

## **OLYMPIC PARTICIPATION CRITERIA FOR 50-METER STROKE EVENTS: A VIOLATION OF THE EQUALITY PRINCIPLE?**

Since I can remember, the selection criteria for the Olympic Games in Swimming have followed a system based in a "entry standard times" (minimum qualifying times set by the international federation), through a set of rules defined by the IOC and the International Federation (World Aquatics – formerly FINA).

In the 1988 Seoul Games (after all, I was born in 1980), I have a clear memory that each country could bring up to 2 (two) swimmers per event, provided those swimmers achieved the entry standard times, stipulated by World Aquatics (then FINA). The rule always applied equally (*isonomy*) across all events, strokes, and distances, without differentiation.

In fact, these were the same criteria I underwent for my Olympic qualifications in Sydney 2000 and Athens 2004.

Indeed, the entry criteria for athletes (swimmers) for the Olympic Games is the result of a complex regulatory system that combines the International Olympic Committee (IOC), World Aquatics (WA) — formerly FINA — and the National Olympic Committees (NOCs).

This system must be (and indeed always has been) structured based on the Olympic Charter, the technical rules of World Aquatics, and the specific document titled "**Qualification System – Games of the Olympiad – Swimming**", which defines indices, eligibility criteria, and quota limits.

At the center of this legal-sporting structure lies the most important of all principles, which serves as the foundation for "Olympism": the **Principle of Equality**.

This principle, demands equal treatment for athletes in equivalent conditions, prohibiting arbitrary discrimination and ensuring objective, transparent, and universally applicable criteria.

The principle of Equality (or *isonomy*) has roots in Ancient Greece with the concept of "equality by the law." However, its modern consolidation as a fundamental right occurred in France, driven by the French Revolution in the 18th century.

In the Olympic Charter, this equality is essentially anchored in the "Fundamental Principles of Olympism," which serve as the basis for all rules, including selection and participation criteria.

To support the principle of equality, the Charter utilizes concepts of non-discrimination and equal opportunity. As seen on page 8 of the Olympic Charter PDF:

- **Principle 4:** *" The practice of sport is a human right. Every individual must have access to the practice of sport, without discrimination of any kind in respect of internationally recognized human rights within the remit of the Olympic Movement. The Olympic spirit requires mutual understanding with a spirit of friendship, solidarity and fair play...."*
- **Principle 6:** *" The enjoyment of the rights and freedoms set forth in this Olympic Charter shall be secured without discrimination of any kind, such as race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status."*

For entry (participation) criteria to be determined, this isonomy (equality) must always be present, subdivided into two dimensions: formal equality and material equality.

In the **formal** aspect, all athletes worldwide compete under the same "entry standard times" and within the same qualifying period, **with no differentiation** by continent, sporting tradition, or political ranking.

In the **material** perspective, the establishment of "universality quotas" corrects structural inequalities between countries with higher and lower sporting development. Thus, equality is not only formal but also substantial.

That being said, regarding participation and eligibility criteria, the Olympic Charter relies on the following rules to apply isonomy in practice:

- **Rule 40 (Participation in the Olympic Games):** *Establishes that to participate, the athlete must respect the Olympic Charter and the rules of the International Federation (IF) of their sport. Equality manifests here in the requirement that technical criteria be clear and applied equally to all applicants.*
- **Rule 44 (Invitations and Entries):** *Defines that the authority to send athletes to the Games belongs to the National Olympic Committees (NOCs), but they must follow criteria that respect integrity and sporting merit, avoiding arbitrary decisions.*

Consequently, should there be a selection criterion considered unequal, the Olympic Charter refers to **Rule 61**, which establishes that any dispute related to the Olympic Games must be submitted exclusively to the **Court of Arbitration for Sport (CAS/TAS)**. In reviewing jurisprudence, the CAS frequently utilizes the principle of isonomy to annul selections that did not follow objective criteria.

Having completed this introduction with the necessary conceptualization of Olympic principles, let us return to the Olympic selection criteria for swimming.

Until the most recent Olympic Games (Paris 2024), criteria in swimming **were always equal (isonomic) for all events, distances, strokes, and genders.**

In other words, the criteria adopted by the IOC and WA for the classification of athletes in the Men's 50m Freestyle were, for example, the same as those for the Women's 200m Breaststroke.

Therefore, it was necessary for the athlete to achieve a time faster than the Olympic entry standard times, stipulated by WA, and to rank among the top 2 (two) swimmers in their country for that specific event and stroke, with no difference between distances. Even in 2020 (Tokyo Olympics), with the inclusion of the Women's 1500m Freestyle and Men's 800m Freestyle (debut events), **the criteria remained equal, even for these then-unprecedented Olympic events.**

And here, finally, we reach the crucial point of this essay/reflection that I humbly write to the entire Olympic community: the recent inclusion of 50-meter events for the breaststroke, backstroke, and butterfly styles, both male and female.

Recently, WA released the criteria for participation of Olympic swimmers heading to **Los Angeles 2028**. To my surprise — and that of the entire global aquatic community — the principle of equality enshrined in the Olympic Charter was flagrantly violated when World Aquatics published **DISTINCT** criteria for the 50m breaststroke, backstroke, and butterfly events for both men and women.

For these six events, unlike all others to date (which continue to follow the criteria described above), WA stipulated different rules that clearly privilege higher-ranked athletes over those training in pursuit of the Olympic minimum time standards.

In these events, the criteria condition athletes to participate in a specific competition (the World Cup), where the top six finishers in each event automatically qualify for Los Angeles 2028.

If an athlete cannot participate in this World Cup or does not place among the top six, the only way to guarantee a spot in the 50m breaststroke, for example, would be conditioned on the athlete achieving the qualifying index for **both** the 50m and 100m breaststroke events at their respective national trials.

In other words, by not participating in the World Cup, the athlete becomes dependent on achieving the minimum time standards in **two** events (e.g., 50m and 100m) instead of a single event, as occurs with all other distances and strokes.

Here remains the question to be answered by the IOC and WA: For what reason do these new Olympic events (50m breast, back, and fly) have a different criterion than all other events? Why is the most important principle of the Olympic Charter (equality) being flagrantly violated by requiring athletes to participate in pre-determined event to guarantee Olympic participation?

It is up to all of us, Olympic athletes, to demand the necessary clarifications from the responsible entities (IOC and WA), in order to understand the reason for this violation of the Olympic Charter and the principle of equality, which today, more than ever, deserves our attention to maintain the Olympic legacy!

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