



Corruption and Human Rights in the Sports Context

Sporting Chance White Paper 1.3
Version 1, January 2017



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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.

1. Sports Governing Bodies

- White Paper 1.1 Evaluating Human Rights Risks in the Sports Context
- White Paper 1.2 Sports Governing Bodies and Human Rights Due Diligence
- White Paper 1.3 Corruption and Human Rights in the Sports Context

2. Host Actors

- White Paper 2.1 Host Actors and Human Rights Due Diligence in the Sports Context
- White Paper 2.2 Procurement and Human Rights in the Sports Context
- White Paper 2.3 Human Rights Risk Mitigation in the Sports Context
- White Paper 2.4 Remedy Mechanisms for Human Rights in the Sports Context

3. Sponsors and Broadcasters

- White Paper 3.1 Sponsors and Human Rights in the Sports Context
- White Paper 3.2 Broadcasters and Human Rights in the Sports Context

4. Affected Groups

- White Paper 4.1 Children’s Rights in the Sports Context
- White Paper 4.2 Athletes’ Rights and Mega-Sporting Events



Contents

1. Corruption and Human Rights	5
2. Mapping and Gap Analysis	6
2.1 Main Challenges	6
2.1.1. <i>Corruption within the Bidding Process</i>	6
2.1.2. <i>Corruption in Contracting</i>	7
2.1.3. <i>Corruption Undermining Due Diligence and Regulations</i>	8
2.2 Affected Stakeholders	8
2.3 Recent Developments on Good Practice	9
3. Gaps and How they can be Filled	10
3.1 Existing Gaps	10
3.2 How to Fill the Gaps	10
4. The Role for an Independent Centre	11
References	12
Annex: Overview of the UN Guiding Principles on Business & Human Rights	13

Corruption and Human Rights

Countries typically found at the bottom of Transparency International's Corruption Perception Index (CPI)¹ are usually also known for their lack of protection of human rights. A state that cannot guarantee the rule of law fails in guaranteeing fundamental rights to its population. Meanwhile, corrupt practices within a company can undermine its ability to respect human rights in its operations thus doing harm to own staff, workers within the supply chain, clients, and the local population.

The Office of the United Nations High Commissioner for Human Rights (OHCHR) has acknowledged the close link between human rights violations and corruption,² stating that:

"There is an urgent need to increase synergy between inter-governmental efforts to implement the United Nations Convention against Corruption and international human rights conventions."

As corruption, cronyism, and conflicts of interest can impact any aspect of the delivery of a mega-sporting event (MSE) with regard to human rights over the entire life cycle, anti-corruption measures need to be integrated across all the respective thematic areas examined in this series of White Papers, with a particular focus on Sports Governing Bodies and Host Actors. This White Paper gives an overview on the most frequent corruption risks linked to MSEs that might be important for the discussion within the multi-stakeholder MSE Platform Steering Committee chaired by Mary Robinson.

1 <http://www.transparency.org/cpi2015>

2 <http://www.ohchr.org/EN/Issues/Development/GoodGovernance/Pages/AntiCorruption.aspx>

Mapping and Gap Analysis

2.1 Main Challenges

Despite efforts to increase the governance standard in sport organizations in recent years there are still deficiencies with regard to transparency, accountability, integrity and participation (stakeholder involvement and diversity) in many sport governing bodies. This adds to considerable risks caused by the high competition for MSE and contracts linked to MSE. Therefore beside the measures described in this paper with regard to MSE an overhaul of the structure and decision-making processes in sport is needed.

2.1.1. Corruption within the Bidding Process

Where there is hard competition there always is the temptation to cheat. Over the last three decades as MSEs have become a more and more a sought after instrument by which to demonstrate a country's economic and political strength, its ability to organize big events, and its status in the international community, the risk of corrupt practices to win bids to host these events have increased enormously. As a bidding city and the respective country have to invest a huge amount of money and prestige in order to stage an MSE, the pressure to succeed is high and may increase the risk of achieving the goal not just by fair lobbying.

With more countries bidding – especially some which have recently emerged from poverty as a result of natural resource exploitation, but which are often still weak with regard to political structure, rule of law, and democratic traditions – the competition dynamic between bidders and the political influence exercised has changed. Thus while the officials in international sport organizations (ISOs) have gained power in the decision-making process, a lack of transparency and accountability in ISOs makes them vulnerable to bribery. Not only have individuals sought an advantage by offering to vote for a specific bidder, but sometimes sport federations have also “sold” their event to countries that promise not just to organize the event but also to invest additional money into the specific sport. All this leads to a situation where corrupt practices may undermine any bidding criteria and decision making processes established to prevent human rights violations from the outset, and lead to an awarding decision that fails to take into account human and child rights as well as labour standards.

The Salt Lake City scandal of the International Olympic Committee (IOC) at the beginning of this century is one of the best known examples of bribery in a bidding process.³ The awarding of the FIFA World Cups 2018 and 2022 in December 2010 has been shadowed by incidents, with at least three officials ready to accept bribes.⁴ The first European Games 2015 meanwhile were awarded by the European Olympic Committees (EOC) to Baku, Azerbaijan, due to the high financial support offered by the country as otherwise it would have been difficult to organize these Games at all.⁵ The dependence on Azerbaijan's money led to a situation whereby the EOC President denied human rights violations like the detention of journalists because they had criticised the government for spending money on the event.⁶

2.1.2. Corruption in Contracting

While the organization of a MSE can usually be refinanced by financial support from the IOC/FIFA, national sponsors, and ticket sales, investment in venues for the competition as well as the additional infrastructure (e.g. roads, metro) needed for the event is typically paid for through public money. Corruption with regard to tendering for such contracts can lead to misspending and - especially in construction – result in health and safety accidents and even the loss of life. Huge overspending due to corruption, and/or sport venues and infrastructure that are built with low quality and of little or no long-term use to the local population can undermine a country's ability to provide fundamental services to its population.

While the high sums spent on an MSE may cause temptation and attract opaque companies/actors, the intense pressures to complete construction in time for the event, under the gaze of the whole world, and the often complicated competencies in an organizing committee (state government, city and/or regional administration, sport bodies) increase the corruption risk.

The Commonwealth Games in New Delhi 2010 were heavily affected by corruption and witnessed a new pedestrian bridge breaking down before the Opening Ceremony.⁷ In Rio de Janeiro 2016 a bicycle track built in connection with infrastructure for the Olympics collapsed killing two persons, demonstrating at least a lack of quality in construction.⁸

3 <https://www.theguardian.com/sport/1999/jan/26/olympic-corruption-bribes-scandal>

4 <https://www.theguardian.com/football/2010/nov/29/panorama-fifa-world-cup-bribes>; <http://www.telegraph.co.uk/sport/football/fifa/11680400/Swiss-investigation-into-Fifa-corruption-and-awarding-of-World-Cups-to-Russia-and-Qatar-could-take-years.html>

5 <https://www.theguardian.com/sport/2015/feb/26/azerbaijan-european-games-baku-athletes-bill-human-rights>; <http://www.rferl.org/content/azerbaijan-european-games-paying-the-price/27067100.html>

6 <http://www.sportcal.com/News/FeaturedNews/27764?sportID=137>

7 <http://www.livemint.com/Home-Page/9xUHCQF3R8nUqXjOtSf8SM/Timeline-Commonwealth-Games-2010.html>; <http://content.time.com/time/world/article/0,8599,2007643,00.html>

8 <http://www.independent.co.uk/news/world/americas/rio-de-janeiro-brazil-bike-path-collapses-2016-olympic-games-a6996196.html>.

2.1.3. Corruption Undermining Due Diligence and Regulations

Even with due diligence into contractual partners and clear regulations concerning labour standards (amongst other issues), one cannot guarantee avoiding human rights abuses. Bribery can result in the falsification of monitoring results or cause employees to neglect their duties and break the rules. Again, time pressure and the ambition of demonstrating a country's abilities to the world adds to the risk of neglecting one's duties and obscuring any negative incidents.

Forced evictions against national law have been reported from Favelas in Rio de Janeiro to secure the land for Olympic buildings, or in some case just using the Olympics as an excuse to proceed with development.⁹

2.2 Affected Stakeholders

As corruption usually needs a bribe payer and a bribe taker there are at least two persons/institutions involved, quite often from different spheres.

With regard to the awarding of an MSE the bribe payers may be bidding committees, politicians from a bidding city/country (even if not personally involved in the bidding committee), a company (for example a global sponsor with its headquarter in the bidding country) or a national sports organization. Even governments may breach the rules by distributing development aid to decision-makers' countries or concluding political deals. Quite often special consultants offer their "support" to secure IOC votes with the bidders, yet the means by which they undertake their work is often unclear.

Bribe takers may come from the event organiser's staff and officials, potentially including IOC members, FIFA delegates at the FIFA congress, and any companies/expert groups involved in examining the bids.

Corruption in contracting sees bribes paid by companies to win tenders, and bribe-takers from the LOC (and depending on the structure within the organizing committee, also from governmental institutions/city administration). Sometimes sport officials/sport organizations try to influence a decision on the supply of sporting goods due to a pre-existing or personal contract: for instance by recommending a special surface for a track as "state of the art".

Bribes to influence due diligence will be paid by those breaching the specific rules to those charged with the control.

2.3 Recent Developments on Good Practice

The IOC after the Salt Lake City scandal and FIFA after the incidents 2010 have both worked on their decision-making processes with regard to awarding events. The IOC has a Code of Conduct for bidding cities and IOC members alike. FIFA still needs to develop a similar framework. Undoubtedly improvements can be made in both organizations taking into account current standards on anti-corruption, for example implementing a comprehensive compliance management system and requiring the same from bidding committees and - after the awarding - from the LOC.

Corruption in contracting linked to MSEs is dealt with in the UNODC Handbook “A Strategy for Safeguarding against Corruption in Major Events” published in 2013. Albeit not specific on sport events - for example recommendations on bidding and awarding is missing - most of the proposals can be applied to MSEs. Completed by a checklist, this guide offers an easy access to fundamental requirements for major events.

The UN Guiding Principles on Business and Human Rights (UN Guiding Principles), as a globally acknowledged framework to define companies’ responsibility and approach to respect human rights, can also be used for MSEs. Professor Ruggie’s report on FIFA published in April 2016 adapts the UN Guiding Principles to FIFA’s operations including the FIFA World Cup. On page 21 of the report Ruggie discusses briefly the corruption risks linked to FIFA and its events and their impact on human rights:

“Bribery and corruption is not only about giving and taking money for private gain that has been intended for broader social purposes. It may also enable the parties involved to evade legal and contractual requirements, including those protecting human rights. Lack of financial integrity, therefore, is a foundational source of human rights risks.”¹⁰

The Summer Olympic and Paralympic Games in London 2012 were organized with a clear sustainability concept, including an independent body to monitor the delivery of the Games, the Commission for a Sustainable London 2012.¹¹ This Commission, for example, organized an inspection when a breach of labour standards had been reported.¹²

In August 2016, the Sport and Rights Alliance (SRA), an NGO coalition involving Amnesty International, Football Supporters Europe, Human Rights Watch, the International Trade Unions, Terre des Hommes, Transparency International Germany and UNI World Athletes, published “Requirements for Human Rights, Labour Rights, Anti-Corruption and Stakeholder Involvement for Olympic Games”, and on the eve of the Rio Olympics the IOC promised a joint workshop to discuss the SRA’s position.¹³

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

11 <http://www.cs london.org/>

12 <http://www.cs london.org/2012/06/commission-statement-on-locog-action-re-labour-standards/>

13 <http://www.childrenwin.org/ioc-in-talks-over-human-rights-recommendations/>

Gaps and How they can be Filled

3.1 Existing Gaps

While the above listed initiatives show some improvement in recent years there is quite often still little or no awareness of the importance of anti-corruption measures for the protection of human rights in relations to MSEs. At the outset the multi-stakeholder initiative chaired by Mary Robinson which is exploring an independent centre for human rights and MSEs did not include any thoughts on anti-corruption.

A lack of transparency, internal checks and balances, independent control, anti-corruption mechanisms and knowledge means that ISOs are still struggling with their own governance. This is why up to now there have been no leaders in the process of taking up responsibility for human rights in a transparent and accountable manner with regard to MSEs. FIFA has just started to work on the adaptation of the UN Guiding Principles as laid down in Ruggie's report, while the IOC still needs to take a comprehensive approach in this direction.

The usually close relationship between sport officials, politicians, journalists, and business leaders/sponsors on the national and international level causes specific conflicts of interest and cronyism that often hinders the acknowledgement of any problem with regard to human rights, or can help a repressive regime to hide its deficiencies.

For the time being practical guidance on anti-corruption and its impact on human rights issues at MSE is absent.

Such guidance must be based on a holistic approach, i.e. listing the actions to be taken by the different stakeholders, and fostering collective action. This has to include specific measures on anti-corruption linked to the respect for human rights in MSEs as well as mainstreaming anti-corruption measures/compliance to all areas of bidding, awarding, preparing, and staging of an MSE.

3.2 How to Fill the Gaps

The first step should be to raise awareness of the problem(s) within all relevant stakeholders and in particular make the ISOs take responsibility. This needs global

political pressure as up to now the discussion has started only in some countries.

Collective action for example by sponsors and other stakeholder groups will be key to overcoming the current interdependence that leads to the lack of internal and external scrutiny.

The development of standards for transparency and accountability as well as for checks and balances within ISOs should be accompanied by a policy on institutional conflicts of interest. For example leading politicians like ministers or members of parliament should be excluded from international sport bodies as a means of ensuring sports bodies are more independent from political pressure.

This will not work without similar processes in the national sport organisations in order to separate sport organizations from politics and business in an effective way on all levels. The (mis)use of sport and MSEs for political reasons and/or personal financial gain has to be overcome.

Finally a handbook on transparency and integrity in MSEs is needed, including check lists for risk assessments, compliance management systems for bidding committees and organizing committees, due diligence for agents, companies (sponsors, TV-rights agencies, others) etc. and accompanied by a collection of best practices and show cases.

To ensure the realization of recommended measures and to achieve an overview of the implementation and the final outcome, independent monitoring and evaluation of steps taken is needed through to the end of the MSE life cycle.

The Role for an Independent Centre

A breakthrough in acknowledging the problem might already have been achieved by bringing it into the current discussion on an independent centre. This could be deepened in the future if the centre integrates anti-corruption as decisive in all its operations thus making the necessity of transparency, accountability and compliance visible. With the centre complying itself with the highest standards of good governance including independent bodies, oversight, and funding, it would set an important example.

Such a centre would add credibility to the whole process, potentially releasing sport organizations from public mistrust that - at least in some countries – is currently linked to their work. Sometimes (too) high expectations of what sport organizations can (and

should) achieve within a short time can undermine their actions, making it even more difficult to take the right steps and work on it continuously. An independent centre would have the authority to manage expectations in a reasonable way.

Additionally, a centre could act as a moderator between different stakeholders and cultures alike, as well as a facilitator for collective action. To bring actors from all areas - sports, politics, media, business - and regions together in a global effort to overcome the current crisis in MSEs needs a multicultural approach. As far as can be seen to date, this is still one of the weaknesses of the process that has begun to establish such a centre.

The centre should also collect and share information (e.g. instruments, best practice) and coordinate activities from stakeholders and independent oversight on implementation and outcome (monitoring, evaluation). It could offer trainings for staff and officials on anti-corruption.

In looking at next steps, the multi-stakeholder MSE Platform Steering Committee should reach accord on the contents of this White Paper and the proposals therein. Then, in coordination with the other thematic areas of work, a roadmap should be developed to integrate anti-corruption measures into other areas of the projected centre and to define which parts have to be worked out separately. The establishment of the centre itself has to be combined with developing specific high standards of independence and transparency.

References

UNODC Handbook: https://www.unodc.org/documents/corruption/Publications/2013/13-84527_Ebook.pdf

UN Global Compact, Guideline on Fighting Corruption in Sport Sponsorship and Hospitality: https://www.unglobalcompact.org/docs/issues_doc/Anti-Corruption/SportsSponsorshipHospitalityGuide.pdf



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).