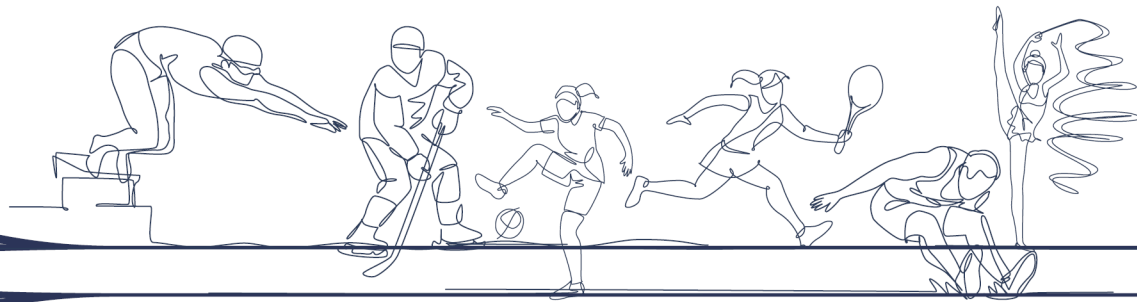


White Paper

CHILD LABOUR IN SPORT

Protecting the Rights of
Child Athletes



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Centre for Sport
& Human Rights

White Paper

CHILD LABOUR IN SPORT

Protecting the Rights of Child Athletes

Delivered at the 5th Global Conference on the Elimination of Child Labour
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Appreciation

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List of Abbreviations

ACEs	Adverse Childhood Experiences
ACRWC	African Charter on the Rights and Welfare of the Child
BCEA	Basic Conditions of Employment Act
CARE Report	Census of Athlete Rights Experiences
CAS	Court of Arbitration of Sport
CRC	UN Convention on the Rights of the Child
CSHR	Centre for Sport and Human Rights
FIFA	Fédération Internationale de Football Association
FIG	Fédération Internationale de Gymnastique
IB	International Baccalaureate
ICSPE	International Council on Sport and Physical Education
ICSS	International Centre for Sport Security
IF	International Federation
ILO	International Labour Organisation
IOC	International Olympic Committee
IPEC	International Programme on the Elimination of Child Labour
OSH	Occupational Safety and Health
SAG-AFTRA	Screen Actors Guild-American Federation of Television and Radio Artists
SDG	Sustainable Development Goal
SRS	Sports Rights Solutions
UNCRC	United Nations Convention on the Rights of the Child
UNESCO	United Nations Educational, Scientific, and Cultural Organization
UNHRC	United Nations Human Rights Council
UNICEF	United Nations Children's Fund
WADA	World Anti-Doping Agency



Executive Summary

It is widely understood and appreciated that healthy and age-appropriate sport can be of great benefit in the lives of children. So pervasive is a belief in the essential 'goodness' of sport that there is a deep-seated reluctance to consider any negative aspects of sport, despite widespread evidence of harms that may be occasioned by participating in sports.

This White Paper is focused specifically on the work of children in, or on the pathway to, elite (high- performance and professional) sport, and the experiences of children and the situations they may encounter that are analogous to child labour. Although children in high- performance and professional sport are not included in the current understanding and measurement of child labour, this paper argues that the conditions and impacts they experience are similar to those of children working in more recognized forms of child labour. Evidence to support this argument is derived from an in-depth review of relevant literatures, and from a series of 24 Consultations with various expert groups.

The White Paper is also a contribution toward the achievement of SDG target 8.7 which calls for the eradication of all forms of child labour by 2025 and respect for the legal obligations of States contracted under ILO Conventions 138 and 182, and the UN Convention on the Rights of the Child (CRC).

The paper begins by defining children's work in the global industry of high-performance and professional sports. Since athletes are the key 'players' in this industry, and since playing careers tend to be quite short, the industry depends on a constant pipeline that delivers aspiring and talented child athletes. Their work, which involves early specialization in a sport, intensive and high-volume regular training and involvement in repeated high stakes competition, meets the criteria for child labour outlined in the ILO and UN Conventions noted above. Children's development as athletes is facilitated by a wide range of adults, some of whose livelihoods depend on the work of children.

Not all work by a child automatically qualifies as 'child labour' to be eliminated.

Child athletes are considered to be engaged in labour when their participation in sport involves "economic exploitation and... performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development." Child athletes are



considered to be at work when they are participating in sport for their own or someone else's gain or engaged in intensive training in order to do so in the future.

Key findings from the literature review and Consultations consider: (1) the context for this White Paper, how child labour in sport intersects with children's rights in sport in the prevailing system of developing elite child athletes; the harms arising from this system are then considered with regard to (2) the overlapping categories of health, welfare, risk and safety with a focus on injury, abuse and violence; (3) the challenging situation of families with a child in elite sport, and the education of children in elite sport are the considered, followed by (4) an brief overview of trafficking and the international transfer of child athletes, and the possibilities and problems of specialist sport academies. The key findings conclude with a brief consideration of some culturally specific forms of child labour in sport.

In almost every sector of life, childhood is recognized as a distinct and separate period of growth and development, where adults have a duty of care for children. This distinction is widely recognized in international and (most often) domestic law and made in every sector from education to labour legislation, but not in sport. Minors who qualify to compete at an adult level of high-performance or professional sport are expected to 'work' – train and compete – at the same level as and usually with adult athletes.

This White Paper endorses a child rights approach to govern children's involvement in sport by bringing together child rights and child labour law, policies, standards and regulations to better protect children at any level of high-performance and professional sport. The primary aim is to provide guidance to States and sport organisations to enable them to enact policy to nurture talented children in sport while acting in their best interests, fully taking into account their holistic development as children and respecting and protecting their rights.

This guidance is outlined in a series of 17 Recommendations. These include advocating the recognition that some aspects of children's participation in sport are analogous to child labour; asserting that children's rights should guide all decisions concerning children in situations analogous to child labour; and arguing that sports bodies and states should introduce and regulate appropriate minimum ages, and maximum hours for children's training and competition in elite sport.

Parallels are drawn with the entertainment, advertising and cultural industries where some States and jurisdictions impose age-appropriate restrictions on children's work.



Other Recommendations urge the consideration of children as 'protected persons' in elite sport and seek assurances that children will be made aware of their rights; and several Recommendations concern the parents of child athletes and the education of child athletes.

The significance of acting on this guidance and implementing the recommendations set out at the end of this paper will be realised in the form of a healthier, well-balanced, sustainable and more child-centred emphasis in the sport development system.



Introduction

It is widely understood and appreciated that healthy and age-appropriate sport can be of great benefit in the lives of children. Sport involves fun and excitement, and there is a great deal of research showing that sport, under the right circumstances, can help to promote the physical, mental and social development of children and thus contributes to the realization of their human rights. Sport for development programmes, many of which are established specifically for children, are based on the principle of sport for good, where sport is regarded as having the potential to reduce social, historical, and political inequities, foster health promotion and positive youth development, and aid in social cohesion. Some sport for development programmes are even intended to prevent child labour.¹ So pervasive is a belief in the essential 'goodness' of sport that there is a deep-seated reluctance to consider any negative aspects of sport, despite long standing scientific research and growing media, academic and public attention paid to the work, exploitation and abuse (neglect, physical, psychological and sexual) of children in sport.

This paper is focused specifically on the work of children in, or on the pathway to, elite (high- performance and professional) sport, and the situations children may encounter that are analogous to child labour. Among these situations are: excessive hours of intensive training in relation to the age of the child; excessive repeated training that can cause chronic and/or acute injuries; trafficking and sale in and through sport; loss of education and a balanced physical, psychological and social development; and being subjected to intimidation, harassment, violence, abuse, neglect, exploitation, avoidable injuries and doping. Although children in high- performance and professional sport are not included in the current understanding and measurement of child labour, this paper argues that the conditions and impacts they experience are similar to those of children working in more recognized forms of child labour. The paper is framed from the perspective of child work as a contribution to the 5th Global Conference on the Elimination of Child Labour (May 2022, Durban, South Africa). More importantly, the paper is a contribution toward the achievement of Sustainable Development Goal (SDG) Target 8.7 which calls for the eradication of all forms of child labour by 2025.

Defining child labour with reference to child athletes: Since the 1960s, sport has grown to become a major global industry now worth, by some estimates, up to \$500 billion a year. What has been referred to as the 'sport industrial complex'



includes apparel and equipment manufacture and sales, event production and management, gambling, travel, media, and corporate advertising and sponsorship. The key 'players' in this industry are the athletes, without whom it would not exist. Since the careers of professional and high-performance athletes tend to be quite short, the success of the industry depends on a constant pipeline of aspiring and talented child athletes.

Organizations focused on children's rights and on child labour have paid a great deal of attention to ending children's work in the sporting apparel and equipment industries, and more recently to ending children's work in association with mega sport events such as the Olympic Games and football World Cups. However, very little attention has been paid to the 'work' of children in the talent development pipeline, and those children who have advanced to compete at various levels of national, international and professional sport. The children in the pipeline, and those who advance successfully, are facilitated by a wide range of adult actors, some of whose livelihoods depend on identifying talented children, enrolling them in the 'sport system' and driving their development as athletes. These include scouts and recruiters; sport club/organisation administrators; coaches, instructors, fitness experts and trainers; medical/clinical professionals (physicians, surgeons, physiotherapists, massage therapists, and so on); support workers such as sport psychologists; sports media, advertising and corporate sponsors; agents, and sometimes parents.

The development 'system', based on early talent identification, early specialization, intensive and high-volume regular training and involvement in repeated high stakes competition, became very prominent during the Cold War period. As international medals, records and championships took on political importance in a 'war without weapons', talented children became involved in focused training at younger and younger ages to peak earlier, achieve more, and in the hope that they would be successful for a longer period. This system became widespread in all the countries involved in the 'global sporting arms race', and it continued after the Cold War – driven by the fact that international sporting success continued to be perceived as politically important and by enormous growth in the mediatization and commercialisation of both high-performance and professional sport.²

The first official warnings about potential harms to and abuse of children in this elite sport system are found in UNESCO's 1964 Declaration on Sport, which includes concerns about the physical health and mental and social development of children in the system.³ The analogy with child labour was first drawn in the 1970s



following growing awareness of ILO Convention 138 (the Minimum Age Convention, 1973). The comparison increased in the 1980s, and even more so in the 1990s following adoption by the UN General Assembly of Convention on the Rights of the Child (CRC, 1989) which was subsequently ratified by every country except one. The CRC (Article 1) defines a 'child' as any person under 18 years of age unless domestic law sets an earlier age. Thus, in this paper, children refers to all persons under the age of 18.

More recently, the 27 December 2018 thematic report of the UN Special Rapporteur on the Sale and Sexual Exploitation of Children (presented to the UN Human Rights Council and UN General Assembly) called attention to these issues: "States and sports organisations should have as their first priority the eradication of child labour and should consequently keep this objective in mind with regard to the practice of sports by children. Any sport, in particular at the elite level, that leads to situations of child labour should be reformed."⁴

Children who are paid to compete in sport are clearly engaged in work that should be considered child labour if the activities or conditions are "likely to be hazardous or to interfere with the child's education, or be harmful to the child's health or physical, mental, spiritual or moral development" (article 32.1, CRC). Contracts may not be that of an 'employer-employee relationship' and there is little in the way of formal regulation regarding child athletes' hours of work, time for education, protection of income, health, psychological and social development, and safety. Children involved in intensive training and competition who receive funds in the form of prize money, sponsorship contracts, or government or private bursaries may find themselves in a situation analogous to child labour. Many of the children who specialised early in a sport and are involved in intensive training and competition in anticipation of eventually becoming a national team or professional athlete (i.e., they are in the 'pipeline'), are also working in a situation analogous to child labour. This process cannot be reduced to considering children as 'trainees', which is an unfair qualification of children's experiences and the situations and conditions in which they train and compete

It is important to note that not all work by a child automatically qualifies as "child labour" to be eliminated. In this paper, child athletes are considered to be engaged in labour when their participation in sport involves "economic exploitation and... performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development."⁵ Child athletes are considered to be at work



when they are participating in sport for their own or someone else's gain, or engaged in intensive training in order to do so in the future. 'Gain' is normally considered to be economic, although some other forms include political or reputational gain. A long list of adults (mentioned above) stand to 'gain' from children's work in sport, and there is clear reason for concern when the livelihood of adults is dependent on the performance and achievements of children and/or their successful progress through the various stages of performance or talent development pipeline.

In some cases, the work of children in sport violates the CRC and the universally ratified ILO Convention 182 (Worst Forms of Child Labour, 1999), especially "the sale and trafficking of children," and "work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children" including the sexual exploitation of child athletes. The ILO recently recognized the work of children in sport in the Points of Consensus of the ILO Global Dialogue Forum on Decent Work in the World of Sport (2020). Points 8, 22 and 30f relate to children: 8 refers to the "special protection [of child athletes] from abuse... injuries and illness;" 22 refers to protection from exploitation, and child athletes' right to education; and 30f calls for recognition of the best interests of the child in sport programmes.

A recently recognized form of 'gain' is derived from the monetization of the vast amounts of personal data collected on the physique, character, skills, competitive achievements and social media presence of talented young athletes on the path to high-performance and/or professional sport. Andrew, et al. (2022) identify those collecting, processing and using the personal data of young athletes.⁶ Such athletes may never be paid for their data, and may not even know it exists and is being sold for others' gain.

There is one final distinction to be made with regard to defining the 'work' of young athletes. In almost every sector of life, childhood is recognized as a distinct and separate period of growth and development, where adults have a duty of care for children. This distinction is widely recognized in international and (most often) domestic law and made in every sector from education to labour legislation, but not in sport. Minors who qualify to compete at an adult level of high-performance or professional sport are expected to 'work' – train and compete – at the same level as and usually with adult athletes. As Teetzel recently pointed out, "...age ought to matter more than it currently does" in children's elite sport.⁷



In this paper, the autonomous nature of sport organizations is referenced. This refers to the ability of sport organisations to establish, amend and interpret sporting rules, to select sporting leaders and governance styles, and to obtain public funding without disproportionate obligations, severe external constraints or interference by states or third parties.

Aims and Significance of the White Paper: Where 'gain' may be made from the performance and achievements of children, historically some sport organisations have used their autonomous, self-regulating status to disregard children's rights and child labour laws, policies and standards. This paper endorses a child rights approach to govern children's involvement in sport by bringing together child rights and child labour law, policies, standards and regulations to better protect children at any level of high-performance and professional sport. The primary aim is to provide guidance to States and sport organisations to enable them to nurture talented children in sport while acting in their best interests, fully taking into account their holistic development as children and respecting and protecting their rights. The significance of acting on this guidance and implementing the recommendations set out at the end of this paper will be realised in the form of a healthier, well-balanced, sustainable and more child-centred emphasis in the sport development system.



Methods

This paper is the outcome of a short-term project initiated by the Centre for Sport and Human Rights undertaken from December 2021 to May 2022. An independent multi-disciplinary Steering Committee of 13 experts was established to guide the overall project. The Centre contracted Sports Rights Solutions to coordinate the project and conduct applicable supporting research. In addition to an extensive review of the relevant research literatures, a series of 24 Consultations were carried out with panels of experts in various sub-fields relating to the project. Included in these Consultations were sports organisations, coaches, agents, academics, experts in child labour, child rights and trafficking, regional entities, sports academies, athlete unions and representative groups, and the entertainment industry. [A detailed outline of the Methods is presented in Appendix A.]



Key Findings

from the review of literature and the consultations

In most cases, the review of the research literature and the Consultations were in accord, both supplementing and serving to confirm each other.⁸ This summary of key findings begins with the context. This involves setting out how child labour is conceptualised and how it intersects with children's rights in sport. The most prevalent system of developing elite child athletes (early talent identification and specialisation, intensive and high-volume regular training and repeated high-stakes competition) and some prominent harms arising from this system are then outlined. Thereafter, these harms are considered with respect to the overlapping categories of health, welfare, risk and safety, including injury, abuse, violence and safe sport. The place of families and education is then considered; and the key findings conclude with an overview of child trafficking and sport academies.

CONTEXT

Child Labour - As noted, there has been a widespread reluctance to consider children's participation in sport as 'work', especially those at an earlier level of development. However, the concept of 'gain' or potential 'gain' helps to affirm that some children – even though they are 'playing' sports – are engaged in work. Of note is that, of the many, many thousands of children in the elite development pipeline, very few will progress to compete on a national or a professional team. Moreover, there is very little research to show how those who are injured or otherwise deselected fared following the unplanned end of their sport careers.⁹ The possibility of fame and success drives, and is often used to justify undergoing the rigours and possible harms of intensive training and competition but very few will experience success in terms of achievements, records, medals or championships, and the great majority of those who become professional athletes will work at levels of professional sport that are poorly paid while often sacrificing educational opportunities. The precarious nature of work in high-performance and professional sport is further exacerbated by many young athletes failing, for various reasons, to have a 'Plan B' (such as education or alternative skills training). In fact, the culture is such in many sports that being open to alternatives is perceived as a lack of commitment to the sport.



Hart Cantelon (1981) was the first to draw a parallel between the work of children performing in sport and those performing in the entertainment and advertising industries. He pointed out that international "sports have been transformed into a rationalized work world" that is built on the labour of children (p. 261).¹⁰ Peter Donnelly followed with a study of 45 retired high-performance athletes who described the work-like nature of their sporting experiences during childhood and adolescence.¹¹ By 1999, *Child Labour: A World History Companion* acknowledged that in some sports "it is common for leading international participants to be of school age... [and] since success in international events such as the Olympic Games almost always demands many hours of rigorous training, it is reasonable to argue that the lives of these young people must be seen as a form of child labor. [T]here is... good reason to remain vigilant and critically scrutinize the treatment of young athletes (p. 218)."¹² In 2005, Steering Committee member, Consultation panelist and international child rights expert, Paulo David, included a chapter (11) on the 'work' of child athletes in his book on children's rights in sport. And the 2021 World Players' CARE Report found that 51% of athletes under age 18 reported having experienced economic exploitation.¹³ Some expert panelists in the Consultations questioned where the line could be drawn between child work and child participation in sport, but none refuted the link between child work and child athletes.

From a legal perspective, a 2015 law review article, for example, explored the need for labour regulations to protect elite child figure skaters and gymnasts.¹⁴ However, there are several examples of legal and political resistance to categorizing high-performance athletes (adult and child) as 'employees' of their national sport organisation or their government sport agency. For example, in 1988, Beamish and Borowy demonstrated that government funded national team athletes met all criteria for being considered as employees of the Canadian government. However, the report was ignored by Sport Canada. British cyclist Jess Varnish recently lost her case to be considered as an employee of the British Cycling Federation and UK Sport in an Employment Tribunal case and on appeal.¹⁵ In both cases, the autonomous nature of sport organizations helped to exempt them from labour regulations. However, child labour can occur with or without an employment relationship and is forbidden by law in most countries.

Children's Rights - Before 1989, children's rights in sport were mentioned in the research literature and in various charters (e.g., European Sport for All Charter, 1975; UNESCO International Charter on Physical Education and Sport, 1978), but almost exclusively with reference to participation. Adoption of the CRC in 1989, and its nearly universal ratification, helped to sustain that call for children's right to



participate; but it also provided a basis for recognizing the rights of children engaged in sport, including those in high-performance and professional sport.¹⁶

Article 32 of the CRC (cited above), which echoes ILO Convention 138, outlines the right most immediately relevant to this paper: States Parties are called on to:

- a) Provide for a minimum age or minimum ages for admission to employment;
- b) Provide for appropriate regulation of the hours and conditions of employment; and
- c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

International labour and human rights treaties impose legal obligations on States to respect, protect and fulfill the rights of children. Even in countries where sports organisations are historically autonomous and self-regulated, the State remains fully obliged and accountable to ensure that no child rights violations occur within sport. At the same time, in the provision of the UN Guiding Principles on Business and Human Rights, sports bodies have responsibilities to protect proactively against human rights violations in their operations and provide remedies if such violations take place.

Children's rights, as defined in both the CRC and ILO Conventions 138 and 182, were not questioned during the Consultations. There was an implicit or explicit endorsement of children's rights from all the expert Consultations where they were discussed. However, many panelists also recognized that children were most often not aware of their rights when engaged in sport, a point raised in many Consultations. The CARE survey found that 69% of athletes said they were not aware they had rights when they were a child in sport. This was also the case for their parents or caregivers. Children's rights are now well established in international law and universally recognised as legal obligations of States. There is no reason to exempt States and those in the sport environment from ensuring the rights of children in their care.¹⁷

It is recognized in the research literature and mentioned in the Consultations that children involved in various levels of high-performance and professional sport are likely at even greater risk of having their rights violated than other child athletes. This is a consequence of spending far more time with adults who have, in many cases, established a culture of dependence and control (or even a culture of abuse)



in contexts where they may have a great deal at stake contingent on the performance and accomplishments of those children.

Early talent identification / early specialization / intensive training / high stakes competition-The final piece of the context for children's work in sport is the sport development system that emerged during the Cold War, and which is now enhanced and widely entrenched because of science and technology and the ongoing politicization and commercialization of high- performance and professional sport. The system, in its current form, is characterized by Wharton as:

1. early talent identification and specialisation being more prevalent and structured, with children from an early age being faced with demanding training programmes involving long hours of intensive, repetitive training and in some cases strict dietary regimes;
2. major competition commitments, and sometimes too much competition;
3. the age of top athletes decreasing dramatically in many sports, and children at elite level in some sports;
4. a significant increase in skill levels, mechanical loads, flexibility and strength requirements in many sports;
5. substantially increased time devoted to training and preparation, and more repetition of skills; and
6. pressure and expectations to succeed from coaches, parents, governing bodies of sport and from the children themselves.¹⁸

Recent research on early talent identification: While there are frequent media reports of children under 10 years of age who are the new prodigies in tennis or golf, or who have signed a professional contract in football, the research on early talent identification shows real problems with the system. A scoping review selected from more than 2,400 studies on the subject concluded "that our understanding of talent identification remains limited, despite the extensive body of literature available." And research carried out in the Lifespan Health and Performance Laboratory at York University (Toronto) produced a scathing critique of the current system, pointing out, for example, that: talent identified at a very young age may not still be evident as a child grows; selection is frequently made with short term performance goals in mind rather than long term development; and that children whose talents develop later are often lost to the sport system. The issues that compromise effective talent identification "are not always mutually exclusive further complicating the already challenging practice of developing high-performance athletes."¹⁹



Research on early specialization in sport: An equally large body of research exists on early specialization in sport, with the central theme being a debate about which is better for talent development – early specialization in a sport (or an event in that sport, or a position in a team sport) or early experience in several sports and movement practices. The American medical establishment has weighed in on this issue (e.g., American Academy of Pediatrics; American Orthopaedic Society for Sports Medicine), generally concluding that there are many problems that can result from early specialization and that early multidisciplinary practice is better. A recent meta-analysis of research indicates that specialization leads to faster progress in a sport, but to a lower level of peak performance; world class athletes often played more sports when they were young. Since there are massive investments in, and widespread social and cultural support for early specialization, it seems that the main talent development system for young athletes is not supported by sufficient valid research evidence. Even where there is research support for early specialization, researchers add a note of caution about the potential negative effects of intensive training. From a more sociological perspective, Jay Coakley points out that "there is little research supporting the idea that the overall physical, psychological, and social development of young people is well served by specializing in a single sport." However, "[a]dults working in youth sports may experience career benefits from such specialization, and parents may use it in the process of claiming moral worth... but young people are more likely to benefit from participation in multiple sports and physical activities."²⁰

Research on children in intensive training: Much of the research on early specialization also focuses on intensive training. Research on children's involvement in intensive training for sport began to emerge in the early 1990s. Oded Bar-Or, from a medical/physiological perspective, dismissed most of the claimed benefits of intensive training for children due to a lack of evidence. He did, however, provide an extensive list of risks: heat intolerance and heat-related illness; injuries from resistance training and weightlifting; aberrations in eating habits; iron deficiency; delayed menarche; osteopenia; and myocardial changes. William Garrett, from a clinical/pathological perspective, concluded that, "Ultimately, we must better define for our young athletes the overall balance between exercise dose, improved performance, and the risk of injury." Some 30 years later, there is little evidence of any systematic effort in most of the world's sport systems to ensure the 'balance' called for by Garrett. The International Olympic Committee (IOC), the epitome of high-performance sport, developed a set of Recommendations for Youth Athletic Development calling for less intensity and more "life-forming experiences... centred on the whole athlete and development of the person."²¹ However, progress has been slow to regulate or dismantle the child sport development system that motivated the Consensus Statement.



High-stakes competition: Concerns about children's involvement in high stakes competitions are spread widely through sociological, psychological and clinical research literature critical of children's involvement in high-performance and professional sport. In addition to concerns about burnout, injury, and even substance abuse and doping, attention has been paid to the mental health consequence of pressures and responsibilities placed on young athletes in high-stakes competition.²² These include: pressure on the young athlete to succeed, to continue improving in order to retain a place in the system; pressure to win in order to maintain external funding sources for the club or organisation, and to justify parental investment and support in a child's sporting career; and responsibility to improve and succeed in order to maintain the employment of coaches and other entourage members (coaches have been known to 'guilt' young athletes on these grounds).

The key findings regarding this system of sport suggest that the best interests of the child are not central to the system. Instead, this is a system of work within which a 'win at all costs' ethic predominates, and there are few attempts to distinguish between children and adults. Far more attention needs to be paid to age appropriate, developmentally appropriate and physique appropriate forms of training and competition.

HEALTH, WELFARE, RISK and SAFETY

Health and injury - Injuries are common in sport, and the more intense the levels and repeated load of training and competition, the more injuries are likely to occur. In fact, so common are injuries at the higher levels of sport for adults and children that they have become normalized. A recent study of 533 Norwegian Olympic athletes, some of whom were children (a country noted subsequently for best practices in children's sport) found that, at any given time, the prevalence of health problems – injury and illness – was 32%, in a field of endeavour widely celebrated as 'healthy'. The athletes lost an average of 27 training days each year due to health problems. Even at an Olympic Games, where athletes are presumed to be at their peak of fitness, there are striking rates of health concerns. A study of almost 3,000 athletes (including children) at the PyeongChang (2018) Winter Olympics found that 12% of the athletes incurred at least one injury, and 9% at least one illness.²³



If a similar rate of injury existed in other child-populated domains such as schools, it would warrant major legal and policy attention. However, a review study found "that most elite athletes [including children] are not [even] aware that sporting injuries are occupational injuries requiring behaviours determined by OSH [occupational safety and health] rules." in the worst cases of win-at-all-costs sport: players may be expected to 'play hurt'; injured players may be reluctant to report their injuries for fear of losing their playing opportunities; injured players may be pressured to return to play before full recovery; and information about their injuries may be deliberately withheld from players. A study of children's injuries in volleyball concluded "that athletes are exposed to violation of rights in various forms that lead to injury."²⁴ And in one of the Consultations, it was reported that there are a growing number of preventive and elective (performance enhancing) surgeries being performed on children, presumably with the consent of parents.

With child athletes being ever better prepared physically, sports have become faster and more powerful collisions occur which can generate significant injuries. A very serious form of injury that has plagued the sports for the last decade – especially the various forms of football and rugby, and ice hockey – are concussions. Data are still limited, but research now regularly shows that in the sports with the highest rates there are now more than 4 concussions per 1,000 athlete exposures. Physicians and other specialists refer with concern to this recent development as a 'silent epidemic' or the 'invisible injury'.

In a movement reminiscent of Me Too, Time's Up, and Black Lives Matter, athletes' voices are now being heard with reference to the toxic cultures they have suffered as part of their experiences in elite sport, and the injuries, violence and abuse that they are experiencing. Of particular note in sports and in the media are athletes speaking openly about their mental health and drawing a direct line between their experiences in youth and adult sports and their mental health problems. One of those problems – straddling the line between illness and abuse – is disordered eating, often leading to eating disorders. This is especially prevalent in 'aesthetic' sports and weight-class sports, and particularly problematic for children who need adequate nutrition to grow and for energy to engage in intensive training and competition. Eating disorders are often a response to the psychologically abusive practices of 'fat-shaming' or 'body-shaming' by coaches or fellow athletes, driving young athletes to achieve or retain an 'ideal' body shape or size for the sport.²⁵

Drugs, such as hormone blockers, may also be used to retard puberty and retain an 'ideal' body shape for some sport. And drugs are used, even by child athletes, for weight loss, pain control (excessive use of analgesics), and performance



enhancement. The latter is a violation of the rules of sport, and non-therapeutic drug use in general by children in sport "harm[s] the health, safety or morals of children" (ILO, 182) and may have a long-term impact on a child's health and development. Children are only able to use drugs with the complicity or assistance of adults who control doping through production, access, purchase, distribution and administration.²⁶

Abuse, violence, and safe sport - Since the first reports of high-profile athlete abuse reached the media in Canada and the UK in the early 1990s, reports have increased significantly, and athletes are now more recently being heard. One forum for athletes' voices has been in some recent prevalence [of abuse] studies - in Europe with a large multi-country survey of over 10,000 young adults about their experiences of violence as children in sport; and in Canada with a survey of more than 1,000 current and recently retired national team athletes.²⁷ In both studies, striking numbers (well over 50% of the samples) reported experiences of 'violence' in sport (Europe) and 'maltreatment' in sport (Canada), with a similar ranking of types of abuse in the two studies. In both cases, psychological (includes emotional and verbal) abuse ranked highest (approximately two-thirds of each sample), and sexual abuse the lowest (approximately 20% of each sample), with neglect (more reports in Canada) and physical abuse (more reports in Europe) ranking between.

As with injuries, the normalization of abuse is significant. Psychological abuse is so normalized that many athletes and coaches deny that it constitutes a form of abuse and is just a part of the culture of sport.²⁸ Growing evidence of the long-term harmful effects of psychological abuse are helping to establish its presence as a form of violence/maltreatment. Physical abuse, such as the use of exercise as punishment is also normalized, as are some aspects of neglect (e.g., failure to attend to an athlete's injury).²⁹

Sexual exploitation commands far more media and public attention than other forms of abuse in sport, although it is the least likely to be reported by child athletes (especially young high-performance and professional athletes). This relates to the power dynamics inherent in elite sport, rendering children particularly vulnerable to grooming and sexual exploitation by a perpetrator. This is compounded by feelings of shame, fear, failure to understand that what was happening was a violation of their rights, not knowing how to report or who to report to, and concerns about retaliation from their abuser or sport organisation that may end their career.



At the same time, sport organisations have concerns about the possible negative reputational and financial impact if cases are reported and become known. The autonomy of sport has meant in the past that the primary place to report abuse was to the sport organisation who was often the employer of the abuser.

In a number of countries athletes' voices are now focused on calling for the creation of independent agencies to investigate and adjudicate their complaints, and on changing the culture of sport such that abuse is no longer normalized. Some survivors of sexual abuse in sport have formed organisations (e.g., The Offside Trust in the UK; the Army of Survivors in the USA) to amplify their voices.

It is becoming increasingly evident that physical, mental and sexual abuse of children, and the cumulative effects of adverse childhood experiences (ACEs), have long term deleterious consequences for their physical and mental health as adults. This evidence provides an even stronger case for prevention (as if one were needed), and the need for appropriate means to address recovery, care and rehabilitation, both immediately and in the long term. "The principles of autonomy and specificity, which are at the heart of sports institutions, should never be used as an excuse to renege on the human rights responsibilities of these organisations."³⁰

FAMILIES and EDUCATION

Parents and families - Most parents and siblings are extremely proud if one of the children in their family has talent in sport, music, or another endeavour; and they want to ensure that their child is able to realize that talent. In the case of sport, there are real social class differences in the support that may be given. Middle- and upper-income parents are able to support their child's sport development while knowing that their child will likely go to university and have other opportunities in life. Low-income families have less opportunity to support their child's sport development, often having to depend on others who may sponsor their child's sport development – a path fraught with risks such as being exploited by unethical agents. In several Consultations situations were reported of parents in low-income countries paying agents to place their child in an academy, or to fund travel to a country where they might become a professional athlete. Parents in low-income countries (and low-income parents in high-income countries) also hope that their child's sporting talent will lead to them gaining an education



and/or a professional sport career which will enable them, in turn, to support their family, and sometimes their extended family or their entire community. Such responsibility places a great deal of pressure on a child.³¹

Risks also exist for the middle- and upper-income families. Tess Kay's research on 20 families where one child is a high-performance athlete discovered two factors: "the enormous significance of the financial cost of supporting a child's progression to excellence;" and "the impact on family lifestyle."³² Thus, while families are providing practical (money, time, travel) and emotional support, they are also experiencing real costs to family life as a result of the system of intensive training and competition: money not available for other things; disrupted family activity patterns; and the impact on relationships and emotional life. Sibling relationships may become strained by the amount of time and money devoted to the child athlete, and parents may feel guilty about the inordinate amount of time and money being devoted to one child. This may place a strain on family relationships, especially if parents disagree about the level of commitment made to one child.

Parental guilt is also evident when parents feel that they are unable to protect their children from the harms of sport. In a study of parents of swimmers, Dukes and Coakley found that parents – the majority of whom had no experience of elite competitive swimming – learned how to become 'sports parents' by observing other parents who had been there longer.³³ Parents have little awareness of their rights, or the rights of their children in sport, and through their socialisation they come to normalise (as their children do), for example, verbal abuse directed by a coach at their child, the use of exercise as punishment, loss of school time for training and competitions, or demands for diet restrictions. Through their lack of knowledge, in wishing the best for their children, and feeling that intervention on their part may damage their child's opportunity to advance in the sport, parents are slowly drawn into complicity in a controlling and abusive culture. Sports clubs and organisations with a controlling culture are happy to work with parents who lack appropriate knowledge or, in some cases, clubs may prevent parents from observing training sessions. Parents' commitment to the sport may sometime come to exceed the child's commitment. Some of the athletes interviewed by Donnelly (see Note 9) talked about how they wanted to quit the sport in order to try something else when they were adolescents but felt that they were unable to tell their parents who had become so invested in their child's sport career.

This section may seem to be distinct from others in relation to children's work in sport, but it is evident that parents may unwittingly enable the work-like



relationships their children find themselves in on their path to high-performance or professional sport. Gjaka, et al. pointed to the lack of power and knowledge of parents relating to their inability to support their children's 'dual career' in sport and education.³⁴ ['Dual careers' are also presented in the Recommendations.]

Education - Education is directly related to the child's right to protection from "any work that is likely... to interfere with the child's education" (art. 32 CRC). Children's right to education also includes education "directed to: (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential" (art. 29.a CRC). There is little research literature specifically on high-performance and professional sport depriving children of their right to education, although it is mentioned frequently in reports on violations of children's rights in sport. Involvement in intensive training for 5 or 6 hours a day plus travel and competitions inevitably results in a loss of school-based education. Child labour legislation in some jurisdictions in the entertainment and advertising industries ensures the provision of a tutor. There were no reports of such regulations occurring in sport, although some wealthy parents may have provided tutorial services to their children who are travelling internationally for sport competitions.

Some schools have also arranged on-line teaching for students unable to attend school-based education regularly. However, there are many reports from athletes describing the failure of their school authority and their sport organisation to negotiate scheduling (of competitions, training, exams, and so on), leaving child athletes to have to choose between education and sport. In the Parents Consultation accounts were given of teachers refusing to make concessions or provide accommodations for child athletes. And in some team sports (e.g., soccer, ice hockey), especially at a pre-professional level, there are reports of coaches establishing an anti-education culture on a team, arguing that athletes making a commitment to school were failing to fully commit to the sport. "The right to education for the full and harmonious development of the child is thus extremely important... as it is often violated at the elite level of sport and indicative of child labour."³⁵

Good practices related to education were also reported during the Consultations. For example, some academies and specialist sport schools scheduling half of the day (mornings or afternoons) for education; and in another case, extending the International Baccalaureate programme from two to three years for young athletes.



CHILD TRAFFICKING and SPORT ACADEMIES

These two topics are connected by the circumstance of children moving away from their homes (although not always in the case of academies). There is also considerable overlap between them in the research, during the Consultations, and in the actual process of player development and international transfer. There is no question that the traffic or transfer of minors for financial purposes constitutes a form of child labour and a human rights violation.

Child trafficking and the international transfer of minors – International transfer and trafficking of minors occurs in certain sports – notably football, baseball, basketball, ice hockey, and likely others. It appears that soccer has the largest numbers of children trafficked for sport, with players from South America and other parts of the world moving to Europe. But by far the largest numbers are from West Africa with an estimated 15,000 children each year.³⁶ The International Federation of Association Football (FIFA) has had regulations for the international transfer of minors for approximately 20 years, but these have proven difficult to monitor or enforce. The Consultation with FIFA representatives addressed the challenges of enforcement and how they are dealing with those challenges. The recently revised Regulations on the Status and Transfer of Players shows that progress has been made, underpinned by a desire to better protect children from the risk of exploitation. These include regulatory changes for agents representing players who are children, including the reintroduction of agent licensing and caps on commission fees. Compliance and oversight will be helped with a record of all transactions associated with international transfers being maintained by FIFA's new 'clearing house'.³⁷

There is also some question of whether the unofficial transfer, or traffic in child athletes meets the definition of human trafficking under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.³⁸ Trafficking children in sport is, of course, a matter of exploitation. "[T]he recruitment of children into sports can involve a 'cocktail' of deception" by unlicensed sports agents and businessmen, coupled with corruption, fraud and exploitation to "auction the child off to sports franchises and clubs around the world, in a quest to maximize the financial return on their investment." [McGee] notes competition between licensed and unlicensed agents in securing talented players and the use of deception to lure parents into signing fraudulent contracts.

Relatedly, parents have handed over money to fraudulent agents who make false promises of trials for their children with professional sports clubs.³⁹

Much of the progressive research and advocacy on child trafficking is being carried out by a research group in the UK that includes a Steering Committee member (Paul Darby) and several expert panelists. One of the group members, James Esson, has brought an important nuance to the research by including the voices of young African footballers in Europe and Africa. He notes his: "concerns with headline-grabbing, hyperbolic statements about neo-colonial exploitation, slave trades and child trafficking... narratives [that] often divert attention away from the broader structural conditions that funnel youth into the football industry in the first place;" and questions assumptions about the players' desire to return to their countries of origin.⁴⁰ In the final analysis, Andreff argues that, "Unless a deep reform puts the existing system of transfer upside down, there is no reason to believe that trafficking human beings will be phased out on the global player transfer market as far as international transfers of teenage players from developing countries are concerned."⁴¹

Sports academies - Other than the research on trafficking that also mentions academies, little research is available on academies. They appear to range from those reputed to focus on the whole child rather than just the athlete (e.g., the Ajax FC academy in the Netherlands) and those public sector specialist 'sport schools' that are a part of the education system in countries such as Cuba and Canada, to the most exploitative places that promise far more than they ever deliver (in terms of education, training, contacts, and so on). The best academies are concerned with the 'whole' child and the best interests of the child. The worst are a part of a trafficking chain, such as those described by the UN Special Rapporteur on the Sale and Exploitation of Children, where children are described as 'commodities' who are exploited and abused.⁴²

In one of the Academic Consultations, an expert panelist noted the limited emphasis given to education at the baseball academies in the Dominican Republic (see also Platts & Smith, Note 35), but also pointed out the importance of the player registration system for academy players, maintained by the government. And several studies of academies in West Africa point out the connection of some to the sport for development movement, often indicating that sport is also being used to introduce other benefits such as health and education (a connection that was also noted in the Latin American Consultation).⁴³

CULTURALLY SPECIFIC FORMS OF CHILD LABOUR IN SPORT

Perhaps the most widely known case of child labour in sport is that of children employed as camel jockeys in camel races held in nations on the Saudi Peninsula. Two other cases of children as jockeys are in Indonesia and in Mongolia.

Camel jockeys: The camel jockeys case became well known because it involved several egregious forms of abuse. Young children were trafficked, often from South Asia, to be used as jockeys. They were paid little to nothing, they were deprived of adequate nutrition to keep them small (light), they were exposed to the dangers of falling from and/or being trampled by camels, and they were often abandoned when they became too heavy to be useful as jockeys.⁴⁴ This is also a success story in campaigns against child labour. Various organisations (e.g., Anti-Slavery International, ILO) started campaigns in the 1990s; laws were changed to prevent the abuse of young children, but not initially implemented; and eventually, under a great deal of international pressure, an alternative to children was developed in the form of robot jockeys.

Horse racing in Indonesia: This case is quite distinct from camel racing, since five- to 10-year-old children stay with and have the support of their families and, in turn, help to support them from their income as jockeys. However, there are dangers similar to camel racing in terms of falls and being trampled. Child labour activists are campaigning against the practice, but the connection with families is strong and unless there are alternative sources of income available, horse racing with child jockeys will likely continue.⁴⁵

Horse racing in Mongolia: The context in Mongolia is far more commercial than in Indonesia, and children starting at the age of 7 leave school for a period of time to be jockeys in the horse races. A research report by the Mongolia Human Rights Commission, UNICEF and ILO found that "the use of minors as horse jockeys in spring can be considered as hazardous child labour in accordance with the ILO definition of "hazardous child labour" as spring races take place in challenging circumstances full of risks that are detrimental to the health and lives of child jockeys, and attending the spring races limits the participation of the children in education, and thus severely violates the rights of the children to education."⁴⁶



Recommendations

The following recommendations are an outcome of the literature review and Consultations undertaken for the preparation of this project.

Recommendation 1

State Parties to the UN Convention on the Rights of the Child and ILO Conventions 138 and 182 should recognise that some situations of children's participation in sport are analogous to child labour and take the necessary measures to ensure the respect and protection of the rights of children in such situations.

Recommendation 2

Given the recognition that some aspects of children's participation in sport are analogous to child labour, ILO and its bodies should provide practical guidance to State Parties to ILO Conventions 138 and 182 on the protection of children in such situations.

Definition: Children are involved in economic exploitation or work in sport when they are engaged in intensive training and high stakes competitions and are participating for their own or someone else's gain or engaged in such training and competition to do so in the future.

Recognition of children's economic exploitation or work in sport also admits the following characteristics of child labour outlined in ILO Convention 138:

- work that deprives children of their childhood [and human rights]: frequently claimed in interviews and in biographies of former child athletes, and captured in the title of Paulo David's 1995 book, *Enfants sans Enfance*;
- work that is harmful to physical and mental development: recognised in the research and Consultations;
- work that is mentally, physically, socially or morally dangerous and harmful to children: recognised in the research and Consultations;



- work that interferes with their schooling by depriving them of the opportunity to attend school; obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work: recognised in the research and Consultations.

Some aspects of children's economic exploitation or work in sport are also evident in two of the Worst Forms of Child Labour (ILO Convention 182), an ILO priority:

- all contemporary forms of slavery or practices similar to contemporary forms of slavery, such as the sale and trafficking of children; and
- work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Recommendation 3

The United Nations Committee on the Rights of the Child, in its list of issues prior to reporting, and the African Committee of Experts on the Rights and Welfare of the Child in its reporting guidelines, should ask States parties to the child rights treaty they monitor to provide specific information on measures they have taken to protect children on a pathway towards or engaged in high-performance and professional sport.

States parties to the UN Convention on the Rights of the Child (CRC) and to the African Charter on the Rights and Welfare of the Child (ACRWC) are required to report periodically to the respective Committees of independent experts on the implementation of the CRC and the ACRWC. These reports rarely mention the problems experienced by children engaged in high-performance and/or professional sport as presented in the White Paper. This means that, in the dialogue between these Committees and the States parties about the content of their reports, little or no attention is paid to these problems and the Committees are not making specific recommendations regarding the measures that should be taken to address them.



Recommendation 4

States and sports bodies are encouraged to study and learn from the many lessons related to the protection of the rights of children, both through legislation and contracting, in situations in the entertainment, advertising and cultural industries in some States and other jurisdictions.

Some States and jurisdictions provide legal and/or union protections for children working in the entertainment, advertising, or cultural industries. Protections may be provided to ensure that work does not compromise education, protection of income (from exploitation by parents and others), and protection from risks (e.g., restrictions on 'stunts' that may be performed). In addition, hours of work are restricted in an age-appropriate manner, and production companies may provide a chaperone. These protections should be based on the principle that the industry (sport or entertainment) should adapt to children's needs, and not having children adapt to the industry's needs.

In some States, children's work in sport is already recognised in conjunction with entertainment and advertising. For example, in a draft White Paper on a National Child Labour Action Programme for South Africa, section 4.13 Performing Arts stated: "In terms of the BCEA [Basic Conditions of Employment Act], children are allowed to work in advertising, sports, artistic or cultural activities under specified conditions. This work can potentially contribute to children's learning, provided safety measures are in place... The work can be detrimental if it takes place in uncontrolled conditions." The UK has a system of 'licenses' for under age workers in sport and entertainment.⁴⁷

Recommendation 5

States should consider taking a child rights-based approach to sport in their respective countries, taking into consideration the positive experiences related to performance by some of those countries that have employed a children's rights lens in all aspects of children's sport.

The Consultation on 'best practices' in children's sport revealed a great deal about how children's rights and success in international sport are not incongruous (as is widely believed in the high- performance and professional sport communities). For



example, Norway has mandated a children's rights lens for the practice of sport since the early 2000s and is now recognised as the most successful country in the Winter Olympics and succeeding beyond expectations (~5.4 million population) in the Summer Olympics. Cuba, which is recognised by UNICEF for its strong stand on children's rights, is the most successful of the countries that only participate in the Summer Olympics. And Sweden has recently mandated that all children's sport programmes be carried out in compliance with the UN CRC.⁴⁸

Governments have also taken measures aimed at child protection in sport. For example, despite her earlier criticism of children's sport in China, Fan Hong more recently acknowledged how the Chinese government has now enacted legislation to protect the safety and welfare of child athletes in its specialist sport school system: "The 2011 law Regulations on Managing Young People and Children's Sports Schools... is perhaps the most significant of these and has come to be seen as landmark legislation for the welfare of athletes under the age of 18... The act ensures that children in the sports school system should continue to receive a formal academic curriculum alongside their sports training, mandates that athletes are provided with medical insurance in case of injury, and prohibits sports schools from using corporal punishment... Related legislation... requires that sports schools ensure their young students' diets contain sufficient nutrition to allow them to undergo the training required and that sports schools provide regular medical checks for athletes to prevent injuries..."⁴⁹

Recommendation 6

Sports bodies and States should take measures to improve the regulation of appropriate minimum ages for child participation in sport, where it is analogous to work, including the designation of age categories for hours of training per day, and for participation in high stakes competitions.

ILO Convention 138 (the Minimum Age Convention), calls for the minimum working age to be not less than the end of compulsory education, and recommends varying minimum ages for different types of work with exceptions such as a lower age for light work, but a higher age of 18 years for hazardous work). In fact, childhood is recognised as a protected class in almost every domain of life except in sport. Sarah Teetzel, an expert on minimum age categories in sport, has pointed out that: (i) international sport federations already "can and do implement minimum age requirements, seemingly in recognition that a certain degree of growth and maturity is needed to compete safely; (ii) that the IOC's introduction of the Youth



Olympic Games "highlights the organization's recognition that age matters in sport;" and (iii) that "[t]here are several good reasons for age restrictions in sport, most of which focus on avoiding early specialization, minimizing the risks of major injuries, and allowing youth athletes to enjoy their youth without undue pressure to excel athletically."⁵⁰

The IOC, reacting to the Kamila Valieva situation at the 2022 Beijing Winter Olympics, has advised international sport federations to make "appropriate adjustments to their regulations", if needed. Norway has established age categories for children that restrict some types of participation in sport before a specific age. And the French organisation, Défenseur des Enfants, has recommended some quite specific age limits for hours of training, arguing that training becomes abusive if it exceeds the physiological capabilities of the child. They recommend that training time should not exceed six hours per week for children under 10 years old, and 10 hours per week for children over 10 years of age.⁵¹

Recommendation 7

With the recent proposals for an IOC Human Rights Strategy, and FIFA's work towards the creation of an independent multi-sport Safe Sport Entity, those involved in the establishment of the Strategy and the Entity should ensure that they include, in their scope of work, the protection of children rights in situations analogous to child labour.⁵²

The current widespread attention to human rights and safeguarding in sport, including the establishment of independent Safe Sport Entities, make this an ideal time to ensure that the rights and protection of all children, including child workers in high-performance and professional sport, are embraced. The mandate of the Entities includes preventing, monitoring, investigating and remedying harassment, discrimination and abuse in sport.

Recommendation 8

Sports bodies should adopt policies and a culture that are based explicitly on child rights standards and principles.



In Consultations with sport bodies, athlete representative bodies and members of the entourages surrounding child athletes, the need for a shift in the culture of sport was consistently observed in relation to child safety, well-being, and protection, as well as the need to understand and respect children's rights. It was recognised that this shift in culture can be supported by awareness raising, training, education, policies and regulations. However, it was repeatedly observed that achieving this new culture in sport will require governing bodies, coaches, administrators, all other adults engaged with child athletes, from grassroots to elite levels, to have confidence that such a change will result in sustainable success at any level.

A sample of current initiatives to change the culture of sport may be found in: the Foulkes Report, Section 3 (see Note 37) for safeguarding in soccer (adopted by the Council of Europe Parliamentary Assembly on December 2, 2021); Safe Sports International for injury prevention; and the work of sport bodies such as the International Gymnastics Federation (FIG) in convening its 2020 global conference: Finding Solutions for a Respectful Culture and Safe Training Environment and the efforts of Gretchen Kerr and others to promote a change in the culture of sport.⁵³

Recommendation 9

The International Olympic Committee (IOC) and the Summer and Winter Olympic International Sport Federations should conduct a comprehensive independent audit of their policies, rules, and practices to ensure that they are compatible with the UN Convention on the Rights of the Child and relevant ILO treaties.

Based on the results of the audit the IOC and the IFs should take necessary measures to ensure that the IOC is fully compatible with the minimum international child rights standards, as defined in relevant ILO treaties and the UN Convention on the Rights of the Child and other relevant international human rights treaties.

Recommendation 10

Sports Bodies should establish a 'Protected Persons' status for all child workers in sport with a view to implementing regulations that acknowledge children's status in sport as 'protected persons'.



The Kamila Valieva situation at the 2022 Beijing Winter Olympics also drew attention to the fact that, in 2021, WADA introduced a 'protected persons' category with much reduced sanctions for doping for athletes under the age of 16. The protected person status was recognised by the Court of Arbitration for Sport (CAS) in the Valieva case. Since that status conforms with the protected status of children in most other domains of life, it should be expanded to child workers in sport in general and linked to the international definition of children as those under 18 years of age.⁵⁴

Recommendation 11

States and sports bodies and training sites (clubs, academies, institutions) to ensure that all children engaged in sport are informed about their rights as they apply to their participation in sport, and that they feel empowered to be heard. Mechanisms are to be introduced to ensure that this obligation is implemented.

Research and Consultations have indicated the lack of knowledge or understanding of the rights that pertain to children's participation in high-performance and professional sport. In almost every one of the Consultations, the participants observed the need for child athletes to know their rights and how and to whom to report in a safe manner granting confidentiality and independence when those rights are violated. The reporting mechanisms, introduced in consultations with athlete representative bodies should be known to minors, easily accessible and trustworthy.



Recommendation 12a

Parents should be aware of their child's rights in sport; and of their own right to mediate on behalf of their child.

Recommendation 12b

Sports bodies should take measures to educate parents about the sport system in which their children are involved, and about parents' rights and their children's rights.

Recommendation 12c

Parents should establish, and sports bodies ensure open lines of communication with their child such that their child is comfortable reporting concerns such as injury, abuse, harassment, concerns about diet and weight control, and about overtraining.

Research and Consultations have shown that parents are often intimidated by the systems and 'expertise' of the sports in which their talented children are participating and are reluctant to speak up about their concerns for fear of jeopardising their child's advancement in the sport. In turn, children are reluctant to report concerns to their parents for fear of jeopardising their advancement in the sport should their parents intervene. Parents have the right to expect that their child's education will not be disrupted; that age appropriate, developmentally appropriate and physique appropriate forms of training and competition are available for their child; and that they are able to express their concerns to appropriate persons in the sport and to have them addressed.

Recommendation 13a

Ensure the education of child workers in sport by introducing 'dual career' guidelines based on the model being developed in Europe.

Concerns about the inability of young high-performance and professional athletes to manage both training/competitions and education has led to the development, in Europe, of the 'dual career' model. The model involves negotiation between educational institutions and sport organizations to ensure that young athletes are not penalised in their educational progress.⁵⁵



Recommendation 13b

States should ensure that regulations are in place that require residential sports academies and sport specialist schools to provide their attendees with an academic programme that includes the curriculum, years of education, and credentials required in each State.

Recommendation 14

International Sports Federations (IFs) are encouraged to share their experiences and resource materials relating to the rights, treatment and protection of children in sport, with a view to creating a shared body of knowledge in the best interests of children.

The Consultation with FIFA revealed the development of innovative work related to the rights, treatment and protection of minors in areas such as the regulation of agents, transfers, training of member associations, and so on. They expressed a willingness to share this information with other IFs. At the same time, other IFs indicated that they were observing the actions of FIFA and were interested in their materials and training.

Recommendation 15

As sports bodies and States respond to the concerns related to situations in sport that are analogous to child labour, they should consult and consider the views and advice of athlete representative bodies and adults who were child athletes, particularly those who were involved in high-performance or professional sport, or those who were on pathway to achieving this status.



Recommendation 16

Sports bodies, States and civil society organisations developing guidance and resource materials on child safeguarding in sport should ensure that it includes guidance relating to issues such as hours of training, intensity of training, trafficking, doping, high risk of injury, abuse and harassment, healthy habits in general including mental health, education, income protection and good governance.

Recommendation 17

All adults, including sponsors and those collecting and marketing 'data', who make 'gains' based on the participation of children in sport are to be reminded that those 'gains' are supported by the work of a protected class of persons, and to take appropriate measures to acknowledge the international and national human rights and labour treaties that protect children engaged in situations analogous to child labour.



Notes

1. For example, in association with the ILO's Red Card to Child Labour campaign, the International Programme on the Elimination of Child Labour (IPEC) collaborated with FIFA to develop a *Football Resource Kit* to show "how football can be used as a recreational activity in child labour elimination and prevention projects" (https://www.ilo.org/ipec/Informationresources/WCMS_247111/lang--en/index.htm).

2. The 'arms race' analogy was developed with reference to countries attempting to outspend each other in developing high-performance athletes to win more international medals and championships in sport. See, Oakley, B. and Green, M. (2001). The production of Olympic champions: International perspectives on elite sport development systems. *European Journal of Sport Management*, 8, 83–105; and De Bosscher, V. et al. (2008). *The Global Sporting Arms Race. An International Comparative Study on Sports Policy Factors Leading to International Sporting Success*. Oxford: Meyer & Meyer Sport.

3. The International Council on Sport and Physical Education (ICSPE), a UNESCO affiliate, produced the *Declaration* in 1964; it formed the basis for the 1979 UNESCO *International Charter of Physical Education and Sport* (now the *International Charter of Physical Education, Physical Activity and Sport*).

4. de Boer-Buquicchio, M. (2019). *Special Rapporteur Report: Sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material*. UN Human Rights Council, A/HRC/40/51.

5. From the CRC, Article 32. Ms. Yoshie Noguchi, former senior legal officer at the ILO, noted that it is important to assess/foresee **the likelihood** of negative effects, as the physical consequences of childhood activities or hindrance to education might not be apparent immediately and only be felt in their later life (https://www.ilo.org/public/libdoc/ilo/2010/110B09_225_engl.pdf [*Joining Forces against Child Labour, 2010*. See para.180 in P.76]). ILO Conventions 138 and 182 offer further detailed parameters to distinguish what is acceptable and what should be stopped as child labour.

6. Customers for the consolidated data of child athletes include: professional teams/ clubs/ sporting federations; sports agencies; data analytics companies; betting companies; computer gaming companies; and anti-doping organizations. See, Andrew, J., Bertran Manye, L. and Hanway, W. (2022). A guide to using young people's data in sport. *LawInSport*, 6 April: <https://www.lawinsport.com/topics/item/a-guide-to-using-young-people-s-data-in-sport>



7. This applies in all sports unless an adult minimum age is imposed (e.g., Olympic biathlon competitors must turn 22 years of age in the year of competition), although minimum age limits tend to vary with the level of competition. See also, Teetzel, S. (2022). Philosophical perspectives on doping sanctions and young athletes. *Frontiers in Sports and Active Living*. Vol 4, Article 841033: doi: 10.3389/fspor.2022.841033 ;

8. A limitation to be noted here concerns the fact that the review of research was carried out primarily (although not exclusively) on literature published in English.

9. To give an example of the number of children involved, in 2004 Hong pointed out that there were "80,617 professional athletes in China and two thirds of those are child athletes (p. 338). Hong, F. (2004). Innocence lost: Child athletes in China. *Sport in Society*, 7(3), 338-354. Some research has been carried out on deselection in soccer. For example: Van der Meij, N., Darby, P. and Liston, K. (2017). "The downfall of a man is not the end of his life:" Navigating involuntary immobility in Ghanaian football. *Sociology of Sport Journal*, 34(2), 183-194; and Adams, R. and Darby, P. (2020). Precarious pursuits, broken 'dreams' and immobility among Northern Irish soccer migrants. *Sport in Society*, 23(5), 920-937.

10. Cantelon, H. (1981). High performance sport and the child athlete: Learning to labour. In, A. Ingham & E. Broom (eds.), *Career Patterns and Career Contingencies in Sport*. Proceedings of the ICSS Symposium, University of British Columbia, Vancouver (pp. 257-286).

11. Donnelly, P. (1993). Problems associated with youth involvement in high performance sport. In, B. Cahill & A. Pearl (eds.), *Intensive Participation in Children's Sports*. Champaign, IL: Human Kinetics, pp. 95-126. See also: Donnelly, P. (1997). "Child labour, sport labour: Applying child labour laws to sport." *International Review for the Sociology of Sport*, 32(4), 389-406.

12. Hobbs, S. McKechnie, J. and Lavalette, M. (1999). *Child Labor: A World History Companion*. Santa Barbara, CA: ABC/CLIO.

13. David, P. (2005). *Human Rights in Youth Sport*. London: Routledge; World Players Association (2021). *Census of Athlete Rights Experiences (CARE)*. <https://worldplayerscare.co/>

14. Hoffman, K. (2015). Flipping and spinning into labor regulations: Analyzing the need and mechanisms for protecting elite child gymnasts and figure skaters. *Marquette Sports Law Review*, 25(2), 565-593.



15. Beamish, R. & Borowy, J. (1988). *Q. What do you do for a living? A. I'm an athlete.* Kingston: The Sport Research Group, Queen's University. Jess Varnish Employment Tribunal Case (https://assets.publishing.service.gov.uk/media/5c4882bbed915d3893bbdf14/Miss_J_Varnish_v_The_British_Cycling_Federation_t.a_British_Cycling_-_2404219_2017_Reserved_Judgment.pdf) and Appeal (<https://www.judiciary.uk/wp-content/uploads/2020/07/Ms-J-Varnish-v-British-Cycling-Federation-ta-British-Cycling-UKEAT-0022-20-LA.pdf>)

16. Paulo David and Peter Donnelly were among the first to recognize, independently, the importance of the CRC for elite child athletes, and they began to list the now internationally recognized children's rights that were routinely or occasionally being violated in high- performance and professional sport: David, P. (1993). Children and sport: Accomplishment or exploitation. *International Children's Rights Monitor*, 10(4), 8-12. See also: David, P. (1993). *La protection des droits de l'enfant dans le sport de haute compétition.* Geneva: Défence des Enfants-International. Donnelly (1993), see Note11.

17. World Players Association, 2021 (see Note 13); the United Nations Guiding Principles on Business and Human Rights make it clear that professional sport organizations have a responsibility to respect human rights and that, for children, this responsibility be informed by the CRC and related instruments (https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf); the Ruggie Report for FIFA reinforced the relevance and applicability of human rights obligations in the football industry: Ruggie, J. (2016). "For the game. For the World:" FIFA and Human Rights: <https://www.hks.harvard.edu/centers/mrcbg/programs/crj/research/reports/report68>

18. Wharton, K. (2011). The child in high performance sport. In, I. Stafford (ed.), *Coaching Children in Sport.* London: Routledge, pp. 181-196.

19. See: Wrang, C., Rossing, N., Agergaard, S. and Martin, L. (2021). The missing children: A systematic scoping review on talent identification and selection in football (soccer). *European Journal for Sport and Society*, DOI: 10.1080/16138171.2021.1916224; and Baker, J., Wattie, N. and Schorer, J. (2020). Issues in athlete identification and selection: Are we compromising talent? February 24: <https://sirc.ca/blog/issues-in-athlete-identification-and-selection-are-we-compromising-talent/>

20. See: Gullich, A., Macnamara, B. and Hambrick, D. (2022). What makes a champion? Early multidisciplinary practice, not early specialization, predicts world-class performance. *Perspectives on Psychological Science*, 17(1), 6-29; Rowland, T. (2015). Physiological aspects of early specialized athletic training in children. *Kinesiology Review*, 4, 279-291; and



Coakley, J. (2010) The 'logic' of specialization: Using children for adult purposes. *Journal of Physical Education, Recreation & Dance*, 81:8, 16-25.

21. See: Bar-Or, O. (1993). Physiological perspectives. In, B. Cahill & A. Pearl (eds.), *Intensive Participation in Children's Sports*. Champaign, IL: Human Kinetics, pp. 127-132; Garrett, W. (1993). Clinical/pathological perspectives. In, B. Cahill & A. Pearl (eds.), *Intensive Participation in Children's Sports*. Champaign, IL: Human Kinetics, pp. 195-201; and Bergeron, M., et al. (2015).

International Olympic Committee Consensus Statement on Youth Athletic development. *British Journal of Sport Medicine*, 49, 843-851.

22. Côté, J. and Fraser-Thomas, J. (2008). Play, practice and athlete development. In, D. Farrow, J. Baker and C. MacMahon (eds.), *Developing Sport Expertise*. London: Routledge, pp. 15-28.

23. The authors note that the health monitoring methods employed actually "*helped protect our athletes' health.*" Clarsen, B. et al. (2021). Methods, challenges and benefits of a health monitoring programme for Norwegian Olympic and Paralympic athletes: The road from London 2012 to Tokyo 2020. *British Journal of Sport Medicine*, 0, 1-8, DOI:10.1136/bjsports-2020-103717; Soligard, T. et al. (2019). Sports injury and illness incidence in the PyeongChang 2018 Olympic Winter Games: A prospective study of 2914 athletes from 92 countries. *British Journal of Sport Medicine*, 53, 1085-1092.

24. Chen, Y., Buggy, C. and Kelly, S. (2019). Winning at all costs: a review of risk-taking behaviour and sporting injury from an occupational safety and health perspective. *Sports Medicine - Open*, 5(15), DOI: 10.1186/s40798-019-0189-9; Turkeri-Bozkurt, H. and Bulgu, N. (2018). Is injury part of sports? A children's rights perspective. *International Review for the Sociology of Sport*, 55(1), 98-114. There is a substantial body of sociological research detailing the culture of risk in sport, a culture reinforced by adults who normalize and reward playing hurt. Concussion is now part of this culture despite increasing evidence of the risks of repetitive concussions in sport for long term brain health.

25. Eating disorders are a common theme in a number of recent national reviews of gymnastics. For example, *Change in Routine: Report of the Independent Review into Gymnastics in Australia* (2021): <https://humanrights.gov.au/our-work/sex-discrimination/publications/change-routine-report-independent-review-gymnastics> and *Independent Review of Gymnastics in New Zealand* (2021): <https://www.gymnasticsnz.com/wp-content/uploads/2021/02/Gymnastics-New-Zealand-Independent-Report-10-February-2021.pdf>; and a recent report on synchronized swimming: Robertson, G. and Brady, R. (2021). The suspect science used to push aspiring Olympians to starve themselves. *Globe and Mail*, December 28: <https://www.theglobeandmail.com/canada/article-the-suspect-science-used-to-push-aspiring-olympians-to-starve/>



26. Crawley, F. et al. (2017). Health, integrity, and doping in sports for children and young adults. A resolution of the European Academy of Paediatrics. *European Journal of Pediatrics*, 176, 825-828. See also, David, P. (2020). Respecting the rights of the child in sports: Not an option. In B. Nastasi, S. Hart & S. Naser (eds.), *International Handbook on Child Rights and School Psychology*. Springer, pp 377-388.

27. Hartill, M. et al. (2021). *CASES: Child abuse in sport: European Statistics – Project Report*. Ormskirk, UK: Edge Hill University; Kerr, G., Willson, E. and Stirling, A. (2019) *Prevalence of maltreatment among current and former national team members*.

https://athletescan.com/sites/default/files/images/prevalence_of_maltreatment_reporteng.pdf

28. For example, one athlete in the Canadian prevalence study stated, "I didn't know the way I was treated was inappropriate." See, Willson, E. et al. (2022). Listening to athletes' voices: National team athletes' perspectives on advancing Safe Sport in Canada. *Frontiers in Sports and Active Living*, 4, Article 840221.

29. Physical abuse is also evident in more extreme forms. See, for example: Human Rights Watch (2020). *I Was Hit So Many Times I Can't Count: Abuse of Child Athletes in Japan*. July.

30. See, for example, paras. 103, 104 and 134g in: de Boer-Buquicchio, 2019 (see Note 4). For ACEs, see: Boullier, M. and Blair, M. (2018). Adverse childhood experiences. *Paediatrics and Child Health*, 28(3), 132-137; Tuakli-Wosornu, Y. and MacLeod, J. (2021). Leveraging the adverse childhood experiences network to strengthen safeguarding in youth sport. *The Lancet/Childhood-Adolescent*, 5, February, 94-95; and Vertommen, T. et al. (2018). Severe interpersonal violence against children in sport: Associated mental health problems and quality of life in adulthood. *Child Abuse and Neglect*, 76, 459-468. The quote is from, de Boer-Buquicchio, para. 131 (see Note 4).

31. See, for example: van der Meij, N. and Darby, P. (2017) Getting in the game and getting on the move: Family, the intergenerational contract and internal migration into football academies in Ghana. *Sport in Society*, 20(11), 1580-1599; Esson, J. (2014). Better off at home? Rethinking responses to trafficked West African footballers in Europe. *Journal of Ethnic and Migration Studies*, 41(3): 512-530; and Klein, A. (2009). The transnational view of sport and social development: the case of Dominican baseball. *Sport in Society*, 12(9), 1118-1131.

32. Kay, T. (2000). Sporting excellence: A family affair? *European Physical Education Review*, 6(2), 151-169. See also the following, which reviews a large body of literature on parents in sport: Dorsch, T. et al. (2021). A history of parent involvement in organized youth



sport: A scoping review. *Sport, Exercise, and Performance Psychology*, 10(4): DOI: 10.1037/spy0000266

33. Dukes, R. and Coakley, J. (2002). Parental commitment to competitive swimming. *Free Inquiry in Creative Sociology*, 30(2), 185-197. See also: Coakley, J. (2006). The good father: Parental expectations and youth sports. *Leisure Studies*, 25(2), 153-163. See also: Wiersma, L. and Fifer, A. (2008). "The schedule has been tough but we think it's worth it:" The joys, challenges, and recommendations of youth sport parents. *Journal of Leisure Research*, 40(4), 505-530; and Yabe, Y. et al. (2021). Characteristics of parents who feel a lack of communication with coaches of youth sports. *The Tohoku Journal of Experimental Medicine*, 253(3), 191-198.

34. Citation: Gjaka M. et al. (2021) Understanding the educational needs of parenting athletes involved in sport and education: The parents' view. *PLoS ONE* 16(1): e0243354. <https://doi.org/10.1371/journal.pone.0243354>

35. Platts, C. and Smith, A. (2018) 'We don't need no education'? Exploring the educational experiences of young footballers. *British Journal of Sociology of Education*, 39(7), 925-941. For Major Junior ice hockey (personal communications from players, 2015-2020, PD); de Boer-Buquicchio, para. 128 (see Note 4).

36. Guilbert, K. (2015) Chasing dreams: Young African footballers duped, dumped by traffickers. *Reuters*, December 7: <https://www.reuters.com/article/africa-soccer-trafficking/chasing-dreams-young-african-footballers-duped-dumped-by-traffickers-idINL8N13R3V920151207>

37. See, FIFA (2021). *Regulations on the Status and Transfer of Players*. <https://digitalhub.fifa.com/m/e7a6c0381ba30235/original/g1ohngu7qdbxyo7kc38e-pdf.pdf>; also, the Foulkes Report, Section 6.4, represents a strong attempt to bring order to the international transfer of under age soccer players [Foulkes, G. (2022). *Football governance: Business and values*. Doc. 15430, Council of Europe.]

38. The Palermo Protocol includes this definition (Article 3a): "*Trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation*". Further, subparagraph (c) states: "*The recruitment, transportation, transfer, harbouring or receipt of a child [i.e. any person under eighteen years of age] for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means [such as coercion or deception] set*



forth in subparagraph (a) of this article:" <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>

39. Rights Lab (2021). *The Problem of Sports Trafficking: Setting an Agenda for Future Investigation and Action*. University of Nottingham, UK; McGee, D. (2012). Displaced childhood: Labour exploitation and child trafficking in sport. In: A. Quayson. & A. Arhin (eds.). *Labour Migration, Human Trafficking and Multinational Corporations: The Commodification of Illicit Flows*. New York: Routledge, pp.71-90; Esson, J. et al. (2020). *Children Before Players: Current Risks and Future Research Agendas*. UNICEF.

40. For an overview of this work, see, Darby, P., Esson, J. and Ungruhe, C. (2022). *African Football Migration: Aspirations, Experiences and Trajectories*. Manchester: Manchester University Press. For Esson's work, see: Esson, J. (2015). Modern slavery, child trafficking, and the rise of West African football academies. January 15: <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/modern-slavery-child-trafficking-and-rise-of-west-african-football-academi/> ; Esson, J. (2014). Better off at home? Rethinking responses to trafficked West African footballers in Europe. *Journal of Ethnic and Migration Studies*, DOI: 10.1080/1369183X.2014.927733

41. Andreff, W. (2019). *An Economic Roadmap to the Dark Side of Sport, Vol. I: Sport Manipulations*. Cham, SWITZERLAND: Palgrave Macmillan.

42. de Boer-Buquicchio, paras. 63-66 (see Note 4).

43. Klein, A. (1993). *Sugarball: The American Game, the Dominican Dream*. New Haven: Yale University Press; Klein, A. (2014). *Dominican Baseball: New Pride, Old Prejudice*. Philadelphia: Temple University Press; Darby, P., Esson, J. and Ungruhe, C. (2018). Africa: SDP and sport academies. In, H. Collison, et al. (eds.). *Routledge Handbook of Sport for Development and Peace*. London: Routledge, pp. 419-429; Darby, P., Akindes, G. and Kirwin, M. (2007). Football academies and the migration of African football labor to Europe. *Journal of Sport and Social Issues*, 31(2), 143-161.

44. See, for example: Ashgar, S.M., Farhat, S. and Niaz, S. (2005). *Camel Jockeys of Rahimyar Khan: Findings of a participatory research on life and situation of child camel jockeys*. Peshawar, PAKISTAN: Save the Children Sweden. For the following paragraph, see: Anti-Slavery International (2002). *International Action Against Child Labour: Guide to Monitoring and Complaints Procedures*, pp. 8-12: <http://www.antislavery.org/wp-content/uploads/2017/01/internationalactionenglish.pdf>

45. Dean, A. (2019). For Indonesia's Child Jockeys, Time to Retire at 10, After 5 Years of Racing. *New York Times*, August 24.



46. Gundileg, B., Munguntsatsral, Ts. and Mungun-Argamj, B. (2012). *The Rights of Child Jockeys in Spring Horse Racing: Research Report*. Mongolia: National Human Rights Commission.

47. South Africa (2003). Draft 3.1 of a White Paper on a National Child Labour Action Programme, July; Thane, S. (2010). Report: *Exploratory Review of the System for Regulating Child Performances*. www.teachernet.gov.uk/publications; Williams, Y. (1999). Child labour, sport labour: regulations for young professional sports people. *Childright*, 161, November, 16-17.

48. For Norway, see NIF (2007, Note 42), and Farrey, T. (2019). Does Norway have the answer to excess in youth sports? *New York Times*, April 28: <https://www.nytimes.com/2019/04/28/sports/norway-youth-sports-model.html>

For Cuba, UNICEF reported that, "*The Cuban State has shown strong political will to guarantee the proper development and well-being of childhood. Different data and researches show the high levels of protection and development among children and adolescents, especially regarding educational coverage and mother-child health care*" (<https://www.unicef.org/cuba/en/node/76>); the expert panelists in the Consultation reported that Cuba is likely unique in the world of sport in that students at the specialist sport schools are taught to recognize and care for injuries. For Sweden, see O'Sullivan, M. (2019). The quiet revolution and its evolution (United Nations Convention on the Rights of the Child to become law in Swedish sport on January 1st 2020). November 12: <https://footblogball.wordpress.com/2019/11/12/the-quiet-revolution-and-its-evolution-united-nations-convention-on-the-rights-of-the-child-to-become-law-in-swedish-sport-on-january-1st2020/> ; and Eliasson, I., Karp, S. and Wickman, K. (2017) Developing sports with a children's rights perspective? Intentions, methods, and priorities of development projects in local Swedish sports clubs. *European Journal for Sport and Society*, 14(3), 244-264.

49. Hong, F. and Ling, Z. (2014). The protection of young athletes in China: policy and practice. In, M. Hartill & M. Lang (eds.). *Safeguarding, Child Protection and Abuse in Sport: International Perspectives in Research, Policy, and Practice*. London: Routledge, pp. 146-152.

50. Teetzel (2022, Note 7). See also, Dixon, N. (2007). Sport, parental autonomy, and children's right to an open future. *Journal of the Philosophy of Sport*, 34, 147-159; and Farstad, S. (2007). Protecting children's rights in sport: The use of minimum age. *Human Rights Law Commentary*, 3, 1-20.

51. Pavitt, M. (2022) IOC recommends International Federations address minimum age limits in sport. April 5: <https://www.insidethegames.biz/articles/1121486/ioc-international->



federation-age-limits; NIF, 2007. *Children's Rights in Sport: Provisions on Children's Sport* [online]. Available from: <https://www.aspeninstitute.org/wp-content/uploads/2019/04/Childrens-Right-to-Sport-in-Norway.pdf> ; Défenseur des Enfants (2005). Rapport Annuel.

52. Al Hussein, Z.R. and Davis, R. (2020). *Recommendations for an IOC Human Rights Strategy*. Lausanne, SWITZERLAND: International Olympic Committee; Beutler, I. (2021). *Final Report of the Consultation Process to Consider the Creation of an International Safe Sport Entity*. SWITZERLAND: Beutler International Sports Advisory.

53. Timpka, T. et al. (2008). Meeting the global demand of sports safety: The intersection of science and policy in sports safety. *Sports Medicine*, 38(10), 795–805; for the FIG conference, see: <https://m.youtube.com/watch?v=RyFljtQ2w5o> ; Kerr, G. (2021). Next steps in the safe sport journey: From prevention of harm to optimizing experiences. April 19: <https://sirc.ca/blog/next-steps-in-the-safe-sport-journey/>

54. WADA (2021). *World Anti-Doping Code*.

55. See Gjaka, et al., 2021 (Note 31); and Abelkalns, I. et al. (eds.) (2021). *'More than Gold' - Guidelines to promote the dual career of athletes-students: Methodology for universities*. Erasmus Project/The European Athlete as Student.



Appendix A - Methods

Background to White Paper

This White Paper is an outcome of a project undertaken by the Centre for Sport and Human Rights (CSHR) during the period of November 2021-May 2022. It is a response to:

- concerns voiced by former child athletes regarding situations and conditions they encountered as young persons in sport;
- those 'Points of Consensus' related to child athletes that were an outcome of the ILO's 2020 Global Dialogue on Decent Work;
- CSHR's pledge, made during the 2021 International Year for the Elimination of Child Labour, to document and raise awareness of the current situation, challenges and progress in regard to child labour in sport;
- one of the key conclusions of the Report of the UN Special Rapporteur on the Sale and Sexual Exploitation of Children, presented to the UN Human Rights Council during its 40th Session held in 2019; and
- CSHR's commitment to contribute to the achievement of SDG target 8.7.

Concept Development

In late 2021 CSHR circulated a Concept Note with preliminary ideas about the initiative to key stakeholders and experts. Based on input received, a short-term project plan to develop a White Paper was designed. It was decided that the White Paper would focus on child labour as it relates to elite child athletes as well as those in training with aspirations to achieve this level, those in sports academies, and those who experience sport-related trafficking. The White Paper is intended to complement other work done by CSHR related to child labour in supply chains and mega sporting events.

Project Coordination

In November 2021, CSHR contracted Sports Rights Solutions (SRS) to coordinate the project and conduct applicable supporting research. The SRS Team supporting the project consisted of:

- Kirsty Burrows, Strategic Director (until end March 2022)
- Professor Emeritus Peter Donnelly, Technical Director
- Lucy Cunningham, Design and Technology Support
- Tessa Jansen, Project Support



- Carrie Raukar-Herman, Sr. Executive Assistant
- Matt Walker, Project Management

Steering Committee

An independent, multi-disciplinary Steering Committee of 13 experts was established to guide the overall project. Members of the Committee collectively, as well as individually:

- provided technical guidance on the vision and desired outcomes of the White Paper and the process for its development;
- participated in or led select Consultation meetings that aligned with their technical expertise; and
- reviewed and provided feedback on various iterations of the White Paper.

The Committee has been chaired by Professor Emeritus Jaap Doek, former Chair of the UN Committee on the Rights of the Child. Deputy Chair is Benjamin Smith, Senior Officer, Child Labour, ILO. Other members of the Committee (listed alphabetically):

- Prof. Fernando Cáceres Andrés
- Dr. Michael Bergeron
- Maud de Boer-Buquicchio
- Alexandra Gómez Bruinewoud
- Dr. Decius Hikabwa Chipande
- Dr. Rinchen Chopel
- Dr. Paul Darby
- Paulo David
- Andrea Florence
- Yoshie Noguchi
- Dr. Ramya Subrahmanian

Short bios of the members are provided in Appendix B.

Members of the Committee serve on a *pro bono* basis.

The Committee held online meetings as follows: February 2nd, March 29th and May 3rd of 2022.



Literature Review and Consultations

The White Paper is informed by an extensive review of relevant research literature and a series of in person consultations. The Literature Review was prepared by Professor Peter Donnelly and is available as a separate document.

Between January and May 2022, 24 Consultations were conducted with a wide range of experts and stakeholders including: international sport federations and organisations, athlete representative groups and unions, inter-governmental regional entities, child labour and child rights experts (including current and past members of the UN Committee on the Rights of the Child), UN agencies and UN Special Rapporteurs; coaches, sports medicine physicians, the entertainment industry, academics, sport academies, and agencies and experts committed to addressing child trafficking in and through sport. (See Appendix C for the complete List of Consultations.)

The number of participants in each Consultation was between one and nine. Consultations were conducted virtually, each lasting for approximately 90 minutes, and were recorded with the participants' permission. Anonymised transcriptions were then prepared, enabling the identification and analysis of key themes which guided the development of the White Paper. Facilitation of the Consultations was done by members of the Steering Committee, CSHR staff, and members of the SRS Team. In addition, Lerina Bright of Mission 89 facilitated a Consultation on Sports Academies and Ambassador Olawale Maiyegun on Sports Trafficking.

A bespoke Dialogue Brief was prepared for each Consultation and shared in advance with the participants. Discussions in the Consultation process were guided by the appreciative inquiry method. Whilst it was important to recognise some of the key challenges faced, the dialogues focused on a grounded exploration of what currently exists; visioning, expressing, and collaboratively articulating what could be done; and discussing strategies and deliberations for ways to design guidance that leads to positive change. In general, the discussions focused on four key themes:

1. children's rights and governance,
2. time working and training,
3. economic considerations, and
4. education, health, and well-being.



Presentation of White Paper

The White Paper was presented for the first time on 19 May at a side event of the 5th Global Conference on the Elimination of Child Labour held 15-20 May 2022 in Durban, South Africa.

Subsequent to the Conference, the White Paper will be widely distributed by CSHR.

Limitations

Preparation of the White Paper was challenged by limitations of both time and financial resources.

The aim of having the Paper ready for the Global Conference restricted the project's length and in turn the possible number of Consultations conducted.

Financial limitations impeded the establishment of safeguarding mechanisms that would have been necessary for conducting consultations directly with child athletes. To compensate, the project relied on either direct input, or what is documented in reports, from adults who had been elite child athletes.



Appendix B - Steering Committee Members

Professor Emeritus Jaap Doek - Chair

Jaap E. Doek is Professor Emeritus, Family and Children's/Youth Law at the VU University Amsterdam. He was a member (1999- 2007) and the Chairperson (2001 - 2007) of the UN CRC Committee. He is senior legal advisor of ECPAT international (Bangkok). In that capacity he was involved in the drafting of the Terminology Guidelines for the protection of children from sexual exploitation and abuse (ECPAT 2017) and in the drafting of the Guidelines for the Implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of children, child prostitution and child pornography (approved by the CRC Committee in May 2019) and the Explanatory Report to these Guidelines. Prof. Doek is the chairperson of the Supervisory Board of Child Helpline International (CHI), a member of the International Board of Trustees of the African Child Policy Forum (ACPF), a member of the Advisory Committee of Defence for Children International (DCI).

Benjamin Smith - Deputy Chair

Benjamin Smith is the Senior Officer on Child Labour at the International Labour Organization's Fundamental Principals and Rights at Work Branch. Benjamin supports ILO members States and workers' and employers' organizations in the development of policies and strategies to combat child labour and contributes to the design and implementation of ILO's global portfolio of projects against child labour. He develops Public-Private Partnerships to tackle child labour and promote decent work in supply chains in sectors including cocoa, garments, cotton, and paper and pulp. He began his career with the ILO in 2000 in Costa Rica, and from 2002-2006, led a ground-breaking project to combat the worst forms of child labour in El Salvador. He holds an M.A. in International Relations from the School of Advanced International Studies at Johns Hopkins University and a B.A. in International Studies from American University.

Prof. Fernando Cáceres Andrés

Prof. Fernando Cáceres is the honorary President of the Ibero-American Sport Council. Among other positions, he has served as National Secretary for Sports in Uruguay (2005-2010, 2015-2020), President of the Ibero-American Sport Council (2007-2010, 2017-2020), and Secretary General of the Uruguayan Football Association (2010-2015).



Dr. Michael Bergeron

Dr. Bergeron is a Clinical and Scientific Advisor in Sport Sciences & Medicine and Performance Health for the WTA Women's Tennis Association. He is also a Visiting Scholar, Department of Health Sciences, University of Hartford. His research and related leadership have been primarily focused on exercise-heat stress and physiological strain, thermoregulation and hydration challenges in sport, youth athletic health, and sport concussion. Dr. Bergeron co-chaired and is the lead author on the 2015 International Olympic Committee (IOC) Consensus on Youth Athletic Development and the 2012 IOC Consensus on Thermoregulatory and Altitude Challenges for High-level Athletes. He also serves on the Academic Advisory Board for the IOC post-graduate Diploma Program in Sports Medicine. Dr. Bergeron is a Fellow and past Trustee of the American College of Sports Medicine, served a 4-year term as a member of the National Federation of State High School Associations Sports Medicine Advisory Committee, and served two years as Heat, Hydration and Research Advisor to Major League Soccer.

Maud de Boer-Buquicchio

Maud de Boer-Buquicchio is the former Deputy Secretary General of the Council of Europe (2002-2012) and former UN Special Rapporteur on the sale and sexual exploitation of children (2014-2020). In that capacity, she presented to the Human Rights Council in 2019 a Report on the Sale and Sexual Exploitation of children in the context of sports. She is the President of the European Federation for Missing and Exploited Children; President of the Board of Child Identity Protection and Vice Chair of the International Center for Missing and Exploited Children. She is also a member of a number of Boards, including the WePROTECT Global Alliance.

Alexandra Gómez-Bruinewoud

Alexandra Gómez-Bruinewoud is a lawyer who has served as Senior Legal Counsel at FIFPRO since 2013. She holds a Master's in International Commercial Law from the Erasmus University Rotterdam, in the Netherlands. Since 2017, she has been a FIFA Dispute Resolution Chamber Judge. She regularly lectures at various Masters and other academic programs in International Sports Law and is the Co-Director of the ISDE Global Master in Sports Management and Legal Skills.



Dr. Decius Hikabwa Chipande

Dr. Decius H. Chipande is Head of the African Union Sport Council Secretariat, a Specialised Technical Office of the African Union responsible for sports. Over his career, Chipande has worked with several inter-governmental sports organisations and NGOs involved in sports for development and peace. Prior to joining the African Union, he was lecturing sports studies at the University of Zambia in Lusaka. He has a PhD from Michigan State University in the USA; a MSc and BSc in Sports from the Norwegian School of Sport Science in Oslo.

Dr. Rinchen Chopel

Dr. Rinchen Chopel is a Member of the UN Committee on the Rights of the Child. He is the architect and Director General of the South Asia Initiative to End Violence Against Children (SAIEVAC), an apex body of SAARC and an inter-governmental body in partnership with Children and Civil Society Organizations. A medical doctor by profession. Previously, he held the position of Executive Director of the National Commission for Women and Children, of the Royal Government of Bhutan. Extensive experience in working with the Ministries of Women and Children of the Governments in South Asia as well as with the UN, INGO, NGO and research organisations.

Dr. Paul Darby

Dr. Darby is a sociologist of sport at Ulster University where he leads the Centre for Sport in Society. His research is centred around sports migration with a particular focus on African football migration and the role of academies in this process. His latest book 'African football migration: Aspirations, experiences and trajectories' was published by Manchester University Press in January 2022. Dr. Darby has recently worked with UNICEF UK on two research projects exploring the risks to children's rights in the professional football industry. This led to the production of a practical guide for professional football clubs on mainstreaming children's rights (2020). Paul is currently conducting research with the English Premier League on children's rights in football academies. His research has been funded by the Economic and Social Research Council, the British Academy, the European Union, UNICEF and UK Sport.



Paulo David

Mr. David is the Chief of the Indigenous Peoples and Minorities Section, UN Human Rights Office (OHCHR) Child Rights in Sports expert; Author of book 'Human Rights and Youth Sports' which includes child labour issue in sport environment; Former Secretary to the UN Committee on the Rights of the Child

Andrea Florence

Andrea Florence is a Brazilian human rights lawyer, feminist activist, campaigner and Acting Director of the Sport & Rights Alliance. She has spent over a decade fostering people-led social movements to drive systemic change, including child rights campaigns around the 2014 Brazil World Cup and 2016 Rio Olympics. Previously, she has worked as Campaigns Coordinator at Amnesty International Brazil, led the Children Win campaign at Terre des Hommes and helped bring together the Brazil Programme at Oak Foundation. Passionate about using creative ways to advance human rights, Andrea has coordinated a range of different "activism" projects, including hope-based videos for global campaigns, direct action with renowned artists and musicians as well as unbranded communication.

Yoshie Noguchi

Former ILO Officer; Lawyer by training; Child Labour Expert; Worked for the application of ILO Conventions and Recommendations, especially on child labour (e.g., C138 and R146); directly involved in the making of C182 and R190 of 1999 on the Worst Forms of Child Labour and engaged in their promotion and application in the International Programmes on Child Labour (IPEC) as senior legal officer for more than 10 years. Have also worked in the International Labour Standard Department, and in the Governance Department of the ILO, as well as in the Japanese National Government earlier. Holds LL.B from University of Tokyo, Faculty of Law, and "Diplôme" in development studies from Institut Universitaire d'Etudes du Développement, Geneva.

Dr. Ramya Subrahmanian

Dr. Subrahmanian is an international social policy analyst with extensive experience in research, policy advocacy, training and teaching. She is Chief of Child Rights and Protection at the UNICEF Innocenti Research Centre. Previously she was Executive Director of Know Violence in Childhood, and, prior to that, she was social policy specialist at UNICEF India where she led research, policy analysis



and advocacy in the areas of child-sensitive social protection, equity and social inclusion, and gender equality. She has been a research fellow at the Institute of Development Studies, University of Sussex, where she conducted research on issues related to gender mainstreaming, women's rights, child labour and education, and on social policies for children in India.



Appendix C - Consultations

(listed by date conducted)

Note: Participation in the Consultation does not imply endorsement of the content of the White Paper.

Entertainment Industry - SAG/AFTRA	14 January 2021
Academics, Experts and Researchers I	8 March 2022
Academics, Experts and Researchers II	14 March 2022
National Examples of Best Practice	15 March 2022
Athlete Advocacy and Policy Groups I	17 March 2022
Sport Academies 1	18 March 2022
Sport Academies 2	22 March 2022
Child Rights Experts	23 March 2022
Athlete Advocacy and Policy Groups II	23 March 2022
Ibero-America Regional (<i>conducted in Spanish</i>)	24 March 2022
Gymnastics Ethics Foundation	25 March 2022
Trafficking	28 March 2022
Athlete Representative Bodies	29 March 2022



Child Labour Experts	6 April 2022
Africa Regional	7 April 2022
Sport Academies	3 - 8 April 2022
Entourage 1 - Coaches and Medical	11 April 2022
Entourage 2 - Parents	13 April 2022
World Athletics	19 April 2022
World Baseball and Softball Confederation (WBSC)	20 April 2022
Entourage 3 - Agents	21 April 2022
FIFA	27 April 2022
ILO Child Labour Specialist Mongolia - Child Jockeys	28 April 2022
International Olympic Committee	4 May 2022



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