

Safeguarding athlete's neuro-rights in sport. The failure of AI's regulation in sport

The lack of policies on AI uses in sport is worrying for several reasons.

First, it reveals the lack of interest of the International Federations and Sport Government bodies on one of the most important and disturbing challenges faced by Governments and International Institutions around the world.

Second, it reveals the ongoing inability of the IFs and SGB for developing and enacting innovative-safe policies addressing new challenges for the sake of athletes' safeguarding and the integrity of competition.

Third, it leaves it up to the sport industry how to use AI systems, even if that implies the manipulation of athletes and their careers.

Fourth, and most importantly, the lack of effective policies in this regard leads to a failure in the protection of athletes' fundamental rights, such as privacy, autonomy and health, in a way that is equivalent to the tolerance of chemical doping. That lack of policies is even more worrying given the rising concern for the protection of the so called neuro-rights.

In this article I shall argue for the need for an ethical framework that regulates the uses of AI in sport and protects the main stakeholders, i.e., the athletes, from the potential harms that might thereby arise. I will also further argue that this is not only an ethical commitment to harm prevention and the avoidance of risk, but also a legal one to which IFs and SGBs are bound. In other words, so long as the lack of policies remains, they are objectively liable for the AI harms suffered by athletes.