



THE IOC'S REGULATION OF SOCIAL MEDIA POSTS OF OLYMPIANS

Dr Cem Abanazir

Introduction

As the leader of the [Olympic Movement](#) and the keeper of the Olympic Games, the International Olympic Committee ('IOC') has the power to introduce norms that bind, among others, Olympians.¹ The IOC introduces 'social and digital media guidelines', as well as other expression-related documents, for each Olympic Games edition. Given the increasing significance of Olympians' presence on social media, this policy brief will present an overview of the IOC's political and commercial restrictions on the Olympians, underline what is at stake, and present recommendations for the immediate future.

The Background

Notwithstanding a possible discussion on the political support required for [bidding for and hosting](#) the Olympic Games, and the Olympic boycotts in the [1970s](#) and [1980s](#), the IOC has repeated its political neutrality. It is against the '[politicisation of sport](#)' and supports and promotes [an Olympic Truce](#) during each Olympic Games. These points culminate in the [Olympic Charter](#). Whereas the Fundamental Principles of Olympism underlines political neutrality; Rule 50 of the Olympic Charter prohibits 'political, religious or racial propaganda' in any Olympic sites, venues, or other areas. On the other hand, the [Rule 50 Guidelines](#) for the Tokyo 2020 Olympic Games created new fora for expression.

Concerning the commercial aspect, [the Olympic Partner Programme \('TOP'\)](#) provides sponsors exclusive rights to associate with the Summer and Winter Olympic Games. The IOC indicates that it [distributes 90% of its income](#) to the Olympic Games, athlete development and the Olympic Movement, which consists of the IOC, national Olympic committees and international sport associations. The IOC's chief concern is the unofficial and unauthorised association and exploitation of its Olympic properties by entities that do not enjoy a sponsorship agreement with itself. The IOC argues that this amounts to '[ambush marketing](#)' through unofficial association with their properties and events, negatively impacting the revenue streams and distribution through the Olympic Movement. In 2010, the head of the IOC Marketing Commission asserted that 'the IOC and its partners in the Olympic Movement take the threat of ambush marketing very seriously'. This stance is reflected in the regulation of Olympians' commercial expression.

¹ Competitors in the Olympic Games.



The Context

The IOC called the 2010 Vancouver Winter Olympic Games 'the first social media games' and introduced the first tools that regulate Olympians' conduct on personal blogs and websites. At the London 2012 Olympic Games, the 'first Twitter Olympics', the IOC entered into force social media-specific guidelines that included 'postings, blogs or tweets'. The core concerns of the IOC were the Olympians acting like a journalist and promoting products and services that are not the official sponsors of the Olympic Games. [The Rio 2016 Olympic Games](#) guidelines added the prohibition of 'demonstration or any form of political, religious or racial propaganda'. However, the social and digital media guidelines for [Beijing 2022](#) removed references to political expressions due to the [Rule 50.2 Guidelines for this edition](#). At [Paris 2024](#), Olympians can express their political views during the Games and at Olympic venues and sites under certain conditions.

In line with the increased commercialisation of social media posts, the [PyeongChang 2018 Winter Olympic Games](#) saw the IOC's explicitly ban on the monetisation and commercialisation of social media posts. [The Tokyo 2020 Olympic Games](#) edition of the guidelines brought the measures one step further by prohibiting the use of Olympic content in 'Thank you' messages to Olympians' non-Olympic sponsors. The same Olympic Games opened the door for more [commercial opportunities](#) thanks to a German case explained below.

The Social and Digital Media Guidelines for [Paris 2024](#) cover the timeframe between 18 July 2024 and 13 August 2024 inclusive. The guidelines indicate that the photos and videos captured by Olympians are for personal use only as the individuals cannot authorise their use by sponsors or create unofficial association between the Olympic Properties (e.g. the [Olympic rings, flag, motto and emblem](#)) and a 'cause' or an 'organisation'. Furthermore, it is emphasised that social media posts cannot be 'commercial'. [The FAQ document for Paris 2024](#) underlines that posts allowing ads are considered commercial. The same applies to posts based on paid marketing or are part of an agreement with a non-official SMP or media company, as well as those endorsing or promoting third-party products. The fear of athletes becoming journalists persists.

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Time and place limits aim to address artificial intelligence's influence by banning its use and the images it creates. Furthermore, non-fungible tokens (NFTs) and interaction in the metaverse are also prohibited. Finally, '[Commercial Opportunities for Participants during the Olympic Games Paris 2024](#)' provides leeway to Olympians. They can post 'Thank you' messages once for each non-Olympic sponsor; however, they are free to thank Olympic sponsors without a limit.

Recent Developments

There are improvements concerning the status of Olympians. [The FAQ document](#) for the Paris 2024 of the social and digital media guidelines emphasises the possible adverse effects of online harassment and abuse on Olympians' well-being and mental health. As indicated above, there is also the relaxing of restrictions on the commercial expression of Olympians. Yet, concerning the latter, the IOC's improvement of the Olympians' outlets for such expression did not stem from an understanding and benevolent approach. Instead, it took a process leading to a decision of the German Bundeskartellamt (Federal Cartel Office) [condemning the previous commercial speech restrictions](#) enshrined in Rule 40 of the Olympic Charter to ease the restrictions. Therefore, outside intervention impacted the norms and their implementation.

The European Court of Human Rights ('ECtHR') asserted that the European Convention on Human Rights ('Convention') applies to sporting activities. Firstly, the ECtHR acknowledged that decision-making bodies in sport must consider the right to a fair trial when deciding on disciplinary and non-disciplinary cases ([Mutu and Pechstein v. Switzerland](#); [Ali Riza and others v. Turkey](#)). More importantly, later, the ECtHR underlined that when deciding on the sanctions and other measures due to social media posts of athletes, referees and coaches, decision-making bodies must consider the ECtHR's principles and tools. They must 'balance' the rights of the parties and the impact of an expression on society and the sport association ([Ibrahim Tokmak v. Turkey](#); [A.M. v. Turkey](#); [Naki and Amed Sportif Faaliyetler Kulübü Derne i v. Turkey](#)). Essentially, if Olympians challenge the IOC norms and guidelines, the ECtHR could judge that the regulation and prohibition of Olympians' expression fall foul of the Convention and its principles.

The Issues at Stake

The Rule 50 guidelines since Tokyo 2020 and the amended [Rule 40 of the Olympic Charter](#) (including guidelines, FAQs and documents about commercial opportunities which should be considered with this rule) acknowledge that Olympians can engage in political and commercial expression, respectively. Nevertheless, currently [the social and digital media guidelines](#) prohibit 'non-compliant content' and threaten the removal of content and 'further measures or actions' under the Olympic Charter. The threats can have a chilling effect on Olympians because their desire to express their political views, grievances or discontent may be curbed due to fear of sanction. On the commercial side,

restrictions that narrow the mediums for Olympians' commercial expression stop them from fully exploiting commercial opportunities.

There are also legal concerns. In addition to the ambiguous terms, Rule 40 and the [Guidelines on Athlete Expression](#) link freedom of expression to the Olympic values, which the guidelines and the Olympic Charter do not define. The same problem appears concerning the Fundamentals of Olympism, where open-to-debate statements, such as 'harmonious development of humankind, with a view to promoting a peaceful society concerned with the preservation of human dignity', appear. Finally, according to these guidelines and the [FAQ document](#) on the social and digital media guidelines, Olympians must consider 'applicable national laws', which require an in-depth understanding of the law. Hence, the Olympians cannot foresee the legal reaction to their political or commercial expression.

At this point, one should ask if the Olympic Movement's political interests, as well as the Olympic revenue and solidarity system, require drastic and strict measures against Olympians whose careers and income mostly depend on the Olympic Games. Another question would underline the possibility of outside intervention or the adoption of non-Olympic Movement principles and processes, such as the ECtHR's understanding of freedom of expression and 'balancing'. While it may not be the perfect solution (as there are criticisms against it), balancing can be instrumental in acknowledging the rights and interests of Olympians before decision-making bodies other than athletes' commissions and organising committees.

Recommendations

In line with the IOC's concerns regarding its interests, the Olympic Charter, guidelines and other documents introduce bans and restrictions. However, the human rights of Olympians must become an integral part of the processes concerning the introduction and interpretation of these norms and documents. As this Policy Brief aimed to show, Olympians' freedom of expression is at stake. The many rules emanating from them can have a chilling effect on Olympians' political and commercial expression on SMPs.

Given the preceding, there are three recommendations:

- The IOC must introduce more precise and balanced guidelines aligning with societal, political, and commercial developments.
- The IOC must heed the calls to create further opportunities for Olympians and embrace technological and commercial developments before being compelled to do so by states and their institutions.
- The decision-making bodies within the Olympic Games – such as the IOC, the disciplinary bodies of international sport associations, and the Court of Arbitration for Sport ([Olympic Charter rules 59 and 61](#)) – must abide by the ECtHR case law and conduct a thorough investigation by considering Olympians' rights and interests.

Dr Cem Abanazir is a Lecturer in Law at Manchester Law School, Manchester Metropolitan University.

He published a monograph entitled [Political Expression in Sport: Transnational Challenges, Moral Defences](#).