



Sports Governing Bodies and Human Rights Due Diligence

Sporting Chance White Paper 1.2
Version 1, January 2017



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Authorship note: The White Papers in this series represent the views of either co-authors, respective authors (where separate sections have been contributed), and in some cases, interviewees. For the avoidance of doubt, where individual authors are named, the views are their own and not those of their organisation. Where there are multiple contributors, the papers do not necessarily represent the views of each contributor and no consensus is implied.

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The Mega-Sporting Events Platform for Human Rights

The Mega-Sporting Events Platform for Human Rights (MSE Platform – www.megasportingevents.org) is an emerging multi-stakeholder coalition of international and intergovernmental organisations, governments, sports governing bodies, athletes, unions, sponsors, broadcasters, and civil society groups. Through dialogue and joint action our mission is to ensure all actors involved in staging an event fully embrace and operationalise their respective human rights duties and responsibilities throughout the MSE lifecycle. Chaired by Mary Robinson, the MSE Platform is facilitated by the Institute for Human Rights and Business (www.ihrb.org).

The Sporting Chance White Papers

This White Paper Series was originally developed to support the Sporting Chance Forum on Mega-Sporting Events and Human Rights, co-convened by the US Department of State, the Swiss Federal Department of Foreign Affairs, and IHRB in Washington D.C. on 13-14 October 2016. Comments were received at and following the Forum, and each White Paper has been updated to reflect those inputs.

A total of 11 White Papers have been produced, clustered into four themes referring to key stakeholder groups (see below). These White Papers aim to present the latest thinking, practice, and debate in relation to key human rights issues involved in the planning, construction, delivery, and legacy of MSEs. Each paper also considers the case for, and potential role of, an independent centre of expertise on MSEs and human rights.

Each White Paper has been published as “Version 1” and the MSE Platform would welcome comments, input, and expressions of support with regard to future iterations or research on each topic.

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- White Paper 1.1 Evaluating Human Rights Risks in the Sports Context
- White Paper 1.2 Sports Governing Bodies and Human Rights Due Diligence
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Executive Summary

1

The sports governing bodies (referred to in this report as awarding bodies) espouse high ideals like harmony among nations, humanity, dignity, solidarity, fair-play, and sustainability. They rightly place great emphasis on sport as a driver for peace and development. Less consideration has been given to date to the responsibility these bodies share with others to both understand and address the negative impacts MSEs can have on people.

The UN Guiding Principles on Business and Human Rights (UN Guiding Principles) affirm the obligations of governments to protect against rights abuses involving non-state actors, and set out the responsibilities of enterprises to respect human rights. They offer an invaluable roadmap for many businesses active in the MSE space, and for the awarding bodies themselves, who set the terms and criteria upon which these events are run. The concept of human rights due diligence underpins efforts by enterprises to avoid causing harm to people – the workers, communities, athletes, fans, and spectators upon which MSEs rely. But what does that mean in practice? How should awarding bodies go about identifying, preventing, mitigating, and accounting for how adverse human rights impact are addressed, or where necessary remedied, in an MSE context?

This White Paper explores how the provisions laid out in the UN Guiding Principles relate to awarding bodies - drawing on respected sources like the report “For the Game, For the World” prepared by Prof. John Ruggie. It additionally starts to pinpoint some of the areas that may need to be prioritised in order to demonstrate respect for human rights, including around the integration of human rights considerations into the bidding requirements for MSEs.

This White Paper starts to review initiatives by awarding bodies to meet the responsibility to respect human rights. It presents a snapshot rather than an exhaustive analysis, with the examples offered illustrating the kind of work currently being undertaken within sport or on the horizon. The authors welcome and encourage updates and fresh insights from each of the awarding bodies identified, as well as any other international sports federations not yet captured within this report, in order to benchmark the progress being made within the sports sector to advance respect for human rights within an MSE context.

Sport is at the start of a new journey on human rights issues. Like others in business before them, there is an opportunity for the sports sector to learn from ongoing efforts within the wider business community, as well as to take advantage of expertise and insights offered from civil society, trade unions, governments, intergovernmental bodies and other human rights experts. Collective action approaches may offer one avenue for advancing this work going forward.

Context

Sport has the power to inspire humanity and mega-sporting events can produce many societal benefits – such as job creation, urban regeneration and improved essential transport and digital infrastructure. Sport has also been recognised as “an important enabler of sustainable development” as part of the UN’s 2030 Agenda for Sustainable Development, which recognises “the growing contribution of sport to the realization of development and peace in its promotion of tolerance and respect and the contributions it makes to the empowerment of women and of young people, individuals and communities as well as to health, education and social inclusion objectives”.

International Federations – which are responsible for the rights to host major sports events (referred to throughout this paper as awarding bodies) – have long highlighted the positive impacts of sport on people’s lives and the ability to make a lasting difference to communities. Yet sport in general has arguably been slower than the wider business community to appreciate that positive social action starts with understanding and addressing, and where necessary remedying, the negative impacts on people’s human rights caused by or linked to an organisation and its operations.

Awarding bodies, in particular those responsible for awarding mega-sporting events (MSEs), have a leadership role to play, but also a responsibility, to ensure that human rights are respected within their sport and their movements. This includes by host actors, among them the organising bodies and plethora of commercial partners upon whom the planning, delivery and staging of an MSE depend. That is not to imply that awarding bodies can or should be held responsible for, or seek to solve, systemic human rights challenges in host locations, but rather that they have a role to play in raising standards and minimising adverse impacts on people’s human rights in the context of the MSE in question. The starting point for this – as is widely understood within broader business circles – is the UN Guiding Principles on Business and Human Rights (UN Guiding Principles).¹

¹ Office of the High Commissioner for Human Rights, “UN Guiding Principles on Business and Human Rights – Implementing the Protect, Respect, Remedy Framework” (2011): http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

The United Nations Guiding Principles on Business & Human Rights

3.1 Relevance to Awarding Bodies

The UN Guiding Principles were unanimously endorsed by the UN Human Rights Council in 2011. This followed a six-year UN mandate and extensive global consultations with government, business, and civil society by Harvard Professor John Ruggie. This landmark framework reaffirms the duty of governments to protect human rights, and for the first time also outlines the responsibilities of businesses and other private enterprises to respect human rights, whilst stressing the need for access to effective remedy for victims. The UN Guiding Principles were developed specifically for businesses and governments, and they are valuable in an MSE context since they apply to all the principal actors involved in delivering the Games, including awarding bodies.

Also highly relevant in the MSE context is the ILO Declaration on Fundamental Principles and Rights at Work (1998), and the OECD Guidelines on Multinational Enterprises, which were revised in 2011 to include a human rights chapter that aligns with the UN Guiding Principles. The OECD Guidelines, for example, are supplemented by a system of National Contact Points who handle complaints and thus provides a grievance mechanism for victims of human rights abuses linked to commercial activities.

This White Paper focuses primarily upon the responsibilities of awarding bodies to respect human rights, and begins to explore the governance and management systems that may be needed to meet that responsibility. Other White Papers in this series address topics relevant to host government obligation.

Since 2015 the UN Guiding Principles have increasingly been recognised by the sports sector as the key roadmap for addressing human rights issues, especially in relation to MSEs. This includes by the Commonwealth Games Federation and FIFA.

MSEs are celebrations of sporting excellence, but they are also big business. FIFA reportedly made \$4.5 billion from sales directly related to the soccer Brazil 2014 World Cup.² Whilst some Awarding Bodies, notably the IOC and FIFA, are registered

2 Olympic marketing revenue for example from 2009-2012 exceeded \$8 billion. See: <https://stillmed.olympic.com>.

in Switzerland as associations, whatever their legal status, these bodies and their activities carry all the hallmarks of private enterprises. As noted in John Ruggie's 2016 report outlining how the UN Guiding Principles apply to FIFA, "the UN Guiding Principles' provisions on the responsibility to respect human rights are applicable to any comparable sports organization that has not yet undertaken such a commitment".³

The UK and Swiss OECD National Contact Points (NCP) have taken the same view. These national complaints bodies for the OECD Guidelines on Multinational Enterprises established a joint precedent in 2014 and 2015 respectively within their jurisdictions. In October 2014 the UK NCP accepted a complaint brought by the Americans for Democracy and Human Rights in Bahrain (ADHRB) in which it "alleged that companies in the Formula One Group had failed to address human rights impacts associated with the Bahrain Grand Prix", and issued a final statement in May 2015 outlining the agreement reached by the two parties (see emerging good practices below).⁴ The Swiss NCP similarly accepted a complaint for fuller consideration that was lodged by the Building and Wood Workers' International against FIFA in October 2015. The Swiss body noted: "The key question [is] whether an entity is involved in commercial activities, independently of its legal form or its sector of activity".⁵

In short, awarding bodies are increasingly being expected to follow the lead of other global enterprises, including by many of their own sponsors, and demonstrate respect for human rights through the steps laid out in the UN Guiding Principles.

The UN Guiding Principles spell out that the human rights duties of governments and the human rights responsibilities of private actors are independent of one another. We live in an imperfect world and not all governments are willing or able to enforce international human rights standards effectively. Moreover some human rights issues directly linked to MSEs are extra-territorial in nature and fall in the cracks between different legal jurisdictions. For example human rights issues in the supply chain for merchandise often take place outside the MSE host country. Similarly migrant workers employed on MSE-related projects may be victims of forced labour not necessarily as a result of conditions in the host country, but may find themselves in debt bondage through unethical recruitment practices in the sending country. Awarding bodies and their commercial partners are expected to do all they can to prevent or minimise the risks they pose to human rights. This means ensuring that their activities are carried out under a commitment to respect human rights, even where host governments fail to do likewise, or the challenges cross national frontiers. This responsibility exists over and above compliance with national laws and regulations protecting human rights.

org/Documents/IOC_Marketing/OLYMPIC_MARKETING_FACT_%20FILE_2014.pdf - page 6. See also: <http://www.bloomberg.com/news/articles/2014-06-06/100-000-sponsor-tickets-made-available-to-fans-fifa-says>.

³ John G Ruggie, "For the Game. For the World. Fifa & Human Rights" (Harvard Kennedy School) (2016), <https://www.hks.harvard.edu/centers/mrcbg/programs/crj/research/reports/report68>

⁴ See: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/440231/bis-15-305-final-statement-following-agreement-reached-in-complaint-from-adhrb-against-formula-one-group-companies.pdf

⁵ In its initial assessment, the Swiss NCP, noted that "The OECD Guidelines expressly establish legally non-binding principles and standards for responsible business conduct, which is generally understood as the responsibility of entities involved in business or commercial activities.Whether an entity can be considered to have commercial activities, should be decided by the competent NCP through a case-by- case analysis based on the concrete circumstances." See: <https://www.wiltonpark.org.uk/wp-content/uploads/WP1428-Swiss-National-Contact-Point-Initial-Assessment- FIFA.pdf>.

3.2 Putting Due Diligence into Practice

The logic goes that if private actors, such as awarding bodies, put the proper processes in place across their operations, and respond to infringements as they happen, the risk of human rights abuses can be avoided or at least minimised. The risks being referred to are not to the awarding body or company themselves or their brand reputation (although these may follow), but rather risks of impacts upon people and their rights, namely to the workers, residents, communities, small scale local businesses, athletes, volunteers, fans and spectators, upon whom successful MSEs depend.

The UN Guiding Principles' central concept of human rights due diligence has received active support from business, government and civil society. Due diligence on human rights is also increasingly embedded in international standards like the OECD Guidelines for Multinational Enterprises and ISO 26,000, as well as within national laws of some countries, e.g. the UK's Modern Anti-Slavery Act (2015) and California Transparency in Supply Chains Act.

What then does this all mean in practice for awarding bodies? In summary the steps needed involve:

- Making a policy commitment to respect human rights
- Undertaking ongoing human rights due diligence to identify, assess, integrate and act, track and communicate for how they address their impacts on human rights
- Developing processes to enable the remediation of any adverse human rights impacts they have caused or to which they contributed, or support such processes where the impact is directly linked to its operations, products or services by a business relationship.

Wherever harm to people can or could occur in an MSE context, Awarding bodies and other commercial partners each have a responsibility to take action. In the report "For the Game. For the World", Prof. John Ruggie goes into more detail:

"What actions are expected of enterprises where they are at risk of being involved with negative human rights impacts?"

- *Where they may cause harm, enterprises should take steps to avoid doing so, and should provide for or cooperate in remedy if harms occur;*
- *Where they may contribute to harm, enterprises should take steps to avoid doing so, use their influence to reduce the risk of other parties contributing to the harm, and help provide for or cooperate in remedy if harms occur;*
- *Where harm may be linked to their operations, products or services through business relationships, but without cause or contribution on their part, enterprises must still use their influence to seek to reduce the risks that the harm occurs."*⁶

The human rights due diligence process may vary in complexity, depending on the context, the actual or potential severity of any human rights impacts, and the scale of the business operations involved. This kind of due diligence is not just a one-time quick fix, it needs to be ongoing so that the awarding body or other enterprises can respond to changing circumstances. In all cases the enterprise needs to review existing practices and procedures, carry out a human rights impact assessment, and engage with key stakeholders to understand the nature of the challenge and have the management systems and capacity in place to address or mitigate any risks. Consulting with stakeholders cannot just be limited to engaging with employers, familiar internal constituencies, or commercial and other partners. It needs to involve conferring on a regular and ongoing basis with potentially affected stakeholder groups, particularly from vulnerable groups such as children, and human rights experts including from within civil society and trade unions.

Awarding bodies and other enterprises active on MSEs may of course pursue activities that also positively support or promote human rights. The UN Guiding Principles are clear however that a project which may indeed contribute to the enjoyment of people's rights, "does not offset a failure to respect human rights throughout their operations".

3.3 Priorities for Consideration

As awarding bodies start to undertake this process of due diligence in order to understand and address their impacts on human rights, it may be helpful to look at the following three key areas of their operations:

- **Internal systems and governance:** Many awarding bodies will have policies or procedures, for example, on non-discrimination or health and safety issues, but is the wider body of international human rights and labour standards reflected within the governance and management structures of awarding bodies?
- **Bidding criteria for MSEs:** Do these ask the correct questions on human rights? If for example host actors are expected to perform environmental impact assessments, should they not also be asked to perform social or human rights impact assessments to gauge impacts on workers or communities? Is the awarding body exerting all the leverage it could with host governments and local organising partners to raise human rights standards in host cities/countries?
- **Relationships:** Awarding bodies and other commercial actors can be linked with negative human rights impacts through the activities or oversights of their partners, and are expected to use their influence with these parties to seek to reduce any possible risks to people. Has the awarding body mapped its relationships and the potential risks across its value chain, including:

- with their national and regional members and other IFs?
- with suppliers, sponsors and broadcasters?
- with host governments, organising committees and other local businesses?

These are just an initial list of questions for awarding bodies to consider. To fully ensure they are respecting human rights, awarding bodies need to take steps across all areas of their operations.

The question of how best to integrate human rights considerations into the bidding criteria for MSEs is a key consideration for many, since the bidding requirements for MSE host cities/countries and host city contracts/agreements together set the parameters for how MSEs are managed and implemented and an array of roles and responsibilities.

As well as initiatives from the awarding bodies themselves explored below, a number of other studies and proposals are being developed on this point. This includes by the trade union and civil society members of the Sport and Rights Alliance (SRA),⁷ participants in the Child Rights and Mega-Sporting Events Taskforce,⁸ and those involved in the multi-stakeholder MSE Platform for Human Rights chaired by Mary Robinson and facilitated by IHRB.⁹ White Paper 1.1 in this series, for example, explores questions surrounding the means by which awarding bodies and other relevant stakeholders could compile human rights country briefs in order to inform their human rights due diligence. All these initiatives and others like them are ongoing.

7 The SRA includes Amnesty International, Football Supporters Europe, Human Rights Watch, the International Trade Union Confederation, Terre des Hommes, and Transparency International Germany. See: <http://www.sportandhumanrights.org/wordpress/index.php/2015/07/06/sport-and-rights-alliance/>

8 This taskforce is convened by Terre des Hommes, drawing on expertise from a range of academic, civil society, UN and other human rights experts.

9 See: www.megasportingevents.org

Emerging Good Practice

There have been important steps taken by four of the most significant awarding bodies to understand their impact on people and take action: the Commonwealth Games Federation (CGF), Fédération Internationale de Football Association (FIFA), Formula One, and the International Olympic Committee (IOC)

4.1 The Commonwealth Games Federation

The Commonwealth Games Federation¹⁰ launched its new strategy, “Transformation 2022”, in September 2015. This articulates the CGF’s mission to “build peaceful, sustainable and prosperous communities globally” and to put sustainable development at the heart of the Games.

Transformation 2022 is based on the movement’s values of “Humanity, Equality and Destiny”¹¹ and comprises four strategic priorities. Strategic Priority Two focuses on “Good Governance” and through it the CGF committed: “To implement decisions and activities which adhere to universal principles of good governance. This is underpinned by a strong commitment to, and respect of human rights, environment and sustainability, health, safety and wellbeing as well as accessibility and inclusivity”.

On the back of the commitments made in Transformation 2022, the CGF has begun to integrate human rights into the bidding, planning, staging and delivery of the Commonwealth Games. In March 2016 the CGF in alliance with UNICEF and other partners launched an initiative to develop human rights due diligence guidance, and technical support for the next four Commonwealth Games and Commonwealth Youth Games host cities (see Sporting Chance White Paper 2.1 in this series for additional information).

As outlined in the case study below, the CGF is developing processes in order to meet the responsibility to respect human rights provisions of the UN Guiding Principles across its operations.

¹⁰ Extracts taken from Transformation 2022, <https://www.thecgf.com/media/content/CGF-transformation-2022.pdf>

¹¹ “Driven by our Humanity we embrace all Commonwealth athletes, citizens, communities and nations; “Respecting Equality we promote fairness, non-discrimination and inclusion in all that we do; “Inspired by Destiny we combine high-performance sport with performances that have impact, helping Commonwealth athletes, citizens and communities realise their aspirations and ambitions”.

4.2 FIFA

Since 2015 FIFA has been actively engaged in a number of activities to strengthen its approach to human rights in relation to its organisation, its events and its competitions, including the World Cup. In June 2014 ahead of the 2014 FIFA World Cup in Brazil, Mary Robinson and John Ruggie wrote an open letter to FIFA, urging FIFA among other things to integrate a human rights approach based on the UN Guiding Principles into its operating procedures.¹² In early 2015, FIFA approached the UN Office of the High Commissioner for Human Rights for technical assistance on how to apply the UN Guiding Principles in relation to the bidding criteria for the 2026 FIFA World Cup. FIFA then formally committed to incorporating human rights into the bidding and hosting process for the 2026 World Cup, following a decision taken by the FIFA Executive Committee in July 2015.¹³

At FIFA's request, in April 2016 Professor John Ruggie together with Shift published an independent, public report setting out 25 detailed recommendations for FIFA to embed respect for human rights across its operations and business relationships. The recommendations were clustered under 6 headings consistent with the UN Guiding Principles:¹⁴

- Adopt a Clear and Coherent Human Rights Policy
- Embed Respect for Human Rights
- Identify and Evaluate Human Rights Risks
- Address Human Rights Risks
- Track and Report Implementation
- Enable Access to Remedy

FIFA has included an additional article on human rights in the new FIFA Statutes that were approved at the FIFA Extraordinary Congress on 26 February 2016.¹⁵ Coming into force in April 2016, Article 3 of the revised statutes states that: "FIFA is committed to respecting all internationally recognised human rights and shall strive to promote the protection of these rights". Following a two-day visit to Qatar in late April 2016, FIFA President Gianni Infantino further announced "the creation of an oversight body with independent members to monitor the systems in place to ensure decent working conditions at FIFA World Cup stadiums.¹⁶ For additional information see Case Study 2 below.

12 IHRB, "Robinson and Ruggie Open Letter to FIFA on Human Rights" (June 2014), <https://www.ihrb.org/megasportingevents/mse-news/robinson-and-ruggie-open-letter-to-fifa-on-human-rights>.

13 FIFA, "FIFA to further develop its human rights approach with international expert John Ruggie" (Dec. 2015), <http://www.fifa.com/governance/news/y=2015/m=12/news=fifa-to-further-develop-its-human-rights-approach-with-international-e-2744747.html>

14 John G Ruggie, "For the Game. For the World. Fifa & Human Rights" (Harvard Kennedy School) (2016), <https://www.hks.harvard.edu/centers/mrcbg/programs/crri/research/reports/report68>

15 See: http://resources.fifa.com/mm/document/affederation/bodies/02/74/76/37/draftfifastatutesextraordinarycongress2016en_neutral.pdf

16 <http://www.fifa.com/about-fifa/news/y=2016/m=4/news=fifa-president-announces-oversight-body-for-workers-welfare-2782174.html>

4.3 Formula One Group

In April 2015, Formula One Group issued a short “Statement of Commitment to Respect for Human Rights” as part of a series of Legal Notices.¹⁷ This Statement emerged from a mediation process brokered by the UK Government’s National Contact Point in response to a complaint under the OECD Guidelines for Multinational Enterprises brought by Americans for Democracy & Human Rights in Bahrain (ADHRB) (see details above). As a result of the UK NCP mediation Formula One Group committed to taking a number of further steps to strengthen its processes in relation to human rights, and ADHRB agreed to stop further pursuit of its complaint, stating that it “welcomes this opportunity to engage on human rights issues in Bahrain”.¹⁸

In its Statement, Formula One Group, among other things, declared that:

“Whilst respecting human rights in all of our activities, we focus our efforts in relation to those areas which are within our own direct influence. We do so by taking proportionate steps to:

- a. understand and monitor through our due diligence processes the potential human rights impacts of our activities;*
- b. identify and assess, by conducting due diligence where appropriate, any actual or potential adverse human rights impacts with which we may be involved either through our own activities or as a result of our business relationships, including but not limited to our suppliers and promoters;*
- c. consider practical responses to any issues raised as a result of our due diligence, within the relevant context;*
- d. engage in meaningful consultation with relevant stakeholders in relation to any issues raised as a result of our due diligence, where appropriate; and*
- e. respect the human rights of our employees, in particular the prohibitions against forced and child labour, the freedom to associate and organise, the right to engage in collective bargaining, and the elimination of discrimination in employment and occupation.”*

In addition Formula One Group also pledged that:

“Where domestic laws and regulations conflict with internationally recognised human rights, the Formula One Group will seek ways to honour them to the fullest extent which does not place them in violation of domestic law”.

¹⁷ See: <https://www.formula1.com/en/toolbar/legal-notice.html>

¹⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/440231/bis-15-305-final-statement-following-agreement-reached-in-complaint-from-adhrb-against-formula-one-group-companies.pdf

4.4 The International Olympic Committee

The International Olympic Committee (IOC) launched “Olympic Agenda 2020” in December 2014.¹⁹ Olympic Agenda 2020 is the IOC’s strategic roadmap for the future of the Olympic Movement. Some of the key areas addressed it comprises are:

- Changes to the candidature procedure, with a new philosophy to invite potential candidate cities to present a project that fits their sporting, economic, social and environmental long-term planning needs
- Reducing costs for bidding, by decreasing the number of presentations that are allowed and providing a significant financial contribution from the IOC
- Adapting and further strengthening the principles of good governance and ethics to changing demands.
- Inclusion of sustainability in all aspects of the Olympic Games and within the Olympic Movement’s daily operations.
- Strengthening relationships with organisations managing sport for people with different abilities, and
- Fostering gender equality.

Olympic Agenda 2020 also includes a commitment to strengthen the “6th Fundamental Principle of Olympism” by extending it to cover non-discrimination of sexual orientation in the Olympic Charter.

As part of the new emphasis on sustainability, Olympic Agenda 2020 promises “a sustainability strategy to enable potential and actual Olympic Games organisers to integrate and implement sustainability measures that encompass economic, social, and environmental spheres in all stages of their project,” and to “Assist newly elected Organising Committees to establish the best possible governance for the integration of sustainability throughout the organisation”.

In September 2015, the IOC published its Host City Contract for the first time for those seeking to stage the 2024 Olympic Games.²⁰ The Contract includes a number of provisions that relate to – but do not explicitly reference – human rights. For example:

- Principle 13.1 – prohibits “any form of discrimination with regard to a country or a person on grounds of race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status.”
- Principle 15.2 – requires compliance with local, regional and national legislation and international agreements and protocols, applicable in the Host Country with regard to planning, construction, protection of the environment, health and safety, labour and anti-corruption laws, and

¹⁹ See <https://www.olympic.org/olympic-agenda-2020>

²⁰ See: https://stillmed.olympic.org/Documents/Host_city_elections/Host_City_Contract_Principles.pdf

- Principle 25.1(a) – insists on “no restrictions or limitations on the freedom of the media to provide independent news coverage of the Games and Paralympic Games as well as related events, and the editorial independence of the material broadcasted or published by the media.”

Whilst the Olympic Agenda 2020 and Host City Contract released in September 2015 do not explicitly mention human rights, nor reference the UN Guiding Principles by name, the 2016 Revision to the IOC’s Code of Ethics includes as part of Article 1 of the Fundamental Principles of Olympism an explicit clause on human rights.²¹ Clause 1.4 newly includes:

“Respect for international conventions on protecting human rights insofar as they apply to the Olympic Games’ activities and which ensure in particular:

- *respect for human dignity;*
- *rejection of discrimination of any kind on whatever grounds, be it race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status;*
- *rejection of all forms of harassment and abuse, be it physical, professional or sexual, and any physical or mental injuries.”*

IOC President Thomas Bach met with representatives of the Sport and Rights Alliance (SRA) in December 2016. The SRA includes Amnesty International, Human Rights Watch, Football Supporters Europe, the International Trade Union Confederation, Terre des Hommes, Transparency International Germany, and UNI World Athletes, the International Trade Union Confederation. During the meeting the SRA coalition was asked for their input on new text for the 2024 Host City Contract. This reportedly now includes a new section designed to strengthen provisions protecting human rights.²²

21 See: https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/Documents/Code-of-Ethics/2016/Book-Code-of-Ethics-2016.pdf#_ga=1.11518839.272834717.1415880841

22 See: <https://www.olympic.org/news/olympic-highlights-90>

Case Studies

Ahead of the Sporting Chance Forum convened in Washington DC in October 2016 by the US Department of State, Swiss Federal Department of Foreign Affairs, and IHRB,²³ the authors of this White Paper (then in draft) requested case studies of steps being taken by awarding bodies to implement aspects of the UN Guiding Principles, for inclusion within this Version 1. In addition to Case Study 1 focusing on efforts by the Commonwealth Games Federation, FIFA has submitted material. The authors continue to welcome submissions from relevant awarding bodies and we hope these may feature in a Version 2 of this White Paper at a later date.

5.1 Developing the Commonwealth Games Federation's Human Rights Statement and the Process for Embedding Human Rights

The Commonwealth Games Federation is supporting the efforts of the multi-stakeholder MSE Platform for Human Rights, chaired by Mary Robinson.²⁴ To demonstrate its willingness to engaging collectively and advance respect for human rights in an MSE context, the CGF has been collaborating with IHRB and Unicef UK to start an ongoing process of embedding human rights considerations into the CGF's governance, management systems, policies and procedures, including the bidding criteria for the Commonwealth Games and Commonwealth Youth Games. The draft CGF Human Rights Statement and Process for embedding human rights below is part of that process, and is open for comment.

Separately the CGF is working to develop human rights due diligence guidance and capacity for the next four Commonwealth Games and Commonwealth Youth Games hosts. See Sporting Chance White Paper 2.1 for a full analysis of this work.

²³ See the meeting report, IHRB, "The Sporting Chance Forum: Collective Action on Mega-Sporting Events and Human Rights" (Dec. 2016), <https://www.ihrb.org/megasportingevents/resource-view/sporting-chance-forum-collective-action-mega-sporting-events-human-rights>.

²⁴ See: www.megasportingevents.org

Commitment

The Commonwealth Games and Commonwealth Sport Movement have a well-established history and proud heritage of uniting diverse nations and cultures through the power of sport.

The Commonwealth Games Federation's (CGF) "Transformation 2022" strategy is underpinned by the Commonwealth Games Movement's values of "Humanity, Equality and Destiny". This Strategy provides an articulation to our partners and stakeholders about our values. Good Governance is one of our four strategic priorities, and to meet this priority CGF has pledged: "To implement decisions and activities which adhere to universal principles of good governance. This is underpinned by a strong commitment to, and respect of human rights, environment and sustainability, health, safety and wellbeing as well as accessibility and inclusivity". This Human Rights Statement represents the next step on our journey.

The CGF is committed to respecting international human rights standards, including the Universal Declaration of Human Rights (1948), the nine core international human rights treaties, and Commonwealth Charter (2013).

The CGF is further guided in its daily operations and relationships by the UN Guiding Principles on Business and Human Rights (2011) and the ILO Declaration on Fundamental Principles and Rights at Work (1998). The CGF recognises that some rightsholders, for example children, are particularly vulnerable and will pay specific attention to such groups, with guidance from frameworks such as the Children's Rights and Business Principles.

The CGF recognises that our operations and those of our partners have the potential to impact adversely on the human rights of a range of key stakeholders, including but not limited to our direct employees, the workforce across our supply chains for goods and services, people in the communities where the Games are held (including vulnerable groups such as children), the athletes and spectators. We seek at all times to understand and minimise the risks of harming people's rights.

This Human Rights Statement applies to the CGF's leadership, all our staff, partners, and to those with whom we have relationships, including the Commonwealth Games Associations and Local Organising Committees for the Commonwealth Games and Commonwealth Youth Games (the Games).

Human Rights Due Diligence

In line with our commitment to adhere to the UN Guiding Principles on Business and Human Rights, the CGF is dedicated to undertaking human rights due diligence in order to identify, prevent, mitigate and account for how we address any adverse human rights impacts; and where appropriate to provide, or support, access to remedy for victims of human rights abuses.

As part of the due diligence process we have been working with human rights and child rights experts to examine and strengthen our existing management structures (e.g. the CGF Executive Board, Management Team, and Committee structure) from a good governance perspective, and to perform a human rights gap analysis of our existing policies and procedures (e.g. the gender equality policy for the Executive Board), including of the Bid Manual and Host City Contracts for the Games. In March 2016 we began a three-year process of strengthening the human rights due diligence capacity of the Hosts for the next four Games.

We are also starting to map our relationships, to identify where our activities and those of our partner organisations, might adversely impact people's human rights so that we can reduce such risks. Our principal relationships at present are with the Commonwealth Games Associations, and the Games Local Organising Committees. The CGF is in the process of reviewing its wider governance structure. This review includes the possibility of developing global Sponsor and Broadcast partners. The CGF itself does not currently have any formal sponsorship or broadcast deals; these are negotiated for the Games by the Local Organising Committee and the CGF itself is not involved.

The CGF is committed to meaningful consultation with potentially affected groups, including those at heightened risk of marginalisation or vulnerability, as in the case of children.

Timeline

This draft Human Rights Statement is pending CGF Board approval in January 2017. CGF's wider governance review and human rights due diligence process will continue through 2016 and into the start of 2017.

October 2017 is the deadline for our General Assembly to ratify any new bid criteria. We aim to have integrated new human rights considerations into the bid manual and host city contract by that time, and are committed to continuous improvement.

5.2 Steps by FIFA to Implement Human Rights Commitments²⁵

As part of its efforts to implement the human rights commitments enshrined within Article 3 of the FIFA Statutes following guidance from the UN Guiding Principles, FIFA is pursuing a range of activities. These include:

Human Rights Advisory Board: In setting up a Human Rights Advisory Board, the aim of which is to provide FIFA with independent expert advice on its efforts to implement Article 3.

Human Rights Policy: FIFA is developing a Human Rights policy. Internal and external stakeholders are due to be consulted.

Human Rights Impact Assessment: FIFA is exploring how to assess the human rights impacts associated with its operations. The process includes different phases and informs FIFA's work on human rights.

Integration of Human Rights into the 2026 FIFA World Cup Bidding Process: FIFA is exploring ways to integrate human rights into the bidding process for 2026. The process has been supported by external expert institutions including technical assistance from the UN Office of the High Commissioner for Human Rights and Harvard Professor John Ruggie. Further consultations with external stakeholders are planned for validation. FIFA is also looking into integrating human rights into the bidding processes of its smaller tournaments.

Collaboration with the Local Organising Committee (LOC) for the 2018 FIFA World Cup in Russia: FIFA and the LOC in Russia are in the process of implementing their joint sustainability strategy which includes a series of measures related to human rights. For instance, FIFA and the LOC are running a decent work monitoring system in collaboration with an external expert institution. In addition, FIFA and the LOC have signed a Memorandum of Understanding with the Building and Wood Workers' International (BWI) and the Russian Construction Workers Union (RBWU) which accompany monitoring visits in Russia and address workers' complaints on serious violations of decent working conditions.

Collaboration with the Supreme Committee for Delivery & Legacy in Qatar (SC): FIFA is closely collaborating with the SC in Qatar, in particular regarding Workers' Welfare and Health and Safety issues. The SC has developed Workers' Welfare Standards, applicable for the construction of all FIFA World Cup stadia, which inform the tender processes and which contractors are bound to uphold. The implementation of the Workers' Welfare Standards is monitored through a four-tier auditing system, including self-assessments by the contractors, audits by the Supreme Committee,

audits by a specialised independent agency, and audits by the Qatari Ministry of Labour.

Work on Anti-Discrimination: FIFA has rolled out a programme on anti-discrimination, including a new Anti-Discrimination Monitoring System for the qualifiers of the 2018 FIFA World Cup in Russia. A number of FIFA's Member Associations (national football federations) have been punished for discriminatory incidents in the first rounds of the qualifiers.

Conclusions

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Despite the initiatives being taken, challenges still remain. A lack of existing good practice of human rights due diligence from within sport means that awarding bodies do not have access to a body of experience as to what a human rights-based approach is likely to entail in practice, what the implications are likely to be, and how lessons learnt from within other industry sectors might best be applied in a sporting context.

In addition, due to the complexity of actors involved in staging an MSE, from the awarding bodies themselves, to Organising Committees and local and national Government partners, as well as commercial partners supporting the endeavour, clarity over whose responsibility it is to act can sometimes be lost. Perhaps because of this complexity, not all these actors have yet taken an active lead in addressing human rights concerns.

Awarding bodies on the whole also currently lack internal capacity on human rights – FIFA is perhaps the exception having recently appointed a new member of staff to lead on human rights issues. Generally however across many of the management functions within the sports sector, human rights is new territory. The language and concepts are often unfamiliar, and appreciation of why and how the UN Guiding Principles could be relevant and helpful is limited. There are however increasing opportunities through collective action and support from civil society, the UN and union bodies, which is starting to provide the insight and expertise needed to make inroads on this agenda.

While addressing the human rights impacts of MSEs themselves is vitally important, it should not be forgotten that awarding bodies also need to be sure that their human rights due diligence extends across their operations, and needs to include impacts arising out of their relationships with a) their national and regional members and other IFs; b) their suppliers, sponsors and broadcasters, and c) with host governments, organising committees and other local businesses.

Whilst we see serious reflection on these issues and nascent action within the awarding bodies themselves, it is unclear the extent to which their regional and national members are either informed about the issues, or supportive of these developments, or whether they will be moved to take future hosting decisions with human rights as a core consideration.

As with other business sectors that have begun grappled with the challenges of respecting human rights, dilemmas will need to be faced, approaches tried and tested, and sometimes mistakes made. Yet bodies of relevant learning exist from the wider business community which in many cases might usefully be adapted to the sport sector, and intergovernmental bodies, civil society, trade unions and other human rights experts are increasingly on hand to lend advice and insights where there is evidence of a sincere commitment to respect human rights.

7 Potential Role for an Independent Centre

The MSE Platform on Human Rights chaired by Mary Robinson is exploring the potential benefits of collective action, and whether among other things there is a need for some form of permanent independent centre for learning, collaboration and to advance accountability in relation to human rights in an MSE context.²⁶

While the precise characteristics of such a centre are still to be agreed, and whether its remit should be limited only to the human rights impacts of MSEs or extend more broadly, there are certain support functions that would likely benefit awarding bodies as they seek to exert leadership and meet their responsibility to respect human rights, outlined below.

7.1 Learning

Such a centre could serve as:

- A hub for research, analysis, expert opinion and advice, that among other things helps benchmark existing practices or innovate new solutions

- A clearing-house for disseminating emerging good practice, space for knowledge sharing, translating resources, and be trusted space within which to work through difficult dilemmas
- A trusted impartial party able to offer training and build human rights capacity, develop guidance materials, checklists and other tools, or which could be relied upon to issue advice and recommendations

7.2 Collaborative or Collective Action

Could it bolster co-ordination, minimise risks of duplicating efforts, leverage global networks of human rights experts or those best versed in local concerns, or help develop mechanisms for strengthening the voice of affected groups and facilitate meaningful stakeholder engagement with affected and sometimes vulnerable groups, like children or migrant workers.

7.3 Accountability

Such a centre could innovate on questions of access to remedy for victims of human rights abuse and bolster local capacity. It could issue recommendations and advice, serve as a means for quality assurance, or provide local monitoring or independent oversight.

This menu of possible roles and functions will be a matter for further conjecture. What is clear is that awarding bodies and other enterprises who are keen to ensure they respect the rights of workers, communities, athletes and fans, require credible expert support, and will likely benefit from guidance from a diverse range of stakeholder groups that bring different competencies, but are united in a commitment towards ensuring that great sport is built on respect for people.



Annex: Overview of the UN Guiding Principles on Business & Human Rights

The UN Guiding Principles on Business & Human Rights state that business should “respect” human rights, “avoid infringing on the human rights of others” and “address adverse human rights impacts with which they are involved. This responsibility “exists over and above compliance with national laws and regulations protecting human rights”.¹

Level of involvement and appropriate action

UN Guiding Principles 13 identifies three ways in which a company may be associated with a human rights issue: (1) by causing an adverse human rights impact; (2) by contributing to an adverse impact; or (2) being directly linked² to it. The actions that a company is expected to take will vary depending on which level of involvement applies (UN Guiding Principle 19).

| Involvement | Appropriate Action |
|-------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Causing an adverse human rights impact | A company may “cause” an adverse human rights impact “through their own activities” (UNGP 13). Such companies are expected to try to “avoid” causing that impact and “address such impacts when they occur” (UNGP 13). This requires: <ul style="list-style-type: none"> • “Taking the necessary steps to cease or prevent the impact” (UNGP 19) • “Provide for or cooperate in their remediation through legitimate processes” (UNGP 22) |
| Contributing to an adverse human rights impact | A company may “contribute to” an adverse human rights impact “through their own activities” (UNGP 13). Such companies are expected to try to “avoid” that contribution and “address such impacts when they occur” (UNGP 13). This requires: |

¹ UN Guiding Principle 11, p13.

² The definition of “direct linkage” has proven difficult to apply in practice across a number of industries. The issue is discussed further in the context of the Broadcasting White Paper 3.2.

| | |
|-------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <ul style="list-style-type: none"> • “Taking the necessary steps to cease or prevent its contribution” (UNGP 19) • “Using its leverage to mitigate any remaining impact to the greatest extent possible” (UNGP 19) • “Provide for or cooperate in their remediation through legitimate processes” (UNGP 22) |
| <p>Impacts directly linked to a company’s operations, products, or services by a business relationship</p> | <p>A company’s operations, products, or services may be directly linked to an impact by a business relationship (UNGP 13). Such companies are expected to seek to “prevent or mitigate” the impact, “even if they have not contributed to those impacts” (UNGP 13). This requires:</p> <ul style="list-style-type: none"> • Using or increasing its leverage over the entity at cause to seek to prevent or mitigate the impact (UNGP 19). • Where directly linked, the responsibility to respect human rights does not require that the enterprise itself provide for remediation, “though it may take a role in doing so” (UNGP 22). <p>UNGP 19 commentary explains that this situation “is more complex”. In order to determine the “appropriate action”, companies should consider:</p> <ul style="list-style-type: none"> • “[Its] leverage over the entity concerned”. • “How crucial the relationship is”. • “The severity of the abuse”. • “Whether terminating the relationship ... would have adverse human rights consequences”. |

Meeting the Responsibility: Policies and Procedures

UN Guiding Principle 15 states that a company’s responsibility to respect human rights – whether involved through causing, contributing to, or being directly linked to an impact – should be met by having in place policies and processes, including:

- A **policy commitment** to meet their responsibility to respect human rights (elaborated on further in UN Guiding Principle 16);
- A **human rights due diligence** process to identify, prevent, mitigate and account for how they address their impacts on human rights (elaborated on further in UN Guiding Principles 17-21);
- Processes to enable the **remediation** of any adverse human rights impacts they cause or to which they contribute (elaborated on further in UN Guiding Principles 22 and 29-31).