

DEVELOPMENTS IN THE FIELD

## Chaos in the Sporting World over Russia's War of Aggression: Political Neutrality in Light of Human Rights Protection

Patricia Wiater 

Chair for Public Law, Public International Law and Human Rights, University of Erlangen-Nürnberg, Erlangen, Germany

Email: [patricia.wiater@fau.de](mailto:patricia.wiater@fau.de)

### Abstract

There is currently disagreement in the international sports world about whether Russian and Belarusian athletes should be admitted to international competitions. While initially proposing to ban these athletes, the International Olympic Committee (IOC) is now recommending that sports federations readmit Russian and Belarusian athletes under certain conditions. The IOC believes that this is unavoidable in order to respect human rights. Sports federations are invoking their autonomy on this issue, with some following the IOC's advice, some maintaining a ban, and others allowing unconditional participation. This piece seeks to correct the IOC's interpretation of the applicable human rights standard. It asserts that sporting bodies must respect human rights, and that the principles of autonomy and neutrality of sport must be considered in light of internationally recognised human rights standards. If these are used as a yardstick, it becomes clear that collective exclusion can be justified in the extreme case of a war of aggression.

**Keywords:** Russia's war of aggression; International sports federations; Discrimination; Political neutrality; Proportionality

### I. Introduction

As the *Financial Times* states, athletes are currently 'alone' in a state of 'chaos' due to 'the sharp divide over Russia and the Olympics'.<sup>1</sup> The reason for this is the autonomy of international sports federations to 'regulate their sports in the global arena'<sup>2</sup> and to decide on the participation of Russian and Belarusian athletes in qualifying competitions. This autonomy leads to very different approaches. Some federations (e.g., United World Wrestling, International Table Tennis Federation, Union Internationale de Pentathlon Moderne) follow the recommendation of the International Olympic Committee (IOC) of

---

In December 2022, Patricia Wiater was appointed as a member of the Advisory Committee on Human Rights of the German Olympic Sports Confederation (DOSB). In March 2023, she prepared a legal opinion on the human rights framework of the exclusion of Russian and Belarussian athletes for the DOSB.

<sup>1</sup> Sara Germano, 'Athletes are Alone in this Chaos: The Sharp Divide over Russia and the Olympics', *Financial Times* (2 April 2023), <https://www.ft.com/content/03babb2a-06bc-48a1-912f-af413f096add> (accessed 14 July 2023).

<sup>2</sup> Doriane L. Coleman, 'The Olympic Movement in International Law' (2020) 114 *AJIL Unbound* 385, <https://doi.org/10.1017/aju.2020.75> (accessed 14 July 2023).

© The Author(s), 2023. Published by Cambridge University Press. This is an Open Access article, distributed under the terms of the Creative Commons Attribution licence (<http://creativecommons.org/licenses/by/4.0>), which permits unrestricted re-use, distribution and reproduction, provided the original article is properly cited.

March 2023<sup>3</sup> to lift the ban of Russian and Belarusian athletes and to allow individual athletes to compete as neutral athletes (without flag, anthem, etc.). In direct response to the outbreak of the Russian war of aggression, the IOC had originally recommended unconditional exclusion of Russian and Belarusian athletes.<sup>4</sup> In January 2023, the IOC proposed to readmit only ‘neutral’ athletes, i.e., those who do not actively support the war.<sup>5</sup> In March 2023, the IOC added the important condition to also exclude athletes who are contracted to the Russian or Belarusian military or national security agencies.<sup>6</sup> Other federations (e.g., World Athletics, Fédération Equestre Internationale or FEI) do not follow the IOC’s approach and maintain the total exclusion of Russian and Belarusian athletes. A third group (e.g., International Boxing Association, International Tennis Federation) continued to allow Russian and Belarusian athletes to compete after the war began. The IOC is leaving its own decision on whether Russian and Belarusian athletes will be allowed to participate in the Olympic Games in Paris open.<sup>7</sup> Athletes who are ‘left alone’ are in particular Ukrainian athletes. Competing against Russians is a serious problem for Ukrainian athletes, who experience this sporting ‘fight’ as an extreme form of psychological stress.<sup>8</sup>

At the level of sporting principles, the chaos concerns the political neutrality and autonomy of sport in the situation of an ongoing war of aggression. From the perspective of international law, it reflects uncertainty about how human rights obligations affect and limit these sporting principles. It is argued here that the autonomy and political neutrality of sport must be interpreted in light of international law and human rights obligations. Only if sports federations take these obligations seriously, can they maintain their autonomy in decision-making on human rights-related issues without fearing interference by the states to whose jurisdiction they are subject.

## II. The Exclusion of Russian and Belarusian Athletes in Light of the Prohibition of Discrimination

It is widely accepted that sports federations have human rights responsibilities.<sup>9</sup> Sports federations have ‘state-like’<sup>10</sup> regulatory power and organizational structures. Their human

<sup>3</sup> IOC, *IOC News* (28 March 2023), <https://olympics.com/ioc/news/ioc-issues-recommendations-for-international-federations-and-international-sports-event-organisers> (accessed 14 July 2023).

<sup>4</sup> IOC, *IOC News* (28 February 2022), <https://olympics.com/ioc/news/ioc-eb-recommends-no-participation-of-russian-and-belarusian-athletes-and-officials> (accessed 14 July 2023).

<sup>5</sup> IOC, *IOC News* (25 January 2023), Statement on solidarity with Ukraine, sanctions against Russia and Belarus, and the status of athletes from these countries (<https://olympics.com/ioc/news/statement-on-solidarity-with-ukraine-sanctions-against-russia-and-belarus-and-the-status-of-athletes>) (accessed 14 July 2023).

<sup>6</sup> IOC, note 3. In a legal opinion written on behalf of the German Olympic Sports Confederation and submitted to the IOC, the author of this piece drew attention to the problem of military presence at competitions. See Patricia Wiater, ‘Rechtsgutachten zum Thema “Menschenrechtliche Rahmenbedingungen des Ausschlusses russischer und belarussischer Athletinnen von internationalen Sportwettkämpfen”’, Auftrag des Deutschen Olympischen Sportbundes (DOSB) (3 March 2023), [https://cdn.dosb.de/uploads/DOSB\\_Gutachten\\_Wiater\\_fin.pdf](https://cdn.dosb.de/uploads/DOSB_Gutachten_Wiater_fin.pdf) (accessed 14 July 2023).

<sup>7</sup> IOC, ‘Q&A regarding the participation of athletes with a Russian or Belarusian passport in international competitions’ (updated 13 July 2023), <https://olympics.com/ioc/news/q-a-on-solidarity-with-ukraine-sanctions-against-russia-and-belarus-and-the-status-of-athletes-from-these-countries> (accessed 14 July 2023).

<sup>8</sup> Luke Harding, ‘Ukrainian Player had “Panic Attack” after Chat with WTA Chief’, *The Guardian* (13 March 2023), <https://www.theguardian.com/sport/2023/mar/13/lesia-tsurenko-had-panic-attack-after-chat-with-wta-chief-left-her-shocked-tennis> (accessed 14 July 2023).

<sup>9</sup> John G Ruggie, ‘“For the Game. For the World”, FIFA and Human Rights’ (2016), Corporate Responsibility Initiative Report No. 68. Cambridge, MA: Harvard Kennedy School, [https://www.hks.harvard.edu/sites/default/files/centers/mrcbg/programs/cri/files/Ruggie\\_humanrightsFIFA\\_reportApril2016.pdf](https://www.hks.harvard.edu/sites/default/files/centers/mrcbg/programs/cri/files/Ruggie_humanrightsFIFA_reportApril2016.pdf) (accessed 14 July 2023).

<sup>10</sup> On this Patricia Wiater, ‘Peaceful and Neutral Games: The Human Rights Perspective on Banning Russian and Belarusian Athletes from International Sports Competitions’, *VerfBlog* (23 March 2023), <https://verfassungsblog.de/peaceful-and-neutral-games> (accessed 14 July 2023).

rights responsibility entails integrating and reflecting international human rights standards in the norms they impart, in how they implement and adjudicate on them, and in their corporate governance. In addition, the IOC (similar to FIFA<sup>11</sup>) has made an explicit commitment to measure its actions against human rights standards.<sup>12</sup>

### Applicable Human Rights Framework

In September 2022, while the IOC had in place its recommendation to ban Russian and Belarusian athletes, two UN Special Rapporteurs called on the IOC to take a position on the question of possible discrimination.<sup>13</sup> The common human rights standard in this regard determines that unequal treatment on the grounds of nationality can be justified under certain strict conditions.<sup>14</sup> According to the settled case-law of the European Court of Human Rights (ECtHR),<sup>15</sup> there must be a reasonable relationship of proportionality between the legitimate aim pursued by the measure and the means employed. Sports federations that decide on the exclusion must also be able to put forward 'very weighty reasons'<sup>16</sup> in order to justify a differential treatment based exclusively on the ground of nationality. Allowing Russian and Belarusian athletes to participate in competitions on an individual, case-by-case-basis, as now proposed by the IOC, would undoubtedly constitute 'less restrictive means' in the sense of human rights law.<sup>17</sup> Excluding Russian and Belarusian athletes – as a collective – is the strictest of the possible measures. However, if there are legitimate aims that can only be pursued by collective exclusion, this can be a proportionate measure that does not constitute prohibited discrimination.<sup>18</sup>

### The IOC's Deficient Reference to Human Rights Obligations

Adopting this common human rights standard would have given the IOC the opportunity to clarify the objectives pursued by the original recommendation to exclude Russian and

<sup>11</sup> Fédération Internationale de Football Association, 'FIFA's Human Rights Policy' (May 2017), <https://digitalhub.fifa.com/m/1a876c66a3f0498d/original/kr05dqyhwr1uhqy2lh6r-pdf.pdf> (accessed 14 July 2023).

<sup>12</sup> International Olympic Committee, 'Respecting Human Rights', <https://olympics.com/ioc/human-rights> (accessed 14 July 2023).

<sup>13</sup> Letter from Alexandra Xanthaki, Special Rapporteur in the field of cultural rights, and E Tendayi Achiume, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (14 September 2022), <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27552> (accessed 14 July 2023).

<sup>14</sup> UN Human Rights Committee, 'CCPR General Comment No. 18: Non-discrimination' (37th session, 1989), [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FGEC%2F6622&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FGEC%2F6622&Lang=en) (accessed 14 July 2023); UN Committee on the Elimination of Racial Discrimination (CERD), 'CERD General Recommendation XXX on Discrimination Against Non Citizens' (65th session, 2005), <https://www.refworld.org/docid/45139e084.html> (accessed 14 July 2023).

<sup>15</sup> *Andrejeva v Latvia* ECtHR GC 55707/00 (2009), para 87, <https://hudoc.echr.coe.int/fre?i=001-91388> (accessed 14 July 2023).

<sup>16</sup> *Ibid.*

<sup>17</sup> In the context of the proportionality test, a measure can only be considered 'necessary' if there are no less intrusive means available that are equally suitable but less burdensome to achieve the objective pursued by the measure. See Eva Brems and Laurens Lavrysen, "'Don't Use a Sledgehammer to Crack a Nut': Less Restrictive Means in the Case Law of the European Court of Human Rights' (2015) 15 *Human Rights Law Review* 139.

<sup>18</sup> In the case of *A.H. and Others v Russia*, Russia had justified a national law on adoption which excluded US American citizens due to their nationality. The ECtHR found that the difference in treatment was disproportionate and discriminatory as it was not adequate to realize the legitimate aims pursued by Russia of protecting children from harm and encouraging adoption by Russians (ECtHR C 6033/13 (2017), para 412 et seq, <https://hudoc.echr.coe.int/eng?i=001-170390> (accessed 14 July 2023)). This allows the conclusion that a collective exclusion is permissible if it is without alternative in the pursuit of legitimate aims.

Belarusian athletes, and to assess which measures are appropriate and necessary to achieve these objectives. However, this did not happen. Instead, the IOC contributed to the current chaos by proclaiming an incorrect human rights standard to the sports federations in order to justify its recent recommendation for readmission.<sup>19</sup> The IOC referred to a statement made earlier by one of the UN Special Rapporteurs, Alexandra Xanthaki,<sup>20</sup> and implied that the right not to be treated differently on grounds of nationality was an absolute right, on the level of *ius cogens*. On this basis, the re-admission of Russian and Belarusian athletes was imperative in order to uphold human rights and the United Nations Guiding Principles on Business and Human Rights. This line of argument reveals a fundamental uncertainty on the part of the IOC in dealing with the applicable human rights standard, as an absolute right not to be discriminated against based on nationality would not admit excluding athletes that do not meet the conditions for participation that the IOC was now proposing. In the meantime, Special Rapporteur Xanthaki readjusted her assessment to the common human rights standard, and carried out a detailed proportionality assessment of the exclusion matter.<sup>21</sup> As far as can be seen, the IOC has not yet followed this correction. The IOC's invocation of incorrect human rights imperatives distracts from the real question that the IOC and sports federations currently have to address: are the readmission conditions, recommended by the IOC in January and March 2023, appropriate to pursue legitimate exclusion aims?

### Assessment of Aims and Less Restrictive Means

An aim of utmost importance that can justify unequal treatment<sup>22</sup> is to protect the human rights of the most vulnerable group of athletes in this context, that is, of Ukrainian athletes. These include their human right to mental health,<sup>23</sup> the protection of their dignity,<sup>24</sup> their own right to undisturbed participation in sports as an expression of cultural life, and their right to work<sup>25</sup> in international competitions. An interference with these rights exists if Ukrainian athletes are not prevented from witnessing the display of war-glorifying symbols at sporting events or if they have to compete directly with athletes who support the aggressor state Russia. A second legitimate aim is to contribute to the 'restoration of

<sup>19</sup> On this Patricia Wiater, 'On War, International Sports and Human Rights Standards', *EJIL:Talk!* (3 April 2023), <https://www.ejiltalk.org/on-war-international-sports-and-human-rights-standards> (accessed 14 July 2023).

<sup>20</sup> 'Introductory remarks by the UN Special Rapporteur in the field of cultural rights (edited version) in the consultation call with athletes held on Friday' (24 March 2023), <https://stillmed.olympics.com/media/Documents/News/2023/03/Transcript-special-rapporteur.pdf> (accessed 14 July 2023).

<sup>21</sup> Special Rapporteur in the field of cultural rights, Alexandra Xanthaki, 'Q & A on the Participation of Russian and Belarusian Athletes in International Sports Competitions', 3 May 2023, <https://www.ohchr.org/sites/default/files/documents/issues/culturalrights/activities/SR-CulturalRights-QA-4May2023-en.pdf> (accessed 14 July 2023). This Q&A reflects important aspects I had discussed in prior contributions on standards, aims and proportionality (see Wiater, note 6 and note 10).

<sup>22</sup> See, e.g., *Khamtokhu and Aksenchik v Russia* ECtHR GC 60367/08 (2017), <https://hudoc.echr.coe.int/fre?i=001-170663> (accessed 14 July 2023). On the following, in particular on the question of the admission of dissident Russians living in exile, as well as Belarusians, see in detail Wiater, note 6.

<sup>23</sup> Jan Christoph Bublitz, 'The Nascent Right to Psychological Integrity and Mental Self-Determination', in Andreas von Arnould, Kerstin von der Decken and Mart Susi (eds.), *The Cambridge Handbook of New Human Rights – Recognition, Novelty, Rhetoric* (Cambridge: Cambridge University Press, 2020), 387.

<sup>24</sup> Christopher McCrudden, 'Human Dignity and Judicial Interpretation of Human Rights' (2008) 19 *European Journal of International Law* 655.

<sup>25</sup> Article 27 of the UDHR and Article 15 of the ICCPR, which include the practice of sport; the right to work is guaranteed by Article 23 of the UDHR and Article 6 of the ICCPR.

peace'<sup>26</sup> by preventing that international sporting events and athletes are instrumentalized for the aggressor state's war propaganda. Sport forms an integral and important part of the state propaganda system in Russia.<sup>27</sup> The president of the Russian Olympic Committee (ROC), Stanislav Posdnyakov, established a strong connection between sport and war propaganda when saying, after the partial mobilization of the Russian population in September 2022, that it should be an honour for every Russian athlete if he or she could contribute to the success of the war.<sup>28</sup> This statement implies a war-supporting attitude on the part of all athletes. The ROC and Russia's war-related activities are closely intertwined. Recently, a German newspaper reported that the ROC actively supported 'the usurpation of land under murder and torture'<sup>29</sup> by affiliating sports federations in the occupied Ukrainian territories to Russia.

Controlling the strict neutrality conditions for readmission on a case-by-case-basis, as now proposed by the IOC, undoubtedly constitutes 'less restrictive means' compared with the collective exclusion. This would, however, only be equally effective in order to protect Ukrainians if strict observance of the IOC's neutrality conditions could be controlled. If federations are, on a practical level, incapable of verifying an athlete's neutrality towards Russia's war, then readmission under this condition is, in terms of human rights doctrine, not an appropriate measure. When the IOC made its renewed recommendations in January and March 2023, athletic stakeholders had reasonable doubts that the neutrality control would be feasible.<sup>30</sup> In this vein, the FEI Board justified upholding the exclusion by stating 'that at this stage neutrality cannot be defined and evaluated in a sufficiently satisfactory way'.<sup>31</sup> However, other sports federations are attempting to practise neutrality control. In order to have clarity on whether individual, case-by-case assessments of the war-related attitude of athletes are practicable, and in order to develop 'best practice' for the ongoing war and future war situations, monitoring this practice will be of paramount importance.

Concerning the second aim, ensuring 'restoration of peace' by preventing that sporting events are abused for war propaganda, the effectiveness of the conditions proposed by the IOC is even more questionable. As long as the *Russian state* instrumentalizes sports as a war propaganda tool (which is a matter of fact, not a legal question), a case-by-case review of the neutral attitude and behaviour of athletes cannot prevent this. If the collective of Russian athletes, regardless of their individual attitudes, is abused for war propaganda, the collective exclusion is the only appropriate means for federations to counteract and to contribute to de-escalation. Even if Russians compete as 'neutrals' without external symbols like flags or

<sup>26</sup> *Sejdić and Finci v Bosnia and Herzegovina* ECtHR GC 27997/06 (2019), <https://hudoc.echr.coe.int/fre?i=001-96491> (accessed 14 July 2023).

<sup>27</sup> Paraphrase and quote from Alexandra Vladimirova, Sport as part of the state propaganda system in Russia, Reuters Institute Fellowship Paper, University of Oxford, 5 May 2020, <https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2020-05/Sportspropaganda.Final-%20Alexandra%20Vladimirova.docx%20%281%29.pdf> (accessed 14 July 2023).

<sup>28</sup> Owen Lloyd, 'ROC President Pozdnyakov claims Russian athletes should be honoured to fight in war against Ukraine', *insidethegames* (22 September 2022), <https://www.insidethegames.biz/articles/1128348/roc-president-pozdnyakov-mobilisation> (accessed 14 July 2023).

<sup>29</sup> Michael Reinsch, 'Putins Werk und der Beitrag des Sports', *Frankfurter Allgemeine Zeitung* (2 June 2023), <https://zeitung.faz.net/faz/sport/2023-06-02/4284cc98c8800785085913601c9d2756/?GEPC=55> (accessed 14 July 2023).

<sup>30</sup> Athleten Deutschland e.V., 'Reaktion auf den IOC-Vorstoß zur Wiedereingliederung Russlands in den Weltsport' (27 January 2023), <https://athleten-deutschland.org/reaktion-auf-den-ioc-vorstoss-zur-wiedereingliederung-russlands-in-den-weltsport/> (accessed 14 July 2023).

<sup>31</sup> Fédération Équestre Internationale (5 April 2023), <https://inside.fei.org/media-updates/fei-maintain-protective-measures-regarding-russian-and-belarusian-athletes> (accessed 14 July 2023).

anthems, they remain ‘symbolic soldiers of their state, designed to glorify the greatness of the Russian world’.<sup>32</sup> Recent media reporting points to a two-sided picture on the propaganda issue. On the one hand, the reported statement of State Duma Committee on Physical Culture and Sports, Dmitry Svishchev, that ‘athletes should not be involved in politics’, suggests a separation of sport and state affairs. On the other hand, reports that the ROC’s Executive Committee ‘expressed a unified position on the inadmissibility of signing by Russian athletes of any declarations or other statements of a political nature that contradict the legislation of the Russian Federation’,<sup>33</sup> suggest a different stance, i.e., that Russia openly rejects the IOC’s concept of neutrality.

### III. Political Neutrality of International Sports Federations in Light of International Law and Human Rights Obligations

The autonomy of the sports movement and the principle of ‘political neutrality’<sup>34</sup> are interconnected. Political neutrality supports the autonomy of the sports movement on the premise that the universal acceptance of sport is a result of sport not making judgements.<sup>35</sup> In this vein, the International Table Tennis Federation justifies its decision to readmit Russian and Belarusian athletes as proposed by the IOC by referring to ‘the potential dialogues sport can create [...] in ways that exclusion and division cannot’.<sup>36</sup> This understanding of neutrality may be honourable when it comes to overcoming political hurdles or breaking down religious, racial or cultural resentments in the relationship between individual athletes connected through sport. However, the current situation is fundamentally different. We are facing the international crime of Russia’s war of aggression. Russian athletes cannot serve as bridges to end the conflict because Russia instrumentalizes them as vehicles of this conflict. When it comes to annexing foreign territory (which must be distinguished from internal conflicts, such as civil wars), there is no meaningful dialogue or political neutrality of sport. ‘To claim a neutral position is also political’.<sup>37</sup> The neutrality of the IOC and of sports federations must be interpreted in light of the Olympic postulate of peace that guides international sport (Fundamental Principle 2 of Olympism), and in light of the clear international law judgement of the situation. As early as 2 March 2022, the United Nations General Assembly strongly disapproved of the Russian Federation’s aggression against Ukraine, calling it a violation of the prohibition of the use of force under Article 2 (4) of the United Nations Charter.<sup>38</sup> Embracing consensual legal assessments, such as the one made by the General Assembly, does not infringe on the neutrality principle. On the contrary, it points to a way out of chaos for sports federations.

<sup>32</sup> Iryna Lishchynska, ‘Sports out of the Politics’ (19 April 2023), <https://ua.boell.org/en/2023/04/19/sports-out-politics> (accessed 14 July 2023).

<sup>33</sup> Quotes from Owen Lloyd, ‘Pozdnyakov states “unacceptable” for athletes to sign condemnation of Russia’, *insidethegames* (25 May 2023), <https://www.insidethegames.biz/articles/1137340/roc-executive-meeting> (accessed 14 July 2023).

<sup>34</sup> Hans Erik Næss, ‘The Neutrality Myth: Why International Sporting Associations and Politics Cannot be Separated’ (2018) 45:2 *Journal of the Philosophy of Sport* 144.

<sup>35</sup> Johan Lindholm, ‘How Russia’s Invasion of Ukraine Shook Sports’ (2022) 22 *International Sports Law Journal* 1.

<sup>36</sup> International Table Tennis Federation (30 March 2023), <https://www.ittf.com/2023/03/30/itf-statement-participation-players-russian-belarusian-passport> (accessed 14 July 2023).

<sup>37</sup> Ansgar Thiel, Anna Villanova, Martin Toms, Lone Friis Thing and Paddy Dolan, ‘Can Sport be “Un-Political”?’ (2016) 13:4 *European Journal for Sport and Society* 253, 254.

<sup>38</sup> UN General Assembly, ‘Resolution adopted by the General Assembly on 2 March 2022: Aggression against Ukraine’, A/RES/ES-11/1 (18 March 2022), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/293/36/PDF/N2229336.pdf?OpenElement> (accessed 14 July 2023).

#### IV. Conclusion

Adjusting the principles of neutrality and autonomy to international law and human rights standards is an imperative for sports federations to maintain autonomy and avoid state interferences. If sports federations disregard their human rights responsibilities, this can activate the state's duty to protect human rights. In this regard, Nancy Faeser, the German Minister of the Interior responsible for sports affairs, warned that German authorities have the power to make sure that Russian athletes do not compete on German territory by not issuing visas. For Faeser, this would help avoid 'a slap in the face to Ukrainians athletes'.<sup>39</sup> The Conference of German Sports Ministers supports this position by stating that 'the warmonger Russia must not use international sporting events as a stage for its propaganda'.<sup>40</sup>

If the sports federations organizing qualification competitions in Germany in 2023 decide to admit Russian and Belarusian athletes, this will likely be seen as disregarding the federations' human rights responsibilities. This could lead to an activation of Germany's duty to protect the rights of Ukrainian athletes and to prevent Russian war propaganda. If the conditions proposed to readmit athletes were considered inadequate to pursue the legitimate aims of exclusion, as explained above, and thus the home state of sports federation were to take action, this would not constitute unfair political interference. Autonomy and neutrality cannot be maintained in defiance of human rights and international law standards, but must be embedded in this normative framework.

---

<sup>39</sup> SchengenVisainfo.com, 'Interior Minister Set to Ban Russian Athletes in Germany Ahead of Olympics' (12 April 2023), <https://www.schengenvisainfo.com/news/interior-minister-set-to-ban-russian-athletes-in-germany-ahead-of-olympics/> (accessed 14 July 2023).

<sup>40</sup> dpa, Faeser: Visa-Verbot für Sportler aus Russland und Belarus', <https://www.sueddeutsche.de/sport/sportpolitik-faeser-visa-verbot-fuersportler-aus-russland-und-belarus-dpa.urn-newsml-dpa-com-20090101-230512-99-664253>, 12 May 2023 (accessed 14 July 2023).