



Sporting Chance Forum

Collective Action on Mega-Sporting Events and Human Rights

Meeting Report
13-14 October 2016
Washington, D.C.



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Executive Summary

On October 13-14th 2016, 150 senior representatives from sports governing bodies, governments, international organisations, sponsors, broadcasters, unions, civil society, affected groups, members of the media, and athletes joined in Washington D.C. for the first major forum on mega-sporting events (MSEs) and human rights. The “Sporting Chance Forum” was co-convened by the US Department of State, Swiss Federal Department of Foreign Affairs and the Institute for Human Rights and Business (IHRB). United by a belief in the power of sport to inspire, to celebrate diversity, and to set high standards, participants explored how MSEs such as the Olympics, FIFA World Cup, and Commonwealth Games can enhance their positive contributions and mitigate negative impacts by ensuring the promotion and protection of human rights now and in the future.

The Sporting Chance Forum blended official remarks and expert consultations to catalyse dialogue and joint action on applying international human rights and labour rights standards to MSE-related decisions, operations, and agreements. With Mary Robinson, former President of Ireland, presiding over the Forum, the plenary sessions included strategic statements from key leaders in government, sports governing bodies, international organisations, and the athlete community, followed by frank exchanges among an even broader range of stakeholders, which served to widen dialogue and cooperation on innovative strategies for human rights learning and accountability for MSEs.

Additionally, four breakout sessions featured presentations of a series of 13 draft White Papers prepared for the Forum that examined existing policies and practices and analysed current gaps in promoting and protecting human rights throughout the full life-cycle of MSEs, from bidding through to delivery and legacy. The draft White Papers — which focus on the roles and responsibilities of sports bodies, host actors, corporate sponsors and broadcasters, and affected groups — provide an evidence base to support the claim that, while many human rights challenges associated with MSEs are knowable and thus preventable, they are often beyond the capacity of any one stakeholder group to adequately resolve.

Forum organisers introduced the 2016 Sporting Chance Principles on Human Rights in Mega-Sporting Events to guide the discussions and underpin future efforts to ensure that MSEs are built on respect for human rights throughout their lifecycle. Keynote speakers voiced strong support for the Principles, which are predicated on respect for international standards and promote the benefits of collective action. During the Forum closing sessions, senior representatives from key stakeholder groups advocated for the Principles to be made public, operationalised, and used as a means to invite more actors to participate in joint initiatives to promote human rights in MSEs.

In the concluding sessions, discussants reflected on the breadth and depth of the Forum’s exchanges and offered recommendations on next steps, much of which coalesced around the growing idea of establishing an independent and inclusive centre to drive future collaboration on MSEs and human rights. Discussants also stressed the need to build on the work done for the draft White Papers and to act on their findings, urging the stakeholders present to convene again to reflect on progress and propel continued collective action.

Introduction

In 2016 we appear to have turned a page when it comes to confronting the human rights challenges that threaten to undermine the power of MSEs to be a beacon of hope and inspiration to humanity. Even as the world of sport has continued to face scrutiny over questions of integrity and transparency, sport's principal global governing bodies have for the first time made explicit human rights commitments and taken steps towards embedding human rights considerations within MSE bidding and selection processes. These sports governing bodies have also shown a new willingness to engage with human rights experts and practitioners in relation to the dilemmas they face. The next hurdle will be implementation and accountability.

When complex human rights challenges prove beyond the capacity of any one actor to solve, collaboration can offer solutions. During 2016, nearly 20 organisations have been developing multi-stakeholder dialogue and joint action aimed at strengthening human rights risk assessment and mitigation in MSEs from bidding through to construction, delivery and legacy. Mary Robinson has lent her energy and leadership to chair this initiative, the Mega-Sporting Events Platform for Human Rights (the "**MSE Platform**"), which is facilitated by IHRB.

The Sporting Chance Forum offered an opportunity for knowledge sharing and stock-taking of learning so far. Applying an evidence-based approach, experts and practitioners contributed in the lead up to the Forum to an exercise to develop thirteen draft White Papers clustered around the key stakeholder groups addressed by the Forum. These draft White Papers were designed to identify where progress is being made on human rights in the MSE context, and explore new approaches that could help make progress faster.

The MSE Platform, an emerging coalition of experts and practitioners, is also exploring whether an independent centre for learning, that shares best practices and promotes accountability, could help to advance the integration of human rights considerations into MSE planning, delivery and legacy. Such a centre could start modestly, based on a common understanding of shared needs, and further evolve if those needs develop. The Sporting Chance Forum provided an opportunity to widen the dialogue and to foster multi-stakeholder co-operation that brings about meaningful impact on people's lives.

Keynote Addresses

"What draws us together today is not just our admiration for what can be achieved during these events, but what must be achieved before, during and after the events so that sport continues to lift us up."

- US Deputy Secretary of State, Tony Blinken

Mary Robinson, former President of Ireland and UN High Commissioner for Human Rights (1997-2002), presided over the two-day discussion. During opening remarks, keynote speakers from the US and Swiss governments, the International Labour Organisation (ILO), the International Olympic Committee (IOC) and Commonwealth Games Federation (CGF), and UNI World Athletes, joined Mary Robinson and tennis legend Martina Navratilova in calling for greater leadership and collaboration to ensure that MSEs offer everyone a sporting chance on and off the field of play.¹

Speakers recalled that the United Nation's 2030 Agenda for Sustainable Development (SDGs).² The SDGs both set out goals that include gender equality and decent work for all, as well as singling out that "[s]port is also an important enabler of sustainable development." They also recognise sport's contribution to "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."

MSEs have great potential to positively impact people's lives. Many countries and cities continue to vie for the privilege and prestige to host them, including to generate new jobs, stimulate urban renewal and foster healthy living and sports participation. Yet, past experience has shown that, if not managed properly, MSEs can lead to serious human rights abuses. The risks range from forced evictions of communities and reports of police brutality to unsafe working conditions in the construction and infrastructure sectors; from migrant worker vulnerability to sweatshop conditions and child labour in the merchandise supply chain; from restrictions on freedoms of association, peaceful assembly, and the rights of journalists to report freely to restrictions on expressions of gender, racial, religious and homophobic discrimination on and off the field of sport. Failure to confront these and other risks, many of which are preventable, threatens to undermine sport's unique power to reconcile differences and to be a force for good.

Sport is more universal than ever, now with over two-thousand international sports events a year, compared to little over one-hundred and fifty in the mid 1970s. MSEs have escalated in scale and cost and are big business. These events involve ever higher numbers of athletes, now with more female competitors; attract global audiences – an estimated 3.5 billion people watched the Rio Olympics at least once; and rely on massive investments of time and money from national and local government, business and the civic community.

¹ The session was live streamed and can be viewed here: <https://www.ihrb.org/focus-areas/mega-sporting-events/sporting-chance-forum-on-human-rights>

² See: <https://sustainabledevelopment.un.org/post2015/transformingourworld>

“What happens when sport takes and does not give back? When it promotes fairness, but incentivises a win-at-all-costs culture that perpetuates selfishness, unaccountability and unethical behaviour? Simple: people suffer and consequently sport ultimately suffers. The legitimacy of sport has spiralled negatively downward in recent years due to broken promises and the adverse impact of major events on host communities. This has led to calls for action, greater accountability and transparency.”

- David Grevemberg, Chief Executive
Commonwealth Games Federation

Yet in an age of inclusivity and access, and in a world that is better connected and more informed, sport depends as never before on the support and goodwill of the general public. In recent years cities such as Oslo, Boston, Hamburg and Rome have withdrawn bids to host the Olympic Games, having struggled to win popular consent due at least in part to concerns over escalating costs and unachievable legacy ambitions. Athletes have also begun to voice concerns around competing in stadiums built on labour and human rights abuse, and organised athletes are increasingly coming together to play a role in the debate.

As the media and campaigners continue to shine a light on human rights challenges linked to MSEs, we are seeing mounting calls for greater accountability and transparency.

The human rights challenges typically encountered in the planning, delivery and legacy of MSEs defy easy solutions. However, sport has already begun to develop some good practice. The IOC’s Olympic Agenda 2020 reforms feature new commitments on gender equality and non-discrimination on grounds of sexual orientation.³ The 2016 revised IOC Code of Ethics requires respect for international conventions on protecting human rights,⁴ and discussions are underway to include the ILO Declaration within the IOC’s new sustainability strategy. Separately the Glasgow 2014 Commonwealth Games published the first human rights commitment⁵ and post-games human rights report⁶ by an organising committee, and its procurement strategy included living wage and community clauses, whilst promoting LGBT rights and the highest standards of child safeguarding. The CGF is now transferring human rights knowledge and building human rights due diligence capacity with each of its four next Games’ host organisations and governments. There are efforts across the industry, including by FIFA,⁷ to garner expert advice and to integrate human rights considerations into bid requirements and host city contracts.

³ See: <https://www.olympic.org/olympic-agenda-2020>

⁴ See: <https://www.olympic.org/code-of-ethics>

⁵ See: <http://www.glasgow2014.com/sites/default/files/documents/Glasgow%202014%20-%20approach%20to%20human%20rights%20-%20December%202013.pdf>

⁶ See: <http://www.beyondsport.org/articles/glasgow-2014-post-games-human-rights-update/>

⁷ See: <http://www.fifa.com/about-fifa/news/y=2016/m=10/news=fifa-president-infantino-unveils-fifa-2-0-the-vision-for-the-future-2843428.html>

"Mega-sporting events cannot solve every human rights problem, but they can respect the standards, recognise and avoid potential harm, open up the necessary space for dialogue with all concerned stakeholders and hence, have a considerable leverage for the good."

- Alexander Fasel, Swiss Deputy State Secretary

Every sector has its own challenges and dynamics, but sport has no need to reinvent the wheel on human rights. There are similarities and synergies with the experiences of others in business from which lessons can be learnt. Existing collaborations could be developed further to address human rights. Sport can also benefit from engaging with international bodies (through initiatives such as the ILO's Decent Work Agenda and OECD's efforts on Responsible Business Conduct), civil society and unions. Governments, such as the Swiss and US, also stand ready to facilitate dialogue and cooperation.



Pictured above (from left): **Donald Fehr** (President, UNI World Athletes); **Greg Vines** (Deputy Director-General, International Labor Organization); **David Grevemberg** (Chief Executive, Commonwealth Games Federation); **Linda Kromjong** (Secretary General, International Organisation of Employers); **Tony Blinken** (US Deputy Secretary of State); **Virginia Bennett** (US Principal Deputy Assistant Secretary of State); **Mary Robinson** (former President of Ireland, former UN High Commissioner for Human Rights, honorary Chair of Sporting Chance Forum); **Alexandre Fasel** (Swiss Deputy State Secretary); **Anita DeFrantz** (Executive Board Member, International Olympic Committee); **Tim Noonan** (Campaigns and Communications Director, International Trade Union Confederation).

The Athletes Perspective

"I believe that sport has the power to change the world. I believe that sport should be safe and accessible for all. I believe that when sport is not safe and accessible for all, there is a responsibility to do something about it."

- Martina Navratilova, Tennis champion, coach,
and advocate for LGBTI and women's rights

In serving up some framing remarks, Martina Navratilova called for pioneering leadership.⁸ Drawing on her own experiences as tennis champion, political exile, campaigner for gender equality in sport and LGBT rights, Navratilova forged common ground with others keynote panellists in outlining a vision for the future.

Among her remarks were recommendations that:

- Respect for human rights and fundamental labour principles should be an integral part of the MSE bidding and selection process for all major sports events.
- Every sports governing body, host country and delivery partner should demonstrate respect for internationally agreed human rights and labour standards.
- Mechanisms should be developed for accountability and transparency, in order to measure success, ensure remedy and consequences in the event that standards are not lived up to, and make a meaningful difference to ensure sport is a force for good.



*Pictured above: **Martina Navratilova** (tennis champion, coach, and advocate for LGBTI and women's rights).*

⁸ A transcript of her speech can be read here: <https://www.ihrb.org/focus-areas/mega-sporting-events/speech-by-martina-navratilova-at-sporting-chance-forum>

One overarching goal of the Sporting Chance Forum was to ensure that athletes' perspectives are included in the MSE Platform and to enlist sports diplomacy partners in advancing the cause of human rights in mega-sporting events. More than a dozen current and former elite players, including several who have served as Sports Envoys for the U.S. State Department's cultural exchange programmes, participated in the Forum and reiterated the message in Martina Navratilova's keynote address that sports governing bodies and host countries/cities must do more to protect athletes, particularly those who belong to vulnerable groups. They echoed the desire to rid MSEs of human rights and labour rights violations, and emphasised that athletes do not want to compete in venues where their LGBTI fans or teammates are attacked, in stadiums in which workers have lost their lives during the construction, or where other violations occur as a result of the decision to award MSEs to localities with weak human rights protections and labour rights standards. Various athletes also shared first-hand accounts of discrimination within sport.

The 2016 Sporting Chance Principles

A set of shared principles – the 2016 Sporting Chance Principles on Human Rights in Mega-Sporting Events – were put forward by the Forum organisers to guide the two-day discussion, and to underpin future efforts to ensure that MSEs are built on respect for human rights throughout their lifecycles.⁹ Welcomed by the keynote panel, these Principles are predicated on respect for international standards and promote the benefits of collective action.

1. Bidding to host mega-sporting events is open to all.

All nations/localities should have the opportunity to host mega-sporting events and bring these celebrations of human achievement to their people, provided they responsibly meet the criteria of the sports bodies.

2. All actors respect internationally recognised human rights and labor rights.

All actors involved in a mega-sporting event should commit to protecting/respecting (as appropriate) internationally recognised human rights, including the fundamental principles and rights at work, and other relevant international labor rights standards across the event lifecycle.

3. Mega-sporting events need to take account of human rights at every stage of their lifecycle.

Mega-sporting event bids, bid evaluation, planning, delivery and legacy should be based on international instruments, principles and standards, including those expressed in the UN Guiding Principles on Business and Human Rights, the OECD Guidelines on Multinational Enterprises, the ILO Declaration on Fundamental Principles and Rights at Work, and in the ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy. Awarding bodies, host bidders and their delivery partners should address human rights risks and considerations identified through impact assessments and due diligence.

⁹ The Principles were published following the Forum, and can be found in full here: <https://www.ihrb.org/news-events/news-events/sporting-chance-principles-support>

4. Affected groups merit a voice in decision-making.

Principled and practical ways should be found to strengthen the voice of affected athletes, workers, fans and spectators, and residents at each stage of the mega-sporting event lifecycle through meaningful and ongoing engagement. Special efforts should be made to engage with vulnerable and hard to reach groups.

5. Access to remedy is available.

Effective remedy should be available to those whose human rights are negatively impacted during any stage of the mega-sporting event lifecycle. Companies, governments, trade unions and other civil society groups, and sports bodies should coordinate and collaborate on this issue.

6. Lessons are captured and shared.

Lessons learned with regard to human rights successes and failures throughout the mega-sporting event lifecycle should be captured and shared to raise standards and improve practices, in order to prevent a recurrence of human rights problems over time.

7. Stakeholder human rights capacity is strengthened.

To address human rights risks and opportunities, sports federations, organising committees and other key stakeholders involved at all stages of the mega-sporting event lifecycle should develop human rights knowledge and capacity, and seek expert advice as required.

8. Collective action is harnessed to realise human rights.

To help mega-sporting events continue to be a source of inspiration for decades to come, all stakeholders should forge collective solutions to address human rights challenges that are beyond the capacity of any single stakeholder to resolve.



Pictured above (from left): **Jeremy Schaap** (Sportswriter and Journalist, ESPN); **Renata Neder** (Human Rights Advisor, Amnesty International Brazil); **Ambet Yuson** (General Secretary, Building and Woodworkers International); **Brent Wilton** (Director of Global Workplace Rights, The Coca-Cola Company); **Minky Worden** (Director of Global Initiatives, Human Rights Watch); **Ignacio Packer** (Secretary General, Terre des Hommes).

The Test Tracks

The Forum sought to give expression to the thirteen draft White Papers developed for this gathering by the multiple stakeholders of the MSE Platform and to explore in discussion many of the key themes and issues raised in the White Papers, to build on existing research,¹⁰ and to take the debate to the next stage. The draft White Papers are clustered under four 'Test Tracks' – each analysing the roles, responsibilities and participation of four key stakeholder groups in the MSE delivery process, namely: the sports governing bodies, the host actors, the sponsors and broadcasters, and affected groups. Break out discussions clustered under these four test tracks were held during the Forum, and the key highlights summarised below. (A summary of the draft White Papers presented at the Forum can also be found in Annex 1 below.)

Sports Governing Bodies

"As international governing bodies of sport we have reached a tipping point with those we serve - the people: our athletes, their fans, their communities, their cities and their countries. It is at a point where we can either rebuild our relevance and resonance, or swiftly become irrelevant and obsolete; a point that can start with an industry-wide recalibration of our approach to protecting citizens and communities in all that we do. We have an opportunity to forge a new vision of success."

- David Grevemberg, Chief Executive
Commonwealth Games Federation

Sports governing bodies have a key role to play when it comes to addressing the human rights impacts linked both to MSEs and the plethora of sports operations that sit beneath and alongside them. Sports governing bodies, like the wider business community, have an increasingly well-understood responsibility to respect international human and labour rights standards.

FIFA's decision to hire Professor John Ruggie (architect of the UN Guiding Principles) to advise it on how to address human rights considerations across its operations, tied to precedents set within the OECD, and the efforts of among others the Commonwealth Games Federation to build the human rights due diligence capacity of their host partners, has entrenched the new reality that the 2011 UN Guiding Principles apply to sports governing bodies.¹¹

These bodies thus need to put appropriate systems in place to prevent, mitigate, and where appropriate, remedy human rights abuses. In starting to comply with the UN Guiding Principles, it is not simply a question of taking action if governing bodies themselves cause or contribute to human rights impacts. As others in business have

¹⁰ https://www.ihrb.org/pdf/2013-10-21_IHRB_Mega-Sporting-Events-Paper_Web.pdf

¹¹ <https://www.hks.harvard.edu/centers/mrcbg/programs/crj/research/reports/report68>

learned, the responsibility to respect human rights extends to addressing human rights impacts to which an organisation may be linked via its business relationships across the entire value chain. Whether oriented around single or multi-sports, each governing body thus should be evaluating the human rights risks that exist across its network of national associations, and in some instances via relationships with sports federations, as well as at the operational level with host governments, local organising committees, and delivery and commercial partners tasked with the planning and delivery of MSEs.

High-level policy commitments to respect human rights are more and more common among sports governing bodies. To be meaningful however, such commitments need to be embedded, including through internal management systems and across relationship networks, with the requisite incentive structures, systems for accountability and cross-functional engagement.

When it comes to human rights due diligence and assessing actual and potential human rights impacts, hard questions need to be asked. This involves understanding the salient risks to people – not just to the enterprise or event – and proactively addressing any challenges early on before they escalate or attract media attention. To get a full picture, governing bodies are starting to appreciate that they need to ask for help from human rights experts, and reach out beyond usual circles to affected stakeholders and their representatives to listen to people’s concerns. With many of the greatest human rights risks tied to MSEs arising through business relationships, it may be necessary to use leverage with governments and other public or private partners to effect change.



*Pictured above (from left) taking questions from the audience: **David Grevenberg** (Chief Executive, Commonwealth Games Federation); **Anita DeFrantz** (Executive Board Member, International Olympic Committee); **John Morrison** (Chief Executive, Institute for Human Rights and Business); Fani Misailidi (Head of Public Affairs, FIFA); **Rachel Davis** (Managing Director, Shift).*

As other industries have discovered, this is a multi-year task, and one that often defies easy solutions and demands delicacy. Some human rights challenges are extra-territorial, existing across the supply and value chains and outside the jurisdiction of the hosting government. Even with the best due diligence and applied standards, efforts can be undone by corruption. Nonetheless, the leading governing bodies appear increasingly open to learning from others, including the wider business community and diverse stakeholders. Several governing bodies are working to embed human rights within their governance, and some are building internal human rights capacity. There

are also moves to include human rights within the selection criteria for hosting future MSEs. The draft White Papers can contribute a valuable baseline, offering guidance on the human rights-corruption nexus, and on how UN and ILO standards and mechanisms might be employed to strengthen human rights due diligence in relation to MSE bidding, selection and hosting. Attention is turning too to addressing human rights impacts in already awarded MSE host locations and operationally.

Sports governing bodies are often living in each other's legacies, with the same country hosting one or more MSEs in quick succession, and with many of the same construction firms and brands involved. While there are undoubted differences between the respective governing bodies, the scale of the MSEs, the sport, and their physical footprint, there is also common ground, especially in relation to social impacts. Joint recognition existed for example on the need to be more transparent and better at communicating the true costs of MSE hosting, and disaggregating the costs of local infrastructure development ambitions, if governing bodies are to rebuild the trust of potential hosts and their people. The benefits of joint site inspections with union representatives also came under discussion. The case for co-operation is strong at the strategic and operational level. Sharing a platform at the Forum will hopefully be just the start of a longer process of coming together to discuss experiences, and explore dilemmas on human rights.

Host Actors

"Event hosts should have a plan to show that they will not arrest journalists, destroy the environment, displace communities, or neglect local populations that will most certainly be affected. These human rights standards should not only address those things which we hope to avoid or mitigate, but also encourage the many ways a mega-sporting event can positively impact the countries and communities."

- Martina Navratilova, Tennis champion, coach,
and advocate for LGBTI and women's rights

Throughout the Forum, participants focused on the roles and responsibilities of host actors, including within host governments (national, state, municipal, etc.), local organising committees, and key delivery partners, in addressing human rights challenges associated with MSEs. In plenary and breakout sessions, presentations examined questions of how to build capacity in host actors to conduct human rights due diligence, to mitigate risks for potential negative human rights impacts, and to facilitate access to remedy within an MSE's complex supply chains, procurement processes, and legal systems. Discussants identified a number of existing gaps in solutions to addressing these challenges and acknowledged a strong need for increased cooperation among stakeholders at various levels and stages of the delivery process.

According to research carried out for the four White Papers related to the Host Actors Test Track, certain relationships that are formed by MSE host actors may carry increased risk of adverse human rights impacts, particularly through remote contractors and suppliers, and should be vetted and monitored closely to mitigate harm.

Fortunately, there is a growing body of good practice and lessons learned from past and future MSE host actors across various MSE traditions and representing various geographic regions and economic and legal environments. Analysis of these early efforts to address human rights challenges associated with hosting MSEs suggests that host actors should have a collaborative plan to assess, prevent, and mitigate human rights risks by:

- Implementing the UNGPs framework.
- Directly consulting affected groups and key stakeholders.
- Better integrating human rights due diligence into procurement practices for MSEs (especially for suppliers and contractors that host actors have the most leverage with).
- Developing monitoring practices and operations-level grievance mechanisms.
- Incorporating lessons learned and tools developed from previous MSEs.

The discussion also highlighted that there are tremendous opportunities for preserving and translating proven tools so that future hosts do not have to start from scratch in their efforts to conduct appropriate human rights due diligence, track and monitor suppliers/contractors, and effectively implement grievance mechanisms.



Pictured above (from left): **Steve Gibbons** (Ergon); **Tania Braga** (Head of Sustainability and Legacy, Rio 2016 Olympics); **Stan Smith** (Ambassador-at-Large, Bahamas); **Takeo Tanaka** (Senior Director of Sustainability, Tokyo Organising Committee of the Olympic & Paralympic Games) and translator **Hiroshi Ishida** (Caux Round Table Japan).

To succeed, these recommendations will require buy-in from the highest levels of leadership and would benefit from the support of independent experts to share best practices, facilitate consultations with local affected groups, provide guidance on the recruitment and employment of migrant workers, offer training and capacity-building, tailor operational procedures and mechanisms to local contexts, and evaluate performance over time. At present, according to presentations and interventions made at the Forum, significant gaps remain in MSE host actors' capacities and incentives to address human rights challenges within their own operations and MSE-related relationships, particularly with respect to the question of access to remedy.

Sponsors & Broadcasters

"Sporting events provide a powerful showcase for the challenges and accomplishments of all humanity. And that power is increasing as our ability to communicate and share information expands. In addition to the world's most elite athletic competition, we've come to expect these events to also showcase the best the world has to offer, through state-of-the-art facilities, top brands, and flawless broadcasting. Similarly, we should expect the same high standards to apply to the ways in which these events impact human rights and labour rights throughout their lifecycle."

- Virginia Bennett, US Principal Deputy Assistant Secretary
for Democracy, Human Rights & Labor

Forum discussants spoke of the need for enhanced collaboration among MSE sponsors and broadcasters in the context of these events, and for increased dialogue with host countries, delivery partners, and affected groups to leverage and boost corporations' influence to improve human rights throughout MSEs. Given that sports bodies take in revenue from MSEs only every few years, the stakeholders that provide the sources of this revenue together hold a significant share of financial leverage, albeit rather less individually.

A number of sponsors and broadcasters associated with MSEs have independently begun pursuing measures to uphold the corporate responsibility to respect human rights, as outlined in the UN Guiding Principles. Some are also part of existing business and human rights-related multi-stakeholder initiatives that are designed for their specific industries.

In aggregate, MSE corporate sponsor financial outlays are large, but any one sponsor represents less than 1% of total revenue generated through the event (the largest contributor is typically the host country). Given that the number of countries bidding to host MSEs has been steadily shrinking, sponsors face both sports bodies that hold exclusive rights to the events, as well as stiff competition from other potential sponsors, which can undermine efforts to positively influence MSE-related operations and relationships.

Still, these corporations have a significant opportunity for human rights due diligence and risk mitigation in negotiating sponsorship contracts. Their leverage dramatically decreases after an MSE is awarded to a host city or country, making the case for focusing sponsors' efforts to boost human rights standards during the pre-bid, bidding, short-listing and awarding processes. Once agreed, sponsorship contracts for MSEs typically carry a long timeline, which poses challenges for sponsors aiming to influence either sports bodies or the host government. There are legal restrictions around sponsors withdrawing; such decisions must be considered individually to avoid anti-trust concerns. An independent centre could provide an impartial venue and third-party expertise to help top sponsors identify and agree to common minimum human rights standards for their roles and responsibilities in MSEs.



Pictured: Questions from the audience.

TV broadcast rights can contribute as much as 70% of the revenue generated by an MSE. Given how significant licence fees are to MSEs, there is a risk that – even if a broadcaster has not directly contributed to adverse human rights impacts or it has limited influence over the primary/host broadcaster – they could arguably be linked to such an impact if their funding serves as an enabler.

That said the contractual and bidding processes for acquiring broadcasting rights currently inhibits broadcasters' abilities to ensure that human rights considerations are embedded in the contractual frameworks. Further, broadcasters may have a role in making visible human rights abuses that may occur in connection with MSEs, but this has to take account of different operating models and different regulatory frameworks, which can require them to maintain impartiality as well as respect human rights, and the need to make complex decisions in real time. Broadcasters have a particular interest in safeguarding press freedom in connection with MSEs.

Affected Groups – Communities, athletes, workers, LGBT+, women, and children

"Process matters. And therefore if you are going to have effective dialogue, we think it means that all of the affected groups need to be represented and participate and be represented by individuals of their choosing. The athletes, of course, are very concerned about human rights; very concerned about labour rights and recognise that neither means very much if there is not a prompt and effective remedy that can be employed when the line is crossed."

- Don Fehr, President, UNI World Athletes

Despite emerging human rights good practice from within sport and a number of recent host actors and Local Organising Committees, the reality is that MSEs in particular and the sports industry more widely are continuing to have negative impacts on people's lives in many parts of the world, even after nearly two decades of campaigning.

Highlighting the challenges is in no way intended to detract from those positive social legacies that MSEs bequeath to host societies. Nor is there any suggestion that sport should solve all the human rights problems in a host country. It is time, however, to address the difficult issues.



Pictured above (from left): **Brendan Schwab** (Head of UNI World Athletes); **Ana Paula Olivier**, translator, and **Maria Da Penha Macena** (Rio de Janeiro residents); Bilqis Abdul-Qadir (basketball player); **Nikki Dryden** (Two-time Canadian Olympic swimmer and human rights lawyer); **Moya Dodd** (former international footballer, lawyer, and one of the first women on FIFA's governing body).

Police killings reportedly rose during the Rio 2016 Olympics compared with year-on-year figures. Construction workers in several of the currently awarded MSE host contexts continue to find themselves working in precarious conditions or exploited in the case of migrant workers. Children are often especially susceptible to the effects of forced evictions, as well as to violence, child labour and sexual exploitation. There was optimism after the Beijing 2008 Olympics that lessons were being learnt, but in the years since, many of the same human rights abuses regularly linked to MSEs are still occurring. Forced evictions without proper consultation, migrant worker abuse, poor working conditions for those who build the stadia and produce the merchandise all remain commonplace, as are constraints on press freedom, repression of human rights defenders, LGBT activists and grassroots groups. MSEs often entail clampdowns on protestors, street-vendors, street-children and homeless people. Athletes and fans still face discrimination and harassment, and can find themselves excluded from stadiums or from competing because of their gender or religious observances; some athletes are denied the right to organise and many have their right to protest heavily constrained. The tragedy is that many of these impacts are predictable and could be averted with appropriate systems in place.

There is a growing consensus – including from civil society and some of the major sponsors and broadcasters – that the sports industry and its delivery partners now need to take responsibility for those problems that can be linked directly to their events. It is not sufficient simply to tackle human rights problems that arise within the confines of the stadiums or among first tier suppliers and shut one's eyes to abuses taking place just beyond, the two are often interlinked. Nor is it acceptable to pass the blame onto host governments or local actors, MSEs are a shared responsibility and demand shared responses.

In recent times, some sports governing bodies and local delivery partners have gotten better at listening to the concerns brought to them by unions and human rights defenders. It is not easy to filter all the competing demands from campaign groups, and civil society still has to do more to speak with one voice. Starting now however sport needs to build on existing good practice and move from words to action. If sports governing bodies are prepared to intervene in domestic matters by demanding legislation or by-laws that facilitate the introduction of commercial exclusion zones or amendments to visa and transport laws, the question can reasonably be asked why are sport's governing bodies not also prepared to intervene to ensure people's rights are safeguarded in the context of the MSE life-cycle.

Sport is based on meritocracy and playing in accordance with the rules and spirit of the game. The current business model for MSEs needs to adapt if it is to fit the new realities of a more interconnected world and the demands of international frameworks on human rights. Few are suggesting that any country should be denied the opportunity to host MSEs on human rights grounds, but if candidate countries/cities fail in their human rights due diligence they should be asked to reapply when they can make the grade.

Human rights should be part of the selection criteria, and some have suggested that host countries should be subject to peer reviews in accordance with ILO and UN mechanisms and instruments. There is increasing scope too for joint site inspections with trade unions, but also for an independent investigation function and for remedy if and when abuses take place. Sport can and should lead on human rights, and by example.

Conclusions

The Sporting Chance Forum underscored the pressing need to build upon the range of efforts currently underway to confront the human rights challenges facing MSEs and sport more broadly. Sport risks falling into disrepute, and while millions continue to watch the prestigious events, democratic countries are increasingly struggling to win popular support to stage them. It is time to rehabilitate sport and safeguard its power as a force for good.

Moving personal testimonies – from residents who had been displaced or seen innocent loved ones killed by local police during MSE-related security deployments; and from athletes and sports administrators who have had their dreams of competing, or affecting reform at the highest levels of sport, shattered as a result of discrimination – offered a reminder of the human costs that have cast a shadow over sport, and which underpin calls for reform. Over the two days, participants – with refreshing frankness, pragmatism and seriousness - attempted to unpack the wide-ranging human rights challenges that too often affect workers, communities, athletes and others, and to explore possible solutions.

Across diverse stakeholder groups there was a shared recognition of the imperative not to lose momentum. Action is already overdue on human rights across the MSE life-cycle. Against a backdrop of ever increasing international sports events each year, the evolving industry of sport – alongside other fields of business – urgently needs industry standards and increased knowledge and capacity on international human and labour rights. Guidance on how to comply with new normative frameworks and societal

expectations on human rights is essential; and small and medium sized enterprises active on MSEs must be brought along too.



Pictured above (from left): **Mary Robinson** (Honorary Chair of Forum); **Beate Andrees** (Chief, Fundamental Principles and Rights at Work Branch, ILO); **Lene Wendland** (Senior Advisor, Office of UN High Commissioner for Human Rights); **Linda Kromjong** (Secretary General, International Organisation of Employers); **Tim Noonan** (Director, International Trade Union Confederation).

The Sporting Chance Forum afforded the multi-stakeholder MSE Platform chaired by Mary Robinson a chance to share cutting-edge research and analysis its members have been developing collaboratively during 2016. Since they came together at an event in Glion, Switzerland in 2015,¹² MSE Platform members from across sport, government, business, intergovernmental agencies, civil society and trade unions have produced a series of draft White Papers containing a wealth of new information on human rights and MSEs, including around questions of which actors have leverage to effect human rights improvements. Clustered under four 'Test Tracks' addressing the roles and responsibilities of i) sports governing bodies, ii) host actors, iii) sponsors and broadcasters, and iv) the position of affected groups, the draft White Papers identify human rights gaps and challenges in the sporting context, outline further avenues for research, and offer a range of recommendations to address the often-complex matters at hand. Following the Sporting Chance Forum, the draft White Papers are being finalised, and will be published in January 2017.¹³

An emerging consensus is taking shape on the case for collective action. The production of the draft White Papers illustrates what can be achieved through commitment, goodwill, and collaborative effort, with diverse organisations pooling information and expertise. Securing the active involvement of some of the larger players in this space can take time to engineer. Yet this should not stand in the way of progress. Collective action does not mean that everyone has to move at the same speed, nor should it impede individual or bilateral initiatives. Single-stakeholder group processes can, for example, foster trust and confidence and lead to action on difficult issues. Collective action however offers an effective umbrella under which to raise awareness, innovate, advocate, educate, exploit synergies, drive positive change and give a voice to those most affected.

¹² See: <https://www.ihrb.org/focus-areas/mega-sporting-events/meeting-report-human-rights-and-mega-sporting-events-wilton-park>

¹³ See: www.megasportingevents.org

Next Steps

Collective action demands impetus. It cannot be assumed that organisations will continue to come together and move beyond their institutional silos. This has fuelled calls for the MSE Platform to explore options around setting up an independent centre to drive future collaboration on MSEs and human rights. The MSE Platform cannot be a multi-stakeholder initiative with a rolling mandate, moving only at the pace of the slowest participant, and delivering little. Instead the MSE Platform must have a clear purpose and convert dialogue into actions that help to ameliorate the adverse impacts MSEs too often have on people's lives.

A proposed independent centre must be inclusive or it will fail from the start. It is important to retain the core group and spirit of the MSE Platform born in Glion in 2015, but the doors of the tent now need to welcome newcomers, including sports bodies, governments, sponsors, broadcasters and others, as well as voices from the global East and South. Athletes have become core to mission, but other affected groups should also be able to join the discussion.

During 2017 the MSE Platform's Advisory Group¹⁴ (comprising the ILO, IOE, ITUC and OHCHR), with the support of a steering committee¹⁵ chaired Mary Robinson, will elaborate what form a centre could take, and explore questions of governance and funding. The centre could be virtual, or hosted at different moments in different locations. Its potential functions might include sharing best practice, supporting learning, analysis and identifying knowledge gaps, innovating solutions, and building remedy and accountability. The centre could offer a shared services environment as a public good, with certain tasks outsourced to expert professionals. It could also be a repository for personal testimonies and case studies.

The work of the centre should:

- Be based on the rule of law, and rooted in ILO, UN labour and human rights standards, and other international instruments like those of the OECD.
- Enable the deployment of these international standards in an MSE context – to prevent, mitigate and remedy human rights abuses.
- Bring together the expert mandates of coalition members in a concrete way, identifying recurring issues and how best to solve them.
- Lead to, facilitate, and support social dialogue and stakeholder engagement with affected groups across the supply and value chains of MSEs.
- Transfer of knowledge from event to event, with input from civil society partners.
- Support and help efforts to build capacity, including of sports bodies, local organising committees and commercial partners.
- Explore developing compliant bids for MSE hosting with support of local populations.
- Help ensure that victims of human rights abuse have access to an effective remedy

¹⁴ <https://www.ihrb.org/news-events/news-events/ilo-ituc-ioe-ohchr-joint-statement-mega-sporting-events-human-rights>

¹⁵ <https://www.ihrb.org/news-events/news-events/diverse-coalition-commits-to-human-rights-mega-sporting-events>

The centre will only succeed and endure if it is credible and built on solid foundations. There is a need for rules of engagement. The 2016 Sporting Chance Principles, which are predicated on international human and labour rights standards, and have been endorsed by all members of the Advisory Group as well as the hosting Governments, should serve as the point of departure for all stakeholders and form the basis for quality control.

There is no need to reinvent the wheel. Mechanisms already exist that could provide spaces for political debate and dialogue within the UN and ILO systems. These should be exhausted first before developing new ones. Future efforts should where possible be linked to existing government-led commitments and initiatives. Governments have a crucial role to play in bringing about change, and can among other things put pressure on recalcitrant actors within their jurisdictions. The Swiss Government and US State Department, who have shepherded the process alongside IHRB during 2016, have pledged to continue to offer high-level credibility to this process going forward.

Time is of the essence. A year from now we need to see tangible achievements. In parallel with mapping options for the potential remit and structure of the centre, a timetable will be set for concrete actions by participants contributing to the MSE Platform. The 2016 Sporting Chance Principles can be operationalised. Distinct projects that build on the White Paper findings should be modelled and tried and tested in MSE contexts where feasible. Collective action does not only need to involve eye-catching projects. Participants in the MSE Platform should pick off low hanging fruit where opportunities arise. Smaller focussed activities in discrete contexts can contribute to the whole. Examples might include efforts like the joint inspections proposed by one of the unions and sports governing bodies present.

Martina Navratilova issued a call to action in order to make a real difference to the people whose lives have been harmed through MSEs and sport, including communities, workers, athletes, fans, women and girls, and LGBT+ people. Her vision included:

- Respect for human rights and fundamental labour principles being built into the bidding and selection process for all major sports events,
- Every sports governing body, host country and delivery partner demonstrating respect for internationally agreed human rights and labour standards, and
- Mechanisms for accountability and transparency, in order to measure success, ensure remedy and consequences when standards are not met.

A year from now, stakeholders in the MSE Platform and wider participants in the Forum must regroup and assess the progress made towards this vision and in overcoming the “groundhog-day” time-loop of human rights abuses that have for too long blighted MSEs. We need sport to serve humanity for generations to come.

This report was prepared by: Lucy Amis (Institute for Human Rights and Business) and Gigi Alford (US Department of State)

Annex: White Paper Summaries

Test Track 1 - Sports Governing Bodies

1.1. Scoping the Use of UN-ILO Mechanisms to Compile Human Rights Impact Briefings on MSE Host / Candidate Countries

This draft White Paper assesses whether UN human rights reports and ILO supervisory mechanisms and other related country reports can be used to produce MSE host country human rights issue briefs, or whether supplementary resources and/or additional expert analysis would be required to produce country briefs that could be used by Sports Governing Bodies and/or Host Governments and Local Organising Committees to carry out their due diligence on human rights issues.

1.2 International Federation Due Diligence

This draft White Paper addresses the over-arching challenge for Sports Governing Bodies (also referred to as MSE Awarding Bodies) of integrating respect for human rights into their governance, MSE bidding criteria and operations. Drawing on examples from the Commonwealth Games Federation (CGF), FIFA and International Olympic Committee, the report references Prof. John Ruggie and Shift's report for FIFA "For the Game. For the World" and case studies from among others the CGF.

1.3 Corruption in the Sports Context

This draft White Paper gives an overview of how bribery and corruption at any stage of the bidding process, planning and delivery of MSEs can accentuate human rights challenges, and explores some solutions as to how it may be possible integrate anti-corruption measures across the full life-cycle of MSEs to mitigate these negative human rights impacts, with a view to the possible integration of anti-corruption across other White Papers in the series.

Test Track 2 - Host Actors

2.1 Host Actor Human Rights Due Diligence

This draft White Paper explores questions of how to build the human rights capacity of and develop guidance materials for host actors, including within host governments (national, state, regional, local or municipal) and Local Organising Committees, as well as and their key partners.

Using the UNGPs as a framework, this paper presents a case study from the Commonwealth Games Federation, reviewing the steps taken to date – which have included introducing host actors from the next four Commonwealth Games/Youth Games venues to human rights concepts and international standards - and future plans to embed human and child rights considerations across the Commonwealth Games movement.

A report from the first March 2016 Human Rights Capacity Building meeting jointly hosted by CGF, with IHRB, Unicef UK and Terre des Hommes is annexed.

2.2 Procurement in the Sports Context

This draft White Paper seeks to identify better ways to integrate human rights due diligence into procurement practices for MSEs by considering:

- The likely range of procurement activities across the MSE life-cycle and diversity of suppliers, including SMEs, as well as assessing the potential for leverage with suppliers and construction companies.
- Emerging good practice and the extent to which lessons have been learnt and/or could be transferable across events and between sporting traditions.
- Existing tools / models for improving human rights good practice and responsible business conduct that can be tailored to MSE delivery needs and different geographies.
- The need for leadership by sports governing bodies (SGB) to ensure leverage with suppliers over the long term.
- The scope for, and potential merits of, approved supplier lists.
- The linkage with and implications of human rights due diligence requirements being built into SGB tendering documents.

2.3 Risk Mitigation in the Sports Context

This draft White Paper addresses human rights risks around two selected issues (i) human trafficking and forced labour and (ii) security and policing, identifying risks and discussing mitigation strategies. It envisages a future independent MSE centre playing a role in developing guidelines for hosts and governing bodies to carry out human rights risk assessments and implement mitigation plans. The Paper also includes case studies of BWIs work in South Africa and Brazil, and a section on risks particular to migrant workers in Japan.

Three reports are annexed to this White Paper; a new IHRB report on corporate liability for forced labour and trafficking, and two reports from Amnesty Brasil, detailing the human rights risks identified ahead of Rio 2016, and examining the impact of the games, especially where violations concerning security and policing were recorded.

2.4 Remedy Mechanisms in the Sports Context

This draft White Paper maps out various means of access to remedy, including mechanism within selected sports bodies and institutions. It identifies current gaps in dealing with human rights related issues, as well as judicial and non-judicial mechanism that may be used to deal with human rights issues. The Paper also identifies gaps in access to remedy and suggests how gaps may be filled.

Test Track 3 - Sponsors & Broadcasters

3.1 Sponsors

This draft White Paper Paper maps out the relationship between sponsors and MSEs, identifies where human rights issues might arise and discusses potential mechanisms that could be used – and in some cases already are being used – to address them.

3.2 Broadcasters

This draft White Paper maps out the relationship between broadcasters and MSEs, identifies where human rights issues might arise and discusses potential mechanisms which could be used – and in some cases already are being used – to address them.

Test Track 4 - Affected Groups

4.1 Lesbian, Gay, Bisexual, Transgender and Intersex Peoples – Concept Note

This draft White Paper Concept Note explores some of the challenges facing lesbian, gay, bisexual, transgender and intersex peoples (LGBTI) people in the context of mega-sporting events, and explores whether a set of draft Principles to address LGBT discrimination more generally could be adapted and applied in an MSE context.

4.2 Children's Rights in the Sports Context

This draft White Paper focuses on children as a particularly vulnerable group affected by the planning and delivery of MSEs. It highlights the main impacts, both direct and indirect, experienced by children in past MSEs, drawing on evidence from a range of events. The paper highlights examples of good practice in addressing risks and identifies key steps that may be needed to integrate consideration for children's rights in future MSEs.

4.3 Athletes

This draft White Paper maps the conduct of MSEs and their impact on athletes by reference to international human rights standards. It examines regulatory control exercised by sports governing bodies in their governance of MSEs and their respective sports. It also identifies gaps in ensuring that human rights of athletes are protected, respected and remedied.

4.4 Gender Rights in the Sports Context – Concept Note

This draft White Paper Concept Note starts to explore gender rights – particularly as they affect women and girls – across three areas:

- Women's participation in sport as part of inclusivity in wider society.
- Women's participation in sports administration.
- Women's participation in wider using the lens of sport, including within MSE host contexts.
- A full White Paper will also need to address gender equality from a rights perspective, including labour and economic rights.