

Lotteries and Rights in the Sporting Life

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*The pigeon flapped in desperation, moving across Melbourne's lavish Capitol Theatre in fits and starts. It was more alarmed than anything else at the address being given by former Australian football (soccer to some) player **Craig Foster**. Foster has been beating the drum on one particular message for some time now: that sports can change the dimension of human rights, becoming, as it were, a fertilising agent.*

At the Capitol, he made the point with various reiterations, reminding his audience about the fortunate **Hakeem al-Araibi**, who became his inspired subject of humanity. Al-Araibi was not merely a Bahraini refugee who had been detained for supporting fellow footballers who had protested during the Arab Spring, but a member of Melbourne's Pascoe Vale Football Club. On a trip to Thailand as an accepted refugee, he found himself in Thai captivity facing the prospect of extradition to his homeland.

Foster's very public campaign seeking his release from Thai prison demonstrated an unequal law of favouritism in this field: had the Bahraini national not been a footballer, a sports figure of some merit, there is little to suggest that he would have received such furious and tenacious attention. As Foster [said at the time](#) of al-Araibi's release in February,

"This is a man, probably the most famous young man in Australia right now, a courageous young man, a human rights defender... we're so proud of all of Australia to have fought so hard to bring [him] back home".

Currently, refugees on Nauru and Manus Island, detained at the behest of Australian foreign and domestic policy, are distant, faceless subjects of legal purgatory. Attention and sympathy is heavily rationed; not even the occasional gruesome death can spur the Australian citizen to storm the immigration offices. Such a point is [acknowledged](#) by Foster. When it came to garnering international support for al-Araibi's case, critics pointed their fingers at Australia's own venal refugee policy, one strong on outsourced mandatory detention. "Nor was it lost on any of us fighting so hard against two governments and monarchies and in urging FIFA, the Asian Football Confederation and the International Olympic Committee to uphold their human rights obligations that we are failing to uphold our own."

Foster also notes that such matters should not be lotteries of fate. To his Capitol audience, he observed a certain luck of the draw in al-Araibi's case: that being a registered footballer gave him more rights than standard citizens designated as refugees. FIFA, a governing organisation famed for habitual corruption, does at least boast of a [commitment](#) to respect "all internationally recognised human rights" while striving "to promote the protection of

these rights.” The grim logic of this is clear: if you are going to have your rights infringed and impeded, best suffer as the practitioner of a certain sport.

Another take is also offered by in this regard, one that shows Foster to be, like his colleagues in the field of human rights, a figure conscious of brand and reputation. Never ignore the power of cash and sponsorship. Never discount vulgar pragmatism when protecting human rights. Linking their observance with image can be the stuff of financial prudence.

“If countries are acquiring Formula One, football tournaments and the like in order to ‘sportwash’ their image,” [observed](#) Foster on a panel event at the UTS Centre for Business and Social Innovation this year, “then surely there is a responsibility from sport inherently to make sure that human rights abuses aren’t occurring on that very basis.”

Well, yes, but not always.

The focus on sports and rights is a field that is becoming verdant with well-wishers and talking heads. The big sporting event comes with broader social implications. With such endeavours come buildings, equipment and due exploitation. As **Guy Ryder**, Director-General of the International Labour Organisation [notes](#),

“the industry not only depends on star athletes – who also have rights – but on the work of millions who build the sport parks, construct the stadia, manufacture the panoply of sporting goods and provide the services and catering that make mega-sporting events possible.”

Unfortunately, such realisations have not seen states such as Qatar deprived of their hosting rights of the 2022 World Cup. That particular country boasts a particularly crude system of binding migrant employees to a single employer with considerable control, known as kafala. Invariably, it is one rife with exploitation. This, despite [claiming](#) its abolition in 2016.

The [Centre for Sports and Human Rights](#) in Geneva was recently opened to study the relationship between rights and sports, though it remains to be seen whether it becomes an institution of weight rather than a laundering body for states with less than scrupulous human rights records. The optimists are currently out in force, given the record of the Centre’s inaugural chair, former UN High Commissioner for Human Rights, Mary Robinson. “Our collective vision is a world of sport that fully respects human rights.”

Where to, then, with such disagreements about rights? The avenues are few and far between in instances where repression abounds. The modern refugee has few guarantees, facing the eternal drawbridge that might, at any given moment, be lifted. As far as the sporting character, Foster suggests a regulatory chamber for sports, a global body that will adjudicate and dispense justice. The underpinning rationale here is the acknowledgement that human rights transcend sporting rights.

This view on talismanic sports figures being human rights standard bearers can come across as a bit green, fanned by an enthusiastic naivety that accompanies certain sports players. Sports figures are not merely the bearers of rights, but their promoters. The sporting fraternity must never shy away from the critical issues of the day. But the other, oft

neglected side in such discussions is that sports figures are also there to be manipulated, to be drugged, stressed and watered by unscrupulous state bureaucrats. Inadvertently, such figures also serve ends they might be oblivious too. Be that as it may, Foster's points, maturing within the legal framework he is developing as an incipient lawyer, are valid ones: the sporting character, by virtue of being one, also has fundamental human rights.

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