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**REVIEW ESSAY:**

**Youth sport refocussed – a review essay on Paulo David's *Human Rights in Youth Sport: A critical review of children's rights in competitive sports*\***

\* Paulo David is former Secretary of the Committee on the Rights of the Child, Office of the United Nations High Commissioner for Human Rights.

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Celia Brackenridge runs her own research-based consultancy company, specialising in child protection and gender equity issues in sport and leisure, having previously worked at Sheffield Hallam and Gloucestershire Universities and . Celia is author of *Spoilsports: Understanding and Preventing Sexual Exploitation in Sport*, published by Routledge in 2001.



Child abuse, protection and welfare in sport have come to our attention over the past ten to fifteen years through a number of infamous cases such as Paul Hickson, former British swimming coach jailed for sexual assaults on young swimmers over 20 years (Brackenridge, 2001) and Graham James, former Canadian professional ice hockey coach, convicted for sexual offences against boys in the game (Kirby, Greaves and Hanvisky, 2000). Such cases represent the ugliest side of sport when we want to believe that youth sport represents all that is best in life.

A host of questions arise from children's engagement in youth sports but the overarching question addressed here by Paulo David is "Can the integration of human rights in the sport system improve its quality, and the status of athletes, including its youngest ones?" (p.262). Oddly, despite a large literature on youth sports, and sociological critiques from as long ago as 1979, when Rainer Martens and Vern Seefeldt launched their Bill of Rights for the Young Athlete, the human rights implications per se of involving children in competitive sports have barely been examined before (an exception is Grenfell and Rinehart, 2003). The human rights of young athletes are increasingly controversial, however, and still a taboo subject for many sport organisations. Since 1989 and the UN Convention on the Rights of the Child (UNCRC), a child's rights community has emerged. Arguably, according to David, competitive sport is the only area of society not to integrate international child rights norms and standards (p.5). Whilst the UK, Australia and Canada have developed policies and systems for minimising the problems of maltreatment, and whilst the research on aspects of abuse in sport (especially sexual exploitation), has begun to make its mark in academic literature (Brackenridge and Fasting, 2002), there has not previously been a holistic academic



treatment of children's rights in sport. Paulo David's comprehensive analysis, drawn from his unique insights while working for the UN High Commission for Human Rights, is therefore particularly welcome.

Part I sets out the conceptual framework for the book, which takes human rights as the starting point for analysis, and establishes the notion of the child as active agent, bearer of rights and acquiring progressive autonomy. In Part II, David questions whether the principle of the 'best interests of the child' is compatible with children's early involvement in competitive sport. Part III examines instances of abuse and violence which threaten the integrity and dignity of the child in sport. In Part IV, the economic, commercial exploitation of child labour in sport is explored and Part V analyses whether the right to empowerment of the child in sport is achieved. The responsibilities of adults in respecting the rights of young athletes are examined in Part VI. Finally, in Part VII, David suggests measures to improve the prospects of guaranteeing the human rights of youth in competitive sport.

Lack of attention to the rights-based dimension of sport in both public authorities and sport organisations has left us in a situation where youth sport has become loaded with the expectations of politicians but where its advantages, and indeed disadvantages, are actually very difficult to measure. Indeed, the paucity of measurement tools and the lack of research data on human rights in sport puts human rights advocates at a severe disadvantage for it inhibits the monitoring of child rights. It is important, for example, not to disaggregate the young athlete into his or her health status, performance potential and fitness level but instead to "emphasise the principles of interdependence and indivisibility of all human rights": assessment of someone's health status is not the same as assessing



the exercise of their right to health. The particularisation of the young athlete is a trap that many sport scientists and coaches fall into: it suits their professional purposes yet it works against the child's development as a whole person. Even the now-ubiquitous Long-Term Athlete Development (Balyi and Hamilton, 2004) approach to youth sport fails to join up two important senses of the word participation – political, or engagement in decision making, and physical, or engagement in physical activity. David argues that there are reciprocal benefits between human rights and youth sport in that the quality of support to young athletes can be improved by taking a rights perspective and, in turn, competitive sports can reinforce the human rights system (p.4). It is through this latter route that the contribution of sport as a form of development aid can be maximised.

Turning to the rise of professionalism in sport, David points to the paradox of improved quality of athletic preparation set against the dangers of systematic involvement by young athletes in intensive training. He discusses early selection, sport factories, age eligibility and their relation the provisions of UNCRC which, incidentally, does not mention sport overtly. The shift from a needs-based to a rights-based approach to youth sport, summarised neatly on p.21, is at the heart of his treatise. It highlights two crucial concepts: first, that of evolving capacity by which the Convention says a child can exercise their own rights in accordance with their age and maturity; and secondly, that of progressive autonomy that should be allowed to every child by those who have the responsibility to care for them. The legal principles of indivisibility and interdependence of all human rights, sometimes referred to as the holistic approach (p.22), is not yet strongly in evidence in youth sport. One might think of talent identification and Long-Term Athlete Development, for example, as two initiatives that currently preoccupy sport



organisations such as Sport England ([www.talentladder.org/tl\\_res.html](http://www.talentladder.org/tl_res.html)), the governing bodies of sport (Stafford and Balyi, 2005) and the Youth Sport Trust ([www.youthsporttrust.org/yst\\_top\\_other\\_jae.html](http://www.youthsporttrust.org/yst_top_other_jae.html)). Both draw on scientific knowledge about child development and training loads yet neither have, so far, satisfactorily addressed children's rights. The traditional legal independence of sport organisations is one of the reasons for this blindness, according to David, who points to the 'defensive shell' around sports (p.25) that fear losing control over their own domains and that therefore resist athletes turning to the law courts. But sports law is a fast expanding domain (Anglia Polytechnic University, 2003; Gardiner, 2001) and one which will not allow this to continue must longer.

Vicarious success has long been cited as the major reason for parents' and coaches' support for youth sports: this is Tofler's concept of 'achievement by proxy' (p.58) (Tofler and diGeronimo, 2000). It leads to a clear conflict between commercial success (medals at any price) and the developmental rights of the child that has been evidenced in many media stories, is re-played here by David, and is one of the more familiar themes in recent critical sport sociology (Cumming and Ewing, 2002; Barth, 2003). His account of the contradictions in debates about age eligibility is more compelling (Ch.5). He highlights to the Convention's direct reference to child's right to "engage in play and recreational activities appropriate to the age of the child" and to its implicit call for child sensitive and child-centred approaches to youth sport (p.40). The probability of risks is very difficult to calibrate, of course, and this is reflected in widely varying practices and age limits throughout the sports world. This difficulty is compounded by the differences in physiological age, social maturity, psychological





development and performance level. But the old adage ‘if you’re good enough, you’re old enough’ simply does not fit with a human rights approach to youth sport. Importantly, David restates the necessity to consult with young people themselves when coming to decisions about minimum age limits for competitive and/or dangerous sports (p.50). This is perhaps one of sport’s greatest faults for authoritarianism and paternalism die hard in the institution: the idea of giving young people the opportunity to formulate or adapt their own sport situations is still anathema to many administrators.

Similar debates rage about the duration and intensity of training regimes for young athletes, some of which even violate international standards for labour relations (Ch.6) (Donnelly, 1997). Child protection from abuse is an area of policy that, with only a few national exceptions, has yet to permeate sports world (Brackenridge and Fasting, 2002). Blindness towards and denial of possible abuses is still commonplace and too often children are still educated and trained with intimidation and force. These practices and others, such as peer aggression through hazing (initiation rites) (Johnson and Holman, 2004) and sports-related violence (Ch.7), for which ‘informed consent’ is a logical impossibility, violate the inherent dignity of the person which should be protected under the UNCRC. Further, the psychological and emotional abuses that David describes (Ch. 8) often arise from coaching and parental behaviours that have, until recently, been considered virtually normative in youth sport. Screaming from the sidelines, forcing children to follow weight loss programmes and rigid diets, the ‘thinner is better’ school of thought, and driving young athletes towards burnout are all examples examined in this book that have also been exposed elsewhere (Choi, 2000; Heywood, 1998; Ryan, 1995).



Of this long catalogue of rights violations, sexual abuse and violence is probably one of the most difficult for sport organisations to address. Yet David's review of international research indicates that this is a pressing priority (Ch.9). Doping and medical ethics (Ch.10) might be regarded as purely the domain of adults in sport but David argues otherwise. Sadly, sport has shown itself unable to keep pace with pharmacological advances or unwilling to confront such problems, or both. Contrary to the Article 33 of the UNCRC, the "hyper-medicated environment and the influence of role models (who take drugs)" (p.104) [in elite sport] conspire to have made child athletes one of "society's most fragile groups" (p.108) and to draw them into illegal drug cultures, analogous to child prostitution. Under such conditions, David rightly asks whether we can expect talented young athletes to abide by the ideals of integrity and sportsmanship so often espoused by their elders. The call to the sports medicine community is clear.

Economic exploitation of child athletes has been an inevitable consequence of globalisation, professionalisation and commodification in sport. David provides ample evidence, for example, of exploitation of children in training, age of 'working', child slavery (Ch.13), transfer markets (Ch.14), fatigue and risk, interference with schooling and several other areas (Ch.11). He argues that, for talented young athletes entering potential professional sports, their investment potential overrides their holistic development (Ch.12). Those advocating 10,000 hours of training (in order to reach elite status) and specialist residential training centres for young children in sport would do well to heed this critique.

Extensive children's rights already exist in the provisions of the UNCRC and in the Olympic Charter. However, the path to ethical sport is paved with good intentions.



Implementation failures, political procrastination and some downright opposition have all prevented these extant rights from being enacted and actively promoted in sport. As with many of the problems outlined in the book, and indeed in several other critical sociological and feminists accounts of sport, David's proposed 'solution' rests in the effectiveness of empowerment in sport. He does not underestimate the challenge that this presents as it "requires a radical shift and evolution of the sport system" (p.101). Despite growing advocacy for athlete empowerment, however, "Individual empowerment has never been a part of the sporting culture as it has in, for example, the arts or politics" (p.6) (Kidman, 2001). It is to be achieved, argues David, through education, explicit implementation of rights, including freedom of expression, and the rigorous pursuit of equity. He suggests ten fundamental principles which should be adopted for a child-sensitive sport system (p.237):

1. Equity, non-discrimination, fairness
2. Best interests of the child; children first
3. Evolving capacities of the child
4. Subject of rights; exercise of rights
5. Consultation, the child's opinion, informed participation
6. Appropriate direction and guidance
7. Mutual respect, support and responsibility
8. Highest attainable standard of health
9. Transparency, accountability, monitoring
10. Excellence



The book closes with calls to parents and coaches and with a highly critical account of the major international agencies in sport – especially the International Olympic Committee (IOC) - and their failure to act on the issue of children’s rights and protection in sport. No doubt the author will be pleased to learn, then, that the IOC Medical Commission has, at last, begun the process of setting up an expert panel to prepare a position statement on these issues. Just when this work will be completed is a matter for conjecture. It is certainly true that critical perspectives, whether on doping, cheating or fraud, have not been welcome in the recent history of the Olympic movement (Jennings, 1996; Jennings, 2000; Tomlinson and Whannel, 1984; Ungerleider, 2001) but it will be interesting to see what difference is made now that the movement is ‘under new management’.

The basic stance taken in this book is that sport and human rights communities are poorly informed of each other’s activities and interests (p.6). This is used to justify the fact that, as the author himself frequently acknowledges (p.5), the book suffers from a lack of research data and does not present new theory. Several times, he points out this gap in data: but, rather than weaken his case, this underlines how important it is for sport researchers to ask rights-related questions and for sport agencies to collect robust monitoring and evaluation data. David makes much of what he describes as an “absence of a culture of monitoring in the sports domain” (p.14) and the negative implications of this for accountability to human rights. While his argument may be justified elsewhere, many who deliver sport in practice in the UK might, equally, argue that measurement is now all, and that one more mention of a Key Performance Indicator will be the straw that breaks the sport developer’s back. In relation to the UK specifically, then, perhaps it



would be fairer to point to weaknesses in the specification of human rights criteria in measurement protocols rather than an absence of such protocols altogether. Interestingly, Sport England's recently launched Value of Sport Monitor has not yet encompassed sport's alignment with human rights nor its contribution to them yet appears to have the capacity to do so in time (Sport England, 2005).

From an academic perspective, David perhaps underplays the broader theoretical context of globalisation but that is not his main purpose. The book examines competitive sports through a new lens – that of child rights – and does this very well. There is the potential for such an account of rights to be dull or arid but David avoids this with his energetic and richly illustrated text. Indeed the sheer volume of information, from a wide range of countries and sport cultures, gives his arguments great force.

It is not difficult to imagine the voices of critical theorists pooh-poohing David's call for ethical reform in sport as naive or even hopelessly unrealistic. But without constant reminders of the potential for good in sport we could all slip easily into nihilism. David does us all a service by reminding us that the human rights of children in sport logically precede fair play and are neither optional nor a bolt on. He describes them as a "life process" (p.263). Importantly he also points out that a purely protection-based approach to youth sport risks disempowering young athletes and that only through a protection *and* rights promotion approach will the potential individual and collective benefits of sport be realised. David points to the "critical role of participation" (p.7) in building an ethical and sustainable form of competitive sports. Here he is using the term 'participation' in its political rather than its sporting form but he could have made much



more of this distinction which is all-too-often overlooked in sport development literature and practice.

Many of the solutions proposed by David are the same as those put forward repeatedly by radical critics of modern sport for the past two decades (Hall, 1996; Hargreaves, 2000; Collins with Kay, 2003). The difference here, however, is that he sees sport through the lens of rights, a combined moral, ethical and legal framework that lends considerable authority to his analysis.

Contrary to mass media representations of abuses to children, the quality of child welfare in society is actually higher than ever before. But sport is a part of the wider social setting, with all its ills, and child maltreatment is certainly not a new issue for sport. It would be tempting to read this text as a negative treatise on the plight of the child athlete. But it is precisely because the book focusses on respect of rights that it inevitably emphasises violations of these rights (p.5). It takes the literature on child welfare in sport in a new and important direction and, as such, should be required reading for all those aspiring to work in sport, whether as teachers, sport development officers or sport managers. It opens up new avenues for both academic investigation and policy development and should therefore provide an excellent resource for researchers and sports policy makers. Importantly, the book also provides a detailed, integrated, international account of the range of welfare issues confronting contemporary sport and that impinge on other topics such as long term athlete development, talent identification, athlete trafficking and transfers, and coaching practices.



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