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Towards the amplification of children's rights within Olympic discourses

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Abstract

The intersection of Mega-Sport Events (MSEs) and human rights has given rise to considerable academic commentary over the last number of years. However, within this literature, the treatment of, and engagement with, children's rights law, has been comparably negligible in scope and depth. This has been especially true in relation to how the Olympic Games affect children and young people, and their rights. Against this backdrop, this paper argues that the effect of this marginal treatment has resulted in the peripheralization of important children's rights standards from Olympic discourses. By examining the extant literature on the Olympics and children and young people, in conjunction with an examination of the Concluding Observations and General Comments of the UN Committee on the Rights of the Child, it argues that the effects of the Olympics on children and young people must now be considered as a distinct children's rights issue. Building on this, and in support of the overarching claim that children's rights must be amplified within Olympic discourses, it further contends that the International Olympic Committee (IOC) must also foreground respect for children's rights within their existing legal and contractual frameworks.

Keywords: Olympics, Children's rights, UN Committee on the Rights of the Child, IOC.

1. Introduction

Widely accepted as the "largest multisport event in the world" (Geurin & Naraine, 2020; 1), the International Olympic Games (hereafter 'the Olympics'), which occur every two years, oscillating between its summer and winter editions, are coincidentally sites of immense social, political, economic, and environmental significance (Hayes & Karamichas, 2012). As the world's most recognisable Mega -Sport Event (MSE) (Horne, 2007), the effects of the Olympic Games extend well beyond the outward immediacy of sport itself, and engage a complex, and often intersecting, range of areas, which have a direct and indirect impact on individual human rights. Ranging from the infrastructural and preparatory works necessary for the staging of the Olympics, to the increasing securitisation, marketisation, and commercialisation (Smith & McGivillevray, 2022;

Lenskyj, 2015), associated with the hosting of the Games themselves, individual human rights such as the right to housing, freedom of expression and assembly, amongst others, are routinely sidelined, if not substantively subsumed with the ‘spectacle’ of the Olympic Games (Roche, 2017; Chappelet, 2021). As argued elsewhere, the literature on the Olympics serves to powerfully remind us that mega-sport events (MSEs) “are never solely about sport” (Byrne and Lee Ludvigsen, 2022, p. 467). Cottrell and Nelson (2011, p. 730) argue that the Olympics represent “a structure in which a range of actors at different levels of global society exercise different forms of political power”, whilst in their examination of MSEs, which include the Olympics, Mair et al (2023) argue that they “have a significant effect on a broad range of stakeholders and provide opportunities for catalysing change” (ibid, p. 538). And although the long-term economic, infrastructural, social, and political legacies, or perceived long-term benefits associated with the hosting of a MSE - including the Olympics – are routinely deployed as the justificatory basis for hosting of such an event (Essex& Chalkey, 2010), they have been subject to extensive scrutiny. Indeed, Wolfe’s (2024) summation of the aggregate criticisms which habitually attach to the Olympics as, comprising, *inter alia*, “exorbitant costs, white elephant infrastructures, ecological damage, and harm to local populations” (ibid, p. 2), underscores the various issues which are bound up with the Olympics.

However, despite this, and the wider human rights concerns which have long beleaguered MSEs, the central argument advanced in this paper is that the impact which the Olympics exert on children’s rights, has by comparison remained curiously under-examined within the wider literature on both the MSE and human rights nexus (Heerd, 2023), and specifically the Olympic and human rights pairing (Chappelet, 2021). The consequence of this, it is contended, is that important and fundamental children’s rights principles, pursuant to the UN Convention on the Rights of the Child (‘CRC’) (1989), which has been described as “the key international legal instrument for the recognition of the human rights of children” (Doek, 2019, p. 25), have evaded systematic academic scrutiny, such that the impact of the Olympics on children’s rights specifically has not been fully understood, or conceptualised, as a distinct children’s rights issue, warranting increased scholarly attention. Indeed, Aina et al. (2021, p. 2) argue that children’s rights have been ‘less visible’ within both academic and media debates regarding the human rights abuses associated with MSEs. It is further argued that contributing to the marginality which children’s rights occupy within the academic literature on the Olympics in particular, is the peripheral position which the UN Committee on the Rights of the Child (hereafter ‘CRC Committee’), the treaty-monitoring body of the CRC, has accorded to such an issue. Dowse et al (2018, p. 105) further argue that the current invisibility of children’s rights within an MSE context is currently exemplified by ‘the failure to monitor whether they are considered, how they are perceived and how they are impacted’.

Structurally, this paper will be divided into three additional sections. Section one will argue, by invoking the CRC as the legal analytical framework, that the Olympics must now be viewed as a distinct children’s rights issues. By focusing on the Rio 2016 Olympic Games as an example, it will be contended, that more sustained engagement with, and scholarly interrogation of, the overlap of the Olympics and children’s rights is necessary moving forward. Section two will proceed to argue that the CRC Committee must give real and meaningful consideration to the impact of the Olympics on children’s rights within their concluding observations on individual

states parties performance under the CRC. This is necessary, not just as a catalyst for future academic research, but perhaps more significantly, for establishing baseline rights-based expectations when an Olympic edition is hosted within a specific country. This is further necessary to establish best practice from a children's rights perspective in terms of how their rights are given effect to within an Olympic context. By further examining the General Comments thus far issued by the CRC Committee, it will be argued that, although they do not expressly refer to the Olympics, they do provide important guidance which should inform and frame how Host Countries stage an Olympic edition. However, clearer engagement by the CRC Committee on the impact of the Olympics on children's rights is required. Lastly, this paper will set out how the International Olympic Committee can and should give more concrete expression to children's rights standards within their legal, contractual, and operational arrangements with prospective Olympic Host Cities.

2. Children's Rights and the Olympics

As outlined above, the position of children's rights has occupied a nebulous academic footing within the wider discourses surrounding MSEs, including the Olympics. This is despite the fact that, as recently observed by Twyford and Grant (2023), the escalating evidence base associated with such events clearly gives rise to a multiplicity of children's rights issues which attach to the hosting of a MSE, along its entire lifespan. This, by extension includes the Olympics. However, the minimal and insubstantial traction which children's rights has been able to exert on MSEs remains somewhat curious given the almost near ratification – save for the USA – of the CRC, which represents the legal cornerstone of children's rights law. Setting out an all-embracing array of civil, political, economic, social, and cultural rights, the CRC represents “a landmark in the history of childhood” (Freeman, 1996, p. 1). And although human rights (and children's rights) law, ostensibly regulates and mediates the legal relationship between state actors and individuals, the comparatively recent appreciation of the influence and impact of the private sector on human rights (Deva & Bilchitz, 2013), has brought the actions of MSE franchise owners, such as the International Olympic Committee and FIFA under enhanced scrutiny (Byrne and Lee Ludvigsen, 2022). Bolstered by the publication, and widespread acceptance, of the 2011 UN Guiding Principles on Business and Human Rights, which entails the corporate obligation on the private sector to respect human rights, which includes MSE franchise owners (Glinski, 2017), the policies of sport governing bodies are now firmly repositioned against this obligation.

In his analysis of the development of the Olympics in the twenty-first century, Boykoff (2017) argues that they have been typified by several core features including escalating costs, one-use stadia, increased event specific militarisation, the displacement of local population groups in preparation of the Olympics themselves, and a legacy of false promises which have often followed the hosting of the Olympics themselves. Whilst all of these incidents, both individually and collectively, raise serious questions, a deeper analysis unveils profound children's rights concerns. For example, on the issue of displacement of local population groups – which invariably includes children – Gauthier and Alford (2019) remind us that such practices have often occurred under force and coercion. Indeed, the UN Special Rapporteur on the right to

adequate housing (UN, 2009), has previously noted the negative and adverse impact of MSEs on the local communities who find themselves subsumed within the operational, infrastructural, and preparatory ambit of a MSE. In noting that “alternatives to evictions are not sufficiently explored, displacement is not accompanied by prior consultation with the affected communities, and adequate compensation or alternative housing is not provided to victims” (ibid, para 16), the Special Rapporteur highlights in unmistakable terms the multifaceted nature of the breach of housing rights which typically accompanies a MSE.

Consequently, from a children’s rights perspective, this generates serious concerns, not least as regards the child’s right to housing and an adequate standard of living, pursuant to Article 27 CRC. As Wind et al (2023, p. 446) recently observed “housing appears to be (at the very least) an essential component for achieving the right to an adequate standard of living for the child’s development”. While noting the paucity of research into the right to housing for children generally, they nonetheless observe that the right to housing occupies a wider rights-fulfilling function, noting its inseparability from other children’s rights, including the right to health, rest, leisure and play, and further the right of the child to both have access to, and protection from, the digital environment (Wind et al, 2023). Indeed, Clair (2019) has previously noted the significance of housing for children’s well-being. In her analysis of homelessness, which by definition also includes children in temporary accommodation, she observed that it generates an “increased risk of chronic health conditions, undernutrition, development delays and problems with cognitive function, as well as reduced likelihood of receiving vaccinations” (2019, p. 620). Therefore, within an Olympic context, where the research has unambiguously evidenced a seemingly implacable practice of forced displacement, as a preparatory protocol deployed as part of the wider infrastructural developments which habitually occur in advance of an Olympic edition (Rocha & Xiao, 2022; Talbot & Carter, 2020; Centre on Housing Rights and Evictions, 2007; Blunden, 2012), the need for more nuanced and systematic engagement with how such practices affect children and young people, becomes a genuine concern.

Indeed, one of the permeating undercurrents of the extant literature on the human rights and Olympic nexus has been the discernible dislocation, or sidelining, of children’s rights as a distinct and independent area of inquiry. Whilst a welcome and vast body of scholarship exists which evinces the overarching human rights concerns which invariably arise within an Olympic context (Koenigstorfer, 2023; Chappelet, 2021; Siekmann, 2008; Kidd, 2010), there has been comparably minimal engagement with children and young people, and the bespoke legal framework which governs their rights pursuant to the CRC. Unsurprisingly, therefore, Dowse et al. (2018, p. 99) recount how the ‘invisibility’ of children within MSE discourses – which by extension includes Olympic discussions - is indicative of the wider “failure of existing policy processes to effectively identify and respond to their rights and interests”. On a deeper level, however, such invisibility raises questions of wider theoretical significance. Take for example the sociology of childhood, which “involves moving beyond understandings of childhood as a period of socialisation (the study of what children are becoming) to a sociology that is interested in understanding how children experience their own lives in the ‘here-and-now’” (Freeman, 2020, p. 254). Closely connected with the development of children’s rights law (Mayall, 2000; Freeman, 1998), the sociology of childhood has enlarged the theoretical and discursive parameters in which research with, by, or on, children and young people occurs, such that authentic and contemporary

understandings of issues which affect children can be better understood. As Freeman (2020) suggests, this necessitates moving beyond the assumption that children and young people occupy a homogenous societal grouping, whereby their very status as children and young people represents the *ipso facto* guarantor of equivalence. Rather, Freeman (2020, p. 257) argues that the sociology of childhood means that in recognition of the individuated experiences that children and young people endure, factors such as “gender, race, sexual orientation, disability and all cultural variables become significant” as distinct areas of inquiry which warrant further scrutiny. Therefore, in the context of Olympic-based research, such variables assume increased importance given that the Olympic games, and the disparate national, political, social, and economic contexts in which the Games find themselves, affect children and young people differently. Indeed, when understood, as “a variable of social analysis” (Prout & James, 2005, p. 57), which cannot be entirely disconnected from the above variables, the sociology of childhood offers a robust theoretical lens through which to examine and understand the impact of various phenomena, including the Olympics, on children and young people.

Whilst not the exclusive or sole theoretical perspective against which to position the overlay of the Olympics and children and young people, it is, nonetheless, illustrative, of a theoretical framework which could be deployed to better identify the distinct impact of the Olympics on children and young people in multiple areas. Put another way, the marginal interrogation of children’s rights within Olympic and MSE discourses diminishes the theoretical depth and breadth of our understanding in relation to the overlap of the Olympics and children’s rights. It deprives not just the academy, but also those operating within the MSE ecosystem, of the evidence base upon which to assess the effects of the Olympics, and other MSEs, on children and young people. It further runs the risk of peripheralising children’s rights law, pursuant to the CRC, from the operational ambit of such events. Indeed, by examining one Olympic edition as an exemplar, the *2016 Rio Olympics*, it becomes apparent that the hosting of an Olympic Games raises acute children’s rights concerns, the consequence of which should bring the Olympics (and MSEs more widely) and children’s rights into closer legal alignment.

2.1 *Rio 2016 Olympics*

The announcement in October 2009 by the IOC in Copenhagen that Rio de Janeiro was to host the 2016 Olympics represented the first time that the Olympic Games was to be staged in South America (IOC, 2009). Consistent with established MSE patterns, whereby the event is positioned as the conduit through which a transformative and wholesale social, urban, and infrastructural renewal are affected, (Chappelet, 2012; Leopkey & Parent, 2013; Spracklen, 2012) the 2016 Rio Olympics were no different. Consequently, the bidding process was premised on the stated aim of using “sport as a catalyst for social integration” (IOC, 2009, p. 42), and where positive legacies were assured across three distinct areas including urban renewal, transport infrastructure, and environment and sanitation (Talbot, 2021). However, as situated right across the literature, and in concert with the somewhat chequered history that post-MSE and Olympic legacies possess, the promised outcomes of the Rio Olympics did not fully materialise (Talbot & Carter, 2020; Boykoff & Mascarenhas, 2016). Talbot (2021) argues that the Games “actively harmed development in a range of ways” (ibid, p. 23), and in recounting examples of displacement,

gentrification, and ecological degradation, demonstrates the adverse consequences which followed from the Rio Olympics. However, such legacy failures are not exclusively indicative of the Rio Olympics, and evidence from other Olympic editions, including London 2012 for instance (Boykoff & Fussey, 2017; Weed, 2013; Watt, 2013) casts doubt on the positive economic and societal effects of the Olympics themselves.

However, from an Olympic standpoint, as Brownill et al (2013, p. 112) remind us, from 2003 onwards, “legacy for hosts and host cities was formally added to the goals in the Olympic Charter ... and therefore became one of the criteria for evaluating bids”. These prospective legacies, and the positive regenerative benefits which are outwardly professed to flow from them (Davies, 2016), are deployed to assuage the wider concerns regarding the oft-cited escalating costs associated with such events. Bocarro et al (2017, p. 21) argue that the notion of “legacy has become a taken-for-granted activity, a concept promoted to justify and legitimise the resources required to host mega events”, while Leal de Oliveir et al (2020, p. 9) state they are used “as a lever to transform the relationship between citizens and state”. Nonetheless, on closer inspection, a clear and discernibly negative nexus can often be extrapolated between the hosting of an Olympic edition and wider human rights concerns (Boykoff, 2019; Kidd, 2010), a reality which was brought into sharp focus by the 2016 Rio Olympics. In highlighting the fact that the Rio Games resulted in not only displacement, but the shuttering of local hospitals, a reduction of social services, an increase of violence in the city’s favelas, enhanced militarization in both the lead up to and during the Games themselves, and inequitable transportation policies, Boykoff (2017) cogently postulates a range of human rights concerns which were directly affiliated with the Rio Olympics. Drilling down deeper into these concerns, several worrying and profound children’s rights concerns arise, despite Brazil ratifying the CRC in 1990.

Firstly, on the issue of the right to housing, the Rio Olympics, as detailed above, represented a flagrant denial of the right to housing for children and young people. With displacement, comes personal, familial, educational, and societal dislocation, which, as outlined earlier, impacts children and young people across several of their rights, including their health, education, development, and well-being. The *World Cup and Olympics Popular Committee of Rio de Janeiro* (2015), a non-governmental organisation, estimated that between 2009 and 2015, over twenty-two thousand families, comprising more than seventy-seven thousand people had been removed from their homes in the lead up to the 2016 Olympics. Such practices, part of a wider process which included “significant gentrification and widespread eviction” (Boykoff, 2017, p. 17) undoubtedly included children and young people. Similarly, Terre des hommes (2016, p. 6), another civil society organisation noted that the home demolitions associated with the Rio Olympic housing policies caused “long-term psychological consequences for many children”. Indeed, in the decade before the Rio Olympics the CRC Committee had urged Brazil to undertake measures to ensure that those from the poorest parts of the country had equal access to housing, amongst other services such as education, and health (CRC Committee, 2004, para 57). Over ten years later, the same Committee in 2015 expressed serious concern about the extent of forced evictions which had occurred in the lead up to the 2014 FIFA World Cup, and the 2016 Olympic Games, noting that such evictions had affected “over 250,000 people, including children, in the implementation of urban infrastructure projects” (CRC Committee, 2015, para 71). In view of the scale of such housing rights violations, and the inevitable knock-on effect it

has on other rights, the need for a more systematic interrogation of how children and young people were afflicted becomes an immediate priority. This is not only necessary to ascertain the broader impact of the Rio Olympics themselves, but given that such practices are now an almost normalised and habitual inevitability which materialise during the preparatory stages of an Olympic edition (Rocha & Xiao, 2022), the need for the establishment of an evidence base, which gives effect to, and provides an understanding of, the impact of such practices on children and young people, is critical to ensure that such violative practices are ultimately eliminated. Indeed, such evidence, moving forward, must also form part of the selection process whereby prospective Host Cities give a clear and detailed outline of how they will avoid such violative conduct when hosting an Olympic edition. However, the accumulation of such evidence is a vital first step in foregrounding the rights of the child within such processes.

Additionally, the Rio Olympics exposed several children's rights violations across multiple areas. The *World Cup and Olympics Popular Committee of Rio de Janeiro* (2015) reported that homeless children and young people were subjected to a 'clean-up' operation, a practice which was typified by the "disappearance of many of them" (ibid, 131). The CRC Committee further observed in 2015 that the Brazilian authorities had been culpable of "torture and enforced disappearances of children during military and other operations by security forces, particularly in favelas" (CRC Committee 2015, para 35a), and further that children and young people were routinely subjected to arbitrary arrest and detention practices. In further expressing alarm at "the very high number of extrajudicial executions of children by the military police" (ibid), the Committee's observations necessitate a deeper analysis of the intersection between the Olympics and children's rights, and the manner in which the former potentially catalysed the negation of the latter. Further concerns were expressed about the "the high and increasing numbers of children involved in prostitution or trafficked for that purpose, as well as the involvement of tourism agencies, hotels and taxi drivers in child sex tourism" (Ibid, para 41b). When positioned against the child's the right to life, survival, and development, pursuant to Article 6 of the CRC, and the right to freedom from violence under Article 19 CRC, such observations assume increased import. Article 6 CRC further represents a general principle of the CRC, meaning that all other rights within the CRC, including the right to housing as alluded to earlier, must be delivered and upheld against Article 6 (Peleg, 2019). Hodgson (1994, p. 369) argues that in its most reductive expression, Article 6 CRC is concerned with "those minimum requirements or basic needs which must be met to sustain human life or perhaps more accurately, to avoid death from preventable causes". In a similar vein, the right to freedom from violence has been further conceptualised as a necessary safeguard for the child's human dignity, and their physical and psychological integrity (CRC Committee, 2011). While the CRC Committee's observations were not explicitly aligned with Brazil's preparations for the Rio Olympics, they do nonetheless exist against the wider backdrop of Brazil's rights-violating conduct, which typified their preparations for the Olympics. Indeed, the timeframe itself provokes wider questions around the heightened vulnerability of children and young people to such egregious breaches of their rights, which included many of them losing their lives (Amnesty International, 2016). Put another way, further research is required to unpack whether the Olympics (or other MSEs) represent a catalyst for states to engage in rights-violating conduct against children and young people, or whether they symbolise an impervious sphere, where rights violating conduct is either excused or overlooked, on account of the prestige of the

Games themselves. Given further that children and young people do not represent a homogenous societal grouping, further research is required to analyse the nature, extent, and manner of such conduct against children and young people along important intersectional lines such as race, poverty, ethnicity, and disability, to name but a few.

Moreover, the evidence presented above - inexhaustive as it is - in view of the paucity of research into the impact of the Olympics on children's rights raises further questions of a procedural nature in relation to children's rights law, and in particular around the procedural traction, and influence, of such rights within an Olympic (and MSE) context. For example, Article 2 CRC enshrines a non-discrimination clause on the grounds of "race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status" (Article 2(1) CRC). While not encasing a freestanding right to non-discrimination (Besson, 2005), it applies to all the rights and entitlements set forth in the convention and serves as a powerful tool in the attainment of meaningful equality between all children and young people. Within the context of the Rio Olympics and taking the documented sexual exploitation of children as an example, it has been noted that the invisibility of such children, on account of their pre-existing social exclusion, marginalisation, skin colour, and status, were all contributory factors leading to the diminution of the illegal and grave nature of such conduct (World Cup and Olympics Popular Committee of Rio de Janeiro, 2015, p. 134). Such observations cast a prominent spotlight on the ability of Article 2 CRC to provide meaningful protection to these children, and further whether public authorities are complying with, or are even aware of, their legal duties under Article 2 CRC. More widely, the need to interrogate the impact of Article 2 CRC within an Olympic (and MSE) context becomes apparent, given the multiple and diverse groups of children and young people that are affected by the event themselves. Indeed, Terre des Hommes (2016, p. 10) noted the racialised implementation of certain transportation policies in advance of the Rio Olympics which were designed "to limit access to more privileged parts of the city to male black youth from the favelas". In the context of street children, who are routinely – and disproportionately – affected by MSEs (Brackenridge et al, 2015), the CRC Committee has previously argued that discrimination against such children leaves them "more vulnerable to violence, abuse, exploitation, sexually transmitted infections, including HIV, and their health and development are put at greater risk" (CRC Committee, 2017, para 26). Therefore, *Daly et al's* (2022, 450) call for "greater levels of research into the nature of intersectionality, children and the CRC", possesses immense currency within an Olympic related context.

Similarly, an examination of Article 3 CRC, which enshrines the best interests principle, raises further questions regarding how it has been complied with, both before and during the Rio 2016 Olympics. Article 3 in its entirety imposes obligations on states parties to take appropriate legislative and administrative measures to ensure the child's best interests and well-being, and that those in positions of authority, responsible for the child's care and protection conform to the standards established by the competent authorities in guaranteeing that the best interests of the child are at all times a primary consideration (Freeman, 2007). As the CRC Committee has previously stated, the principle is a "dynamic concept that requires an assessment appropriate to the specific context" (CRC Committee, 2013, para 1) in which children and young people find themselves. Therefore, within an Olympic context which involves vast economic, social, infrastructural, and preparatory efforts, which involve both public and private stakeholders,

whose decisions undoubtedly affect children and young people, the need for the child's best interests to be adhered to becomes apparent. Moreover, the CRC Committee has espoused a useful three-fold conceptual framework underpinning the application of the best-interests principle in practice. Firstly, the Committee has stated that the principle encompasses a substantive right which includes the individual personal right of the child to have his or her best interests are taken as a primary consideration. Secondly, the right also amounts to an interpretative legal principle such that when a legal provision is open to more than one meaning, it must be construed in a manner which best serves the child's best interests. Lastly, the Committee has outlined that the principle also includes a procedural rule so that any decision likely to impact children must include an evaluation as to the probable impact such a decision will have on the child's best interests (ibid). Taking the recent Tokyo 2020 Games as an example, Aina et al., (2021, p. 6) found "little evidence that Tokyo 2020 organizers had developed or implemented robust policies, principles or practises to respect, protect and promote child rights in Games planning".

Indeed, moving beyond Olympic planning, evidence has continuously affirmed the deployment of aggressive security and policing practices at, and around, Olympic spaces (Byrne and Lee Luvdigsen 2023; Boykoff, 2017; Toohey & Taylor, 2012). As Kennelly and Watt (2013, 5) concluded, in the context of the London 2012 Games, "increased policing... effectively curtailed the presence of local working class and BME young people in the Olympic public space". This pattern of security aggression also came to pass at the Rio 2016 Olympics where the security presence was described by Boykoff (2017, p. 20) as "formidable". When taken together with the above-mentioned evidence of forced evictions, sexual exploitation and violence, extra-judicial killings, and the arbitrary arrest and detention of children and young people, clear question marks exist pertaining to the manner in which the best interests principle was adhered to at the Rio 2016 Olympics. Indeed, the extent of the documented children's rights violations initiates a deeper sense of questioning regarding the procedural robustness of the principle itself, and how it can better guide and frame the planning and implementation of an Olympic edition, and other MSEs more widely. Therefore, further research is required to fully understand the impact, if any, of the best interests principle, and other children's rights, whether they be procedural or substantive, on those operating within an Olympic context. To bridge this evidential gap within the literature, and gain a better, more nuanced understanding of the individualised and subjective effects which the Olympic Games has on children and young people, more engagement with children's rights law pursuant to the CRC is required.

3. The CRC Committee and the Olympics

Having outlined the need for closer scholarly attention between the Olympics and children's rights, this section now examines the treatment which the Olympics, as an MSE, has received by the CRC Committee itself. Since its entry into force on the 2nd of September 1990, the CRC has borne witness to seventeen Olympic editions. With the exception of the Atlanta Summer Games in 1996, and the Salt Lake City Winter Games in 2002, all other Olympic editions have occurred in countries which have ratified the CRC. However, as this section will demonstrate through an

analysis of the CRC Committee's concluding observations on the countries which have hosted the Olympics, and its general comments, the CRC Committee has accorded only minimal attention to the Olympics as a children's rights issue. Following this, it will be argued that a much more comprehensive approach is required, such that the children's rights implications of the Olympics are fully appreciated by the CRC Committee.

3.1 Concluding Observations

From a human rights perspective, O'Flaherty (2006) argues that the issuance of concluding observations represents one of the most significant activities of international human rights treaty-monitoring bodies. He argues that they not only give a detailed appraisal of a country's human rights performance, but furthermore provide an opportunity to stimulate human rights improvements through the advice and guidance they also contain. As Mechlem (2009, p. 923) argues, they "reflect a consensus on how the provisions of a treaty should be interpreted with regard to the particular situation in a country". However, an analysis of the CRC's concluding observations reveals that the CRC Committee's engagement with how the lifespan of an Olympic edition affects children and young people is both muted and minimal. Despite the welcome comments in relation to Brazil's performance as referred to earlier, and how specific practices associated with the Olympics directly impacted children's rights across several areas, the CRC committee's appraisal more widely on how the Olympic Games engage children's rights has been negligible.

Taking China as an example, the CRC Committee's 2013 concluding observations made no reference to the 2008 Olympic Summer Games (CRC Committee, 2013), which were hosted against a backdrop of relentless allegations of human rights violations (Liu, 2006). Research published by the Centre on Housing Rights and Evictions in 2007 suggested that "by April 2007, at least 1.25 million people have already been displaced as a result of urban development linked to the Olympic Games, and unknown numbers of these people have been evicted forcibly" (ibid, p. 154). Further evidence suggested that as a result of the Olympic-based developments in China, "as many as 33,000 people with sustainable livelihoods were pushed into poverty, or deeper poverty, because their homes and neighbourhoods were demolished" (ibid). While such practices generate serious questions concerning the rights of those who were displaced or evicted to the right to housing and an adequate standard of living, the failure by the CRC Committee to refer to such practices, even cursorily, given the inevitable impact they would have had on children, represented an anomalous omission. Similarly, in advance of Russia hosting the 2014 Winter Games in Sochi, clear evidence emerged of persistent human rights abuses which were directly connected with those Olympics. This ranged from the exploitation of migrant workers (Human Rights Watch, 2013) which indirectly affected the workers families and children, the curtailment of the freedom of assembly, protest, and expression rights (Boykoff, 2017), to the Games happening in the shadows of the enactment of draconian anti-LGBT legislation (Davidson & McDonald, 2020), which clearly interfered with the right to non-discrimination and equality for children and young people. Whilst the CRC Committee did express concern regarding the impact of this legislation in their 2014 concluding observations (CRC Committee, 2014), the overall

comments were again devoid of any reference to the Olympic Games, or the connection between the Olympics and wider state-endorsed practices and children's rights. Similar omissions characterised the CRC's 2014 Committee's concluding observations on the United Kingdom, which came two years after the conclusion of the London 2012 Olympic Summer Games. Again, with clear evidence of displacement, coupled with the pre-Game's enactment of event-specific legislation which severely curtailed expression and assembly rights in and around Olympic 'spaces' (Byrne and Lee Ludvigsen 2023), no reference to any of these rights-infringing practices were alluded to within the concluding observations (CRC Committee, 2016).

Therefore, when positioned against the wider acceptance of the role and reach of the private sector, which includes MSE franchise owners, and their impact on human rights, the failure to consider the momentous nature of an Olympic edition within a country's concluding observations represents a curious omission. Given the prestigious nature of the Olympics, such comments could act as a valuable and informative reference point about how best to give effect to children's rights within prospective Olympic contexts. This ongoing omission represents a missed opportunity by the CRC Committee to positively impact this consequential field.

3.2 General Comments

From a human rights perspective, general comments play an important role in unpacking the obligatory and necessary conduct expected of states in furtherance of the realization of the rights contained within human rights treaties, including the CRC. Despite the non-binding nature of such comments (International Law Association, 2004), and their mutable status within the international legal order, such comments, in amplifying the scope and meaning of specific human rights nonetheless "play a substantive role in the elaboration of standards and possible future custom within the complex matrix of international law" (Gerber et al, 2013, p. 101). Alston (2010, p. 5) argues that they "address in a comprehensive fashion the substantive content of some of the major rights" within human rights treaties, whilst Bodig (2016, p. 70) observes "they offer the opportunity of securing a foothold within the UN system for more progressive interpretation of human rights norms" and "can be more responsive to the ever-shifting challenges of human rights protection" (ibid). Indeed, one of those challenges is how best to bring children's rights standards to bear on the staging of an Olympic edition, from the bidding process right through to the legacies which are routinely promised at the close of an Olympic edition.

Whilst none of the CRC general comments explicitly address the children's rights obligations which attach to the state when hosting a MSE, including an Olympic edition, some nonetheless contain important guidance about how to mediate, and better rights-proof the activities of the private sector, including the IOC, as franchise owner of the Olympic games. Müller (2018) outlines the four defining features of a MSE as including visitor attractiveness, mediated reach, cost, and urban transformation. Thus, within these four discrete areas, one can see how children's rights are engaged across several fronts. From a children's rights perspective, General Comment No. 16 on State obligations regarding the impact of the business sector on children's rights (CRC Committee, 2013), is unequivocal in its recognition that businesses, in all their iterations possess the capacity to negatively affect children's rights. In describing the private sector as "including all

business enterprises, both national and transnational, regardless of size, sector, location, ownership and structure”, MSE franchise owners, including the IOC, clearly fall within such parameters. Whilst the guidance set out in the General Comment No.16 is directed towards states, who bear the legal duty to respect, protect, and fulfil human rights, they do contain significance procedural protections which are directly relevant within an Olympic context. This includes preventing “discrimination in the private sphere in general” (ibid, para 14), guaranteeing that “the best interests of the child are central to the development of legislation and policies that shape business activities and operations”(ibid, para 15), ensuring that the measures for implementing Article 6 CRC with regard to the business sector are “adapted according to context” (ibid, para 20) and listening to children and young people views “when developing national and local-level business-related laws and policies that may affect them” (ibid, para 21). Such guidance demonstrates that respecting children’s rights within an Olympic context requires the adoption of pro-active, and context-specific measures to ensure that children’s rights are not mere vassal entitlements. This demands that Host Countries have appropriate measures in place to mitigate against the enduring human rights concerns which have long-beleaguered the hosting of an Olympiad, including displacement, gentrification, the negative consequences of urban renewal, state-sanctioned ‘clean up’ operations, and other rights-infringing practices. From a children’s rights perspective, this necessitates that prospective Host Cities are firstly, fully aware of how children’s rights are in fact affected by an Olympic edition, and that secondly, they use such evidence as the basis upon which to implement and adopt appropriate measures and policies, to counteract the specific risks associated with, or generated by, an Olympic edition for children and young people. Indeed, as Byrne and Lundy (2015, p. 274), rightfully remind us, the “obligations under the CRC are not meant to be taken lightly, yet remain largely confined to the margins of policymaking”.

More widely, guidance issued by the CRC Committee across other disparate areas are of direct relevance within an Olympic context. General Comment No. 14 on the child’s best interests principle (CRC Committee, 2013), and General Comment No. 12 on the right of the child to be heard in matters that affect them (CRC Committee, 2009) provide further substantive and explanatory detail regarding how those important procedural rights are to be complied with. Given that states ultimately apply for the staging of an Olympic edition and invest the necessary resources into operationalising such an event, it remains imperative that children’s procedural rights are centralised within such processes. Whilst these general comments do not explicitly mention MSEs, or the Olympics, the guidance contained within them is equally applicable to such events. In sum, they combine to articulate the substantive duties expected of the state wherever and whenever children’s rights are engaged, which clearly extends to an Olympic edition. Similarly, the CRC Committee’s General Comment No. 21 on street children, whilst silent on the Olympics, does nonetheless state that “harassment, violence, round-ups and street sweeps of children in street situations, including in the context of major political, public or sporting events, or other interventions that restrict or interfere with their rights to association and peaceful assembly, contravene article 15 (2)” of the CRC (CRC Committee, 2017, para 39). Additionally, the most recent General Comment No.26 on children’s environmental rights unambiguously asserts that states “shall protect children against environmental damage from other sources and third parties, including by regulating business enterprises” (CRC Committee,

2023, para 68). The CRC Committee's explicit recognition of the causal connection between the actions of the private sector and children's environmental rights, is an important step forward towards the ongoing and future protection of children's rights. This assumes increased significance in view of the well documented environmental and ecological damage that various Olympic editions have directly caused (Geeraert & Gauthier, 2018). Taking the Rio 2016 Olympics as an example, Boykoff and Mascarenhas (2016) underscore several environmental failures associated with Rio, including the failure to plant the required number of trees to offset the event's carbon emissions and the construction of Olympic infrastructure, including the Olympic Golf Course, in an ecologically sensitive area (Vercillo, 2015). Additionally, children possess the human right to have their voices and views heard in matters which affect them under Article 12 CRC. Clearly engaged within an Olympic context, whereby the hosting of an Olympiad affects children in multiple areas of their lives, the CRC Committee has stated that the views of children "add relevant perspectives and experience and should be considered in decision-making, policymaking and preparation of laws and/or measures as well as their evaluation" (CRC Committee, 2009, para 12).

Therefore, although dispersed across the textual substance of various CRC General Comments, important and necessary guidance pertaining to how states can give effect to children's rights within an Olympic context exists, although somewhat obliquely. Whilst not always explicitly framed within an Olympic, or MSE context, the guidance is nonetheless equally applicable to such situations. The challenge now moving forward is for those operating within an Olympic, or MSE context, to actively engage with such guidance, and to bring the legal duties which they amplify and delineate to bear on how states prepare for, and implement, the hosting of an Olympic edition.

4. Towards children rights-proofing the Olympics

Having outlined the various children's rights concerns associated with the Olympics, this section now argues that increased scope exists within the regulatory and operational reach of the IOC, to better foreground children's rights protections, in how it engages with prospective Host Countries who are seeking to stage an Olympic edition. Given that all prospective Host Countries, - except for the USA – have ratified the CRC, the logical extension of such near universal ratification, is that explicit reference should now be made to the CRC within all contractual arrangements between the IOC and future Host Countries, at all stages of an Olympiad. Undoubtedly, the IOC have made significant progress in centralising respect for human rights within their organisational arrangements. This has included the approval of changes to the Olympic Charter in October 2023 (James, 2023), which, in amending Principle 1, now makes explicit reference to "internationally recognised human rights" (IOC, 2023). Such changes have followed previous institutional human rights developments by the IOC, which have included the adoption of the recommendations advanced in 2020 for an IOC Human Rights Strategy (Al Hussein and Davis, 2020), and the articulation within the Olympic Agenda 2020 + 5 (Thorpe & Wheaton, 2019), of Recommendation 13 which contained the pledge underpinning the recent human rights changes to the Olympic Charter. Such developments followed the

significant alterations to the contractual arrangements between the IOC and future Host Countries in 2017 (Chappelet, 2021), which, pursuant to Article 13 thereof, now contains an obligation on Host Countries to “protect and respect human rights and ensure any violation of human rights is remedied in a manner consistent with international agreements, laws and regulations applicable in the Host Country” (IOC, 2017. 13.2b).

However, despite these welcome changes, it is contended that more needs to be done as regards the intersection of the IOC and children’s rights (Byrne and Lee Ludvigsen, 2023). Whilst the above referenced changes are indeed welcome, the failure to explicitly refer to children’s rights, and the CRC, represents a missed opportunity for the IOC to drive forward a positive child rights-compliant culture within this area. As Heerdt (2018) as previously noted, direct reference was made by UEFA, as a comparable sports franchise owner, to respect for child rights within the ‘Tournament Requirements’ and ‘Bid Dossier’ for the EURO 2024 tournament. Nonetheless, in practical terms, the ongoing hesitancy by the IOC to directly include respect for children’s rights within their Charter or wider legal and contractual frameworks, possesses the capacity to expel children’s rights considerations, and the distinct procedural safeguards which the CRC imposes on states, to the outer margins of the preparatory, infrastructural, economic, and social discourses which surround the bidding for, and hosting of, an Olympic edition. As earlier outlined, the impact of the Olympics on children’s rights is both searing and unequivocal. Therefore, to avoid Host Cities from circumventing their children’s rights obligations, the IOC must give clearer expression to children’s rights within their institutional and legal frameworks, and further mandate that prospective Host Countries carry out children’s rights impact assessments, when bidding for future Olympiads to ensure that children’s rights are centralised within the planning and preparatory stages of such an event (Byrne and Lee Ludvigsen 2023). Put another way, the time has surely come for the IOC to fully explain and justify the continued omission of children’s rights from their institutional protocols.

More widely, it is contended that embedding respect for children’s rights within the bidding stages of an Olympic edition possesses a wider accountability function. By compelling prospective Host Countries to demonstrate how they would respect children’s rights law in both preparing for, and hosting, an Olympic edition, a clearer understanding of the roles and responsibilities of each stakeholder – whether at national, local, or municipal level – involved within an Olympic edition can be better acquired, and understood, regarding their children’s rights obligations. Importantly, the extent therefore to which they have complied with their respective children’s rights obligations can be objectively assessed, and critiqued. Connectedly, this could also assist non-governmental organisations, described as ‘key actors in human rights protection efforts’ (Clark and Danyi, 2023, p. 45) to further hold Host Countries accountable in relation to the impact of the Olympics on children’s rights. And although imperfections do exist within the NGO human rights monitoring system as regards children and young people (Collins, 2008), they do nonetheless add an important, influential, and persuasive evidential layer in relation to the issues under scrutiny. Therefore, within an Olympic context, the formalised inclusion of respect for children’s rights within the bidding stages, and how Host Countries would give effect to such rights during an Olympiad, could potentially galvanise local, national, and international NGO’s to robustly assess the impact of the Olympics on children’s rights.

5. Conclusion

In conclusion, this article has argued for the Olympic Games to be considered as a distinct children's rights issue. Further to this, it has claimed that greater scholarly attention is now required to fully ascertain the impact which the Games have on children and young people, and further for a clearer articulation of the children's rights implications which flow from the Olympics, from the CRC Committee. As contended, this is necessary to bridge the gap within the literature, which has thus far comparably accorded insufficient attention to children's rights. Within the vast MSE ecosystem, and the multi-layered and multi-stakeholder legal framework which underpins it, children's rights must now be given clearer expression. By invoking the Rio 2016 Olympics as an example, this article has demonstrated the manifold ways in which the Olympic Games can – and often do - egregiously violate children's rights. Against this context, it can no longer remain the case that the rights of children and young people are viewed in incidental or generalist terms within an Olympic context. Therefore, if the IOC is to genuinely effectuate its professed commitment to human rights, then children's rights, pursuant to the CRC, must be visibly foregrounded within their legal and institutional frameworks.

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