‘non-productive’ activity is important to claim in our neo-liberal, racist, patriarchal societies.³

3. Reclaiming the right to participate in sports as a core part of the right to leisure and rest, without any attached economic requirements or benefits, would be an important contribution towards a more systematic engagement by the UN human rights system with class-based discrimination⁴ and human rights violations under capitalism,⁵ as well as towards the increased recognition of leisure and rest as human rights equal to others, for all ages.⁶ In this context, the Special Rapporteur’s intention to examine the role of commercialization in marginalizing participation, the socio-economic conditions necessary to ensure equal access and participation, as well as discrimination grounds including social origin, property or birth, is welcome.⁷
4. Indeed, the UN human rights system has occasionally but insufficiently⁸ named and engaged with class,⁹ despite its severe and wide-ranging impacts and despite the prohibition against

³ SRI submission to the OHCHR on the elimination of discrimination against women and girls in sports (November 2019), para. 25. <https://www.sexualrightsinitiative.org/resources/submission-ohchr-elimination-discrimination-against-women-and-girls-sports>

⁴ See for instance the 2022 report of the Special Rapporteur on extreme poverty, which calls for a systemic approach to discrimination on grounds of socioeconomic disadvantage, encompassing both direct and indirect forms of discrimination. Report of the Special Rapporteur on extreme poverty and human rights, Olivier De Schutter: Banning discrimination on grounds of socioeconomic disadvantage: an essential tool in the fight against poverty. A/77/157, 2022.

⁵ “Anti-capitalist human rights for the 21st Century.” César Rodríguez-Garavito for Open Global Rights, 24 October 2019. <https://www.openglobalrights.org/anti-capitalist-human-rights-for-the-21st-century/>

⁶ As stated by Saul et al. in their Commentary on the ICESCR, “[o]ne commentator has even queried whether rest and leisure are ‘sufficiently important’ to qualify as a human right; one’s perspective may change if one is deprived of it.” Saul, Ben, et al. *The International Covenant on Economic, Social and Cultural Rights : Commentary, Cases, and Materials*. First edition, Oxford University Press, 2014, page 472.

David L. Richards & Benjamin C. Carbonetti also state that “[o]ne of the most routinely attacked sections of the UDHR is article 24, which states ‘Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.’ Critics such as Cranston famously, among many others, have labelled this right – particularly the component about paid holidays – as derivative rather than fundamental, and ‘clearly the least-defensible of the social rights listed in the UDHR.’ [...] One of the main reasons for the United States’ non-party status [to the Convention on the Rights of the Child] is conservative political opposition to article 31 of the CRC that maintains ‘States parties recognise the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child. . . .’ Opponents of this article maintain that it creates a ‘legally enforceable right to leisure’ for children.” David L. Richards & Benjamin C. Carbonetti (2013). “Worth what we decide: a defense of the right to leisure.” *The International Journal of Human Rights*, 17:3, 329-349, DOI:10.1080/13642987.2012.720976, page 330.

⁷ Special Rapporteur in the field of cultural rights: Call for input on the right to participate in sports. OHCHR, 2024. <https://www.ohchr.org/en/calls-for-input/2024/call-input-right-participate-sports>

⁸ See for instance the section “Linguistic lenses that can obscure the plight of the poor” in Report of the Special Rapporteur on extreme poverty and human rights, A/72/502, 2017, including para. 56; Report of the Special Rapporteur on extreme poverty and human rights, Philip Alston: Extreme inequality and human rights. A/HRC/29/31, 2015, para. 55; Raymond A. Atuguba: “Equality, non-discrimination and fair distribution of the benefits of development.” Chapter 7 in *Realizing the Right to Development*. OHCHR ebook, 2013.

<https://www.ohchr.org/sites/default/files/Documents/Issues/Development/RTDBook/PartIIChapter7.pdf>, pages 110-111.

⁹ Among treaty bodies, see for instance the CEDAW Committee in its General Recommendations 25 on temporary special measures (para. 12), 28 on core obligations (para. 18), and 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness (paras 6 and 16); the CRC General Comment No. 7 (2005): Implementing child rights in early childhood (2006), [CRC/C/GC/7/Rev.1](https://www.ohchr.org/sites/default/files/Documents/Issues/Development/RTDBook/PartIIChapter7.pdf), para. 11(b)(iv).

Among Special Procedures, see for instance the Reports of the Working Group on discrimination against women and girls on Gendered inequalities of poverty: feminist and human rights-based approaches (2023), [A/HRC/53/39](https://www.ohchr.org/sites/default/files/Documents/Issues/Development/RTDBook/PartIIChapter7.pdf), para. 39 and on Women’s human rights in the changing world of work (2020), [A/HRC/44/51](https://www.ohchr.org/sites/default/files/Documents/Issues/Development/RTDBook/PartIIChapter7.pdf), para. 30; Position paper of the Working Group on discrimination against women and girls: [Gender equality and gender backlash](https://www.ohchr.org/sites/default/files/Documents/Issues/Development/RTDBook/PartIIChapter7.pdf) (2020), para. 4; the report of the Special

discrimination based on social origin, property or birth in the UDHR,¹⁰ ICESCR,¹¹ and ICCPR¹² - prohibitions which have been “virtually ignored by Governments, United Nations human rights bodies and commentators.”¹³

5. It would be important for the Special Rapporteur, other Special Procedures¹⁴ and the broader human rights system to adopt a class analysis of human rights violations, including the right to participate in sports. Participation in sports has been shown to increase along with socio-

Rapporteur on violence against women focusing on multiple and intersecting forms of discrimination (2011), [A/HRC/17/26](#), paras 28, 40, 58, 59, 67; the Report of the Special Rapporteur on violence against women, focusing on gender-related killings (2012), [A/HRC/20/16](#), paras 15, 26, 62, Report of the Working Group of Experts on People of African Descent on its nineteenth and twentieth sessions, [A/HRC/36/60](#), 2017, para. 58; the Report of the Special Rapporteur on extreme poverty and human rights, focusing on women and unpaid care work, [A/68/293](#), 2013, paras 67, 96; the Report of the Special Rapporteur on racism, focusing on racial discrimination and emerging digital technologies (2020), [A/HRC/44/57](#), paras 9, 31, 41; the Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on a gender-sensitive approach to arbitrary killings (2017), [A/HRC/35/23](#), para. 97(c); the Report of the Special Rapporteur on the human rights of migrants, focusing on the impact of migration on migrant women and girls: a gender perspective (2019), [A/HRC/41/38](#), paras 14, 37; the Report of the Special Rapporteur on the right to health: Violence and its impact on the right to health (2022), [A/HRC/50/28](#), paras 4, 69, 70; Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, [A/HRC/47/28](#), 2021, para. 15; Report of the Special Rapporteur on the right to health, focusing on informed consent, [A/64/272](#), 2009, para. 17; Report of the Special Rapporteur on extreme poverty, focusing on the persistence of poverty: how real equality can break the vicious cycles (2021), [A/76/177](#), paras 56-60; Report of the Special Rapporteur on human rights defenders, focusing on the situation of women human rights defenders (2019), [A/HRC/40/60](#), para. 35; Report of the Special Rapporteur on contemporary forms of racism, focusing on citizenship, nationality and immigration, [A/HRC/38/52](#), 2018, para. 30; Report of the Special Rapporteur on the right to health, focusing on sexual and reproductive health rights during COVID-19, [A/76/172](#), 2021, para. 4.

¹⁰ Article 2 of the Universal Declaration of Human Rights. UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <https://www.refworld.org/docid/3ae6b3712c.html>

¹¹ Article 2(2) of the International Covenant on Economic, Social and Cultural Rights. UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, available at: <https://www.refworld.org/docid/3ae6b36c0.html>

¹² Article 2(1) of the International Covenant on Civil and Political Rights. UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <https://www.refworld.org/docid/3ae6b3aa0.html>

MacNaughton Gillian. “Untangling Equality and Non-Discrimination to Promote the Right to Health Care for All.” Health and Human Rights 2009 pp. 47–63. <https://cdn1.sph.harvard.edu/wp-content/uploads/sites/2469/2013/07/5-MacNaughton.pdf>, pages 49-50.

¹³ Report of the Special Rapporteur on extreme poverty and human rights. A/72/502, 2017, para. 62.

This is despite the fact that the inclusion of the word “property” is widely accepted to refer to economic status, which is confirmed by the Spanish and French versions of these provisions. In Spanish the provision refers to “posición económica” (economic position) and in French, to “fortune” (wealth).

(MacNaughton Gillian. “Untangling Equality and Non-Discrimination to Promote the Right to Health Care for All.” Health and Human Rights 2009 pp. 47–63. <https://cdn1.sph.harvard.edu/wp-content/uploads/sites/2469/2013/07/5-MacNaughton.pdf>, pages 49-50).

¹⁴ This was a recommendation also made in joint submissions by AWID, IWRAW and SRI to the Working Group on discrimination against women and girls in October 2022, available at <https://www.sexualrightsinitiative.org/resources/joint-submission-working-group-discrimination-against-women-and-girls-poverty-and>, to the Independent Expert on foreign debt in May 2023, available at <https://www.sexualrightsinitiative.org/resources/joint-submission-independent-expert-foreign-debt-multiple-crises-fiscal-systems-and-human> and to the Special Rapporteur on the right to development in September 2023, available at <https://www.sexualrightsinitiative.org/resources/submission-special-rapporteur-right-development-thematic-priorities-mandate>

economic status,¹⁵ including due to time and cost barriers¹⁶ and in line with the proven link between hours worked and leisure-time physical activity.¹⁷

6. A class analysis would examine the ways in which class shapes access to leisure, rest and sports not as the result of individual attributes,¹⁸ or as an “unfortunate by-product” of a certain system, but rather as an inherent feature of a society economically structured around class and exploitation by powerful actors invested in maintaining poverty¹⁹ through active impoverishment,²⁰ for the realization of their interests.²¹ On the international stage, this also means recognizing the central historical and contemporary role of colonial exploitation, extraction and impoverishment of the Global South in the construction of ‘welfare states’ and related leisure and rest in the north,²² and the vested interest of Northern states and privileged classes across the world in maintaining an unjust and discriminatory economic status quo restricting leisure and rest for others.²³
7. In that context, recommendations on the related socio-economic rights and enabling environment necessary for the exercise of the right to rest, leisure and sports participation without discrimination would be essential, including related to labor rights, social protection

¹⁵ Richard, V., Piumatti, G., Pullen, N. *et al.* Socioeconomic inequalities in sport participation: pattern per sport and time trends – a repeated cross-sectional study. *BMC Public Health* **23**, 785 (2023). <https://doi.org/10.1186/s12889-023-15650-7>

¹⁶ For instance, “a qualitative study of adults in the Netherlands, USA and Republic of Korea found that some barriers to [physical activity] and sport participation were consistently reported across all three countries. Along with time pressure, cost was articulated consistently throughout as a barrier to [physical activity] participation. In addition to individual and household [socio-economic status] there is evidence that neighbourhood [socio-economic status] is also related to [physical activity] participation. There is evidence that higher [socio-economic status] neighbourhoods have significantly more [physical activity] facilities than lower [socio-economic status] neighbourhoods, thus providing more opportunities to be physically active. Furthermore, low [socio-economic status] neighbourhoods were found to have significantly fewer free-for-use facilities than high [socio-economic status] neighbourhoods.” Eime, R.M., Charity, M.J., Harvey, J.T. *et al.* Participation in sport and physical activity: associations with socio-economic status and geographical remoteness. *BMC Public Health* **15**, 434 (2015). <https://doi.org/10.1186/s12889-015-1796-0>

¹⁷ N. W. Burton and G. Turrell, “Occupation, hours worked, and leisure-time physical activity,” *Preventive Medicine* 31/6 (2000), pp. 673–681, as cited in <https://www.hhrjournal.org/2021/10/physical-activity-as-a-human-right/>

¹⁸ The Special Rapporteur on extreme poverty has pointed to “meritocracy” as a common but inadequate response to classism. Report of the Special Rapporteur on extreme poverty, focusing on the persistence of poverty: how real equality can break the vicious cycles (2021), A/76/177, paras 56-60.

¹⁹ Wright, Erik Olin. “The class analysis of poverty.” *International Journal of Health Services*, vol. 25, no. 1, 1995, pp. 85–100. JSTOR, <http://www.jstor.org/stable/45130193>, pages 85, 90.

²⁰ The Working Group on discrimination against women and girls, in its 2023 report, relays: “As one of the women in the consultations observed, “we are not poor, we are being impoverished.”” [A/HRC/53/39](https://www.unhcr.org/refugees/53/39), para. 21.

²¹ Wright, Erik Olin. “The class analysis of poverty.” *International Journal of Health Services*, vol. 25, no. 1, 1995, pp. 85–100. JSTOR, <http://www.jstor.org/stable/45130193>, page 90.

²² As Jessica Whyte’s account of the allied history of neoliberalism, colonialism and human rights puts it, “[i]t was Kwame Nkrumah who grasped most clearly that the colonies were not simply an exception to the extension of social welfare and rights. Colonial exploitation, he argued, constituted the condition of possibility for economic rights in the metropolis. [...] The colonies were not simply latecomers to the welfare world. If there was no ‘rights cascade’ when it came to social and economic rights, this was, not least, because the exploitation of the colonies made these rights possible in the metropolis.” Whyte, Jessica. *The Morals of the Market: Human Rights and the Rise of Neoliberalism*. London: Verso, 2019. Pages 121-122.

²³ Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume: 2030 Agenda for Sustainable Development, the Sustainable Development Goals and the fight against racial discrimination. [A/HRC/50/60](https://www.unhcr.org/refugees/50/60), 2022, para. 88.

and care work.²⁴ This includes analyzing the ways in which neoliberal economies operate to restrict these rights along class, race and gender lines, and requires asserting the right to direct and unconditioned access to social protection systems and welfare programs, including universal basic income, financed adequately through global, equitable tax systems,²⁵ as well as the importance of the right to rest and leisure for the right to physical and mental health, among others.²⁶

8. Women's rights to rest, leisure, and participation in sports are directly linked to the necessary recognition, redistribution and remuneration of their unpaid and unrecognized reproductive labor.²⁷ The Special Rapporteur on poverty has stated that "because unpaid care work is so time-consuming and arduous, especially for women living in poverty, women are often unable to enjoy their right to rest and leisure."²⁸ Feminist critiques of patriarchal domestic distribution of work and production are very relevant in that regard, including in the family, where labor is mostly produced by women, with the male "head of household expropriating her surplus labour, [...] both in the use values he appropriates and on the leisure time resulting from the necessary labour time he relinquishes."²⁹ In several contexts, including Europe, reproductive labor and the resulting access to rest and leisure are also racialized through what Sophia Siddiqui calls 'reproductive racism,' including the reliance on migrant women's care work and reproductive labor to uphold the white, heterosexual, neoliberal family, all the while denying them the same rights to family life and social protection through anti-immigration policies³⁰ and treating them as "temporary units of labour – a supply that could be turned on and off at whim,"³¹ and therefore impacting leisure and rest. As noted by the Working Group on discrimination against women and girls, many "dominant [economic] models fail to recognize and value women's unpaid care, domestic and agricultural work which undergirds the economy. They ignore the vital issues of women's time poverty and "depletion" through their role as care providers, as well as the draining of care resources from poorer nations, such as migrant domestic or health

²⁴ Report of the Special Rapporteur on extreme poverty and human rights focusing on unpaid care work. [A/68/293](#), 2013, para. 27.

²⁵ This recommendation was also made to the CRPD Committee in an SRI submission for the elaboration of its General Comment on the right to work, page 8. <https://www.sexualrightsinitiative.org/resources/submission-committee-rights-persons-disabilities-its-draft-general-comment-right-work>

²⁶ David L. Richards & Benjamin C. Carbonetti (2013). "Worth what we decide: a defense of the right to leisure." *The International Journal of Human Rights*, 17:3, 329-349, DOI: 10.1080/13642987.2012.720976, page 330.

²⁷ Mignon Duffy, *Doing the Dirty Work: Gender, Race, and Reproductive Labor in Historical Perspective*, Gender and Society, vol. 21, no. 3, 2007, pp. 315–317.

²⁸ Report of the Special Rapporteur on extreme poverty and human rights focusing on unpaid care work. [A/68/293](#), 2013, para. 27.

²⁹ Lakshmi Lingam & Tattwamasi Paltasingh, 'Production' and 'Reproduction' in *Feminism: Ideas, Perspectives and Concepts*, IIM Kozhikode Society & Management Review. 2014;3(1):45-53. As cited in SRI submission to the CRPD Committee for its General Comment on the right to work, para. 7. <https://www.sexualrightsinitiative.org/resources/submission-committee-rights-persons-disabilities-its-draft-general-comment-right-work>

³⁰ Siddiqui, Sophia. Racing the nation: towards a theory of reproductive racism. *Race & Class*. 2021;63(2):3-20. doi:[10.1177/03063968211037219](https://doi.org/10.1177/03063968211037219).

³¹ *Ibid.*, page 12.

workers, through globalized care chains. They also do not consider the rights of women and girls to [...] exercise self-care and collective care.”³²

Recommendation 2: Examine the colonial, racist, patriarchal and capitalist underpinnings and root causes for violations of the right to participate in sports (questions 4, 5, 10, 11)

Recommendation 2.1. Challenge the colonial past and present of competitive sports

9. As outlined in SRI’s submission to inform the OHCHR report on the intersection of gender and race discrimination in sport,³³ current contemporary sporting decisions and regulations, including those violating athletes’ right to participate in sports, cannot be read in isolation from the colonial, racist and patriarchal histories of northern states and of competitive sports. Through these regulations, international, regional and national sporting associations continue to enforce and coerce ‘conformity’ and ‘normalcy’ on bodies that they perceive to have deviated from the norm. The idea of ‘normalcy’ is almost always based on a patriarchal, racist, classist and ableist paradigm benefitting the ones in power. This submission argues that imperial, colonial and patriarchal oppressions entrenched in competitive sports should be unpacked and addressed in the context of the Special Rapporteur’s report.

10. Competitive sports as we understand it today was created during colonialism.³⁴ It was one of many tools of imperialism and cultural control used by the colonizing state. One of its purposes was to create an idea of ‘the nation’ of colonial masters and subjects, all of whom participate in the nation but are never equal, and as a form of cultural and social imperialism.³⁵ Modern sports flow from this idea perpetuating ‘white supremacist conceptions of the so-called ‘civilized’ white man as opposed to the ‘uncivilized’ and ‘uncultured’ colonial subjects. “Sport, then, must be reckoned a most pervasive and enduring theme in the history of British imperialism. The central feature of its power is the subconscious influence it has exerted in both colonial and postcolonial conditions, frequently softening the strength of social and political changes experienced in other areas of its specific cultural context.”³⁶ Cricket, polo and rugby are among the best examples of the ways in which sport, the rules surrounding sport, ‘the competition’ was used to perpetuate this myth of ‘civilized’ man.³⁷ This idea of “civilized white man” was then upheld as the aspiration for all to achieve, consciously furthering, reiterating and reinforcing

³² A/HRC/53/39, para. 21.

³³ SRI submission to the OHCHR on the elimination of discrimination against women and girls in sports (November 2019) <https://www.sexualrightsinitiative.org/resources/submission-ohchr-elimination-discrimination-against-women-and-girls-sports>

³⁴ Dr. Delia D. Douglas; Race, Gender and Sport: Female Athletes’ Experiences of Gendered Racism; Paper Presented: to the Ad Hoc Committee on the Elaboration of Complementary Standards, 7th session

³⁵ Stoddart, Brian; Sport, Cultural Imperialism, and Colonial Response in the British Empire; Comparative Studies in Society and History; Vol. 30, No. 4 (Oct., 1988), pp. 649-673; Cambridge University Press, <https://www.jstor.org/stable/178928>

³⁶ *Ibid.*

³⁷ *Ibid.*; The Middle Class, Colonialism and Making of Sport, Sport in Society, 12:1, 69-84, <https://doi.org/10.1080/17430430802472319>

white supremacy.³⁸ This included appropriating sporting activities of the colonized, establishing rules which uphold the idea of the civilized man and exclude colonized peoples.

11. The racial and colonial logics of competitive sports are not restricted to the past; they are also reflected in what Heather Sykes calls the “roving colonialism” of current mega-sports, including “the deaths, displacement and repression of poor, racialized and indigenous people required for a sports mega-event to take place,”³⁹ perpetuating core mechanisms of settler colonialism.⁴⁰ As Sykes notes, “[i]n every city where a sporting mega-event, such as the Olympics or the football World Cup, has taken place local, grassroots communities have resisted being evicted, exploited and repressed.”⁴¹

12. Former colonial powers continue using sports as a ‘civilizing’ tool and restricting access to sports and public spaces through racist and sexist discrimination and stereotypes. The discrimination faced by women and girls in competitive sports cannot be divorced from the discrimination they face in non-competitive sports and in society more broadly, especially at the hands of former colonial powers, including under the racist pretext of “civilizing.” One illustration is the attempt by sports retailer Decathlon to introduce a running hijab in its French stores, before deciding against it after controversy, protestation, insults and threats in the press, social media and by politicians. The Collective against Islamophobia in France characterized this instance of discrimination against Muslim women in sports as “islamophobia, a gendered form of racism.”⁴² A parallel can be drawn with French burkini bans restricting Muslim women’s access to swimming and public spaces, which the Office of the High Commissioner for Human Rights recognized as “disproportionately affect[ing] women and girls, undermining their autonomy by denying them the ability to make independent decisions about how to dress, and clearly discriminat[ing] against them. In addition, as has been widely noted, the manner in which the anti-burkini decrees have been implemented in some French resorts has been humiliating and degrading.”⁴³ UN treaty bodies and special procedures have also found such restrictions and

³⁸ For more details please refer to Stoddart, Brian; *Sport, Cultural Imperialism, and Colonial Response in the British Empire*; *Comparative Studies in Society and History*; Vol. 30, No. 4 (Oct., 1988), pp. 649-673; Cambridge University Press, <https://www.jstor.org/stable/178928>

³⁹ Sykes, Heather Jane. *The Sexual and Gender Politics of Sport Mega-Events: Roving Colonialism*. Routledge, 2018, pages 21-22 (epub edition).

⁴⁰ *Ibid.*, page 105.

⁴¹ *Ibid.*, page 21.

⁴² *Affaire Décathlon - Communiqué du Collectif contre l’Islamophobie en France*. 28 February 2019, available at <https://ujfp.org/affaire-decathlon-communique-du-ccif/>

⁴³ Spokesperson for the UN High Commissioner for Human Rights, Rupert Colville: Press briefing notes on France and Bolivia. Office of the UN High Commissioner for Human Rights, 30 August 2016. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20430&LangID=E>

bans to be discriminatory.⁴⁴ Again, this must be examined as a continuation of the colonial practice of “unveiling” Muslim women under the pretext of so-called “civilization.”⁴⁵

Recommendation 2.2. Expose the patriarchal and racist history of the targeting, “testing” and exclusion of racialized women athletes

13. Sports have historically been seen as a field of men and male dominion. Women were only allowed to compete in very select and few sporting events at the Olympics starting in 1900.⁴⁶ As Delia D. Douglas noted in a 2015 presentation to the Ad Hoc Committee on the Elaboration of Complementary Standards, “[b]ecause of the patriarchal and heterocentric attitudes and structures that govern sport, all female athletes continue to navigate the belief that athletic competence masculinizes girls and women. The conflation of dominant cultural expectations of gender and sexuality has meant that for girls and women, participation in sports stands in opposition to dominant notions of gender appropriate female behaviour, and thus raises concerns about their heterosexuality.”⁴⁷ Women and girls participating in sports are forced to emphasize their femininity and heterosexuality including by “wearing their hair long, dress frilly and preferably sporting a husband.”⁴⁸ At the same time, men are expected to adhere to dominant stereotypes of masculinity, maintain the appearance of well-muscled, strong, unemotional and extremely oriented to a win-at-all-costs code of athletics. Hormonal and chromosomal femininity tests for female (but no masculinity tests for male) athletes are a logical result of these ideological assumptions about male-female biology⁴⁹ which feed into the stereotype of protecting the ‘weaker’ women and their activities. However, the dominant construction of femininity and stereotypes of women was and continues to be that of a white, western, not too muscular, not too strong, feminine-presenting body. This is then constructed as the ‘normal,’ automatically ensuring that Black and brown bodies will always be seen either as ‘deviant,’ ‘abnormal’ or in some cases exceptional. This narrative ensured that in either case, the acknowledgment of excellence, of achievement, or the enforcement of discriminatory norms can always be classified as an isolated event. In both these narratives, it is white

⁴⁴ See e.g.: End of Mission Statement of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance at the Conclusion of Her Mission to the Kingdom of the Netherlands, The Hague (7 October 2019), para. 16. Available at

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25100&LangID=E>; and the Views adopted by the Human Rights Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2747/2016, CCPR/C/123/D/2747/2016, 7 December 2018, in which the Human Rights Committee found the French ban of the full-face veil to constitute “a form of intersectional discrimination based on gender and religion.” (para. 8.17)

⁴⁵ Jeanne Kay; The Deep Colonial Roots of France’s Unveiling of Muslim Women. Foreign Policy in Focus, 24 August 2016, <https://fpif.org/deep-colonial-roots-frances-unveiling-muslim-women/>

⁴⁶ “Of a total of 997 athletes, 22 women competed in five sports: tennis, sailing, croquet, equestrianism and golf.”

<https://olympics.com/ioc/faq/history-and-origin-of-the-games/when-did-women-first-compete-in-the-olympic-games>

⁴⁷ Delia D. Douglas; Race, Gender and Sport: Female Athletes’ Experiences of Gendered Racism; Paper Presented to the 7th session of the Ad Hoc Committee on the Elaboration of Complementary Standards (July 2015);

<https://www.ohchr.org/Documents/Issues/Elaborationstandards/Session7/DeliaDouglas.pdf>, p.3

⁴⁸ Robert E Washington and David Karen; Sport and Society, Annual Review of Sociology, Vol 27 (2001), pp 187 - 212

⁴⁹ Michael A Messner, Sports and Male Domination, The Female Athlete as a Contested Ideological Terrain, Sociology of Sport Journal, 1998, 5, 197 – 211.

supremacy and patriarchy that are protected and racism and misogyny continue to be perpetuated and (re)calibrated.⁵⁰

14. One of the first Black women to compete in Wimbledon was an African American athlete, Althea Gibson, who was allowed to participate in the U.S. national championship only after she took a chromosome test to confirm she was female.⁵¹ This pattern of requiring Black women to prove their gender has continued through history and by different sporting bodies and takes various forms. The names have changed, ostensibly the content of the tests has changed but at their essence they are and continue to be the same – an invasion and monitoring of Black and brown bodies. “Whiteness has always shaped and reshaped the myth of the Black body to maintain white supremacy. That the bodies of Black female athletes have historically been depicted both as “hypersexual and muscular with manly strength” is in line with the dichotomous nature of stereotypes in general.”⁵² This is neither a new phenomenon nor is it hidden. “Sport authorities, through public talks, publications, and interviews, have consistently indicated that the women investigated for high levels of naturally occurring testosterone are exclusively from the Global South, and all indications are that they are black and brown women.”⁵³ This is because most questions/allegations of “women being men” have also been on Black and brown women.⁵⁴ These women have been subject to humiliating treatment, their livelihoods put in jeopardy, their health and lives put in perilous circumstances because they do not fit the image of the normal i.e. “the white ideal body type” and so they are rendered suspicious and criminalized.⁵⁵ This is not restricted to the area of sport; historically “eurocentric conceptions of science underpin the social construction of black femininity”⁵⁶ and situated in colonialism and racism viewed Black femininity as inferior and primitive, and subjected Black women to humiliating treatment. One of the most illustrative examples of the (re)creation of scientific myths to perpetuate this form of racism, the story of Sarah Baartman and the ways in which science was used to justify racist conceptions of Black bodies, biological determinism and gender difference.⁵⁷ This scientific racism continues to be used today in various forms and Black women and bodies are monitored and discussed in public and their bodies repeatedly questioned.
15. The lack of acknowledgement and reparation of colonial history and damage by the Global North has ensured that colonial myths about Black and brown bodies have endured after the

⁵⁰ SRI submission to the OHCHR on the elimination of discrimination against women and girls in sports (November 2019).

<https://www.sexualrightsinitiative.org/resources/submission-ohchr-elimination-discrimination-against-women-and-girls-sports>

⁵¹ Delia D. Douglas; Venus, Serena and Inconspicuous Consumption of Blackness: A Commentary on Surveillance, Race Talk and New Racism(s), *Journal of Black Studies*, Vol 43, No 2 (March 2012), pp. 127 - 145

⁵² Manuel R. Zenquis and Munene F. Mwaniki, The Intersection of Race, Gender, and Nationality in Sport: Media Representation of the Ogwumike Sisters, *Journal of Sport and Social Issues*, 2019, Vol. 43(1) 23–43

⁵³ Katrina Karkazis and Rebecca M. Jordan-Young; The Powers of Testosterone: Obscuring Race and Regional Bias in the Regulation of Women Athletes; <https://www.researchgate.net/publication/320022246>

⁵⁴ Some of the most prominent cases are of Caster Semenya, Dutee Chand, Shanti Soundarajan and Annet Negesa.

⁵⁵ Manuel R. Zenquis and Munene F. Mwaniki, The Intersection of Race, Gender, and Nationality in Sport: Media Representation of the Ogwumike Sisters, *Journal of Sport and Social Issues*, 2019, Vol. 43(1) 23–43

⁵⁶ Katherine Mckittrick, *Science Quarrels Sculpture: The Politics of Reading Sarah Baartman, Mosaic: An Interdisciplinary Critical Journal*, Vol 43, No 2, pp 113 -130

⁵⁷ *Ibid.*

formation of independent nation states. It has been repeatedly argued that in contemporary European discourse, race is a taboo subject and is viewed as a “problem of the past.”⁵⁸ This convenient denial and erasure of history has ensured that Black and brown bodies continue to be seen as aberrations, and discourse around these bodies reiterate white supremacy. They often recast violent colonial interventions as civilizing ‘pathological cultures’ and in contemporary times “saving” women from their own (violent and misogynist) communities.”⁵⁹

Recommendation 2.3. Debunk the arbitrary exclusion of athletes based on essentialist and racist conceptions of womanhood

16. The enduring obsession with rigid, racialized and essentialist conceptions of womanhood needing to be “protected” in opposition to the presumed athletic superiority of ‘male’ biological traits has been disproved several times. This is consistent with the Special Rapporteur’s assertion that “[w]omen are particularly targeted by pseudoscience put forward by those who want to maintain control over them,”⁶⁰ including in the context of “the current misinformation and pseudoscientific evidence on the participation of trans women in sporting events.”⁶¹

17. In its ban on transgender athletes, World Athletics admits that “there are currently no transgender athletes competing internationally in athletics and consequently no athletics-specific evidence of the impact these athletes would have on the fairness of female competition in athletics.”⁶² Despite this admission that the assumption that transgender athletes’ participation could jeopardize “fair competition” was in fact not based on any evidence, World Athletics decided “to prioritise fairness and the integrity of the female competition before inclusion.”⁶³ The Federation’s positioning of trans athletes as a threat to the “integrity” of female competition is a concerning perpetuation of anti-trans stereotypes and discrimination. Similarly, regarding World Athletics’ “DSD regulations,” several Special Procedures mandates noted that “[a]ssertions that the lack of application of the DSD Regulations would damage the objective of achieving ‘fair and meaningful’ competition must be based on concrete and verifiable evidence rather than be speculative or imaginary, particularly when the Regulations cause or risk causing harm to the targeted women athletes.”⁶⁴

⁵⁸ Katrina Karkazis and Rebecca M. Jordan-Young, “The Powers of Testosterone: Obscuring Race and Regional Bias in the Regulation of Women Athletes.” 2018 *Feminist Formations*, Vol. 30 No. 2 (Summer) pp. 1–39.

<https://www.researchgate.net/publication/320022246>

⁵⁹ *Ibid.*

⁶⁰ Report of the Special Rapporteur in the field of cultural rights: Right to science. [A/HRC/55/44](#), para. 82.

⁶¹ *Ibid.*

⁶² “World Athletics Council decides on Russia, Belarus and female eligibility.” 23 March 2023.

<https://worldathletics.org/news/press-releases/council-meeting-march-2023-russia-belarus-female-eligibility>

⁶³ *Ibid.*

⁶⁴ Intervention before the European Court of Human Rights by the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, UN Working Group on discrimination against women and girls, and UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in Application no:10934/21: Case of Mokgadi Caster Semenya v. Switzerland, para. 20.

<https://www.ohchr.org/sites/default/files/documents/issues/health/AC-Caster-Semenya-vs-Switzerland.pdf>

18. In 2017, a systematic review of literature on the topic⁶⁵ found that “there is no direct or consistent research suggesting transgender female individuals [...] have an athletic advantage at any stage of their transition (e.g. cross-sex hormones, gender-confirming surgery) and, therefore, competitive sport policies that place restrictions on transgender people need to be considered and potentially revised.”⁶⁶ Further, the review found that “[t]he majority of transgender competitive sport policies that were reviewed were not evidence based.”⁶⁷ On the contrary, the review “found the lack of inclusive and comfortable environments to be the primary barrier to participation for transgender people [and that] transgender people had a mostly negative experience in competitive sports because of the restrictions the sport’s policy placed on them.”⁶⁸ A 2024 study actually found that transgender women athletes had lower cardiovascular fitness than cisgender women athletes, and therefore “caution[ed] against precautionary bans and sport eligibility exclusions that are not based on sport-specific (or sport-relevant) research.”⁶⁹
19. In examining these arbitrary exclusions, the intersection of race and gender discrimination must be addressed, as in HRC Resolution 40/5⁷⁰ and the OHCHR report mandated by it.⁷¹ As noted several times by Special Procedures, “interventions intended to alter the targeted women’s naturally occurring and healthy hormonal levels simply for the reason of altering their performance in sport, with serious consequences to their health [...] are further based on discriminatory power relations as well as on gender and racial stereotypes about who is a woman, and in particular who is a woman athlete. These stereotypes are narrow and essentialist and historically have disproportionately impacted Black women athletes and women athletes of Asian descent, predominantly from the Global South.”⁷²

⁶⁵ Jones, B. A., Arcelus, J., Bouman, W. P., & Haycraft, E. (2017). Sport and transgender people: A systematic review of the literature relating to sport participation and competitive sport policies. *Sports Medicine*, 47(4), 701–716.

<https://doi.org/10.1007/s40279-016-0621-y>

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*

⁶⁹ <https://bjsm.bmj.com/content/early/2024/04/10/bjsports-2023-108029.abstract>

⁷⁰ Human Rights Council Resolution 40/5 on Elimination of discrimination against women and girls in sport. [A/HRC/RES/40/5](#), 2019.

⁷¹ Report of the United Nations High Commissioner for Human Rights: Intersection of race and gender discrimination in sport. [A/HRC/44/26](#), 2020. For an analysis of the resolution and report, please see also Pooja Badarinath’s intervention during the SRI webinar “Race matters: Examining the workings of race and gender in the UN human rights system” in August 2020.

<https://youtu.be/r0ovlgwIAFw?feature=shared&t=596>

⁷² Intervention before the European Court of Human Rights by the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, UN Working Group on discrimination against women and girls, and UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in Application no:10934/21: Case of Mokgadi Caster Semenya v. Switzerland,

<https://www.ohchr.org/sites/default/files/documents/issues/health/AC-Caster-Semenya-vs-Switzerland.pdf>, para. 3. See also Policy position by United Nations Special Procedures mandate holders in relation to the protection of human rights in sport without discrimination based on sexual orientation, gender identity, and sex characteristics, 31 October 2023.

<https://www.ohchr.org/sites/default/files/documents/issues/culturalrights/activities/2023-10-31-stm-sogi-policy-en-1.pdf>, para. 12.

20. As Katrina Karkazis and Rebecca Jordan-Young conclude in their review of the operation of race and region in regulations restricting natural testosterone levels in women athletes, “this supposedly neutral and scientific regulation targets women of color from the Global South. Contrary to claims that the rule is beneficent, both racialization and medically-authorized harms are inherent to the regulation.”⁷³ Indeed, they note, “[b]ecause race is not a biological category, a biological criterion such as T levels should be race-neutral, applying to women irrespective of ethn racial categorization.”⁷⁴ As such, there should be no racial or regional bias in who is targeted. But the women harmed are overwhelmingly - if not exclusively - racialized women from the Global South.⁷⁵ In the case of Ugandan runner Annet Negesa, the harm has gone as far as being forced into an irreversible surgery based on the “advice” of World Athletics (then IAAF), who deemed her testosterone levels too high.⁷⁶ The surgery ended her career, and she then had to flee her country to avoid persecution.⁷⁷
21. In addition to constituting a violation of athletes’ rights to equality and non-discrimination, the racist targeting and imposition of bans and restrictions on the basis of sex, sex characteristics and gender identity or related characteristics that have not been proven to impact on their performance⁷⁸ also flies in the face of the existence of a myriad of factors - biological⁷⁹ or otherwise - that do affect performance and go unchallenged. Chief among them is the unfair distribution of economic power and resources within and among countries, which plays an important role in shaping opportunities for athletes based on class and nationality, among others. The seemingly neutral concept of “fairness” often invoked to violate racialized athletes’ rights is a fallacy - the “level playing field” does not exist.

⁷³ Katrina Karkazis and Rebecca M. Jordan-Young; “The Powers of Testosterone: Obscuring Race and Regional Bias in the Regulation of Women Athletes.” 2018 *Feminist Formations*, Vol. 30 No. 2 (Summer) pp. 1–39.

<https://www.researchgate.net/publication/320022246>

⁷⁴ *Ibid.*, as cited in “They’re Chasing Us Away from Sport” - Human Rights Violations in Sex Testing of Elite Women Athletes. Human Rights Watch, 4 December 2020.

<https://www.hrw.org/report/2020/12/04/theyre-chasing-us-away-sport/human-rights-violations-sex-testing-elite-women>

⁷⁵ Karkazis and Jordan-Young, “The Powers of Testosterone: Obscuring Race and Regional Bias in the Regulation of Women Athletes,” *Feminist Formations*. As cited in *Ibid.*

⁷⁶ “Intersex runner Annet Negesa fighting for everyone's right to compete in sport.” Amanda Shalala, ABC News. 11 March 2023. <https://www.abc.net.au/news/2023-03-12/intersex-runner-annet-negesa-seeks-equal-rights-in-sport/102069710>

⁷⁷ “They’re Chasing Us Away from Sport” - Human Rights Violations in Sex Testing of Elite Women Athletes. Human Rights Watch, 4 December 2020.

<https://www.hrw.org/report/2020/12/04/theyre-chasing-us-away-sport/human-rights-violations-sex-testing-elite-women>

⁷⁸ Intervention before the European Court of Human Rights by the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, UN Working Group on discrimination against women and girls, and UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in Application no:10934/21: Case of Mokgadi Caster Semenya v. Switzerland, paras 21 and 50.

<https://www.ohchr.org/sites/default/files/documents/issues/health/AC-Caster-Semenya-vs-Switzerland.pdf>,

⁷⁹ Commonly cited examples include swimmer Michael Phelps’ body shape, disproportionately vast wingspan, and lower production of lactic acid, and cyclist Miguel Indurain’s higher lung capacity, (7.8 liters, compared to the 4.8 liter average). See for instance “We celebrated Michael Phelps’s genetic differences. Why punish Caster Semenya for hers?” Monica Hesse, *The Washington Post*. 2 May 2019.

https://www.washingtonpost.com/lifestyle/style/we-celebrated-michael-phelpss-genetic-differences-why-punish-caster-semenya-for-hers/2019/05/02/93d08c8c-6c2b-11e9-be3a-33217240a539_story.html ; “Miguel Indurain vs your body.” *Cycling Weekly*, 5 February 2013.

<https://www.cyclingweekly.com/fitness/miguel-indurain-vs-your-body-34288>

22. Finally, it is important to remember that science is neither neutral nor apolitical, and has been used and manipulated for colonial, racist, patriarchal and ableist purposes throughout history.⁸⁰ While sporting regulations must be evidence-based, scientific evidence can also be problematic from a human rights perspective and must be treated carefully; a human rights based approach to science and sporting regulations should be paramount.

Recommendation 2.3. Analyze the capitalist dimensions of human rights violations in the context of large sporting events, and call for human rights accountability for corporations and sporting bodies (questions 10 and 11)

23. Sports is often lauded as “a universal language that contributes to educating people on the values of respect, dignity, diversity, equality, tolerance and fairness and as a means to combat all forms of discrimination and to promote social inclusion for all.”⁸¹ However, it is important to challenge the inaccurate perception of competitive sports as “neutral” and “apolitical.” On the contrary, the sports industrial complex is a capitalist enterprise that fuels nationalism as well as class, racial and gender stereotypes.⁸² While neo-liberal capitalism directly shapes and restricts people’s access to leisure, rest and sports on the basis of class, income, working hours and “productivity,” among others, as mentioned under Recommendation 1, it also operates to derive the maximum private profit from competitive sport, at the cost of the rights of athletes and the public.
24. State investments in hosting large sporting events are often fueled for political reasons, and there is an entire industry of private corporations including owners of the ‘competition’ whose purpose is to make profit and are exploitative and extractive in achieving their objective, mirroring and furthering the origins and roots of competitive sports in exploitation during colonialism. Large elite sports are a highly corporatized and multimillion-dollar industry rife with human rights violations including exploitation and deaths of (often migrant) construction

⁸⁰ See for instance Report of the Special Rapporteur in the field of cultural rights: Right to science. [A/HRC/55/44](#), paras 79, 82, 89; Report by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health: Racism and the right to health, [A/77/197](#); SRI submission to the Special Rapporteur on the rights of persons with disabilities (2019) in response to the Special Rapporteur’s call for input on bioethics and the rights of persons with disabilities, <https://www.sexualrightsinitiative.org/resources/submission-special-rapporteur-rights-persons-disabilities-sexual-rights-initiative>

⁸¹ Human Rights Council Resolution 40/5: Elimination of discrimination against women and girls in sport. [A/HRC/RES/40/5](#),

⁸² SRI submission to the OHCHR on the elimination of discrimination against women and girls in sports (November 2019) <https://www.sexualrightsinitiative.org/resources/submission-ohchr-elimination-discrimination-against-women-and-girls-sports> See also the Final report of the Human Rights Council Advisory Committee on the possibilities of using sport and the Olympic ideal to promote human rights for all and to strengthen universal respect for them, [A/HRC/30/50](#), para. 79.

workers,⁸³ mass "clean-ups" of the poor and homeless⁸⁴ during major sporting events.⁸⁵ This year's Olympics are no exception to this trend, with Paris police evicting migrants, Roma and homeless people in the run-up to the Games,⁸⁶ and students being forced to leave their student accommodation after it was requisitioned to house security personnel for the Games.⁸⁷

25. This is encapsulated in Jules Boykoff's argument that "the [Olympic] Games have become a massive planned economy designed to shield the rich from risk while providing them with a spectacle to treasure,"⁸⁸ as well as his political economy analysis and theory of "celebration capitalism," namely "the manipulation of state actors as partners that drives us towards public-private partnerships in which the public pays and the private profits."⁸⁹ Like disaster capitalism, celebration capitalism relies on states of exception to elude democratic processes and enact capitalist policies.⁹⁰ In the case of the Olympics, this occurs through public-private partnerships that "combine public money and resources to produce private profit and disproportionately small public benefit."⁹¹ In activist Am Johal's words, "[t]he Olympics are a corporate franchise that you buy with public money."⁹²
26. Sports economists have found that Olympics-related gentrification and dispossession "disproportionately helps the rich and hurts the poor, thereby exacerbating class polarization."⁹³ While people are evicted and homes demolished to "make space" for spectacular Olympics venues and facilities, urban planning is re-designed for the elites. In Beijing for instance, "Games thus forged a "new space of exclusion in the Beijing landscape, using public money to finance

⁸³ This was the case for the Qatar World Cup (which exploited many migrant workers from the Philippines, India, Pakistan, Nepal and Bangladesh) and the Brazil World Cup (for which Haitian workers faced inhumane working conditions), among others. <https://www.theguardian.com/football/2022/nov/27/qatar-deaths-how-many-migrant-workers-died-world-cup-number-toll> ; <https://www.ibtimes.com/migrant-workers-haiti-building-2014-world-cup-stadiums-brazil-denounce-inhumane-conditions-1553224>

⁸⁴ See for instance Sykes, Heather Jane. *The Sexual and Gender Politics of Sport Mega-Events Roving Colonialism*. Routledge, 2018, page 105 (epub edition).

⁸⁵ SRI submission to the OHCHR on the elimination of discrimination against women and girls in sports (November 2019) <https://www.sexualrightsinitiative.org/resources/submission-ohchr-elimination-discrimination-against-women-and-girls-sports>; See also the Final report of the Human Rights Council Advisory Committee on the possibilities of using sport and the Olympic ideal to promote human rights for all and to strengthen universal respect for them, [A/HRC/30/50](https://www.unhcr.org/refugees/pdf/A/HRC/30/50), para. 32.

In "The Sexual and Gender Politics of Sport Mega-Events," Heather Sykes states relating to the Vancouver Games that "the process of taking over space, displacing 'Others', becomes naturalized when the Olympics come to town. The temporary and permanent displacement of indigenous, poor and working-class communities, the diversion of social programming and funding are major consequences of sporting mega-events, especially the Olympics. Such displacement, both temporary and permanent, is also a central and ongoing mechanism of settler colonialism." Sykes, Heather Jane. *The Sexual and Gender Politics of Sport Mega-Events Roving Colonialism*. Routledge, 2018, page 105 (epub edition).

⁸⁶ "Paris police evict hundreds of migrants ahead of Olympics." Deutsche Welle, 18 April 2024.

<https://www.dw.com/en/paris-police-evict-hundreds-of-migrants-ahead-of-olympics/a-68851296>

⁸⁷ "Paris 2024: Students left unsure of their fate after agency requisitions accommodation for Olympic Games." Soazig Le Nevé, Le Monde, 5 May 2024.

https://www.lemonde.fr/en/campus/article/2024/05/05/paris-2024-students-left-unsure-of-their-fate-after-agency-requisitions-accommodation-for-olympic-games_6670493_11.html

⁸⁸ Boykoff, Jules. *Celebration Capitalism and the Olympic Games*. Routledge, Taylor & Francis Group, 2014.

⁸⁹ *Ibid.*

⁹⁰ *Ibid.*, Chapter 1: "Celebration capitalism," pages 17-22 (epub edition).

⁹¹ *Ibid.*, page 54 (epub edition).

⁹² *Ibid.*, page 20 (epub edition).

⁹³ *Ibid.*, page 45 (epub edition).

the construction of private reserves for the wealthy.”⁹⁴ After the Beijing Games, a majority of publicly funded Olympic venues effectively became private entities, for private profit.⁹⁵ According to sports economists, the Olympics

27. The frequent argument that hosting Olympics will bring “trickle-down” economic benefits to the local population is also overstated, with local businesses now facing competition from IOC-sanctioned multinational corporations,⁹⁶ who are the ones reaping profits.⁹⁷ Similarly, when it comes to the environment, the burden for the IOC’s apparent ‘sustainability’ concerns and the costs of ‘greening the Games’ are borne by the taxpaying public, rather than the private polluters and profit-makers.⁹⁸
28. The commercialization of competitive sports also results in a commodification of athletes, who “are treated like goods when they are being transferred from one club to another” and can face violations and exploitation.⁹⁹ This includes international transfers of young football players characterized by a “tension between upholding children’s rights and ensuring a free-flowing and liberal market in football and the availability of young talent, which has the [...] consequence of operating against the best interests of the child.”¹⁰⁰ An example is the system of third-party ownership and purchase of young players’ commercial rights in South America and West Africa, among others.¹⁰¹
29. The right to participate in sports and cultural events as part of the audience is also jeopardized by the commercialization and commodification of sports, unaffordable tickets, inaccessible venues for persons with disabilities, and other exclusionary racist, ableist and patriarchal norms and insults.¹⁰²
30. Finally, while it is important to reiterate the right to participate in sports without discrimination, including on grounds of sexual orientation, gender identity and sex characteristics, and challenge ongoing retrogressions and exclusions on those grounds, it is also crucial to resist a tendency for a neoliberal “business model” seeking to manage “LGBT diversity” that appeals to

⁹⁴ A. Broudehoux, “Spectacular Beijing: The Conspicuous Construction of an Olympic Metropolis,” *Journal of Urban Affairs*, 29, 2007, as cited in *Ibid.* page 159 (epub edition).

⁹⁵ *Ibid.*

⁹⁶ Boykoff, Jules. *Celebration Capitalism and the Olympic Games*. Routledge, Taylor & Francis Group, 2014. Chapter 1: “Celebration capitalism,” page 51 (epub edition).

⁹⁷ *Ibid.*, page 52 (epub edition).

⁹⁸ *Ibid.*, Chapter 2: “A brief history of celebration capitalism,” page 117 (epub edition).

⁹⁹ Final report of the Human Rights Council Advisory Committee on the possibilities of using sport and the Olympic ideal to promote human rights for all and to strengthen universal respect for them, [A/HRC/30/50](#), para. 82.

¹⁰⁰ Yilmaz, S., Esson, J., Darby, P., Drywood, E., & Mason, C. (2020). Children’s rights and the regulations on the transfer of young players in football. *International Review for the Sociology of Sport*, 55(1), 115-124.

<https://doi.org/10.1177/1012690218786665>

¹⁰¹ *Ibid.* The practice has also been criticized by Special Procedures, including in [A/HRC/40/51](#), paras 60-62.

¹⁰² On women’s exclusion from public spaces and sporting events, see for instance [A/74/255](#), paras 39-40. On ableism and competitive sports, see for instance Quinn, Nancy, and Laura Misener. “It’s classified: Classification, disability rights and Commonwealth Games.” *Frontiers in sports and active living* vol. 5 1130703. 15 Mar. 2023, doi:10.3389/fspor.2023.1130703. On racism in sports, see for instance the Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (2014), [A/69/340](#).

homonationalism, separates sexual orientation and gender identity from race or class, and can have the effect of precluding anti-racist and anti-classist approaches to large sporting events and their covert colonial and racial logics.¹⁰³

31. In conclusion, a strong call for accountability for corporations, sporting associations, and the States enabling them is therefore essential to address violations of the right to participate in sports and cultural life, as well as related rights, including bodily autonomy, equality, and non-discrimination.

¹⁰³ Sykes, Heather Jane. *The Sexual and Gender Politics of Sport Mega-Events Roving Colonialism*. Routledge, 2018, pages 20 and 162 (epub edition).