



ORIGINAL: FRENCH

**INTERNATIONAL OLYMPIC COMMITTEE
ETHICS COMMISSION**

DECISION CARRYING RECOMMENDATIONS N° D/03/03

CASE N° 3/03

The Pan-American Sports Organisation (ODEPA/PASO),
domiciled at
Serapio Rendon 45, Col. San Rafael, MX-Mexico 06470 / Mexico

VERSUS

The International Volleyball Federation (FIVB),
domiciled at
Avenue de la Gare 12 , CH-1003 Lausanne / Switzerland

REFERRAL:

On 7 August 2003, ODEPA/PASO, through the intermediary of its Legal Director, Mr William Warren, filed a complaint with the IOC Ethics Commission against the International Volleyball Federation (FIVB); in a letter dated 25 August 2003, the Ethics Commission informed the FIVB and ODEPA/PASO, inviting any observations in response; on 9 October 2003, the FIVB filed its observations in response.

SUMMARY of the facts:

The Ethics Commission:

- notes that the Argentinean Volleyball Federation (FAV) was suspended on 6 May 2003 pursuant to a decision by the FIVB Board of Administration, the consequence of which was that the athletes of such federation would not be allowed to take part in any regional or world competition;
- notes also that, based on the reasons for this decision, the athletes, who are not accused of any fault and who were in no way involved in the reasons given, which concern exclusively the internal administration of the International Federation (IF), were deprived of the right to practise their sport at international level;
- further observes that the beach volleyball players were initially prohibited from international competitions, then finally authorised to take part in such competitions as of June 2003 because of their status as professional athletes and their means of remuneration, whereas the indoor volleyball players continued to be prohibited from taking part in any international competition, in particular the Pan-American Games in August 2003.

PRINCIPLES:

The Ethics Commission points out that it is not ruling on the interpretation of the Rules of the Olympic Charter concerning athlete entries in an international competition.



It notes that, pursuant to the Olympic Charter, each IF maintains its independence and autonomy in the administration of its sport, and for this reason it is not for the Ethics Commission to assess the suspension decision taken by the FIVB.

It underlines that, notwithstanding this independence and autonomy, the statutes, practices and activities of the IFs must be in conformity with the Olympic Charter.

The Ethics Commission recalls that the right to sport is a fundamental principle, and that this right, as recognised and laid down in the Olympic Charter, is not to be confused with the notion of "Sport for All", but applies to all levels of sport, including so-called high-level or international sport.

The Ethics Commission further points out that, under the terms of the Olympic Charter, sport must be practised without discrimination of any kind.

It notes, however, that the Fundamental Principles of the Olympic Charter do not grant an unconditional right to take part in competitions; and that, as a result, each IF may determine the limits of such right to take part in competitions, provided that these limits are not in contradiction with the Fundamental Principles.

OPINION:

The Ethics Commission notes that the Argentinean volleyball players were deprived of the right to take part in international competitions because of the suspension of their national federation; that this suspension was motivated by reasons concerning the internal administration of the national federation, irrespective of the wishes of the athletes, and without such athletes having committed any fault vis-à-vis the IF.

The Ethics Commission holds that the consequences of the suspension of the national federation in fact constitute a breach of the fundamental principle of the right to sport as set out in the Olympic Charter, in as much as the FIVB took no measure to ensure that all the athletes might exercise their right to practise their sport.

The Ethics Commission further holds that the fact of depriving only certain athletes of their right to compete, on the grounds of their means of remuneration, constitutes discrimination between the athletes of the same national federation and a breach of the principle of non-discrimination recognised and established by Fundamental Principle number 6 of the Olympic Charter.

RECOMMENDATIONS:

The Ethics Commission recommends that the IOC Executive Board:

- 1) remind the FIVB of its obligation to respect the Fundamental Principles of the Olympic Charter, in particular the right to sport guaranteed to athletes and the right to practise sport without discrimination of any kind;
- 2) issue a warning to the FIVB.

Done in Lausanne, 21 October 2003

For the Chairman,
Pâquerette Girard Zappelli
Special Representative