Beyond the Finishing Line: Sports and Human Rights*

© **Constantino Pereira Martins**[1], **Luísa Ávila da Costa**[2], **Marcos Panciera**[1,3] & **Paulo Antunes**[4]

[1] IEF (University of Coimbra); [2] CIFI2D (University of Porto); [3] PPGF (Federal University of Santa Maria); [4] CEPS (University of Minho)

Author contact <constantinomar@gmail.com>

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This article explores the intersection of sports and human rights, illustrating how sports have evolved into a critical component of society, overcoming the outdated perspective viewing sports as leisure or competitive pursuits, recognizing their role as fundamental rights, reinforced by international frameworks like the Olympic Charter and the Convention on the Rights of the Child. These advancements highlight sports' capacity to promote physical and mental well-being and social inclusion. The analysis underscores sports as unique spaces of freedom, where individuality and spontaneity thrive. However, the increasing reliance on technology, from performance-enhancing tools to data-driven systems, raises ethical concerns. Further, the inherent tensions between violence and ethics in sports reveal a dual legacy: sports as both arenas for competition and platforms for human dignity. The adoption of care ethics prioritizes the holistic well-being of all participants, challenging traditional views totally centered on competitiveness and victory, and fostering a deeper commitment to humanity. The article highlights ongoing challenges and advocates for interdisciplinary efforts to develop equitable policies and sustainable solutions. As agents of social transformation, sports have the potential to inspire collective action, uphold human rights, and build a more inclusive and just global society.

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Introduction

Nowadays, sport is considered, at the very least, as a recreational, pleasurable and healthy activity, and, at most, as a highly lucrative activity, especially when viewed through the lens of high competition. Less often is it seen as a *right*, as a general social duty towards citizens, in other words, as an activity that should be promoted, expanded and effectively democratized in its participation and management.

Although it has escaped more direct treatment in some of humanity's most fundamental charters, there are already plenty of policies and treaties, including international ones, protecting sport, physical activity, and the right to practice it. Not unrelated to this is the Olympic movement, which turned the corner into the 20th century with a new program and a new approach to the activity. The International Olympic Committee (IOC), founded in 1894, led this revolution in mentalities in the person of Pierre de Coubertin, helping to overcome what was once seen, depending on the sport, as a pastime for nobles or a mayhem for the common folk, although the exclusion of women still persisted. Of course, the French thinker's theoretical foundations went far beyond mere competitive excellence (Cléret & McNamee, 2012), but his mark was imprinted by the amplifying consequences of sporting activity.

The Olympic promoter's idea was simple: "[...] participation in sporting competitions should support the development of highly social and moral character traits that can be transferred beyond the sporting context into everyday private and professional life" (Wassong, n.d.). This new attitude has borne fruit, although it is true that modern sport has since overdeveloped. For example, secularism, equality, specialization, rationalization, bureaucratization, the pursuit of records, serialization and quantification stand out among some of its characteristics (Segrave, 2019:14).

One of the first means of linking physical activity and education was the 1959 *Declaration of the Rights of the Child*. The 1989 *Convention on the Rights of the Child* enshrined children's right to play and to physical, mental, spiritual, moral, or social development, making it the most widely ratified international human rights treaty. These two moments were preceded by the *Geneva Convention of* 1949, which enshrined the right to physical activity for prisoners of war (III, II, V, art. 38). Later, in 1978, the *International Charter of Physical Education and Sport* established access to physical education as a fundamental right.

On the threshold of the new millennium, the *Olympic Charter* of 1998, the *Magglingen Declaration* of 2003 and the United Nations Working Group on Sport for Development and Peace underlined sport as a human right, as one of the main elements for health and well-being, and peace. More recently, at *Convergence 2025*, organized by the Centre for Sport and Human Rights, the mission was taken on to promote a world of sport that fully respects and supports human rights through awareness-raising, capacity-building and concrete results.

Sport is on the agenda, at the center of the debate on human rights and peace, and there have been various approaches to this topic and the practical and theoretical interactions that surround it (Fuentes, 2022). Indeed, the remaining entry offers a brief perspective on the right to sport and play beyond a legal minimum; the relationship between sport, freedom and technology; the relationship between sport and the "ethics of care"; and future challenges and opportunities for this area of human activity.

Sport and the right to leisure time: beyond the legal minimum

Sport and recreational practices play an essential role in human development, contributing not only to physical and mental health, but also to social inclusion and a sense of belonging (Nussbaum, 2011, ch. 8). These elements go beyond the mere notion of leisure and are recognized as fundamental rights that reflect our understanding of the human condition. In the context of human rights, the right to "play time" – time dedicated to activities such as physical exercise, amateur sport, games, play, and even recreational activities such as crochet, among others – has a vital importance that is not limited to an exclusively legal approach.

The concept of law is often understood, in common sense, almost exclusively within a legal dimension, since it is through laws that rights and duties are guaranteed. However, this legal approach, although necessary, often fails to fully capture the essence of certain rights and duties that are part of the human condition. There are rights, such as the right to love and the duty to be kind, that go beyond what legislation can define. The law establishes minimum requirements, but love, for example, and by its very nature, demands something that transcends what regulation can demand or ensure.

The same applies to the right to play, games and, in particular, sport. Although it is possible to establish minimum legal requirements, such as ensuring that children have physical education as part of compulsory schooling programs, or banning child labor so that they can have time to grow and play, and regulating working hours to ensure free time for adults, it is important to question whether these legal measures are really enough to guarantee full access to play (Coakley, 1989, chapters 4 and 14). By limiting ourselves to ensuring only the bare minimum, we are not really promoting play and sport as an essential and enriching dimension of human life; more is needed.

Play, particularly in relation to sport, should be seen as more than just legal or permitted; it needs to be encouraged, promoted, and defended as a right that goes beyond the minimum legal requirements. Limiting this to basic regulation risks underestimating the importance of this dimension as an integral part of human development and our life in society. It is necessary to go beyond simple legality and create conditions that allow everyone to fully experience this essential component of existence; play is in the *public interest* (Antunes, 2023).

Sport as a space of freedom: reflections on the impact of the technologization of sport

Sport, when practiced in freedom, goes beyond competition and the search for efficiency. Influential theorists such as Huizinga (1949), Caillois (1961)) and Suits (1978) highlight the distinctive character of sport (or play) – a space that differs from everyday life, governed by its own rules, and which allows for a temporary suspension of everyday life. Sport provides an experience of resonance with the world, of openness to the unexpected and vulnerability, which has been fundamental to human development.

Arendt's thinking offers a reflection that could be appropriate for this type of activity. For Arendt (1958), "action" is one of the most important expressions of freedom and is linked to the ability to start something new, to break with routine, and to generate meaning in the world. This ability to act spontaneously and express one's individuality is essential for sport, which is a space of freedom and unpredictability, different from a world dominated by repetitive processes and routines. However, when sports practice is dominated by an exacerbated desire for control and dominance,

and for efficiency and technicality – for example, through the search for almost mechanical precision with tools such as VAR (or the "Hawk's Eye") – this spontaneity and unpredictability is at risk.

This is not to defend some kind of sporting puritanism, but rather to consider the impact that technology can have on it. For example, the historical inequalities in sport, especially high-performance sports, in addition to the obstacles imposed by socio-economic factors to access and continue practicing sport, are also marked by unequal access to the technological means that determine performance. Technological advances in equipment and training have determined the vertiginous improvement in sports performance seen from the second half of the last century to the present day.

In addition, the incorporation of new technologies into sport presents new challenges for human rights, especially equal opportunities. On the one hand, technological advances can improve the safety of athletes and the fairness of competitions. On the other hand, there are increasingly significant concerns related to the negative impact of new technologies, such as artificial intelligence and its role in data privacy and surveillance of athletes and competitions, and its impact on performance enhancement and analysis, rules, refereeing, and strategic decision-making, in the way it affects sportsmanship and the level playing field between athletes. Similarly, biotechnologies pose ethical challenges to sport and human rights, with the potential to radically impact athletic abilities, training methods, and the integrity of competitions. Finally, among sports technologies, there is the problem of their environmental impact, especially in terms of the production and emission of waste and energy consumption, to the point of completely changing the space and sports practices and the disconnection from the natural environment that is essential for various sports (Panciera, 2024).

Democratizing access to technological innovations in sport and regulating them are fundamental challenges, as the disparity in access to technological resources could continue to exacerbate the inequalities that already exist between nations and within sporting communities.

Integrity and ethics in sport are put to the test as unprecedented new disruptive technologies are developed that result in significant changes in performance; such as the technologies already mentioned, and those of bio-enhancement, advanced prosthetics, and the new possibilities of doping, which challenge traditional definitions of skill and merit. Sports communities are challenged to redefine the boundaries between natural

and artificial enhancements, facing dilemmas about what constitutes a fair competitive advantage.

For the present and the future, it is necessary to reflect in the fields of philosophy and sociology of sport on the relationship between sport and technology. It is imperative that regulatory bodies consider and act on these phenomena, how technologies can be used ethically, how they can promote equality and fair conditions of competition, ensuring that sport contributes to integral and inclusive human development by integrating technological advances.

Sport: from violence to the ethics of care

The matter of human rights in relation to sport is first and foremost a field for philosophical reflection and applied ethics, or even global ethics, depending on the approach taken. One could naturally consider politics as the appropriate sphere for this discussion, which is somewhat recurrent; however, this perspective can limit the debate, restricting it to the contingencies of the moment or a tendency towards *realpolitik*. In this context, it is useful to clarify some paradigms that may still influence the understanding of the interactions between ethics, human rights and sport.

Let's start with one of the most complex issues: violence. In a way, sport has an intrinsic (or at least very close) relationship with violence, as both share historical roots in confrontational and survival activities. For example, this connection can be explored when it is stated that "the link between sport and death, beyond the generic implications, is linked to survival, in the reminiscence of the warlike and thanatological nature of sport" (Pereira Martins, 2024, 46).

The philosophical paradox between sport and human rights arises from an ambiguity that may reside there. For example, although sport shares elements with war, it also transcends it (to the extent that it suspends it), in a similar way to what happens in the legal and political spheres. Ultimately, after the written and agreed rules, sport will be regulated by ethics, which offers the possibility of a suspension of violence. The ethical dimension transfigures and gives a new guise to the other, just as human rights seek to protect human dignity and vulnerability. Violence, in turn, exposes the "nakedness" of the other, a term that refers to maximum fragility and unprotection, whether on a battlefield, in a hospital, in the workplace, on the street, or in a concentration camp (Hillesum, 2020; Agamben, 1997).

Historically, ideas tend to shape themselves discreetly over time. In contemporary times, the three structuring principles of dignity can be understood as *diversity*, *multiplicity*, and *inclusivity*, and remain anchored in the ethical sphere that gives rise to them. In this context, a paradox persists that reflects a tension between violence, sometimes associated with sport, and ethics as a philosophical and civilizational response. It is important to note that the dynamics of sport do not always involve violence, but it can arise in certain competitive contexts. It was Huizinga (1949) and Caillois (1961) who made a point of pointing this out as the "agonic" dimension in play and sport.

Today, this tension also manifests itself in the constant struggle between leisure – often linked to boredom – and the values of freedom and truth, which respond to the fundamental needs of human coexistence (Pieper, 1998).

The value that sport has as a form of leisure is undeniable, offering countless benefits for physical and mental health, as well as aligning with the principle of well-being that is fundamental in our society. However, instead of focusing solely on leisure, we can also consider the concept of lightness. Everyday life often imposes a significant weight, but sport, once the more violent dimension has been overcome, has the potential to reconnect us with the joy that comes from the simplicity and lightness of aesthetic experience, rather than the incessant pursuit of *status*, wealth or prestige.

Sports ethics, in relation to human rights, play the role of revitalizing virtues and values, *care,* as opposed to an ethic centered on fatigue and exhaustion, on overcoming and competitiveness as the ultimate goal. This care must encompass everyone involved: the athlete, the spectator, the coach, the family, and the organization, among others, transcending the paradigm of the body as a machine and balancing the quest for victory with attention to the people involved. Valuing people means seeing them as more than just an object or commodity.

Caring for others is also a way of respecting and valuing human dignity. Regardless of one's position in the sporting world, each person's dignity is only complete when one recognizes their face, name, and life beyond the sport, a life that must be respected and cared for. After all, understanding sport implies recognizing that it doesn't exist without ethics (Sérgio, 2024, 213-216).

Challenges and future opportunities: Sport as a human right and an agent of social transformation

By presenting sport in its intersection with human rights, we show how its development in modern times has been re-dimensioned as a fundamental activity in the formation and exercise of human dignity and its full development as a right. The trajectory of sport, which was initially seen as a secondary or neglected activity, has evolved to decisively integrate the development of conditions for equitable access and universal guarantee to sports practices. This process of inclusion should not be limited by socio-economic factors, race, gender or physical and cognitive disabilities – barriers that have historically excluded various groups from both practicing sport and participating in official competitions. Although progress has been made, these challenges continue to represent significant obstacles to full participation and inclusion in sport, now and in the future.

The dimensions that sport takes on in society, from the individual to the collective, as a practice to promote physical and mental health, to an expression of personal freedom and an act of individual and collective political resistance, and as a space for democratic and diplomatic exercise, are in the discussion already presented and are also present and future challenges. Examples abound from the 20th century to the present day, and sport, competitions, and sporting events will continue to be political territory. Especially on the international stage through mega sporting events, especially the Olympics and the World Cup, as diplomatic spaces for disputes and the exercise of *soft power* (Jackson & Haigh, 2009). We also have the example of controversial bans and boycotts that present the position in international politics of these organizations and their member states, as happened with the recent banning of the Russian Federation from the Paris Olympic Games (2024) and the debate over the participation of the Israeli and Palestinian delegations.

The politicization of sport is historical and is a trend in today's political turmoil. It is a fact that sport has always been a space for political dispute and is increasingly being exercised, affected and scrutinized in this way, from the macro-political to the micro-political dimension (Bairner & Molnar, 2010).

The micro-political aspect stands out in the sporting environment through corporeality. Struggles for rights have traversed the history of

sport, for racial and gender equality, and for the inclusion of people with disabilities; these are central struggles in the affirmation of human rights in sport and persist through old and new problems discussed in the literature (Müller & Steuerwald, 2017). Among the problems at the intersection of human rights, sport, gender, race, and disability are: gender differences, gender testing and verification policies (Martínez-Patiño, Vilain & Bueno-Guerra, 2017); racism and the representation of athletes in sport, the naturalization of physical abilities and the attribution of stereotypes to specific racial groups (Hylton, 2009); the inclusion and exclusion of people for their abilities, and perceptions of ability and disability.

The conditions for universal and fair access and guarantee to sports practices are not effective as a human right when observed from the perspectives of gender, race, and disability, intersected by socio-economic factors which are even more unequal. The realization of the human right to sport and integral health through physical activity, its access and guarantee, and the participation and representation of different groups, of hegemonic minorities, persist as future challenges.

Another present and future challenge that must be considered is climate change, which poses an imminent threat to all aspects of human life, which inevitably includes sport. The impacts of climate change on sports practices and competitions are diverse, including outdoor sporting events that are increasingly affected by extreme weather conditions, which not only put the health of athletes at risk but also the long-term viability of many traditional sports practices.

As a result, the sports world has a responsibility to mitigate its environmental impact, whether by reducing carbon emissions from major sporting events and competitions or by promoting sustainable practices in sports facilities and logistical operations. In addition, sport has the potential to be a powerful vehicle for raising awareness and mobilizing the masses, which can include climate change. If new measures are implemented, sport really can play a crucial role in promoting sustainability and protecting the rights of future generations to a healthy environment.

Sport is a powerful platform for promoting human dignity and defending human rights. Sports bodies therefore bear a significant responsibility not only to ensure fairness and equality within competitions, but also to promote these fundamentally human values in all their practices and policies. Interdisciplinary dialog emerges as a fundamental pillar. Collaboration between philosophers, scientists, athletes, and sports organizations is essential for the development of policies that understand and act on

traditional and emerging problems, which ensure that sport respects and promotes human rights. This includes education, awareness-raising, and mobilization about the challenges and opportunities that emerge from this complex intertwining.

We recognize the current challenges, but also the vast opportunities that sport presents as a catalyst for social change. Its transformative potential can contribute to building a fairer and more equitable society, benefiting both present and future generations.

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