



Rule 50 of the Olympic Charter - Where do we stand?

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High performance athletes today are public figures with the potential to use their voices to inspire change. History provides examples of athletes bravely taking a public stand to voice their indignation of social injustice, and the Olympics have provided a noted venue. Famously, sprinters Tommie Smith and John Carlos raised their fists on the podium at the 1968 Mexico City Olympics to protest racial injustice, for which both athletes were subsequently expelled from the competition.^[1]

With the role of social media, television, and advertising increasing the prominence of athletes in society today, we have entered a new era of athlete activism. It's no longer rare for athletes to comment and take stands on pressing issues. Rather, it might be argued they are even expected to do so. Despite these developments, the International Olympic Committee (IOC) has been hesitant to allow athletes to speak freely without limitation and has not yet fully adapted to the changing role of athletes in today's society.

What is Rule 50?

Rule 50 of the Olympic Charter sets out the regulations that cover an athlete's ability to protest and make demonstrations. This rule provides a framework meant to protect the neutrality of Olympic sport, setting out that "[n]o kind of demonstration or political, religious or racial propaganda is permitted in any Olympic sites, venues or other areas."^[2]

Rule 50 and Freedom of Expression

Given the era of athlete activism that is upon us, there was hope that the IOC would drop Rule 50 in the lead up to the 2020 Tokyo Olympic Games and allow athletes the full freedom to express themselves. However, a clear majority of athletes still agreed that it was not appropriate for athletes to openly protest in three main locations: during the opening ceremony, on the field of play, and on the podium.^[3] Indeed, there were only a few examples of athletes violating Rule 50 this past summer, with the most notable example being Silver-medal winning American shot putter, Raven Saunders, who raised her arms in an "X" on the podium. Saunders said that the "X" represented the "intersection of where all people who are oppressed meet."^[4]

Pre-Tokyo Changes to Rule 50

Prior to the 2020 Tokyo Olympic Games, the IOC published a report in April 2021 that adjusted the rigid requirements outlined in Rule 50. The biggest change was that athletes were allowed to engage in a "moment of solidarity against discrimination" during the opening ceremony, and to wear clothing with words like peace, respect, solidarity, inclusion, and equality that express fundamental Olympic "values."^[5] The responses published by the IOC preferred a unified moment of expression at the Opening Ceremony, as well as creating a specific space in the Olympic Village for athletes to express themselves.^[6] Athletes were also officially able to use their apparel, the athlete mural, and social media as a platform for expression.

Despite these changes, Rule 50 still provides for very limited expression of athletes in specified Olympic venues. The rule seeks to protect the political and religious neutrality that the Olympic Games continue to strive to preserve. The alternative would be for the IOC to distinguish between the importance of causes, which it does not appear to be prepared to do. For that reason, the IOC's preference is to maintain a blanket policy of neutrality.^[7]



Violations of Rule 50

The IOC did not define “demonstration” or “propaganda” in the Olympic Charter or relevant policies. Therefore, it is unclear as to what kind of act will in fact violate Rule 50. The IOC Athletes’ Commission has provided examples of violations, such as political signs or kneeling during the medal ceremonies. However, the examples provided are by no means exhaustive. There is also a lack of clarity regarding how a violation will be treated. The only guidance provided by the IOC is that it will examine the facts of each violation on a case-by-case basis, in conjunction with the relevant National Olympic Committee and International Federation.

Moving Forward

So, what does this mean for Canada’s Olympic athletes? Athletes are not allowed to protest, but they are allowed to partake in a moment of solidarity at the Opening Ceremony, as well as advocate for their views in the designated areas and mediums approved by the IOC. Athletes can use their platform to inspire change, but this platform is limited by the IOC’s decision to remain faithful to Rule 50.

The application of Rule 50 in Tokyo this past summer seems to offer inconclusive evidence on the IOC’s willingness to enforce the rule. There were a number of protests in Tokyo, including such notable incidents as Chinese cyclists Bao Shanju and Zhong Tianshi wearing Mao Zedong pins while receiving gold medals^[8], Costa Rican gymnast Luciana Alvarado ending her floor routine by kneeling and raising her fist^[9], and members of the American men’s fencing team wearing pink masks after a teammate had been accused of sexual misconduct^[10]. However, the IOC chose not to sanction any of the athletes involved in these protests.

At least for the time being, Rule 50 shows that the IOC has elected to remain neutral, in line with the traditional spirit of the Olympic Games. As for the IOC’s enforcement of Rule 50, the leniency shown in Tokyo should not be seen as implicit endorsement of protest for Beijing. The controversial choice of China as the host country despite their human rights transgressions, combined with that country’s lack of tolerance for dissent, means Rule 50’s applicability in these Olympic Games has entered a new playing field.

[1] Jesse Campigotto, “The Olympics’ Rule 50 debate isn’t over” www.cbc.ca/sports/the-buzzer-newsletter-olympics-rule-50-debate-1.5998651

[2] Olympic Charter: stillmed.olympic.org/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf

[3] Rule 50 Guidelines: stillmedab.olympic.org/media/Document%20Library/OlympicOrg/News/2020/01/Rule-50-Guidelines-Tokyo-2020.pdf

[4] www.npr.org/sections/tokyo-olympics-live-updates/2021/08/02/1023610861/a-u-s-athlete-defies-olympic-podium-protest-ban-under-threat-of-sanctions

[5] *Supra* note 1.

[6] *Ibid.*

[7] “IOC Athletes’ Commission’s recommendations on Rule 50 and Athlete Expression at the Olympic Games fully endorsed by the IOC Executive Board” olympics.com/ioc/news/ioc-athletes-commission-s-recommendations-on-rule-50-and-athlete-expression-at-the-olympic-games

[8] www.nytimes.com/2021/08/04/sports/olympics/olympics-china-cyclists-mao-pins.html

[9] www.latimes.com/sports/olympics/story/2021-08-07/ioc-fears-tokyo-olympics-athletes-protests

[10] *Ibid.*