

Sport and Human Rights: Developments in the Human Rights Movement and Disability Sport Initiatives

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The concept of universal freedoms such as life, liberty, expression, and peaceful assembly as well as the prohibitive counterparts such as prohibitions against slavery, torture, and discrimination can be traced back to any number of national and international charters, constitutions, or other legislative statements such as the English Petition of Rights (1627), the Habeas Corpus Act (1679), the Declaration of Independence (1776), and the Bill of Rights (1791). According to Donnelly (1989) human rights are "literally the rights one has because one is a human being." Donnelly further argued that human rights are not just those rights necessary for life itself, but for the dignity of life. An important element of the human rights conversation relates directly to sport and physical activity as a human right and the appropriate role of sport organizations in the human rights movement.

The United Nations has drafted and adopted treaties and documents in addition to the Universal Declaration of Human Rights (1948), including the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, and most recently, Treaty on the Rights of Persons with Disabilities. All of these Declarations and Conventions contain dozens of sections and provisions enumerating fundamental human rights concepts. In each of these declarations and conventions, the right to participate in sport, physical activity, leisure, and recreation is specifically acknowledged as a basic human right essential to a person's ability to live a free, healthy life, and enjoy one's culture with dignity. Moreover, the UN has also embraced specific initiatives to acknowledge and secure the right to sport and play (see, Sport for Development and Peace: Toward Achieving the Millennium Development Goals

It is clear that the opportunity to participate in and have access to sport is an internationally recognized human right to be promoted and supported (United Nations, 2003). However, UN declarations represent more of moral directives with only limited enforcement mechanisms. The moral directives may empower and compel nations, international organizations, and local communities to adopt processes to achieve these moral directives. For example, many civil rights laws in the United States prohibit discrimination on the basis of race, gender, disability, and religion, serving to help the U.S. meet its moral commitment to human rights and its legal commitment to the various UN treaties which it has ratified. However, many of these laws have not been applied by the courts as broadly as human rights proponents would like. For example, it is well settled that the right to participate in athletics in the United States is a privilege, not a constitutionally recognized protected property or liberty interest (i.e. right). See generally Mitchell v. La. High Sch. Athletic Ass'n, (1970); Haas v. S. Bend Cmty. Sch. Corp., (1972); Hamilton v. Tenn. Secondary Sch. Athletic Ass'n, (1976); Blue v. Univ. Interscholastic League, (1980); Rutledge v. Ariz. Bd. of Regents, (1981); O'Connor v. Bd. of Educ., (1981); Tiffany v. Ariz. Interscholastic Ass'n, Inc., (1986); Ridgeway v. Mont. High Sch. Ass'n, (1986); Simkins v. S.D. High Sch. Activities, (1989); Jordan v. O'Fallon Township High Sch. Dist. No. 203 (1999); and L.P.M. v. Sch. Bd. of Seminole County, (2000); (See also, Heckman, 2005).

Sport organizations have a vital role to play in promoting and protecting human rights. The Charter on Physical Education (1978) adopted by UNESCO states that the practice of physical education and sport is a fundamental human right for all, and all persons are entitled to participate in sport. The International Olympic Committee (IOC) directly addresses sport as a human right through language in the Olympic Charter (International Olympic Committee, 2004) as well as through the Sport for All Movement. The International Paralympic Committee (IPC) released its Position Statement of the IPC on Human Rights during the 2004 Athens Summer Paralympic Games (International Paralympic Committee, 2004). FIFA has a number of programs which promote human rights, including the "My Game is Fair Play" anti-racism campaign and the "Stand up for Human Rights" cartoon book which deals with fighting HIV/AIDS and promoting human rights (FIFA, 2006).

Numerous researchers have considered different aspects of the role of sport organizations relative to human rights, including examining human rights in the Olympic Movement (DaCosta, Abreu, & Miragaya, 2006; Hums & Wolff, 2006), sport programming (Ayub, 2006; Keller, 2006), and sport in general (Bhuvanendra, 1998; McArdle & Giullinotti, 2003). However, research relating to the concept of sport as a human right is relatively new in the sport management and sport administration discipline.

This presentation will examine the landscape of international treaties and declarations which identify the opportunity to

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participate in sport and leisure among basic human rights and specifically draws upon the recent Treaty on the Rights of Persons with Disabilities to examine best practices among sport organizations to implement responsive policies and decision making strategies. The entire Treaty contains language on a variety of topics, but Article 30 deals specifically with sport and physical activity. Article 30 puts forth considerations for (a) access to mainstream sporting activities at all levels, (b) the opportunity to participate in disability specific sport and recreational activities, (c) access to sporting venues, (d) ensuring children have access to activities, and (e) access to services from those involved in organizing recreational, tourism, leisure, and sporting activities (Roy & Hums, 2006). It most certainly seems the activities of sport managers will fall under the auspices of this Article. While the legal environment shapes organizational policies, the implementation of those policies often shape the future development of the legal environment as well.

Thus, this presentation will (a) provide an overview of United Nations human rights treaties which contain sport related language, (b) discuss specific actions sport organizations have taken to further human rights in and through sport, (c) analyze the sport related language in Article 30 of the recently approved United Nations Treaty on the Rights of Persons with Disabilities, and (d) examine the legal, political, and cultural challenges sport managers encounter when attempting to include sport as a human right in their organizational strategies.