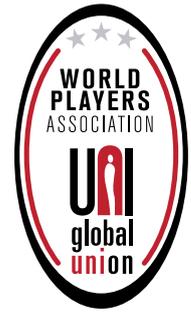




# UNIVERSAL DECLARATION of **PLAYER RIGHTS**



#WorldPlayersUnited

## Preamble



### CONSIDERING THAT:

- I. The organised players of the world have a proud history of championing the dignity of the player and the humanity of sport. That history demonstrates that where the fundamental human rights of the player have been protected, respected and guaranteed, sport has grown as both a social institution and as an economic activity and business.
- II. In adopting the Universal Declaration of Human Rights in 1948, the peoples of the United Nations “reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom.”<sup>1</sup>
- III. A universal commitment by the whole of sport is now essential for sport to maintain its meaningful place in world culture, retain its social licence, make social progress and achieve better standards of life for everyone involved with or touched by it.
- IV. Sport is controlled by international sporting federations, national sporting organisations, professional sports leagues, employers, business and governments. Players are the public face of sport, and athletic performance is fundamental to the prestige, popularity and viability of sport.
- V. The mega scale, politicisation and commercialisation of sport today sees a widespread failure to uphold the humanity of sport and the dignity of the player.<sup>2</sup> This also sees the violation by sport of internationally recognised human rights – which are, at a minimum, those expressed in *The International Bill of Human Rights*, the *International Labour Organization’s Declaration on Fundamental Principles and Rights at Work and Its Follow-Up*<sup>3</sup> – and additional international standards pertaining to vulnerable groups, including the *United Nations Convention on the Rights of the Child*.



## CONSEQUENTLY:

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- VI. Every sport must:
- A. work in partnership with the players to develop a strategic vision for their sport;<sup>4</sup>
  - B. respect and protect the fundamental human rights of everyone involved with or affected by sport including the player;<sup>5</sup>
  - C. avoid infringing on the human rights of others and address all adverse human rights impacts with which they are involved;<sup>6</sup>
  - D. embrace and promote the responsibility of their sport to respect human rights;<sup>7</sup>
  - E. recognise that the player is, first, a human person and, then, an athlete;<sup>8</sup>
  - F. acknowledge the acute impact any failure to respect the fundamental human rights of the player given the highly skilled and inherently short-term nature of the athletic career;
  - G. acknowledge that any reliance on or application of the “autonomy” or “specificity” of sport or any restraint or limitation imposed on a player in the exercise of his or her profession does not override the fundamental human rights of the player and can only be given legal effect if necessary and through collective bargaining and social dialogue;<sup>9</sup> and
  - H. ensure that the internationally recognised human rights of the player including as contained in this *Universal Declaration of Player Rights* are legally adopted within the constituent documents of their sport or pursuant to a collective bargaining agreement.<sup>10</sup>



## NOW, THEREFORE, THE ORGANISED PLAYERS OF THE WORLD DECLARE THAT:

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### **Article 1. *Protect. Respect. Remedy.***

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Every player has the right to a sporting environment that is well governed, free of corruption,<sup>11</sup> manipulation and cheating and protects, respects and guarantees the fundamental human rights of everyone involved in or affected by sport, including the player.<sup>12</sup> His or her sport must adopt and implement the appropriate measures to ensure the enjoyment of the rights of the player and the maintenance of a sporting environment in accordance with this Declaration including by adequately protecting whistle blowers.<sup>13</sup>

### **Article 2. *Access to sport.***

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Every player has the right to access and pursue sport<sup>14</sup> as a career and profession<sup>15</sup> based solely on merit.<sup>16</sup>

### **Article 3. *Equality of opportunity.***

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1. Every player is entitled to equality of opportunity in the pursuit of sport without distinction of any kind and free of discrimination, harassment and violence.<sup>17</sup>
2. A player's right to pursue sport cannot be limited because of his or her race, colour, birth, age, language, sexual orientation, gender, disability, pregnancy, religion, political or other opinion, responsibilities as a carer, property or other status.<sup>18</sup>

### **Article 4. *Rights of the child.***

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Every player who is a minor is entitled to the opportunity to freely pursue sport in an inclusive, adapted and safe manner, and to have his or her rights as a child protected, respected and guaranteed.<sup>19</sup>

### **Article 5. *Right to work.***

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Every player has the right to work and the free choice of employment as an athlete,<sup>20</sup> and to move freely in pursuit of that work and employment.<sup>21</sup>

### **Article 6. *Right to organise and collectively bargain.***

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1. Every player has the right to organise and collectively bargain.<sup>22</sup>
2. Every player has the right to form and join player and athlete associations and unions for the protection of his or her interests.<sup>23</sup>

### **Article 7. *Right to share in economic activity and wealth.***

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Every player has the right to share fairly in the economic activity and wealth of his or her sport which players have helped generate.<sup>24</sup>

### **Article 8. *Fair and just working conditions.***

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1. Every player has the right to just and favourable remuneration and conditions of work, including a minimum wage, fair hours of work, rest, leisure, the protection of wages, the certainty of a secure contract and the protection of his or her status as a worker within the employment relationship.<sup>25</sup>
2. Every player, without any discrimination, has the right to equal pay for equal work.<sup>26</sup>

3. A player has the right to negotiate the terms and conditions upon which he or she is involved in sport and to be represented by persons and organisations of his or her choosing in those negotiations.<sup>27</sup>
4. A player must only be bound by terms and conditions which are legitimately made and administered through collective bargaining or to which he or she has freely and genuinely consented.<sup>28</sup>

#### ***Article 9. Promotion of physical health, mental health and social wellbeing.***

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1. Every player must be provided with a safe and secure workplace and sporting environment, which promotes the player's safety, physical and mental health and his or her social wellbeing.<sup>29</sup>
2. A player must be treated and supported with utmost integrity by healthcare professionals when injured or ill, and have direction and control over that treatment and support.<sup>30</sup>
3. A player's workplace and sporting environment must be protected from both internal and external risks to his or her safety, health and wellbeing. A player is entitled to decide on the measures necessary to ensure the safety and security of the workplace and sporting environment and to take any action reasonably necessary to avoid those risks or prevent them from materialising.<sup>31</sup>

#### ***Article 10. Right to education.***

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To achieve fully his or her human potential and personality, every player has the right to an education and the pursuit of work and life beyond sport supplemented by the resources of the sport.<sup>32</sup>

#### ***Article 11. Right to privacy and the protection of personal data.***

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Every player has the right to a private life, privacy and protection in relation to the collection, storage and transfer of personal data.<sup>33</sup>

#### ***Article 12. Protection of name, image and performance.***

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Every player is entitled to have his or her name, image and performance protected. A player's name, image and performance may only be commercially utilised with his or her consent, voluntarily given.<sup>34</sup>

#### ***Article 13. Freedom of opinion and expression.***

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Every player has the right to freedom of opinion and expression.<sup>35</sup>

**Article 14. *Protection of and equality before the law.***

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Every player has the right to the protection of the law and equality before it.<sup>36</sup>

**Article 15. *Right to due process.***

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Every player is entitled to due process including, where charged, to the presumption of innocence. Any penalty must be lawful, proportionate and just.<sup>37</sup>

**Article 16. *Right to an effective remedy.***

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Every player is entitled to have any dispute resolved through an impartial and expeditious grievance mechanism in which the player has an equal say in the appointment of the grievance panel, arbitrator or other decision-making person or body. His or her sport must ensure he or she is provided with access to an effective remedy where his or her rights under this Declaration have not been protected or respected.<sup>38</sup>

**Article 17. *Duty to respect the rights of others.***

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Every player has a duty to respect the rights of his or her fellow players under this Declaration, and to respect the fundamental human rights of everyone involved with or affected by sport.<sup>39</sup>





## SOURCES:

### References

- Charter of Fundamental Rights of the European Union, 2012 (“CFREU”)
- Council of Europe Convention on the Manipulation of Sports Competitions, 2014 (“CECMSC”)
- International Bill of Human Rights, consisting of:
  - Universal Declaration of Human Rights 1948 (“UDHR”)
  - International Covenant on Economic, Social and Cultural Rights 1966 (“ICESCR”)
  - International Covenant on Civil and Political Rights 1966 (“ICCPR”)
- International Labour Organization (“ILO”) Conventions and Recommendations:
  - Forced Labour Convention, 1930 (No. 29) (“ILO C29”)
  - Freedom of Association and Protection of the Right to Organise Convention, 1949 (No. 87) (“ILO C87”)
  - Protection of Wages Convention, 1949 (No. 95) (“ILO C95”)
  - Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (“ILO C98”)
  - Abolition of Forced Labour Convention, 1957 (No. 105) (“ILO C105”)
  - Health and Safety Convention, 1981 (No. 155) and its Protocol of 2002 (“ILO C155”)
  - Employment Relationship Recommendation, 2006 (“ILO R198”)
- International Labour Organization Declaration on Fundamental Principles and Rights at Work and Its Follow-Up 1998 (“ILO FD”)
- Treaty on the Functioning of the European Union 2007 (“TFEU”)
- United Nations Commission on International Trade Law (“UNCITRAL”) Convention on the Recognition and Enforcement of Foreign Arbitral Awards, New York 1958 (“NYC”)
- United Nations Convention on the Rights of the Child 1989 (“UNCRC”)
- United Nations Convention of the Rights of Persons with Disabilities and its Optional Protocol 2006 (“UNCRPD”)
- United Nations Economic, Scientific and Cultural Organization (“UNESCO”) Revised Charter on Physical Education, Physical Activity and Sport 2015 (“UNESCO Charter”)
- United Nations Guiding Principles on Business and Human Rights 2011 (“UNGPs”)

## Notes

- 1 UDHR, Preamble.
- 2 See, for example, p. 7 of the report of the meeting “Human Rights and Mega Sporting Events” co-hosted by the Institute of Human Rights and Business, Wilton Park and the Government of Switzerland in Glion, Switzerland from 18 – 20 November 2015 [https://www.ihrb.org/uploads/meeting-reports/2016-1-12\\_Wilton\\_Park\\_Conference\\_on\\_MSEs\\_and\\_Human\\_Rights.pdf](https://www.ihrb.org/uploads/meeting-reports/2016-1-12_Wilton_Park_Conference_on_MSEs_and_Human_Rights.pdf) (accessed 17 June 2017)
- 3 UNGPs, Principle 12, p. 13.
- 4 UNESCO Charter, Article 3 including Articles 3.1 and 3.2.
- 5 UNGPs “*Protect, Respect and Remedy*” Framework.
- 6 UNGPs, Principle 11, p.13.
- 7 See, for example, UNGPs, Principle 6, p. 8 and p.11.
- 8 UDHR, Preamble and Article 26.2. ICESCR, including Article 13.
- 9 ILO FD, including ILO C87 and ILO C98. CFREU, Article 28. UNGPs, including Principle 11, p. 13, which states that the corporate “*responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States’ abilities and/or willingness to fulfil their own human rights obligations, and does not diminish those obligations. And it exists over and above compliance with national laws and regulations protecting human rights.*”
- 10 Article 28 of the UDHR, which provides that, “*Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.*”
- 11 See, for example, Annan, Kofi, “United Nations Convention Against Corruption,” forward, p. (iii) in which the author when writing as UN Secretary General stated that, “*Corruption is an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violations of human rights...*” [https://www.unodc.org/documents/brussels/UN\\_Convention\\_Against\\_Corruption.pdf](https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf)
- 12 UNESCO Charter, including the Preamble and Article 10. UDHR, Article 27.1. ICESCR, Article 15.1(a).
- 13 CECMSC, Article 7.2(c).
- 14 UNESCO Charter, including the Preamble and Article 1.1.
- 15 UDHR, Article 23.1. ICESCR, Article 6.1.
- 16 UNESCO Charter, Article 1.6. ICESCR, Article 7(c).
- 17 UDHR, Article 2. Also see, for example, Article 1.4 of the UNESCO Charter in relation to women and girls.
- 18 UDHR, Article 2. ICCPR, Article 26.
- 19 ICCPR, Article 24.1. Also refer to the UNCRC in its entirety, as well as the Preamble and Article 9.2 of the UNESCO Charter which identifies the problem of the excessive training of children. ICESCR, Article 10.3.

- 20 UNESCO Charter, Preamble, Article 9.2 and Article 10.5. UDHR, Article 23.1. ICESCR, Article 6.1. ICCPR, Article 8.3(a). ILO FD, including ILO C29 and ILO C105. Note C29, Article 2.1 and the definition of the term “*forced or compulsory labour*” which the ILO regards as including the threatening of workers with severe deprivations such as the withholding of wages and the restriction of peoples’ movements (see, for example, p. 23 of the ILO’s policy guide on the ILO FD at [http://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@declaration/documents/publication/wcms\\_095895.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_095895.pdf) (accessed 17 June 2017)).
- 21 UDHR, Articles 13 and 23.1. ICCPR, Article 12. TFEU, Article 45.1.
- 22 ILO FD, ILO C87 and ILO C98. ICCPR, Article 22.
- 23 UDHR, Article 24.4. ICESCR, Article 8.1 (which also refers to the right of trade unions to form and join national and international trade union organizations). ILO FD including ILO C87 and ILO C98. ICCPR, Article 22.
- 24 ILO FD, Preamble, which states that “*in seeking to maintain the link between social progress and economic growth, the guarantee of fundamental principles and rights at work is of particular significance in that it enables the persons concerned to claim freely and on the basis of equality of opportunity their fair share of the wealth which they have helped to generate, and to achieve fully their human potential...*” (emphasis added).
- 25 UDHR, Articles 23.1, 23.3 and 24. ICESCR, Articles 7(a)(i) and (d). ILO C95. ILO R198.
- 26 UDHR, Article 23.2. ICESCR, Article 7(a)(i).
- 27 UDHR, Articles 23.1, 23.3 and 23.4. ICCPR, Article 25(a).
- 28 ILO FD, including ILO C29, ILO C87, ILO C98 and ILO C105. UDHR Articles 23.1 and 23.3. ICESCR, Articles 6.1, 7 and 8.
- 29 ICESCR, Article 12. ILO C155. UNESCO Charter, Article 10.5.
- 30 ILO C155. ICESCR, Article 12 including Articles 12.2(b),(c) and (d). UNESCO Charter, including the Preamble and Article 10.
- 31 ILO C155. UNESCO Charter, including Article 10.5. UDHR, Article 3. ICCPR, Articles 7 (in particular, the second sentence) and 9.
- 32 UNESCO Charter. UDHR, Articles 22, 26.1 and 26.2. ICESCR, Articles 6.2 and 13.
- 33 UDHR, Articles 3 and 12. ICCPR, Article 17. CFREU, Articles 7 and 8.
- 34 UDHR, Articles 12, 17 and 27.2. ICCPR, Article 17.
- 35 UDHR, Articles 18, 19 and 20. ICCPR, Articles 19 and 21.
- 36 UDHR, Articles 6 and 7. ICCPR, Articles 14, 16 and 26.
- 37 UDHR, Article 10. ICCPR, Article 14. CFREU, Articles 47 and 48.
- 38 UNGPs. NYC. UDHR, Articles 8 and 11.1. ICCPR, Article 14. CFREU, Article 47.
- 39 UDHR, Article 29.1.