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Committee on Culture, Science, Education and Media

Addendum to the minutes of the meeting held in Strasbourg on 25 and 27 April 2023

6. Excluding the athletes and officials of the Russian Federation and Belarus from participating in the international Olympic movement

Rapporteur: Ms Denisa Elena Neagu (Romania, ALDE)
[Doc. 15721; Doc. 15736; AS/Cult/Inf (2023) 03]

The **Chairperson, Mr Stefan Schennach**,² welcomed the President of the Assembly, Mr Tiny Kox, and introduced the invited guests:

- Ms Natallia Pinchuk, the wife of jailed Belarusian human rights activist and Havel Prize winner Ales Bialiatski (in person);
- Ms Amélie Oudéa-Castéra, Minister of Sports and the Olympic and Paralympic Games, France (video message);
- The Rt Hon Lucy Frazer KC MP, Secretary of State for Culture, Media and Sport, United Kingdom (video message), represented by Mr Adam Conant, Head of Sport - Department for Culture, Media & Sport, United Kingdom;
- Mr Andriy Chesnokov, Deputy Minister for Youth and Sports of Ukraine for European Integration (online);
- Ms Alexandra Xanthaki, Special Rapporteur in the field of cultural rights, United Nations (video message);
- Mr Francesco Ricci Bitti, President of the Association of Summer Olympic International Federations (ASOIF) (in person);
- Mr Gerd Kanter, Chairperson of the Athletes' Commission, European Olympic Committees (EOC) Estonia (online);
- the representatives of the International Olympic Committee (IOC): Mr Arsen Julfalakyan (Armenia), Olympic silver medalist, World and European Champion, Greco-Roman Wrestling, Chair of the United World Wrestling (UWW) Athletes' Commission (in person), and Ms Gaby Ahrens (Namibia), Olympian, Shooting, Chair of the Athletes' Commission of the Association of National Olympic Committees of Africa (ANOCA) (in person).

The Chairperson then gave the floor to the President of the Assembly.

Mr Kox's speech is annexed.

The Chairperson gave the floor to **Ms Pinchuk**, who presented the situation in Belarus where thousands of people were in jail or tortured, including the Belarusian athletes who stood up against the regime. Sport was tightly connected to politics and banning Russian and Belarusian athletes had to be a principled position adopted by all democratic countries against all those who supported war and terror in Ukraine.

The Chairperson thanked Ms Pinchuk. He was honoured by her presence and pleased about the position of the Mayor of Paris in favour of a ban, also knowing that Mr Bialiatski was a honorary citizen of Paris. He thanked Mr Saar, mover of the motion for resolution, and gave the floor to Mr Andriy Chesnokov.

¹ The Addendum to the minutes was approved and declassified by the Committee on Culture, Science, Education and Media at its meeting on 19 June 2023.

² Before the hearing started, Ms Kravchuk, Chairperson of the committee, asked Mr Schennach, 1st Vice-Chairperson, to take the chair for this item to avoid a possible conflict of interests and to be able to participate in the discussion.

Mr Chesnokov's speech is annexed.

The Chairperson opened the floor to the first round of questions, starting with the rapporteur.

Ms Neagu expressed sympathy to the Ukrainian people and referred to the tragic situation of Ukrainian athletes who would not be able to participate in the Olympic games. She asked about their training conditions and the feasibility of qualifying events this year. Should the war stop, what would be Ukraine's position if the Russian athletes participated under a neutral flag?

Ms Helleland asked what Ukraine would expect from the Council of Europe.

Mr Chesnokov replied that athletes were indeed preparing and participating in qualifying events but under difficult conditions, including air raids, and were sometimes displaced or had to train outside the country. However, the government would not support the participation of Ukrainian athletes in such competitions, if Russian or Belarusian athletes would also be present. This position was based on consultations with national sports federations, except for the national federation of tennis. This did prevent individual athletes from participating, without financial support from the government. He hoped that the Assembly would continue defending the sovereignty and territorial integrity of Ukraine and supporting the ban on Russian and Belarusian athletes.

The Chairperson thanked Mr Chesnokov and asked to play the video messages from **Ms Amélie Odéa-Castéra**, **Ms Alexandra Xanthaki** and **Ms Lucy Fraser**.

The transcripts of the three video messages are annexed.

The Chairperson then gave the floor to the distinguished guests present in person: **Mr Francesco Ricci Bitti**, and the two representatives of the IOC, **Ms Gaby Ahrens** and **Mr Arsen Julfalakyan**. Their speeches are annexed.

The Chairperson thanked the three guest speakers and gave the floor to **Mr Gerd Kanter**. His speech is annexed.

The Chairperson opened the floor for the debate.

Mr Saar recalled that the Olympic Charter and the fundamental principles of the Olympic movement clearly stated that the goal of the Olympic games was to play sport in the service of a harmonious development of humankind, with the view to promoting a peaceful society concerned with the preservation of human dignity. Russia's war of aggression was an undisputable breach of this principle, constituting a crime against humanity. The perpetrators should be brought to justice and not be allowed to hide behind the Olympic flag. Two Russian athletes publicly stated or expressed their support for the war, but the situation was trickier for those who had not expressed their position. What was the mission of athletes in society? He deeply regretted Mr Bach's absence. In 2017, during the Estonian presidency of the European Council, he had started a reflection on the role of athletes and sports coaches in society. Athletes were role models, champions, and heroes, who acted against injustice and did not hide behind the curtain of "professional sports". He echoed Mr Kox's words on the power of sport in promoting values and hoped that the Assembly would take a clear stand.

Ms Kravchuk referred to Russia's use of sport and athletes, often recruited by the army or sponsored by the Ministry of Internal Affairs, as a propaganda tool, while the people in Ukraine were being tortured to death, and children raped in front of their mothers. Ukrainians also had the basic right to life and to practice sport, which was denied. The Assembly should send a clear message that tyranny would not be tolerated, including in sport.

Ms Neagu asked Mr Ricci Bitti what criteria would ensure the neutral participation of Russian athletes in the Olympic games, while avoiding Russian propaganda and protecting human rights for everyone.

Lord Foulkes found the pleading for sportsmen "quite sickening". The fact that there were other conflicts around the world was no explanation at all for the removal of the ban against Russian and Belarusian athletes, as Europe was now fighting to support the people who were dying in Ukraine and to defend democracy against totalitarianism. The people of Russia had to put pressure on Putin to give up; this was also being done through sanctions on businessmen, oligarchs and athletes. Otherwise, the Assembly would fail in its duty to protect human rights and democracy.

Ms Helleland expressed her disappointment at the absence of the IOC President at the hearing and pointed to the strong links between sport, the military and politics in Russia and Belarus. Since state funding meant

state representation, she challenged Mr Ricci Bitti's idea of sport autonomy which made the international community lose trust in the IOC's actions. If sports federations did not follow the ASOIF's line, how would he respond to this resistance?

Mr Goncharenko made a distinction between Russia and Belarus (the right name of the latter, not Belorussia). Allowing athletes from these two countries to compete in the Olympics games meant that these games were not needed at all as they were not about who was faster or stronger, but about the very idea of a peaceful society. Athletes should be asked to condemn the war, in writing, if they wanted to compete, also to preserve the IOC's authority.

Mr Pocij, Head of the EPP group, recalled the Greek principles of the Olympic games, which were centred around peace. In 1984, following the Soviet Union's attack on Afghanistan, there was a boycott, which could happen again this time round. He asked whether the IOC would organise the games in Moscow and whether he would have allowed Nazi Germany to participate and go about its business as usual. Russia invaded Ukraine two weeks later than planned because of the Olympic games in China. Elections in Belarus, he observed, were always organised during the Olympic games to distract people from politics. The IOC's decision to maintain the ban could wake up the people of Russia and Belarus and help end the war.

Mr Jensen argued that imposing a war on another country with mass destruction, lost lives and violence had to have clear consequences, which overruled the statute of the Olympic movement. The international community did impose sanctions on a lot of people in Russia, and companies which could not trade and often had nothing to do with the conflict. Why should this be different for athletes? He didn't think that there was any difference between sports people and other ordinary Russian citizens. Sport had to assume its responsibility and the Assembly had to send a clear message to ban officials and athletes from Russia and Belarus from the Olympic games.

Mr Bulai pointed to the Russian occupation of Transnistria 30 years ago, of Georgia in 2008 and of Crimea 9 years ago. The sports federations never made any comment about that, as was the case now. Putin was using sports and athletes as cultural diplomacy tools; this should be firmly rejected. This was the message of the ALDE group he was leading.

Mr Ricci Bitti clarified that 95 to 99% of the federations, at the Olympic Summit of December 2022, had explored the possibilities and conditions for the readmission of Russian and Belarusian athletes. The ASOIF was only one component of the Summit, which developed the restrictive criteria which were published in February, and which were very difficult to implement. Many federations had no significant athletes from Russia, while others postponed the decision due to the extremely difficult application of the criteria. A system with third parties that controlled self-declarations, and perhaps the media, had to be in place. The IOC was closely monitoring the process in relation to international competitions, with the help of third parties, and the decision about the Olympic games had been postponed. Many sports, including tennis and cycling, were competing daily everywhere in the world, including England, with no incidents. The UK government changed its stance regarding admission to the Wimbledon tournament.

The Chairperson, due to lack of time, could not give the floor to Mr Adam Conant, Head of Sport - Department for Culture, Media and Sport, United Kingdom, whom he thanked for his availability. He thanked the other invited guests present in person at the hearing and those who sent videos for their interesting contributions. He announced that the video of the entire hearing would be made available on the Assembly website. He then closed the hearing.

Roberto Fasino, Dana Karanjac, Silvia Arzilli, Marc Gruber

cc: Secretary General of the Assembly
 Directors and all staff of the Secretariat of the Assembly
 Secretaries of National Delegations and of Political Groups of the Assembly
 Secretaries of observer and partner for democracy delegations
 Secretary General of the Congress
 Secretary to the Committee of Ministers
 Directors General
 Director of the Private Office of the Secretary General of the Council of Europe
 Director of the Office of the Commissioner for Human Rights
 Director of Communication
 Permanent Representations to the Council of Europe

Appendix

Speaking notes

Tiny Kox, President of the Parliamentary Assembly of the Council of Europe

Madam Secretary General of the Assembly,
Madame Rapporteur,
Deputy Minister of Sport of Ukraine,
President of the ASOIF,
Members of the Assembly,
Ladies and gentlemen,

It is a great pleasure and honour for me to welcome you to this hearing and I am very grateful to the Committee on Culture, Science, Education and Media for organising it.

Some people may think that it is strange to spend the precious time of our Assembly members to discuss sport matters in the time when war is waged in Europe, when the people of Ukraine suffer and die every day as a result of the Russian aggression against their country.

But it is also true that sport has ceased since a long time ago to be just a leisure activity where people simply measure who jumped longer or lifted more weight. Sport, due to huge public following and enormous media attention, has evolved into a powerful tool that teaches those involved in it important values such as fairness, integrity, mutual respect, equality or inclusion. But sport is not only educating those directly participating in the sporting activities, but also has a capacity to transmit and to promote values, ideas and modes of behaviour to the society as a whole.

We should not underestimate the power of sport in influencing peoples' views and it is of course of the interest of the Parliamentary Assembly that sport promotes the values of peace, democracy, human rights and the rule of law. This is why it is important for the entire Council of Europe where serious work is done on various aspects of sport integrity and why it is relevant for our Assembly.

Today we will focus on one of the most topical though polarizing issues currently discussed by politicians, athletes and ordinary citizens around the world. The Assembly noted that the International Olympic Committee (IOC) and sport movement at large currently seems to change the position it held since 24 February 2022 and to favour the participation of Russian and Belarussian athletes in international competitions, while other stakeholders strongly object this it. Some reservations were raised in a declaration signed by 30 Ministers responsible for sport representing many Council of Europe's member states. There is also a very strong reaction of the Ukrainian government, the Ukrainian National Olympic Committee and of many Ukrainian athletes against possible participation of Russian and Belarussian athletes in the 2024 Paris Olympic Games.

But we are also aware that a potential decision to ban Russian and Belarusian athletes from the Games would raise delicate issues in terms of compliance with the Olympic Charter, and that the compatibility of such a ban with international human rights standards prohibiting discrimination has been questioned.

However, taking a decision to allow for the participation of Russian and Belarusian athletes in the 2024 Paris Games in the context of the on-going large-scale war of aggression against Ukraine is considered by many as such that would not only go strongly against the mission of Olympism to promote peace, but instead will widen divisions and serve propaganda purposes of the aggressor. For many, participation of the Russian athletes, a considerable number of whom are members of the Russian military or security services is totally unthinkable and unacceptable, given the tragic loss of thousands of Ukrainian lives, serious war crimes committed by the Russian army in Ukraine, and the pain and suffering which this aggression continues to cause. In this complex context, our Assembly has decided to invite its Committee on Culture, Science, Education and Media to prepare a report on this question and perhaps to look at the broad definition of the sport integrity and values in the context of military conflicts and aggressions. The current hearing should contribute to the deliberations on this report.

One of the fundamental principles of Olympism, as defined by the Olympic Charter itself is *‘to place sport at the service of the harmonious development of humankind, with a view to promoting a peaceful society concerned with the preservation of human dignity’*. Today, we our discussion should help better understand whether and under which conditions the participation of Russian and Belarussian athletes in the international sport events will contribute to promoting this principle or will rather undermine it and how sport can be protected from those who wish to use it for the goals that go contrary to both principles of Olympism and the values of the Council of Europe.

I look forward to a constructive and respectful exchange and although it might be challenging to reach an ultimately consensual solution, I am an optimist and I believe we can do it!

Mr Andriy Chesnokov (online)

Dear Mr Chairperson,
Distinguished members of the Committee,
dear participants of this public hearing,

At the outset, let me thank you on behalf of the Ministry of Youth and Sports of Ukraine for the opportunity to address the important issue of today’s international sport”. 14 months passed since Russia with the support of Belarus attacked Ukraine violating the Olympic Truce.

The decisions and recommendations taken by the IOC on 28 February 2022 to prevent Russian and Belarusian athletes from participating in international competitions were logical and absolutely fair. They were based on the exceptional circumstances of the situation as the IOC stated. Then the IOC distinguished the Russian-Ukrainian war among other conflicts in the world.

It was again logic that the Ministers responsible for Sport at their 17th Council of Europe Conference on last October in the Resolution No. 1 “Sport for all: uniting us for stronger societies” condemned the Russian federation’s aggression towards Ukraine, and considered that the Russian Federation and Belarus should not be represented in international sport as long as this aggression continues.

Ukraine adheres to the unchanging opinion that amid the still ongoing unprecedented brutal military aggression of the Russian federation, supported by the republic of Belarus, against Ukraine, representatives of the aggressor states must not perform on the international sports arenas in any status.

Unfortunately, nothing has changed during 14 months of war. The situation on the ground is deteriorating. The world is shocked by atrocities and war crimes are being committed by Russian troops with the full support of Belarus. 287 Ukrainian athletes and coaches were killed, about 40,000 athletes were forced to move abroad among 7 million refugees. More than 340 sports facilities were severely destroyed or damaged.

No actions to demonstrate Russia’s desire to end the war, bloodshed, and terrorism have been taken. Russian and Belarusian athletes have either not made any statements regarding the need to stop the aggression against Ukraine and liberate the sovereign territory of our State. Even the statement of the president of the Russian Olympic Committee, Stanislav Pozdnyakov, that military service for the protection of Russia’s interests in the war against Ukraine is a matter of honor for Russian athletes, failed to raise any red flags with the IOC regarding the political bias of Russian athletes.³

Despite the universal condemnation of the Russian Federation’s armed aggression against Ukraine, many Russian athletes continue to actively support the policies of Vladimir Putin and boldly demonstrate their approval of the war.⁴

As you know, on 28 March 2023, the IOC Executive Committee adopted the “Recommended Conditions of Participation of Athletes and Athlete Support Personnel with a Russian and Belarusian Passport in International Sports Competitions Organised by the International Federations and International Sports Event Organisers” (hereinafter – “IOC Recommendations”), whereby it proposed international sports federations to admit Russian and Belarusian athletes, as well as officials, to international sports competitions upon the

³ You can review the news via the link: <https://www.insidethegames.biz/articles/1128348/roc-president-pozdnyakov-mobilisation>

⁴ You can review the news via the link: <https://www.insidethegames.biz/articles/1127028/ivan-kuliak-decision-expected-in-sep>

principles of neutrality. There are many “unanswered questions” of this decision. Moreover, we believe the IOC failed to establish an effective mechanism of prevention of using of sports as a tool of propaganda by Russians and Belarusians who represent only the governments through the state funding. There are no prevention security measures for Ukrainian athletes and fans as well as spread of hate speech against them. Let me use this opportunity to address the background of the IOC decision. At the core of the IOC's position are the conclusions of two UN Special Rapporteurs dated 14 September 2022, in which they urged the IOC to adopt a decision to ensure the non-discrimination of any athlete and accordingly noted that the ban of Russian and Belarusian athletes *“based solely on their nationality”* constitutes discrimination.

It must be noted, however, that the IOC's heavy reliance on alleged human rights violations is unjustified and without legal merit, where the conclusions of the UN Special Rapporteurs are premature and incomplete. First, both the right of athletes to participate in sports competitions and right of non-discrimination are not absolute and could be surpassed by wider considerations of public safety and wider interests of the whole sporting community. Second, the conclusions of the UN Special Rapporteurs omit consideration of mandatory legal instruments governing the IOC, including the European Convention on Human Rights and Fundamental Freedoms, respective jurisprudence of the European Court of Human Rights (“ECHR”), the *lex sportiva* and jurisprudence of the Court of Arbitration for Sport (“CAS”).

Notably, *none* of the international human rights instruments provides for the right of athletes to participate in the international competitions without any restrictions. To the contrary, recently the CAS confirmed lawfulness of the position of the international football associations to ban Russian football teams from participation in their competitions because *“the right to participate in competitions is not absolute”*.⁵ The CAS panel noted that *“it would be practically difficult or even impossible for a member's right to participate in competitions to be an absolute right, since there are likely other circumstances when the right of participation must give way to other rights or interests, such as another member's right to participate or the wider interests of the football community or a force majeure event”*.⁶

Similarly, the European Court of Human Rights (“ECHR”) in its jurisprudence recognized that the difference in treatment and limitation of individual's rights and freedoms may be a justifiable measure if it pursues a legitimate aim, such the aim of ensuring public safety,⁷ restoration of peace,⁸ protection of national security.⁹ In such a case, a measure is not considered discriminatory and thus as such that unlawfully infringes human rights.

It is important to note that, first, Russian federation breached the Olympic Truce by waging an aggressive war against Ukraine, without taking no efforts to restore the peace by leaving the illegally occupied territories. Second, the safety concerns associated with potential participation of Russian and Belarusian athletes and their supporters are still in place and even deteriorated, as indicated by recent examples of multiple confrontations between Russian and Ukrainian athletes, as well as spread of hate speech and war propaganda by Russian supporters in course of sporting events.

Therefore, the interests of organizers of sporting competitions to run them without disruptions and the general aim of ensuring safety of all involved (both participants and general public) is a legitimate non-discriminatory measure that takes precedence over the right of Russian and Belarusian athletes to participate in such competitions.

It is worth mentioning that already after the announcement of the IOC Recommendations, some officials of the aggressor countries announced that they would allow athletes to perform under a neutral flag for the sake of their presence at sports competitions. Thus, those officials did not even try to conceal their approval of the IOC's decision, which definitely undermines the latter, its role and weight, and also causes enormous reputational damage to such an international institution as the IOC. Undoubtedly, those international organizations that support the IOC Recommendations will also suffer reputational damage. In addition to their blatant unlawfulness, the IOC Recommendations give rise to many challenges associated with their practical implementation, which once again testifies to their irrationality, imperfection and inappropriateness in current conditions.

Neutrality in sports is a rather broad concept. Therefore, to ensure accurate assessments and avoid any potential misunderstandings, it is crucial to establish unambiguous and specific criteria for determining neutrality in each particular sport, taking into account its unique features of programs and disciplines, rules of the kind of sport, etc. It is not surprising that the IOC Recommendations do not enlist instructions on the criteria

⁵ CAS 2022/A/8708 Football Union of Russia v. Fédération Internationale de Football Association et al

⁶ *Ibid.*, CAS 2022/A/8709 Football Union of Russia v. Union of European Football Associations (UEFA) et al

⁷ CASE OF S.A.S. v. FRANCE, ECHR Judgment dated 1 July 2014

⁸ CASE OF SEJDIĆ AND FINCI v. BOSNIA AND HERZEGOVINA, ECHR Judgment dated 22 December 2009

⁹ CASE OF KONSTANTIN MARKIN v. RUSSIA, ECHR Judgment dated 22 March 2012

which international federations should follow to determine and/or verify compliance by athletes and officials with the principle of neutrality. The above is practically impossible to fulfill, especially considering that the IOC as well as any individuals cannot but realize that among the Russian and Belarusian athletes, who are members of the national teams, can be no “neutral” sportsmen, but only those who support the regime.

Thus, there are currently no accurate and logical explanations, and may not be in future, as to which actions of the athletes will testify to their neutrality. That is to say, even the fact that an athlete signs a declaration against the war and/or publicly condemns the war may not be enough to ascertain his/her neutral position, since the athlete may conceal his/her real attitude for the sake of participation in the Olympics. Needless to mention anything about the athlete who does not express his/her position at all.

The next practical problem, which is inextricably linked to the first one, concerns the practical possibility of dividing individual competitions into the ones with the participation of Russians and Belarusians and team competitions, which should be held without them.

It leads to the conclusion that the IOC Recommendations not only fail to address the worsening problems caused by Russian aggression worldwide, but also do not promote the “integrity of sports”, “building bridges”, and establish no peace. On the contrary, the IOC Recommendations raise even more challenges and complicate the activities of competition organizers and international federations, shifting responsibility to them and demanding additional action and decision-making, leaving many components necessary for implementation uncertain and without clear legal qualification.

I sincerely appreciate PACE's unwavering support, and would like to reiterate Ukraine's steadfast stance. As long as Russian troops, with the complicity of the Belarusian government, continue to commit acts of genocide against the Ukrainian people, Russian and Belarusian athletes must be prohibited from participating in any international competitions in any, including neutral, status.

I thank you.

Ms Amélie Oudea-Castera (video message)

Madam Chair,
Members,

Thank you for inviting me to take part in this hearing. As it was impossible for me to attend, which I regret all the more given the importance of the subject, I would extend my apologies. However, I really wanted to be able to address you with this video message and I have also asked our Permanent Delegation in Strasbourg to report back to me about your discussions, and I will follow the next stages very closely.

1) As you know, France condemns in the strongest possible terms the aggression against Ukraine by Russia, with the support of Belarus. It is illegal, unjustified and unjustifiable, and violates the most fundamental rules of international law. My country is therefore actively committed to the economic, political, diplomatic, cultural **and also sporting** sanctions against Russia and Belarus being maintained and **even stepped up** for as long as the war of aggression continues. France is also determined **to hold Russia to account for its actions** and actively supports the work being done in this respect at the Council of Europe.

2) In this context where the cruellest injustice is being combined with the most revolting atrocity, France stands firmly alongside Ukraine and the Ukrainian people and will continue to do whatever it can to help them, in all areas, including sport. We should remember that more than 230 Ukrainian athletes and trainers have been killed by Russian forces during the aggression against Ukraine. And that some 350 sports venues have been destroyed or damaged in Ukraine, forcing some clubs to play elsewhere, outside their country, and condemning others to no longer play at all. And also that the athletes who have stayed in the country, including some children and young hopefuls of Ukrainian sport, are competing in conditions of total fear and insecurity.

From the very first day of the Russian invasion of Ukraine, France took strong action to help Ukrainian refugees, including sportsmen and women. For instance, **our public sports establishments** put up – and in some cases – are still putting up families, children and athletes to enable them to continue living as normally as possible and to train in high-quality facilities. **Local authorities**, businesses, French households and the **sports movement** are providing them with assistance, in particular through a solidarity fund which has enabled 13 federations to support Ukrainian delegations and ensure their participation in a range of international sporting events held in our country.

To step up this assistance, the French Government, in conjunction with the IOC Olympic Solidarity Commission, has recently decided to commit specific assistance of €1 million for the Ukrainian delegation for the 2024 Paris Olympics and Paralympics. This assistance will fund in full its base camp for preparation for the Games, and we are in contact with Vadym Guttsait, Minister for Sport and Young People and President of the National Olympic Committee of Ukraine, regarding implementation. **We are determined to offer both the Ukrainian Olympic and Paralympic teams** the best possible conditions for preparing for the Paris Games.

3) Many countries which support Ukraine and recognise that it is indisputably the victim of unacceptable Russian aggression know at the same time that we have a collective duty not to disregard the UN principle of not discriminating against people because of their nationality or passports. Two special rapporteurs of the UN Human Rights Council have voiced their concerns about the exclusion of Russian and Belarusian athletes from international competitions on the sole ground of their nationality. On 1 February 2023, these experts issued a press release underlining their position: *“the Olympic Committee and more widely the Olympic community have also the compelling obligation to abide by the Olympic Charter, and more widely international human rights norms prohibiting discrimination.”* They added that *“when States so flagrantly ignore human rights, we have a greater obligation to stand in support of our common values.”* Their statement followed on from the resolution on *“Sport as an enabler of sustainable development”* (A/77L.28) adopted by the UN General Assembly on 1 December 2022.

4) In this context, the question we all ask ourselves is whether the participation of Russian and Belarusian athletes in international sports competitions under a system of strict neutrality can be envisaged, and under what arrangements. That is the question which 35 countries, including France, asked in a statement published on 21 February 2023 (Statement on Russia’s war on Ukraine and international sport). **And it is not an easy question** when you consider the close ties between sport and government in Russia, which both are historical and are still very much alive as demonstrated by recent events.

France recognises and respects the autonomy of the sports movement and, in the case of the Olympics and Paralympics, **it is the IOC and the International Paralympic Committee (IPC)** which, in their respective areas of responsibility, will take **sovereign decisions** concerning the participation of Russian and Belarusian athletes. **However, we as political leaders must be able to understand in practical terms what such a system of “neutrality” can mean and how viable it can be in the context we are facing.**

5) The IOC is working on the issue and the IPC will review the matter in preparation for its general assembly in September. The recommendations made by the IOC on 28 March 2023 do not apply to the 2024 Paris Games; to date, they have been issued to international federations solely in relation to international sports competitions. However, they already set out some initial clarifications, focusing on five points:

1. Russian and Belarusian athletes may compete only as **individual neutral** athletes;
2. **Teams of** Russian or Belarusian athletes may not be considered;
3. Athletes or support personnel who actively support the war may not compete or be entered;
4. Athletes or support personnel **who are contracted to the Russian or Belarusian military or national security agencies** may not compete or be entered;
5. Any individual neutral athletes must meet **all anti-doping requirements** applicable to them.

In addition to the five points above, the IOC, which **reaffirmed its solidarity with Ukrainian athletes**, made it clear that the sporting sanctions imposed on those responsible for the war – the Russian and Belarusian governments and states – obviously remained in place:

- accordingly, no international sports event may be organised or supported by an international federation or an Olympic Committee in Russia or Belarus;
- **no flag, anthems or other national symbols whatsoever of those countries may be displayed at any international sports events or meetings;**
- lastly, no Russian or Belarusian government or state officials may be accredited for or invited to any international sports events.

6) Each international federation is currently working to take a stance on the issue, in accordance with its own governance. The international fencing, table tennis, taekwondo, wrestling, triathlon, skateboarding and modern pentathlon federations have decided to **reintegrate** Russian and Belarusian athletes in their competitions **under neutral banners**, which has caused some turmoil within their communities of athletes. The same decision has been taken in tennis by the Wimbledon Tournament, bringing it back into line with the approach taken from the outset by the other Grand Slam tournaments. In contrast, World Athletics, the international athletics federation, has come out very strongly against any idea of welcoming back Russians or

Belarusians. And the international horse riding, basketball, ice hockey and badminton federations have also so far come out against them being allowed back, in some cases in direct application of the IOC recommendations regarding team sports. As can be seen, **the positions still have to be clarified and confirmed within the sports movement**, and some international federations such as swimming and gymnastics have, for instance, indicated that they want to take more time before deciding in their disciplines.

7) Against this background, while the guidance from the IOC has, firstly, helped the sports movement to take a stand and, secondly, to start defining what is meant with “neutrality” – and more strictly than some organisers or professional bodies had done for their own competitions to date – there are still open questions, ranging from the most practical to the most fundamental, which will have to be addressed for the Paris Games:

- What, for instance, is the position regarding participation in “pairs” in competitions where individuals compete in twos like in badminton or rowing, and not in “teams” as in team sports?
- What position does the IOC intend taking regarding athletes funded by the Russian or Belarusian governments or those sponsored by or receiving financial support from entities with links to the Russian or Belarusian states?
- How, under the desired system of neutrality, does the IOC envisage a selection process for athletes that is completely independent of the Russian and Belarusian authorities, and what could such a process look like in practice?

The IOC is continuing its consultations and its work, and we are following all developments very closely.

At the same time, and more than ever, France remains committed and is standing by the Ukrainian people, determined to do everything in its power to ensure that the Ukrainian Olympic and Paralympic delegation is as strong and well prepared as possible for the 2024 Paris Games.

While it may seem a secondary matter to worry about sporting performance for a country that has been attacked in such a way, you will agree with me that taking part in the greatest sporting event on the planet and performing well there sends out an extraordinary message, once again, of **resilience**; serving as an additional source of **pride** for all Ukrainians – wherever they are in the world – and a tremendous symbol of **hope**. Hope that these victories, in blue and yellow, will inspire another victory that is greater still and more comprehensive, namely the victory of an entire people and nation.

Thank you for your attention and your work, which I am sure will move forward the joint discussions on this important issue.

Ms Alexandra Xanthaki (video message)

I have repeatedly commented publicly on the illegality of the war in Ukraine and the suffering and human rights violations that this war brings. I have made several public statements, and continue to be very actively involved in commenting on the effects this illegal war has both on the cultural; heritage in Ukraine and on the cultural identities in Ukraine.

On 14 September 2022, I, jointly with the Special Rapporteur on racism, sent a letter to the International Olympic Committee. In that letter, I expressed serious concern about the recommendation to ban Russian and Belarusian athletes and officials such as judges from international competitions, based solely on their nationality, as a matter of principle. This raised serious issues of non-discrimination.

My interest is part of my wider concern about increasing unjustified restrictions affecting Russian and Belarusian artists, academics and scientists, on the grounds of their nationality not only abroad but in their own countries, since the Russian aggression against Ukraine. The right to participate in cultural life, which is protected under international law includes the right to participate in sports.

I chose to send the letter to the IOC as in September 2022, the International Olympic Committee affirmed through its [Strategic Framework on human rights](#) its commitment to respecting human rights within its remit in accordance with the United Nations Guiding Principles on Business and Human Rights. Also Fundamental principle 4 of the Olympic Charter confirms that “the practise of sport is a human right” and establishes that “every individual must have the possibility of practising sport, without discrimination of any kind”. Fundamental principle 6 repeats prohibition of discrimination.

The continuing blanket prohibition of Russian and Belorussian athletes on the basis of their nationality violates the principles of universality and non-discrimination, two of the most fundamental human rights principles.

Such a ban confuses **states behaviours with individuals' behaviour**, something that international human rights law prohibits. Punishing individuals solely based on their nationality for the heinous acts of leaders over which they have no control, undermines this distinction.

Further, such blanket prohibition **actually undermines peace**, rather than promotes it. The practice of sport is an instrument for preventing conflict and promoting long lasting peace and development objectives, as the UN has recognised.¹⁰

In the face of threats to peace and security, **we should resist to being lured to further aggression** and we should maintain our checks and balances when it comes to restrictions of human rights. Searching for avenues that allow all athletes who have not committed human rights violations, whatever their nationality, to engage in sports is acting to prevent the further erosion of our common values and promote peace and understanding.

This does not mean that restrictions of athletes are not allowed under international law.

International law authorizes limitations or restrictions to most human rights but following specific standards.

Limitations to the right to participate in cultural life including sports must be determined by law, pursue a legitimate aim, be compatible with the nature of the right and be absolutely necessary for the promotion of general welfare in a democratic society. **Any limitations must therefore be proportionate, meaning that the least restrictive measures must be taken when several types of limitations may be imposed.**

When restrictions are coupled with a breach of the non-discrimination principle, meaning they are applied to some people only, there is a strong presumption of incompatibility with international law and the test has to be more stringent.

The application here: A blanket ban based solely on nationality is the most restrictive measure, not the least restrictive measure as required by international human rights law. It is disproportionate to the aim that seeks to achieve.

I do not exclude the **possibility of a series of escalating measures on a case to case basis and if necessary, depending on how the situation unfolds.** However, less restrictive measures must be adopted first, notably exclusions based on *individual conduct*, whatever the nationality.

The relocation or cancellation of events planned in the Russian Federation and Belarus; the recommendation not to display the Russian or Belorussian national flags and not to play the Russian or Belorussian anthems in international sports events, as sanctions that can be considered as legitimate, as they directly target these States or their official representations. Also, the active support of Ukrainian athletes are welcomed measures by the Special Rapporteur as positive measures are allowed in international law to ensure substantive equality.

The discussion therefore only concerns athletes competing as neutral athletes and officials such as judges.

The concern that sports events become platforms for war propaganda is a legitimate concern.

International human rights standards provide specific and clear guidance:

Athletes engaging in propaganda for war can be excluded. This in cases would be a legitimate restriction of cultural rights. Article 20 of the International Covenant on Civil and Political Rights states that any propaganda for war shall be prohibited by law. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Athletes engaging in speech that does not amount to propaganda for war as such, but violates the rights of others or public order can also be restricted according to article 19 of the International Covenant on Civil and Political Rights. But the same guarantees have to apply. In addition, under Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, all incitement to, or acts of, racial discrimination must be eradicated.

Again, as mentioned above, the least restrictive measures must be adopted. In addition, distinction should be kept between freedom of opinion and freedom of expression. While freedom of expression can be subject to

¹⁰ GA resolution A/77/L.28

restrictions, freedom of opinion is an absolute right and cannot be subject to any exception or restriction. Therefore, any questions by sporting associations about the athletes support of the war would cross that line.

Security concerns and to protect the safety as well as physical and emotional well-being of Ukrainian athletes:

I understand the emotional distress caused by the aggression against Ukraine, as well as by the idea that they could compete against Russian and Belarusian athletes if those are allowed to compete.

But a blanket prohibition does not pass the proportionality test.

Many athletes around the world come from conflict areas and may encounter each other during sports competitions. International sports federations are used to adopting protective and mitigating measures in such circumstances. There are already many experiences of tensions, conflicts and natural disasters that the world of sports has faced, from which measures to address the current situation could be taken and adapted.

Finally, in my discussions with the IOC, I proposed that if all mitigating measures fail and decision is taken to ban individual athletes, the following criteria should apply:

- The ban should apply to all athletes regardless of nationality / national origin (as well as on any prohibited grounds under international law). No restriction should be applied to any athlete that is not applied to all.
- Be based on an assessment that is transparent, fair and non-discriminatory, with each case assessed on its own merit, including clear provisions for a fair and independent appeal process.
- Consider each situation and individual case on an ad hoc basis, therefore preventing “collective punishment”.
- Rely on standards regarding possible limitations to human rights under international law. This includes in particular:
 - a. Exclusion based on article 20 of the ICCPR
 - b. Exclusion based on article 4 of ICERD
 - c. Exclusion in situations where there are serious and credible allegations of crimes under international law (in particular war crimes, crimes against humanity, genocide, aggression, torture, racial discrimination....)
 - d. Exclusion in case of open support to these crimes or wars in a manner that enables qualification under the above

And finally about the exclusion of all military:

In its Recommendation of 28 March 2023, the International Olympic Committee recommended that athletes who actively support the war cannot compete. Athletes who are contracted to the Russian or Belarusian military or national security agencies are considered to support the war and therefore cannot compete.

I am of the view that such recommendation is a step in the good direction. **It also corresponds to her view that forced conscription alone, for example, would not be sufficient to deprive an athlete to compete.**

I also stress that as the situation unfolds and Russian and Belarussian athletes are reintegrated in sports competitions as neutral athletes, the International Olympic Committee may adopt a series of escalating measures in case this is necessary.

Finally, I urge all CoE states to think of their responsibilities vis a vis international law when it comes to the measures taken for the Olympics. They will have to justify how such measures are compatible with the legal obligations they have undertaken in international human rights law.

Thank you very much. I remain open to further discussion and events.

The Rt Hon Lucy Frazer KC MP (video message)

Good morning everyone, I want to start with an apology.

I would love to be there with you for what I know will be an informed and fruitful discussion, and one that will lead to a valuable report.

And I am hugely grateful to your President for the kind invitation to speak to you all today and to have a chance to reinforce the UK Government's position on the participation of Russia and Belarus in international sport.

I'd also like to extend my thanks to all the members of the Committee on Culture, Science, Education and Media for your illuminating work in this area.

The UK Government has been committed to the people of Ukraine from day one of Putin's barbaric invasion and that commitment is an unwavering one.

Any change to our position on the participation of Russian and Belarusian athletes representing their states in international sport would be incompatible with that commitment and incompatible with our values as a country.

As this Council knows, the Olympic Truce - a principle that dates back to the 9th century BC to promote peace, friendship and understanding through sport - and is agreed at the United Nations - has been broken by Russia not once, but twice.

The first time was - rather unbelievably - at their own hosting of the Winter Games at Sochi in 2014, and the second was during the Beijing Games in 2022.

Russia has shown nothing but contempt for the values of the Olympics movement and its flouting of the rules has extended beyond the current conflict, as we saw with its involvement in doping programmes.

The facts are incontrovertible - Russia has devastated Ukraine, Russia has killed Ukrainian athletes and Russia has smashed Ukraine's sports infrastructure to smithereens.

This regime does not deserve to see its athletes line up on the starting blocks of races or stand on podiums during medal ceremonies as representatives of their countries.

As part of our absolute commitment to Ukraine and Ukrainian sovereignty, we have used the convening power of sport to bring together a coalition of 35 countries opposed to Russian and Belarusian participation in international sport.

The collective statements we issued in March and July of last year, and February of this year, set out shared principles that all those countries agreed on.

Our common goal is for sporting bodies to minimise the ability of Russia and Belarus to use sport for political gain.

We recognise and want to maintain the autonomy of sport, and we support those national and international sports bodies who have shown moral clarity and exceptional leadership in this area.

Bodies like the World Athletics Council that reaffirmed their decision in March to exclude Russian and Belarusian athletes.

World Athletics President Seb Coe highlighted the substantial damage that Russia and Belarus have already done to 'the integrity of our major international competitions.'

It is in our collective gift to restore that integrity.

And I want to be clear on one point which is really at the heart of this issue: this is not about punishing individual Russian or Belarusian athletes. These individuals have dedicated their lives to sport.

What we stand against is athletes competing to represent the state of Russia and Belarus. There is a fundamental difference.

The UK Government has from March 2022 been clear in our guidance to our own domestic sports bodies that individual Russian and Belarusian athletes can compete as 'neutrals' on UK soil, as long they really are neutral and are not representing their states in any way.

And we have been equally clear on what that neutrality looks like. These athletes must not, under any circumstances, express support for the war or the Russian and Belarusian regimes.

This extends to athlete funding - so athletes funded by their states to compete in events or who are in receipt of funding or sponsorship directly aligned to their states, such as from state-controlled companies like Gazprom - cannot be considered to be neutral.

Athletes directly funded by their states to compete in sports competitions, who would not be present at those events without that support, are de facto representatives of those states. They are only there by virtue of being funded by, trained by, selected by, supported by the Russian state.

And, in that sense, from the UK perspective both ourselves and the International Olympic Committee, through its recommendations on 'neutrality' to International Federations of 28 March, are both seeking the same outcome: ensuring the Russian and Belarusian states cannot be represented in international sport.

We have seen the IOC start to address some of the concerns our group of 35 nations raised in February and that is to be welcomed.

But the IOC's recommendations do not go far enough for us and they leave far too many unanswered questions. Our deep reservations extend across three areas.

Firstly, there is no reference anywhere in the recommendations to state funding, which as I have said is a breach of neutrality. That issue is simply too fundamental to be ignored and it strikes at the heart of what neutrality is. State funding is state representation.

Secondly, the provisions set out on military and national security agency links are currently minimal, especially when we know that the links between state, military and sport in Russia and Belarus are root and branch.

And if you think that sounds like an exaggeration, consider the fact that the two leading Russia sports societies, the Central Sports Club of the Army (CSKA) and the Dynamo Sports Society, were founded by the Ministry of Defence and Ministry of Internal Affairs respectively.

Athletes trained by those two societies consistently bring home by far the largest share of Russian Olympic medals.

Many Russian athletes have been active in their support for Putin's invasion.

The limited focus of the IOC's recommendations around people being currently "contracted" to the military or national security agencies really does not account for the intrinsic relationship between the military and security apparatus.

Our concern also covers the potential for loopholes, with people being 'uncontracted' before events and then 're-contracted' afterwards to allow them to compete.

In Belarus, the Lukashenko regime maintains close control of Belarusian sport, with the Belarus Olympic Committee and Presidential Sports Club, which provides direct financial support to Belarusian athletes, led by Lukashenko's sons.

The scenes at the pro-war rally at the Luzhniki Stadium last year, with Putin using Olympic athletes to promote his aggression only served to underline this issue.

Thirdly, we have ongoing serious concerns about how these provisions will be implemented effectively, robustly and consistently.

For example, there are issues around the consistent definition of 'teams' and whether pairs of athletes could be allowed. This issue is one that needs further clarification.

Let's be clear on why this matters. You cannot compete in a team event at the Olympics other than by virtue of being the same nationality and representing your country.

There are no options to pair up across country borders, so there can be no place for any teams, of any numbers.

We are already seeing a great deal of confusion across sports as international federations take different approaches on the issue of allowing Russian and Belarusian athletes back into competition...

And our fear is this will only escalate over coming weeks, exacerbated by the current lack of clarity on future participation at Paris 2024 for those Russians and Belarusians who may have qualified at events this summer.

In all of these discussions we must not lose sight of the issues at stake.

More than 220 Ukrainian athletes and coaches have so far lost their lives at the hands of Russian aggression.

Countless more have been forced to flee or defend their homeland from invading forces.

Our countries all have the luxury of talking about our participation in future sporting events - events that will bring joy to millions and showcase our greatest athletes.

Meanwhile Ukrainian sport facilities have been destroyed or severely damaged by this war.

None of us should countenance the idea of a Ukrainian athlete being forced to share a pitch, a court, a field, a starting line with state sponsored athletes from Russia and Belarus.

The IOC must clarify their position or go back to the drawing board. Resolve the issues I have set out today.

Implement an approach that guarantees only truly neutral athletes can participate.

Then we can get back to sport.

Thank you all for your time today.

Mr Francesco Ricci Bitti (in person)

Dear President,
Dear Chairman of the Commission,

I thank you for the invitation. I am not a guest. I was invited also from the beginning, and I came in person to pay tribute to this organization and institution that is one in this difficult time, very difficult time, that understands the importance of cooperation with sport and the relevance of sport in the society, the growing relevance of sport. We are aware of that, and this is the reason we are here.

In these five minutes I try to very shortly to tell you what the group of people that I represented is the major stakeholder of the IOC, obviously the International Federation Olympic have evolved in their position regarding the item. I go exactly to the item, and I go back to the February 2022 when the Russian invaded the Ukrainian territory. I want to remind you that the IOC was one of the few, if not the only global international organization to take immediately decision in two side.

One was sanction, very tough sanction on the Russian and Belorussian responsible people. I don't want to repeat it because my friend, Amelie, has already listed and she's very informed so I don't want to repeat this. But the sanctions were very tough and they are still in place.

At the same time the Olympic movement put in place an unprecedented effort of solidarity with Ukraine that continue today and involve a lot of money.

I can tell you that 85 per cent of the International Federation are acting and spending money to help Ukrainian athletes to be ready for the Olympic games and for the international competition. The President of the IOC during his visit in Ukraine approved a funding of 7.5 million. Three times the first fund given to support the Ukrainian athletes. But a part of these two decisions, the second part was what we call protective measures.

We don't like in sport to talk about protective measures obviously because it's against the mission of sport to include but we had to do at the time means February 2022. We decided for two basic reason to exclude and to recommend Russian and Belorussian athlete from the international competition at the time.

As I said, the security risk due to the emotion on the field between athlete of different country, different position, respectful position, obviously, Ukrainian, Russian and Belorussian.

And the second reason was obviously to anticipate something that has already been said that is very sensitive to our mission, the autonomy of sport. The trend as was very clearly expressed by the British minister, I'm sorry to say that, that the autonomy of sport has to be defended. We saw a trend in many governments to try to decide which athlete should participate in competition, important competitions in their own country.

So, many people said, "Why has the situation not changed?" The situation perhaps is not changing unfortunately on the field of war, but it has changed a lot in our environment. And I mention two things. The participation of neutral athletes in many sports is effect that it happened without any incident, any problem. The most prominent sport is my sport tennis, but also cycling, football, handball. Many Russian and Belorussian athletes participate without any problems.

On top of that, there has been a trend also by important governments to issue visa without any exception. So I believe that this is also a good sign.

Last but not least, a personal note, as a life member of the Old England Club of Wimbledon, I noted and I would be very curious to know. I am sorry that the British minister is not here in person because he should clarify me. Why is the condition of readmission in Wimbledon of the athlete that I'm very pleased as member of the club is perhaps based on less restrictive measures than the one that we as IOC movement want to put in place? But it's a matter of question.

So if you put on top of this the report of United Nations that we heard, and the fact that obviously proximity play a great role in being sensitive to a war. But we have about 70 conflicts or wars now and in no place that I'm very pleased to hear later Dr. Julfalakyan that is living in the crisis region and surely they never ask the opponent or the other party to be excluded from the competition even if we are in a sort of war with other countries.

So having said all this, the last comment I want to do is philosophical. We have to go back to a region of the model sport and to the Coubertin. Coubertin said that, all the country, I put his wording shortly, sport is a great tool to have peace. So we have to keep the dialogue open, we have to put bridge if possible, and this is a mission of sport to unite through peaceful competition.

So where we stand now, this is my conclusion. We stand that on December 22, the vast majority of the stakeholder of the IOC recommend the IOC to give criteria of neutrality for the readmission of athlete in the international competition. The IOC did the big effort and at the end of February issued, what has been mentioned very clearly again by the French minister, a criteria of neutrality. We are still working on that because after the criteria there is the implementation that is not easy and the control that is a serious process as required very strongly by our political counterparts.

So we are working on that these days. We have different views some of the federations that have been mentioned agree with the principle of readmission, but they don't need to act because they do not have Russian athlete interest in the Olympic games. So they do not have so much to deal with this matter. We monitor this with the IOC. We are very close to the final process. That means the implementation process of this criteria. We are confident that this will work, and we start a trial with international competitions.

Then last comment about the IOC position regarding and the Games in Paris and in Milano Cortina for the winter one, the IOC took time and stated: "We have to see how it works in the international competition and then we will decide later on the qualification, we monitor this process." We are very concerned because some qualifications should be happening now. In cooperation with the IOC, we try to do our best to have a very transparent and acceptable process at the end.

Let me close with one sentence. I believe having heard the president of the Olympic Committee of Russia saying that the criteria established in the IOC recommendation are a farce because are too restrictive. And having heard our Ukrainian friend and understanding his feeling and emotion, saying that this is unacceptable for the other side because it doesn't respect the sacrifice of the country.

I believe that with these two points of view, I think we are on the right track.

Ms Gaby Ahrens (in person)

Dear Vice-Chairperson of the Committee,
Dear President of the Assembly,
Dear Ladies and Gentlemen present in the room,
Dear Ladies and Gentlemen following this round table virtually,
And as it is custom to say in my home country, Namibia, to leave nobody behind – all protocols observed.

My name is Gaby Ahrens and I represented my country, Namibia, at 3 Olympic Games in the sport of shooting between 2008 and 2016. I have recently been elected by my African peers to serve as the Chairperson of our continental Athletes' Commission, an all-African athletes' representative body.

First of all, I would like to state that I strongly condemn all ongoing wars and conflicts happening across the world. There are way too many lives lost in wars and conflicts, and I am deeply saddened to hear about any of them. In the context of the war in Ukraine, my sincerest sympathy goes out to the Ukrainian people.

The Association of National Olympic Committees of Africa Athletes' Commission represents the interests of African athletes. It is our responsibility to ensure that the voice of African athletes is expressed, articulated and considered by the associated decision-making bodies of the Olympic Movement. The main purpose of the ANOCA Athletes' Commission is to ensure that the opinions of the athletes are successfully gathered through the network of Athletes' Commissions of the National Olympic Committees that are the members of our continental body.

Our Athletes' Commission is composed of 16 athletes, and they are coming from 15 NOCs and countries from across the African continent.

Just last month we held the African Athletes' Forum in Algeria, where over 100 athletes' representatives from 50 national Athletes' Commissions from Africa participated.

As representatives of athletes within their countries, these 100 athlete representatives are elected by their peers at a national level to represent and share the views of athletes from their NOCs.

During this Forum, we had an in-depth discussion around the mission of sport and what this would mean in relation to various conflicts and wars in the world.

As you know very well, unfortunately in Africa, we are very familiar with the issue of armed conflict between countries and within countries. That's why this topic is very important to athletes in our continent: for us in Africa, the issue of wars and armed conflict is not foreign.

The resolution from over 100 athlete representatives at the African Athletes' Forum was that, and I quote here: "Athletes should never pay the price of a conflict, whatever it is and wherever it is. Politics should not put pressure on sport to withdraw from its fundamental values of solidarity and unity."

The African athletes expressed their full support to welcome the return of Russian and Belarusian athletes competing as neutral athletes in international competitions.

The participants of the African Athletes' Forum fully supported the independence of the Olympic Movement, based on the principles of Olympism, without discrimination of nationality, religion or ethnicity.

In this regard, the Forum participants resolved that athletes should not be penalised for the actions of their governments.

I should also note that some of our athletes' representatives asked that the Russian and Belarusian athletes must be able to return to international competition without any restrictions, meaning they should be able to participate under their national flag and anthem.

If the Olympic Games become a platform only for athletes coming from likeminded countries or whose governments are at peace, it would not be a true reflection of the world, and we would not be able to achieve our mission to unite the world in peaceful competition despite the differences there are between countries and people.

If governments took over the decisions regarding which athletes can take part in which competition, it would be the end of world sport as we know it today. Athletes should take part in international competition based on their sporting merits and not on political grounds or because of their passports.

On behalf of athletes from Africa and our Athletes' Commission, I would like to reiterate that athletes should never pay the price of a conflict their government is involved in.
Thank you very much for your attention. This concludes my opening remarks.

Dr. Arsen Julfalakyan (in person)

Honourable Mr President, Mr Vice-Chairman, respectful participants of the hearing, ladies and gentlemen. It is an honour to be with you today and share with you my perspective on this important topic.

Let me briefly tell you about myself. I am Arsen Julfalakyan, PhD in history and international relations, 3-time Olympian, Olympic silver medallist, world and European champion, World Cup winner in wrestling from Armenia.

In 2021, I was elected by my fellow wrestlers from across the world as the Chair of the Athletes' Commission of the world governing body for wrestling, UWW. I am a member of the UWW Executive Board.

You might ask, why have I mentioned my nationality? Because it has a direct connection with the topic we are discussing now.

In September 2020, Azerbaijan brutally attacked Armenia with a full-scale war. Armenia lost it. Officially we had more than 4,000 soldiers killed, 11,000 wounded, and about 10,000 sq./km territory was occupied.

One year later, we had another massive war, with more than 200 Armenian soldiers killed and about 200 sq./km territory occupied.

I trust you can imagine how well I realise what war means and looks like. During the war, I lost relatives, friends and people whom I knew pretty closely and loved a lot.

In my home country, we can feel the war every day. As we speak now, my 120,000 compatriots, among them 30,000 children, have been blockaded by Azerbaijan in Artsakh, Nagorno Karabakh region, for more than 4 months, without sufficient food, medicine and basic products. This February, the International Court of Justice in the Hague officially ordered Azerbaijan to open the life corridor, but without any results so far.

Despite all this, I have never used my position in different international sports conferences or meetings to call for a total ban of the Azerbaijani athletes. And I'm not going to do that here either.

About the invasion of Ukraine by Russia, for me, it is a personal tragedy to see these 2 neighbouring nations at war. I know these countries very, very well. Since my childhood, I've spent a lot of time there with great memories. My first cadet coach is currently a coach in the Ukrainian wrestling team. I have friends and peers on both sides. And it's very painful to see how their population is suffering now. I extend my most sincere condolences to the people who lost relatives and friends in this tragedy.

When we are talking about the possible participation of Russian and Belarusian individual athletes in international competitions, I would like to emphasise that we are discussing their return as neutral athletes. This is the key concept around which we should focus our discussion. The sanctions are not going to be lifted, as the Minister of Sport for France has mentioned. There are no tournaments, no officials, no flag, no anthem, no teams, etc.

We are speaking only about the athletes, who have nothing in common with the political processes, are not involved in the war, and are only doing their professional job – their sport.

As a former Member of Parliament in Armenia, I know very well how political decision-making works. I understand and appreciate the significance of this war from the geopolitical perspective and how it might make it different from other wars from the political standpoint.

However, the Olympic Charter and the Olympic values work differently. They do not and cannot make a difference between the rights of athletes because of geopolitical issues. The Olympic Charter is crystal clear in its guidance for the Olympic Movement: there cannot be any discrimination for any reason.

Human rights, democracy, non-discrimination of any athlete on the basis of their nationality. Are these values really important for us? Do we use them selectively? Just imagine the emotional condition of an athlete having this in mind. For 10-15-20 years or more, the athlete is waking up with one sole dream in his mind: to become an Olympic champion. And suddenly politicians destroy their dream by banning them from the competitions.

These athletes do not care about international relations. They just want to do what they love to do and what they are good at. I don't know at all what to say about the youngsters. They even have no right to vote... All over the world, we are fighting successfully against criminality through sport – drugs, prostitution, bans... One of the best ways to overcome those dangers is sport. And we ban it without any differentiation. What are we doing? Instead of solving the problem, we are making it bigger.

My position is based on the belief that sport should never be politicised. It's not acceptable to use sport as an instrument for punishment. It is not up to governments to decide who can take part in sporting competitions because that would be the end of international sports competitions.

There are dozens of ongoing conflicts in the world right now, with unfortunately way too many people suffering and dying. This was the case, or still is, in some countries such as Iraq, Yugoslavia, Libya, Syria, Yemen, Lebanon, Afghanistan, and way too many others. Can anyone remember a case when all the athletes of a country were banned because of an armed conflict or a war?

As a sport official, I could not explain to an athlete why he or she should be banned from sport because of the decisions of their governments. How can banning culture, education or sport help to overcome this terrible situation? Does it mean no more Pushkin, Dostoyevsky, Tchaikovsky? No more Russian students in Western universities? I can't see any real arguments for doing so.

Many thanks for your attention.

Mr Gerd Kanter (online)

It is sad that such a topic has to be discussed at such a high level, but the Russian leadership bears the responsibility for this. We are in a situation where every reaction is loaded and provokes a counter-reaction.

At this point no decision is not made but pressure is on and decision is time sensitive. I fully support that this decision should come from within the sport and not from the governments, but due to the complexity of this issue where everything is mixed up and things are not black and white. And as we observe the decisions of several international federations, we see that there is no clear position. But many athletes and federations from our region are at the position that on this occasion Russian and Belarusian athletes should not participate in the Olympic Games in Paris 2024. I will give 5 reasons why it is so:

1. Very big risks in games. When a Russian and Ukrainian athlete meet, it is immediately a source of great interest. The Ukrainians also find themselves in a very difficult situation, because they have had nearly 300 athletes die, and it is very difficult to pretend that it didn't happen and not react somehow. This difficult situation can easily dampen the substantive side of the competitions. If, for example, a Ukrainian athlete gives up a victory for ethical reasons, it is perceived as political and immediately receives a lot of attention. The main risk - The IOC brings big politics to the games themselves.
2. The IOC also has a responsibility to ensure the future of the Games. Making an exception for a warring country, i.e. by allowing these athletes to compete, creates a whole series of future risks, because this precedent will become a source of great discussions in the future. It must be taken into account that this war is not a conflict between two countries. In the world, more than 50 countries have joined the sanctions, which include most of the world's top sports countries, and it would be irresponsible not to pay attention to this. In addition, in this case, other areas, such as some cultural areas, start to demand exceptions, following the example of sports, and all this undermines the common front of sanctions. Again- the IOC would be directly involved in big politics and could come under a lot of international criticism.
3. Who can give a guarantee that the hostilities will not deepen and expand in the next year? Top Russian politicians are threatening to expand military operations and recapture their so-called "historical territories", including my country. But if the military activity expands, how will one behave? Will the sportsmen who have already been entitled to the games be stripped of their rights or how? Or will the

IOC still take an unambiguously defensive position against Russia? The risks of such a step would already be very high. The fact that someone says that Russia probably won't invade anyone doesn't cost anything. So who will take the responsibility, it makes no sense to blame the representative of one sports organization of one country, the responsibility remains with IOC.

4. Russian and Belarusian athletes themselves find themselves in a very difficult situation. And it's not just about sports. By supporting the war in Ukraine, they get into trouble internationally. Being against the war at home, they especially now have the risk of being abandoned in their country and endangering not only themselves but also their families. The situation is getting worse every day, as 25-year sentences are already given in Russia for peaceful activities, as Vladimir Kara-Murza recently received. Some of the Russian sports federations have unequivocally supported Putin's aggression and joined Russian politics, and this again creates the conditions for conflicts at the games.
5. This is not only a sporting and political issue, but also an ethical one. By making the decision that by accepting the athletes of the aggressor country, we also assume ethical responsibility towards the victims. The hostilities are expanding and we don't know how the outcome will turn out. By making an apparently neutral decision, we are essentially making a political decision and implicitly supporting war. That let thousands die, we are away from it. This is an impossible situation and the only solution is to remove the countries guilty of the war from the sports movement until the peace treaty.