

**Mandates of the Special Rapporteur in the field of cultural rights and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance**

Ref.: AL OTH 90/2022  
(Please use this reference in your reply)

14 September 2022

Mr. Bach,

We have the honour to address you in our capacities as Special Rapporteur in the field of cultural rights and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, pursuant to Human Rights Council resolutions 46/9 and 43/36.

Special Rapporteurs are part of what is known as the Special Procedures of the Human Rights Council. Special Procedures, the largest body of independent experts in the United Nations Human Rights system, is the general name of the Council's independent fact-finding and monitoring mechanisms that address either specific country situations or thematic issues in all parts of the world. Special Procedures experts are independent from any government or organization and serve in their individual capacity. As part of their activities, they act on cases of concerns of a broad, structural nature, by sending communications to States and others actors, including sporting organizations.

In this connection, we would like to bring to your attention serious concerns we have concerning the **decisions taken by the Executive Committee of the International Olympic Committee imposing and recommending sanctions on Russian and Belarusian athletes.**

According to information received:

On 25 February 2022, the Executive Committee of the International Olympic Committee urged all International Sports Federations to relocate or cancel their sports events then planned in Russia or Belarus. It also advised against the Russian or Belarussian national flag be displayed and the Russian or Belarussian anthem being played at international sports events, which were not already part of the respective World Anti-Doping Agency (WADA) sanctions for Russia.

On 28 February 2022, the Executive Committee of the International Olympic Committee recommended that International Sports Federations and sports event organisers should not invite or allow the participation of Russian and Belarusian athletes and officials in international competitions.

This decision was justified on the purported need to protect the integrity of global sports competitions and the safety of all participants. A secondary reason reported was the need to address the perceived imbalance of athletes from Russia and Belarus being able to continue to participate in sports events, while many athletes from Ukraine were prevented from doing so because of the attack on their country.

International Olympic Committee

In situations where the implementation of their advise was not possible, at short notice, due to organisational or legal reasons, the Executive Committee strongly urged International Sports Federations and organisers of sports events worldwide to do everything in their power to ensure that no athlete or sports official from Russia or Belarus be allowed to take part in a manner which affiliated them with their country of origin. It was advised that Russian or Belarusian nationals, be it as individuals or teams, could be accepted only as neutral athletes or neutral teams. Under such circumstances, it was advised that no national symbols, colours, flags or anthems should be displayed.

We understand the relocation or cancellation of events planned in the Russian Federation and Belarus, as well as the recommendation not to display the Russian or Belarussian national flags and not to play the Russian or Belarussian anthems in international sports events, as sanctions that can be considered as legitimate, as they directly target these States or their official representations.

We express serious concern, however, about the recommendation to ban Russian and Belarusian athletes and officials such as judges from international competitions, based solely on their nationality, as a matter of principle. This raises serious issues of non-discrimination. A number of international sports federations immediately followed the recommendation of the Executive Committee. While we acknowledge that the Executive Committee recommended that Russian and Belarusian athletes could be accepted under certain circumstances as neutral athletes or neutral teams, we remain concerned that this only applied in situations where the full restriction of their participation was not possible.

We also appreciate the objective sought by the Executive Committee to protect the integrity of global sports competitions and the safety of all the participants. We remind, however, that although such concerns may be legitimate objectives under international law to justify differential treatment, the least restrictive measures must always be sought and envisaged in the first instance.

In connection with the above alleged facts and concerns, we would like to remind the the Executive Committee of the International Olympic Committee that sporting bodies should commit themselves to protecting and respecting internationally recognized human rights. They should meet their responsibilities to protect rights and minimize harms to rights by adopting human rights policies that apply to athletes, judges, events, and competitions (from bidding processes to game time), fans, journalists, and others. They should also commit themselves to reviewing and revising their policies, including eligibility regulations. Sport governing bodies should review, revise and revoke eligibility rules and regulations that have negative effects on athletes' rights. Please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these matters.

As it is our responsibility under the mandates provided to us by the United Nations Human Rights Council to seek to clarify all cases brought to our attention, we would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please indicate whether the Executive Committee of the International Olympic Committee has carried out an assessment of the impact that the sanctions imposed on Russian and Belarusian athletes would have on their right to practice sport without any form of discrimination.
3. Please indicate whether the principles of the Olympic Charter were considered before deciding on sanctions against Russian and Belarusian athletes, and if so, with which outcome.
4. Please explain how the Executive Committee of the International Olympic Committee has responded to other instances in which a State has engaged in territorial aggression toward another State. Please clarify whether the committee has banned athletes of other nationalities on the basis of the territorial aggression of the State to which they belong as a citizen previously.
5. Please explain why the recommendation that Russian and Belarusian athletes could be accepted as neutral athletes or neutral teams applied only in situations where it was not possible to fully restrict their participation.
6. Please indicate what legal remedies and procedures are available for Russian and Belarusian athletes who would potentially want to challenge the sanctions imposed by the Executive Committee of the International Olympic Committee.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with you to clarify the issue/s in question.

Please accept, Mr. Bach, the assurances of our highest consideration.

Alexandra Xanthaki  
Special Rapporteur in the field of cultural rights

E. Tendayi Achiume  
Special Rapporteur on contemporary forms of racism, racial discrimination,  
xenophobia and related intolerance

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to draw the attention to the international human rights standards applicable and relevant to this case.

The right to equality and non-discrimination is established in a number of human rights instruments, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. All persons, without exception, are entitled to freedom from discrimination and sporting bodies also have taken on the responsibility to respect international standards and prohibit discrimination within sport.

The fourth fundamental principle of the Olympic Movement indicates that “the practice of sport is a human right. Every individual must have the possibility of practicing sport, without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play.” The sixth principle further states that the enjoyment of the rights and freedoms set forth in the Charter shall be secured for all, without discrimination of any kind.

Equality and non-discrimination are fundamental principles of international human rights law and are an essential element of human dignity, as enshrined in article 2 of the Universal Declaration of Human Rights. Discrimination constitutes any distinction, exclusion, restriction or preference or other differential treatment that is directly, or indirectly based on prohibited grounds of discrimination, including national origin, and which has the intention or effect of nullifying or impairing the equal recognition, enjoyment or exercise of their human rights. Differential treatment based on prohibited grounds will be considered as discriminatory unless the justification for differentiation is reasonable and objective. This will include an assessment as to whether the aim and effects of the measures or omissions are legitimate, compatible with human rights standards and solely for the purpose of promoting the general welfare in a democratic society. In addition, there must be a clear and reasonable relationship of proportionality between the aim sought to be realized and the measures or omissions and their effects.

In accordance with article 27 of the UDHR, and article 15 of the International Covenant on Economic, Social and Cultural Rights, everyone has the right to take part in cultural life, which includes the practice of sports. Articles 23 of the Universal Declaration of Human Rights and 6 of the International Covenant on Economic, Social and Cultural Rights also recognize the right of everyone to work. All these provisions must be read in conjunction with the principles of equality and non-discrimination.