
HOW YOU PLAY THE GAME: THE CONTRIBUTION OF SPORT TO THE PROMOTION OF HUMAN RIGHTS



Sports and Human Rights

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CONFERENCE ABSTRACTS

THE FOLLOWING ABSTRACTS WERE ACCEPTED BUT NOT DELIVERED AT THE CONFERENCE

Women in Australian Sport - A Global Example?

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The Paralympic Athlete: A Cry from the Heart

Dr Keith Gilbert is senior lecturer in the School of Human Movement Studies, Faculty of Health at Queensland University of Technology

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'...that's another fine mess you've got us into Pierre' ... The Olympic Games and Women's Rights

Dr Peter Horton lectures in the School of Physical Education at Nanyang Technological University in Singapore and was a member of the Australia Rugby Union team in the 1970s; Dr Kristine Toohey is Manager, Publications for SOCOG and an Associate of UTS

The Protection of Human Rights in International Charters of Sport

Dr Kristine Toohey is a senior lecturer in the School of Leisure and Tourism Studies at UTS

Sports Are Human Rights: An Indigenous Perspective

Wilton Littlechild, World Indigenous Nations Sport, has his own law firm and is an international attorney. He is of Cree descent and a member of the Ermineskin Cree Nation in Alberta, Canada

Being Visible – Gay Games VI and Cultural Festival – Sydney 2002

Stuart Borrie is the Director of Sports, Sydney 2002 Gay Games VI Ltd

This paper outlines why it is necessary to have the Gay Games and explores the sporting and socio-political challenges facing the host organization as it prepares for a visible gay and lesbian sporting event. The kinds of processes that it has to go through contrasts sharply with those for the organizers of such events as the police Games or Masters Games. Overcoming discrimination and homophobia are just some of the issues that need to be addressed.

Sport, Drugs and ‘Human’ Rights

Michael Burke is a lecturer at Victoria University

This paper will suggest that the fear of drug use in sport has resulted in some violence towards the human rights of certain athletes. This violence will be related to an overarching concern to maintain dichotomous gender groups in sport, and in society, a concern that threatens the capacity to listen to the stories of the Chinese female swimmers who used drugs. Or to put it more generally, the case of the Chinese swimmers may be indicative of a society deaf to the stories of those who do not fit within the gender categories constructed for them. In other words, the human right to freedom of speech is useless in a practice community that cannot listen.

Sport and Human Rights in the Early German Democratic Republic

Dr Wolfgang Buss is a researcher at the Institute of Sport Sciences at the University of Gottingen in Germany

The infringement of human rights in the German Democratic Republic (GDR) is not a one sided story involving the sport leadership of the GDR state but also the political and sport leadership of the Federal Republic of Germany (FRG). The infringement of the GDR are related to the free travel of athletes and to the prosecution of functionaries who were not politically reliable. The government of the FRG and the West German sport leadership on the other hand, tried to prevent through diplomatic means as well as through intervention at the IOC the participation of qualified East German athletes at the Olympic Games in Helsinki in 1952. The basic human rights of German athletes were already infringed in the 1950s.

The Ideals of Olympism

Janet Cahill is Olympic Project Manager at UTS

While Olympism has achieved a degree of success for its human rights ideals, more attention will be required in the 21st Century to the rights of humans - as athletes, as spectators and as communities - rather than continuing the current focus on sponsors, the media and the bureaucracy of the IOC and sporting organizations. Whether the 2000 Games are patented as the last games of the 20th Century or the first of the new millennium, they are nevertheless at a turning point in history for the Olympic Movement.

Where's the Umpire? The Code of Labour Practice for Goods Licensed for the Sydney Olympics and Paralympics

Tim Connor is a PhD student in the Department of Geography at Newcastle University and Co-ordinator of 'Nikewatch' for Community Aid Abroad

In February 1998 the Australian Council of Trade Unions (ACTU) and the NSW Labour Council announced that agreement had been reached with the Olympic and Paralympic organizing committees on a set of labour standards which would be required of producers of goods licensed for the Games. The agreement bans child labour and forced labour and requires producers to respect a range of other human rights including the rights to organize and bargain collectively and the right not to be discriminated against. This paper will make a number of recommendations on how the SOCOG code might be monitored.

Reclaiming Aboriginal Identity through Australian Rules Football: A legacy of the 'Stolen Generation'

Stella Coram is a research student at Latrobe University

One of the key findings of the National Inquiry into the separation of Aboriginal and Torres Strait Islander children from their family was the sense of shame that many were taught to feel in relation to their Aboriginal identity. Human Rights and Australian Rules Football are inextricably linked. That Aboriginal footballers have repeatedly been subjected to racial vilification on the field is indicative of this. Given that many Aboriginal footballers – both former and current – have been affected either directly or indirectly by the policy of enforced separation, this paper addresses the link between sport and identity in relation to Aboriginal

footballers. It is argued that the normative structures of Aboriginal kinships and identity, lost through familial separation, are re-emerging in a new and vibrant identity through elite Australian Rules Football.

Ethics and Moral Behavior in Sport: A Human Rights Issue

Dr Doris Corbett is an Associate Professor of Sport Science at Howard University and President of the International Council for Health, Physical Education, Recreation, Sport and Dance

The purpose of this paper is to examine ethical and moral behavior in sport from a human rights perspective. The theoretical aspect of moral and ethical education and the development of character in physical activity and sport will also be addressed, particularly those aspects which emerge from research. The material of the lecture is based on the premise that there is an urgent need for those involved in programs related to physical activity and sport to understand and develop a greatly improved approach to the development of ethical and moral values. This is true whether they are athletes, coaches, athletic administrators, game officials, teachers, students, educational administrators, governing board members, the sports media, local citizens, state or provincial legislators, or citizens of any nation.

Sport, Human Rights and Industrial relations

Professor Braham Dabscheck is the editor of the Journal of Industrial Relations and lectures in the School of Industrial Relations at the University of New South Wales

The paper focuses on freedom of association and freedom of movement issues associated with professional team sports in (mainly) the English speaking world. Professional team sports have been characterised by a series of employment rules which have severely limited the economic freedom and rights of players. In trying to overcome such problems players have sought to make use of collective action - i.e. form player associations/unions. The paper will provide information on various human rights instruments concerning freedom of association and freedom of movement, the employment rules that have operated/are operating in professional team sports, attempts to form and problems experienced by player associations and details on more recent developments.

Sports and the Right to Take Part in Cultural Life

Professor Virginia Dandan teaches at the College of Fine Arts at the University of the Philippines and is the Chair of the UN Committee on Economic, Social and Cultural Rights

West Indies Cricket and the Politics of Apartheid

Dr Aviston Downes is a lecturer in the Department of History at the University of the West Indies

This paper deals with the contested political discourse which emerged in the small island states of the Commonwealth Caribbean, as attempts were made to forge sporting linkages between

West Indies and South African cricket between 1959 and 1992. These attempts were especially politically charged because they coincided with that very period within which West Indies cricket was seen as a mirror and metaphor of the capacity of people of African-Caribbean people to govern themselves. It had been an intensive social and political campaign which was responsible for the appointment of Frank Worrell as the first Black West Indies cricket captain with professional tenure in 1960.

The Potential of Sport for Reducing Racism and Xenophobia in Australasia and Europe

Alan Evans teaches in the School of Education at Cardiff University

The paper will consider the extent of discrimination in sport at all levels - amongst participants, coaches, managers, administrators, governing bodies and spectators - and why the phenomenon is such a cause for concern. It will examine strategies for countering xenophobia and racism, promoting universal values and understanding, and involving major agencies such as national and state governments, local authorities and sport governing bodies. It will conclude with the partnerships, strategies and leadership required if serious advances are to be made in combating discrimination in sport.

UNHCR's Goodwill Sporting Representative Program

Chloe Flutter is a Public Information Consultant with the United Nations High Commissioner for Refugees in Canberra

The "goodwill ambassador" concept has become a central part of the United Nations High Commissioner for Refugees' public awareness program world-wide. In 1998, UNHCR's regional office in Australia appointed three sportspeople as goodwill representatives, Kate Slatter, Atlanta Olympic Gold Medallist in rowing, Daniel Kowalski, triple Atlanta Olympic medallist and world record holder in swimming, and Hamish MacDonald, Atlanta Paralympic Gold Medallist and world record holder in shot-put. UNHCR's decision to work with elite sportspeople in Australia to raise awareness about refugees has proved highly successful to date, allowing UNHCR the opportunity to reach a larger audience than otherwise possible and reaffirming the valuable contribution sport and sportspeople can make to humanitarian work world-wide.

Women in Australian Sport - A Global Example?

Margot Foster is the President of Womensport Australia; Christina Ryan is the Executive Officer of Womensport Australia

Australia has international treaty obligations on the rights of women, we are seen as a wealthy and sporting nation, yet Australian women have not achieved equity in sport. In comparison to other fields of Australian endeavour, women in sport are well behind. Why is it that around only ten per cent of elite coaches and administrators are women; that women are less than half of our Olympic athletes and are unable to compete in all Olympic events. Women's sport in Australia receives very little of the sponsorship dollar and very little of the media coverage. At a time

when Australia is pumping money into ensuring success at an Australian Olympic Games the government is downgrading the specialist unit for women at the Australian Sports Commission. Programs targeting women specifically are being reduced, or included in more general programs, with no monitoring process to ensure that women do progress to greater rates of participation both on the playing field and in the boardroom.

Ethics in Sport: Is there a role for the Law?

Ian Fullagar is a Senior Associate with Rigby Cooke Lawyers in Melbourne

The commercialisation of sport and indeed the growth of a more defined sport, recreation and leisure industry has produced a whole range of moral and ethical issues for organisations within this industry. The law is having an ever increasing role in assisting this industry manage its growth. The growing complexity of sporting and other structures, agreements and the intrusion of commerce and media into sport has required all sporting organisations (professional and amateur) to seek considerable financial, commercial and legal advice. Some would argue that the law has unnecessarily forced its way into sport and assumed a position both unwanted and unneeded. Others argue it is essential that law is involved in sport as it is today. This paper will seek to determine what role the law has in sport today and if that role extends to defining sporting ethics?

“Levelling the playing field” ... Indigenous Footballers, Human Rights and the Australian Football League’s Racial and Religious Vilification Code

Dr Greg Gardiner is Research Fellow at the Koorie Research Centre, Monash University

This paper will examine AFL’s Racial and Religious Vilification rule in the context of the struggle of Indigenous footballers to achieve essential human rights within the sport. Is the AFL’s approach altruistic, or driven by business? The interpretation and implementation of the rule since 1995 is analysed, as are the shortcomings in the rule that have emerged in that time.

The Paralympic Athlete: A Cry from the Heart

Dr Keith Gilbert is senior lecturer in the School of Human Movement Studies, Faculty of Health at Queensland University of Technology

This paper documents narratives of Australian Paralympians and highlights their struggle to be recognized in Australian society. It documents the lack of recognition which many of the elite athletes endure from federal government sources, coaches, schools and teachers, as well as others in our society as they have trained, in often difficult circumstances, in order to compete in their particular sport. It highlights the cynicism many of the athletes feel towards the media and the coverage they have in their elite sport as compared with able-bodied counterparts.

Sport and Social Development in Africa: some major human rights issues

Dr Richard Giulanotti is a lecturer in Sociology at the University of Aberdeen

The paper examines human rights and development issues in Africa, with particular regard to a social science perspective. Sports participation can provide a setting for wider social struggles and conflicts that centre on individual freedom and group autonomy. Sport has played a social control 'function' for European colonials in Africa. It also serves to promote the rural elites in the African states by unifying symbolically the nation while providing a showcase for the nation abroad. Yet sports gatherings arouse the emotions and often constitute vast public gatherings which give rise to popular expressions of dissatisfaction with political authorities. In less traumatic circumstances, the massive entry of sports to African societies gives rise to further problems. Sport may represent an ideological vehicle for the defeat of traditional belief-systems by modern, scientific, Western forms of rationality. It may also underpin a 'postmodern' form of slave-trade, whereby only the most precocious African athletes are groomed through proper sports training for cheap export to the Western sports markets.

Sporting Symbolism on an International Stage: The Right to Appeal to Humanity

Darren Godwell is Research Fellow at the Centre for Indigenous Natural & Cultural Resource Management, Northern Territory University

For many years, sports administrators and event managers fostered and maintained the myth that sport is apolitical. The presence of nationalist symbols such as flags and national anthems perpetually rebut this position. This paper will examine the power and influence of symbols in international sport. The Black Power salute of the 1968 Olympic Games is most frequently cited but what of the gesture by Alwyn Morris at the 1982 Olympic Games, or the public display of pride by Cathy Freeman at the 1994 Commonwealth Games. Are these moments of political subversion or personal expressions for hope and progress? Whilst major sporting events solicit and promote corporate symbols, what embargo do they make on alternative or emergent expressions? The structural sanctions created and enforced by the International and National Olympic Committees challenge the very values that these organisations purport to champion. Is the opportunity to make an appeal for better human relations worth the risk of inevitable personal penalty? Are such punishments open to moral, and even legal, challenge based upon the human right to freedom of expression? At a time when major sporting organisations are increasingly unwilling to check the insidious influence of drugs in sport, why are they dogmatically opposed to individual expressions of principle?

The Sporting Goods Industry: Ethical Challenges

Andre Gorgemans is the Secretary General of the World Federation of Sporting Goods Industries headquartered in Switzerland

The sporting goods industry, which is a fairly recent global sector of the economic activity world wide, has been the subject of criticism and will continue to be the target of the activists groups in the years to come. The industry – as a global sector - undertook a unique and pioneering initiative to eliminate child labor in the manufacture of footballs in Pakistan. This program which was the first one of its kind involving both International Organizations such as the ILO and Unicef, the NGO community such as Save the Children as well as local NGO's has been emulated by other industries in the same area in Pakistan. A similar initiative is under

investigation as this paper is written in India and more will be followed as plans are under consideration in China and many other South Asian countries.

Skating on Thin Ice - Human Rights in Youth Figure Skating

Christopher Grenfell is Professor of Kinesiology at California State University, San Bernardino; Robert Rinehart is Adjunct Professor

In this study, the Bill of Rights for Young Athletes is used as a reference point to qualitatively examine figure skaters' sport experience. Figure skaters may become highly visible personalities at a very young age. Consequently, parents and others often devote considerable money and attention to the training and development of these young athletes. The stakes are high: sizeable income, increased status, and greater opportunities may be realized from their success. Because of this, skaters' lives and lifestyles can be profoundly affected either positively or negatively.

Aboriginal Involvement in Elite Football: Segregation in the AFL

Dr. Chris Hallinan is a lecturer in the Sociology of Sport at Victoria University

The AFL is widely held to be a model for the integration of all population groups in an elite sports league. In the past decade there has been a substantial increase in Aboriginal player representation in the Australian Football League (AFL). Yet, despite being proportionately over-represented as AFL players, and despite claims that the AFL has eliminated racism, there remains no Aboriginal representation in either team or club management level or minimal representation in the various coaching ranks. Irrespective of which positional grid is employed for analysis, almost all Aboriginal players have positions that are both non-central and non-defensive, and correspond to stereotypes. This paper explores the factors associated with the increased numbers, the assignment of players by field position, as well as the extent to which the outcomes for Aboriginal players may contravene Articles of the Declaration of Human Rights.

Reconciliation in Olympism: The Sydney 2000 Olympic Games and Australia's Indigenous People

Michelle Hanna is the Assistant Project Co-ordinator of the Olympic Arts Festival for the Sydney Organizing Committee for the Olympic Games

This paper will explore the notion of how the Sydney Olympic games have provided a new and fairer dialogue in which Australia's reconciliation with its indigenous people can begin to occur justly. Indigenous issues are traditionally addressed in a context of marginality, most often with issues of protest and contestation, and are usually about social or political problems. The Olympic movement in Australia has provided the opportunity for the indigenous voice to speak in a context which is authoritative and in the mainstream.

Solidarity for Female Sports in Islamic Countries

Ms Faezeh Hashemi is the Chairperson of the Council for Female Sports of the Islamic Countries, the Member of Parliament for Tehran and the Vice Chairperson of the Iranian National Olympic Committee

National Sporting Organizations: A Contribution to Civil Society

Lisa Hayes is a lecturer in Leisure Studies at the University of Waikato, New Zealand

National Sports Organisations in New Zealand are increasingly today required to perform according to economic criteria - their success being evaluated according to management and business principles as well as international sporting excellence. This paper briefly reviews the emergence and current nature of NSOs in New Zealand. The author argues that the NZ context of sport, by widening its performance criteria, can also facilitate or contribute to the achievement of human rights for all NZ citizens. This could be achieved by adopting the civil society paradigm. This notion that sport has non-quantitative and community wide benefits makes the sport 'product' uniquely different from sport. It is argued that by marketing and adopting this USP sport can have both successful product delivery to its stakeholders whilst contributing to improved human rights records.

Enhancing Healthy Mega-Events: planning for health rights

Martin Horrocks works for Victoria's Department of Human Services; Dr Donald Stewart is Associate Professor in the School of Public Health at Queensland University of Technology

Mega Sports-Events have the potential to threaten life and limb and thereby diminish spectators' and athletes' expectations of recreation, health and well-being. This presentation will identify situations where this may occur, including a brief review of past examples. It will also highlight new research which provides a model that identifies key elements associated with 'unsafe' practices at mega sports-events that may lead to spectator and participant human rights abuses. Human rights in this context includes the expectation that organisers and promoters are obliged to provide a duty of care as part of the ticketing agreement and that an individual has the right to attend or participate in mega sports-events whilst remaining in the same (or an enhanced) state of health and well-being as prior to the event.

'...that's another fine mess you've got us into Pierre' ... The Olympic Games and Women's Rights

Dr Peter Horton lectures in the School of Physical Education at Nanyang Technological University in Singapore and was a member of the Australia Rugby Union team in the 1970s; Dr Kristine Toohey is Manager, Publications for SOCOG and an Associate of UTS

The modern Olympic Movement was founded Pierre de Coubertin in 1894 to promote an ideology grounded in 19th century Western humanism. As was common to this time, his quest for equality of opportunity and understanding via sport did not extend to women. Over one hundred years later the Olympic Movement is still criticized for its mantle of social injustice in regards to equality of opportunity for female athletes and administrators. In many ways the

Olympic Movement remains a male-dominated cultural hegemony, yet, paradoxically it has been and remains a powerful force for the promotion of gender equity. It will be demonstrated that the Olympic Games though, initially, lagging behind prevailing advances has significantly forwarded the image, perception and reality of elite female athletes.

Olympic Games and the Citizen: A look at the potential impact on citizens of hosting the Games

Charlene Houston is Operations Manager at Development Action Group in South Africa

The paper looks at the Olympic Games from the perspective of ordinary citizens. It considers the impact of preparation for the event on the rights of citizens, their economic advancement as well as the meeting of basic needs such as housing. It describes the issues involved in the Cape Town Bid, the Olympic Charter which was used as a lobbying tool in the Cape Town context and makes some suggestions for an Olympic Games that is more likely to benefit citizens and suggestions for mitigation measures to limit the costs to citizens. It includes case studies from other cities which hosted or bid for the Games, and highlight negative and positive strategies for preparing for this mega-event. These case studies are really valuable in reflecting on the history of the Games to date and important in considering the preparations in Sydney for this event.

Football (Offences And Disorder) Bill: Football Fans' Cry Foul?

Mark James is a lecturer in Sports Law at Manchester Metropolitan University

In the last 18 months, most visibly at the FIFA World Cup in France last year, the spectre of hooliganism amongst English football fans has reappeared in the full glare of the world's media. In response to this supposed resurgence in spectator violence at football matches, especially those involving the English national team, a Private Member's Bill has been introduced before Parliament. This paper seeks to explore some of the human rights implications of this ill thought out piece of panic law. Specifically, it will examine whether the use of police spotters and the categorisation of suspected hooligans as 'A', 'B' or 'C', breaches Article 6 of the ECHR. This is particularly important for two reasons. Firstly, this information is being given to foreign police and immigration authorities. During France '98, such information was used to deny entry to suspected, but previously unconvicted, hooligans. There is no right of appeal against categorisation and no way that a fan can know in advance that he is suspected of being a hooligan. Secondly, this information will be used by courts to decide whether the affected fan's passport should be confiscated during future away matches involving English teams. This results in previously unconvicted persons being additionally punished for offences that they might have committed in the past.

Sharing the Spirit: the impact of the Sydney 2000 Olympics on human rights in Australia

Beth Jewell and Kylie Kilgour work for Rentwatchers at the Redfern Legal Centre

In 1975 the Australian Government became a signatory to the International Covenant on Economic, Social and Cultural Rights. The paper will argue that the Sydney 2000 Olympics will

inevitably lead to breaches of this important Covenant, in particular the recognition of housing as a right. Rents in the Olympic corridor are already double that of Sydney generally. Local government ordinances and increased police powers have the potential to sweep the homeless from the streets. Boarding house in the inner city are being developed into expensive apartments. The Olympics have the potential to deepen conditions of multiple deprivation under which many Australians struggle to survive.

Equity and Justice: The Maccabiah Disaster

Robert Kaye is A Barrister at the Supreme Court of NSW

Drug Testing, Human Rights and the Law

Dr David Kinley is a Visiting Fellow in Law at the University of NSW and a legal consultant to the Human Rights and Equal Opportunity Commission; Ms Luci Rafferty is a solicitor with Andersen Legal in Sydney

The drug testing of sports men and women raises many questions of law and human rights. The taking of urine and blood samples from an athlete bears directly on her or his right to privacy. The legal nature of the obligations which athletes are under to provide samples, as well as the legal standing of the international and domestic sporting bodies that demand the samples are also matters of obvious significance. There are also a whole host of other legal and human rights concerns. These include, the right to a fair trial and the extent to which the administrative law requirements of 'procedural fairness' bear on the decision-making procedures of the sample-testing bodies, including the athlete's access to appeal, ultimately, to the courts. The possibility of criminal law sanctions being imposed for use or dissemination of certain illegal drugs. The relevance of labour law and the contractual rights and obligations of employers and employees in respect of such issues as athletes' freedom of association, their right to free speech, and even their right under trade practice laws to practice their 'trade' without undue restraint. There is also the fundamental question of the role of the State, not only in the oversight of sports regulatory bodies but also in meeting its international human rights obligations. This paper intends to investigate these issues by demonstrating the association between human rights and sport generally.

The Sports and its Impact on Social and Human Rights Issues

Professor Richard Lapchick is Director of the Centre for the Study of Sport in Society at North Eastern University

Athletes and sports can play a vital role in the effort to bring about full human rights for all people. As role models in many societies, they have a unique platform to deliver socially relevant messages to the public, especially children. However, as the percentage of athletes of color who take the field has increased, people are raising stereotypical images that challenge their status as role models. This presentation will examine the potential of athletes as change agents and whether or not a new and more virulent form of racism in sport is harming athletes of color both as performers and as role models. The speaker will challenge the media portrayals of

athletes as being on the verge of criminality by examining the cases of athletes who do commit crimes in the context of the society in which those crimes are committed.

Histories of Homebush Bay and the Sydney Aboriginal Fight for Recognition

Emma Lee is an anthropologist from the Palawa people in Tasmania

The paper is based on the collection of Aboriginal oral histories from both the Darug and Dharawal people regarding the historical and contemporary association of Homebush Bay, site of the Olympic Stadium and Village, and other places of significance around Sydney. Given the rich cultural heritage of Homebush bay, the paper asks why Sydney Aboriginal people have not been invited by SOCOG to share the ceremonies or to offer advice about local culture, people and places.

Football (Offences And Disorder) Bill: Kicking Rights into Touch

Siobhan Leonard is a lecturer in Human Rights and European Community Law and Course Director of the MA Programme in Law at Manchester Metropolitan University

During the last 18 months, there has been a growing concern that spectator violence and hooliganism is returning to the English game. This was brought into sharp focus by the riots in Marseilles during the FIFA World Cup in France last year. The Football (Crime & Disorder) Bill has been introduced before Parliament through the Private Members Bill procedure. The aim of the Bill is to restrict the movement of known and suspected hooligans from travelling abroad whilst English teams are playing in European competitions. This paper seeks to explore how this putative law infringes the individual fan's right to move freely across the borders of the various member states of the European Union. Under EU law, the use of such information may constitute a breach of Article 43 which secures for individuals a right to move freely within the EU for the purpose of providing or receiving services. As this right is commonly accepted as applying to tourists, it should by analogy be applicable to fans in this situation. Finally, the forced surrender of a convicted offender's passport, in potential breach of Article 39 will also be examined.

Sports Are Human Rights: An Indigenous Perspective

Wilton Littlechild, World Indigenous Nations Sport, has his own law firm and is an international attorney. He is of Cree descent and a member of the Ermineskin Cree Nation in Alberta, Canada

The Games We Play: realizing the right to be fully human

Dr Simon Longstaff is Executive Director of the St James Ethics Centre

Sport and Labour Rights

Alan Matheson is Director of the International Affairs Branch of the Australian Council of Trade Unions

In 1998 the International Labour Organization adopted the Declaration on Fundamental Principles and Rights at Work and its Follow Up. These principles express in industrial terms a core group of human rights, including freedom of association, the elimination of all forms of forced labour, the effective abolition of child labour, and the elimination of discrimination in employment. Both the Australian and international trade union movement has been active in promoting the application of these principles and rights through a series of negotiated sporting agreements, including those related to the Olympic games, soccer and rugby codes. The difficulties and implications of these agreements is explored, including the agreement with SOCOG.

Beyond a Boundary: Sexual Harassment in sports employment, and how to avoid it?

Dr David McArdle is Research Fellow in Sports Law in the School of Physical Education, Sport and Leisure at De Montfort University Bedford UK

In the summer of 1998, the United States Supreme Court extended the law on employers' liability for sexual harassment in the workplace. In one case the Supreme Court held that employers can limit their liability if they can show that they took reasonable steps to prevent and remedy sexual harassment. In another a lifeguard who had suffered sexual harassment by supervisors succeeded in her claim even though the employer had a proper reporting mechanism because the employer had failed to bring that system to the attention of the plaintiff and her harassers. This paper outlines some courses of action that could be taken by organisations that seek to prevent sexual harassment in sport, particularly (but not exclusively) in the wake of these Supreme Court decisions. The author suggests the strategies that US sports bodies are being asked to adopt are nothing other than 'best practice' and, as such, could be adopted by any bodies that are concerned with sexual harassment. Consequently, it is hoped that the issues raised will be of interest to all, regardless of the jurisdiction in which they are based.

The Level Playing Field – Myth or Reality

Lloyd McDermott is a barrister and was the first Aboriginal Rugby Union International

The Human Rights of the Genetically Engineered Athlete

Dr Andy Miah is a post-doctoral student in the School of Physical Education, Sport and Leisure at De Montfort University Bedford, UK

Traditional definitions of what constitutes a human being in human rights discourse fails to include the new kinds of human beings that are emerging through genetic manipulation. The prospect of such technology and the knowledge that such alterations provide infringe a number of human rights and so require further consideration, in order to be clear about their appropriateness for human beings. This paper identifies the problematic discourse of defining the human, so as to clarify the inadequacy of human rights' theory in an age of high technology.

The Olympic Experience: An Aboriginal Perspective

Alwyn Morris is a Mohawk who serves as the Chairperson of the Aboriginal Sport Circle in Canada

Bread and Circuses in America - Video

Stephen D. Mosher is Associate Professor in Exercise and Sport Sciences at Ithaca College

Athletes Fighting for Their Right to Compete; A case study

Dr Catherine O'Brien is Senior Lecturer in the School of Social, Policy and Curriculum Studies at the University of Sydney; Rosa Lopez de D'Amico is a PhD student at the University of Sydney

For most people who are not involved in sport, there is a tendency to believe that it is a world of fair play and that it is the best environment in which children, and people in general, could be involved. This case study presents the situation faced by a group of young gymnasts in 1996, who happened to be at the time members of the champion national junior team. Due to problems related to club affiliation to the National Gymnastics Federation, many kids were left without participation in competitions during the year. They initiated legal proceedings in order to fight for the right to participate – unfortunately for sport and themselves, without success.

Sport and Human Rights in South Africa

Andre Odendaal is Chairperson of the Transformation Committee of the United Cricket Board of South Africa and the Director of the Robben Island Museum

Children, their Rights On and Off the Field

Graham Opie is Development Education Manager with UNICEF Australia

UNICEF Sports Ambassadors play an important role in awareness and fundraising programs for UNICEF. In Australia and around the world high profile athletes have been integral to our efforts as advocates for change. UNICEF Australia has used several well-known National and International sports stars to raise awareness of children world-wide with great success. This paper investigates the need for sport and leisure activities, the role these play in the Convention on the Rights of the Child and the role of the Sports Ambassadors in promoting the rights of children.

Concluding remarks

Aden Ridgeway is the second Aboriginal Senator in the Federal Parliament and was the Director of the NSW Land Council

Mega Events and Human Rights

Brent Ritchie is a lecturer in Tourism at the Centre for Tourism and Leisure at the University of Canberra; Michael Hall is Visiting Professor at the School of Leisure and Food Management at Sheffield Hallam University in the UK

This paper will provide a framework and review of the social impacts of mega-sporting events with particular reference to issues of politics, community identity, resident displacement and human rights. Reference will be made to a number of sporting events including World Cup Soccer, the America's Cup, International Rugby and the Olympic Games. The paper observes that the social dimensions have received very little analysis in relation to economic studies and forecasts with result that the sometimes severe social costs of hosting mega-sporting events get little recognition by event organisers and government. The paper concludes by arguing that social impact analysis needs to become a standard component of any bidding process involved with sporting events, and that the Olympic Games in particular requires the adoption of a charter with reference to the social impacts of such an event.

To Serve and to Sell: Media Sport and Cultural Citizenship

Dr David Rowe is Associate professor in Media and Cultural Studies at the University of Newcastle, NSW

The last half-century has witnessed profound changes in sport, media and the relationship between them. These include a pronounced and accelerating commercialization of sport, and the steady erosion of the amateur ethic; an increasing reliance of the media on sport for content, and in the case of television of large, loyal free-to-air audiences and reliable pay subscribers; an increasing reliance of sport on the media for publicity, fees, and the support of sponsors necessary for survival and development; unprecedented intervention by governments in sport, both in terms of funding and in pursuit of nationally prestigious and socially egalitarian outcomes. The paper addresses representation, both quantitatively and qualitatively, of female, indigenous and non-Anglo athletes in the media and the introduction of pay TV and the potential for 'siphoning' of major sports events from free-to-air television.

Child Abuse in Sport - Are the Legal Protections Adequate?

Maria Shand is a Senior Associate with Rigby Cooke Lawyers in Melbourne

In the last ten years in Australia there have been several high profile coaches, administrators and officials reported as being charged and/or convicted of various criminal offences involving inappropriate behaviour with children in sport. This paper will examine what steps have been taken by the Commonwealth and State governments by way of legislation to curb the apparent rise in criminal abuse of children in sport as well as other forms of harassment. It will go on to assess whether the legal measures, such as those taken by New South Wales, are sufficient protection for children. The paper suggests that such steps are not sufficient and by using overseas comparisons advocates how the sports industry should address this issue to ensure the survival of its next generation of sports men and women.

Rules Beyond the Game

Chris Sidoti is Human Rights Commissioner at the Human Rights and Equal Opportunity Commission

Harassment-free Sport: Creating a Safe Environment

Debbie Simms is National Co-ordinator – Women Australian Sports Commission

Harassment in sport denies people the right to be treated with respect, dignity and fairness, and to participate in an environment that is enjoyable, safe and healthy. Participants in sport can be particularly vulnerable to harassment because it happens in an environment characterized by close physical and emotional relationships and power dynamics. Coaches in particular often have enormous influence over their athletes and their sense of self-esteem. If used recklessly, irresponsibly or illegally this influence could cause great harm. In response to legal and ethical responsibilities and concerns, the Australian Sports Commission has developed the Harassment-free Sport Strategy. The strategy aims to create a safer and more tolerant sport environment by developing a system for dealing effectively and appropriately with, and whenever possible preventing, harassment in sport.

Child's Play in the Best Interest of the Child

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Sport is more than playing the game. It involves the development and refinement of a multitude of skills, both mental and physical. It encourages the elimination of barriers and enhances the building of relationships among races and between cultures and genders. It is the foundation for life long learning and development. When coaches, parents and communities begin to understand the true value of sport and its potential impact on the development of children in all cultures, races and across genders then they can endeavour to promote the rights of the child within the context of sport. Sport is more than winning the game. To eliminate a child from sport because of a lack of skill development or gender related issues is in direct contradiction to the Principles of the Declaration and the essence of sport. A child can only rise to his/her potential if given the opportunity to do so. The rights and dignity of the child must prevail.

Sport, Race and Human Rights

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The late Ron Pickering, an esteemed documentary film-maker in Britain, stated – in the context of apartheid in South African sport – that the ethos of sport required that there be fair and equal opportunity and access for all. The Olympic Charter declares that there shall be ‘respect for universal fundamental ethical principles’. On the eve of the Olympics, the paper examines both the Pickering principle and the Olympic ethos in relation to racial minorities, particularly the extent of Aboriginal and Islander inclusion and exclusion from sport.

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