

10

SEEKING REMEDY FOR AFFECTED GROUPS IN MEGA-SPORTING EVENT CONTEXTS

Daniela Heerdt

Introduction

The fact that actors involved in mega-sporting events (MSEs) may cause or be linked to human rights abuses is widely recognised. Abuses that often occur in the context of organising and staging major events include forced evictions; labour rights violations; infringements on privacy rights, freedom of expression or freedom of assembly; discrimination; and abuses resulting from bribery and corruption in connection with awarding and delivering an event (Mega-Sporting Events Platform for Human Rights, 2017a, p. 7). While efforts to prevent such abuses have grown in recent years, with human rights clauses increasingly being included in bidding and hosting agreements, even the best prevention efforts cannot prevent all abuses. Individuals harmed therefore need to have access to effective remedies to correct the harm or compensate them when faced with such situations (Heerdt, 2018). In fact, international and regional human rights law explicitly provides for the right to remedy in case of human rights abuses.¹ Moreover, access to effective remedy is one of the three pillars of the UN Guiding Principles for Business and Human Rights (UNGPs), which the Fédération Internationale de Football Association (FIFA), International Olympic Committee (IOC) and other international and national sports bodies have adopted (see Davis, Chapter 18). The UNGPs define remedy as having ‘both procedural and substantive aspects’ and taking ‘a range of substantive forms the aim of which, generally speaking, will be to counteract or make good any human rights harms that have occurred’ (UNGPs, 2011, commentary to principle 25).

Given that in the MSE context, human rights abuses can occur throughout the entire life cycle, it is important that access to remedy be available for those affected across all stages of an event (see Part III of this Handbook). Furthermore, according to a report by the UN Working Group on Business and Human Rights, a ‘bouquet of remedies’ should be available in various situations and under various circumstances. This is dependent on the nature of the abuse, the actors that contributed or the preferences and needs of those affected. This essentially means that different ways and methods need to be available to correct or compensate for a harm that has happened, and MSE-related human rights abuses present a particular setting in which this should be realised (United Nations General Assembly A/72/162, 2017, paras 38 & 56).

This chapter maps relevant existing remedy and grievance mechanisms and highlights the gaps and challenges that continue to exist for addressing MSE-related human rights abuses through these mechanisms. It takes the mechanisms and gaps identified by the 2017 Sporting Chance White Paper *Remedy Mechanisms for Human Rights in the Sports Context* (Mega-Sporting Events Platform for Human Rights, 2017a) as a starting point, expands by discussing new mechanisms that have been developed and evaluates those against the existing gaps and challenges.

An overview of existing remedy and accountability mechanisms

Different mechanisms for access to remedy for MSE-related human rights abuses exist. There are, for example, complaint mechanisms on the local and national level in the form of ombudsmen or national human rights institutions, and there are judicial mechanisms in the form of civil and criminal procedures. In addition, the sporting world has its own disciplinary and other complaint procedures, as well as mediation and arbitration procedures to settle disputes on the national and international level. There are also so-called operational-level grievance mechanisms (OGMs), which usually are complaint processes administered by companies, such as a number of corporate sponsors of MSEs and increasingly MSE organisers themselves.

Sports grievance and arbitration mechanisms

International and national sports bodies have dispute resolution procedures in house, such as the Ethics or Disciplinary Committees and Commissions of FIFA and the IOC, which are mandated to apply and rule on the organisations' disciplinary or ethics codes. These are rules that regulate which acts are contrary to the integrity of sport in a broad sense, such as anti-doping or anti-discrimination rules, and generally apply to athletes, officials and national sports bodies as well as staff of the respective sport body (Cornu et al., 2017, p. 26). While this model is similar across different federations and sports bodies, most relevant for the MSE context are FIFA and the IOC's complaint mechanisms. The IOC's mechanism has been developed for media representatives to report on violations of freedom of the press, while FIFA's mechanism explicitly applies to human rights defenders and can be used to report more general instances related to the FIFA World Cup or working with FIFA more generally (IOC, 2016; FIFA, 2018).

In addition to these mechanisms, a number of countries have national sport dispute organisations in place, which are public or private bodies that offer mediation and arbitration services to facilitate the resolution of sport-related disputes. Examples include Sport Resolutions based in the United Kingdom, the Sports Tribunal of New Zealand, the National Sports Tribunal of Australia, the Sport Dispute Resolution Centre of Canada, the Japan Sport Arbitration Agency and Sport Dispute Solutions Ireland.² Discussions for creating such a mechanism have also taken place in South Korea (FIFPRO, 2019). These tribunals and organisations usually deal with cases concerning disciplinary sanctions against athletes; related to doping matters or other forms of misconduct under disciplinary rules or code of ethics; or relevant contracts between athletes, clubs and sports bodies once these cases have gone through the internal mechanisms of sport bodies. These mechanisms have not been designed specifically to address human rights cases arising from the delivery of MSEs, and the majority of cases dealt by them concern disputes arising from day-to-day sports.

More relevant for the present context are grievance mechanisms developed by MSE organising committees, such as London's Organising Committee for the Olympic Games (LOCOG)

Complaint and Dispute Resolution Mechanism, which was developed to resolve complaints and disputes related to breaches of the Sustainable Sourcing Code (LOCOG, 2012; see Battaglia, Chapter 20). The code mainly contains social and environmental standards related to the products and services procured and licensed by LOCOG through its supply chain. Some of these standards overlap with human rights standards, such as complaints related to freedom of association, wage-related issues and hours of work, all of which were dealt with by the LOCOG mechanism (Olympic Delivery Authority, 2012, pp. 5–7). Tokyo's Organising Committee for the Olympic Games (TOCOG) also launched a grievance mechanism for the Tokyo 2020 Summer Olympics based on its Sustainable Sourcing Code. However, this mechanism, and others offered by game delivery partners, including the Tokyo Metropolitan government, were criticised for not being effective or unusable and for generating a lack of awareness among the intended users (Building and Wood Workers' International, 2019).

The most authoritative judicial mechanism in the world of sport is the Court of Arbitration for Sports (CAS). It is a private body originally established by the IOC to function as a 'regulator' of the Olympic system (Chappelet and Kübler-Mabbott, 2008, ch 7). It resolves sport-related disputes through arbitration and renders legally binding awards. The trend in adoption of human rights provisions in host city contracts and bidding regulations means the likelihood of MSE-related cases of human rights abuses ending up before CAS has grown due to those contracts and regulations also including arbitration clauses with reference to CAS. To recall, the IOC added human rights provisions to the Host City Contracts (HCCs) for the Olympic and Paralympic Summer Games of 2024 and 2028 (IOC, 2017b, 2017c, p. Art 13; Mega-Sporting Events Platform, 2017b). FIFA adopted new bidding regulations for the 2026 Men's World Cup, requiring bidders to develop a human rights strategy and conduct an independent human rights risk assessment (FIFA, 2017). The IOC's Candidature Cooperation Agreement, which is the agreement the bidders enter into during the bidding stage, also refers to CAS (IOC, 2017a, p. 51). The arbitration clauses with explicit reference to the CAS can be invoked in cases of non-performance of obligations within these contracts (see IOC, 2017c, p. 51.2). Hence, in theory, under the new regulations, human rights disputes related to organising or staging the Olympic and Paralympic Games or the FIFA World Cup could end up before the CAS (Heerdt, 2018, p. 181 ff). This possibility is further supported by the fact that CAS arbitration is also included in the constitutional documents of both FIFA and the IOC. The Olympic Charter contains a general obligation to submit 'Any dispute arising on the occasion of, or in connection with, the Olympic Games . . . exclusively to the Court of Arbitration for Sport, in accordance with the Code of Sports-Related Arbitration' (IOC, 2020). FIFA's statutes oblige all member associations to accept the general jurisdiction of the CAS, for example, on matters related to the fulfilment of obligations under FIFA regulations, which would include the bidding regulations (FIFA, 2022, arts 11(4)(c), 14(1)(a), 56).

State-based judicial mechanisms

Despite both FIFA and the IOC prohibiting recourse to ordinary courts of law for sports-related disputes in their statutes and the Olympic Charter respectively, MSE-related human rights issues have ended up before national courts in limited circumstances. One example is the case filed by Dutch trade union FNV, together with Building and Wood Workers' International (BWI), the Bangladeshi Free Trade Union Congress and a migrant worker from Qatar against FIFA before the Swiss commercial court in Zurich (Handelsgericht des Kantons Zürich, 2017). FNV argued that as owner of the World Cup, by selecting Qatar as a host,

FIFA failed to prevent harm being caused to the workers involved (Prakken d'Oliviera and Schadenanwaelte, 2016, p. 1). Furthermore, FNV claimed that FIFA bears legal responsibility for allowing Qatar to participate in the bidding process, which should not have happened in the first place due to the country's weak protection of human and labour rights (Prakken d'Oliviera and Schadenanwaelte, 2016, p. 6). The case was filed in a Swiss commercial court because FIFA is headquartered in Switzerland. However, the court dismissed the case in January 2018 on formal grounds (Prakken d'Oliveira – Human Rights Lawyers, 2017), concluding that any remedy for victims would be highly dependent on the cooperation of Qatari authorities, who would be required to enforce it, and which the Swiss court arguably could not monitor (Prakken d'Oliveira – Human Rights Lawyers, 2017).

Another relevant case arose in a federal court in Brazil in relation to the right to peaceful protest and freedom of expression around Olympic venues. The court eventually ruled that banning people from Olympic venues for displaying political statements constitutes an infringement of their right to freedom of expression (Mackey, 2016). The case was filed by the *Ministerio Público do Brasil* (Public Prosecutor's Office) against the organisers of the Rio 2016 Olympic and Paralympic Games. While the Court did not hold them responsible, it ordered a temporary injunction suspending a ban on political protests in stadiums and decided that any future violations of the right to peaceful protest will be subject to a financial fine (Mackey, 2016).

State-based non-judicial mechanisms

Mechanisms administered on the state level which are not part of civil or criminal court procedures but are relevant to sport include National Human Rights Institutions (NHRIs)³ and OECD National Contact Points (NCPs).⁴ Regarding the latter, there have been four cases that have dealt with sports or MSEs more generally. While these procedures do not provide direct remedy to those affected, they arguably contribute to improving the respective situation on a more structural level. Three of those cases have been filed with the Swiss NCP, which is the Swiss body that deals with cases that may arise from an alleged non-observance of the OECD Guidelines for Multinational Enterprises. In 2015, BWI filed a complaint against FIFA at the Swiss NCP. According to BWI, FIFA:

Has violated the OECD Guidelines by appointing Qatar as the host State for the FIFA (2022) World Cup in Qatar in 2010. . . . The human rights violations of migrant workers in Qatar were widely documented. Therefore, it was evident, that the level of construction required for the FIFA (2022) World Cup would increase significantly the number of migrant workers living and working in Qatar and thereby increase the human rights violations.

(NCP Switzerland, 2015, p. 1)

The resulting mediation process between FIFA and BWI led to the identification of five items of particular relevance for changing the situation of migrant workers in Qatar: the identification and use of FIFA's leverage on relevant actors in Qatar, the Human Rights Policy emanating from the new Art. 3 of the FIFA Statutes, a robust process for monitoring labour conditions, mechanisms for workers' complaints and grievances and the establishment of an oversight/advisory body (NCP Switzerland, 2017, p. 3). Furthermore, the outcome of the mediation included a commitment by FIFA to use its leverage to its fullest extent without

violating domestic law to seek ways to monitor labour practices on World Cup construction sites (NCP Switzerland, 2017, p. 4).

The other case against FIFA was filed by Americans for Democracy and Human Rights in Bahrain (ADHRB) in 2016. According to ADHRB, FIFA was responsible for violating the OECD Guidelines by permitting Sheikh Salman bin Ebrahim al-Khalifa to run for the FIFA presidency without having conducted human rights due diligence on his candidacy (NCP Switzerland, 2016a). ADHRB alleged that he was responsible for the persecution of Bahraini football players and clubs involved in pro-democracy protests in 2011. The Swiss NCP dismissed the case for the reason that the OECD Guidelines do not apply to FIFA in this specific instance, as the issue raised does not concern FIFA's commercial operations but is rather a matter of governance and because the alleged violation falls outside of the scope of the OECD Guidelines (NCP Switzerland, 2016b, pp. 4–6). The same group also submitted a case against the Formula One Group before the UK NCP in 2014. It claimed that the Formula One Group failed to address human rights issues related to the Grand Prix in Bahrain by not disclosing any human rights due diligence practices (UK NCP, 2015). The UK NCP offered mediation, and an agreement was reached in 2015. The Formula One Group committed to taking further measures to address human rights issues linked to its operations in line with the OECD Guidelines and reaffirmed its respect for internationally recognised human rights standards (UK NCP, 2015, p. 7).

NHRIs can also play a significant role in providing accountability for MSE-related human rights abuses, and many of them have worked with sports bodies, with guidance from the Centre for Sport and Human Rights (CSHR), to find human rights-compliant ways to address sport-related harms. However, NHRIs have to date not been directly involved in addressing cases of MSE-related human rights abuses, while they have been part of human rights risk assessments conducted in the context of events (see the Scottish NHRI, mentioned in Jarvie, Chapter 37, or the Australian Human Rights Commission). In addition, cases from day-to-day sports, such as racial discrimination against athletes or cases of verbal or sexual abuse of athletes, have been filed with some NHRIs. Due to their mandate, NHRIs of MSE host countries could choose to become involved and potentially play a more significant role in supporting those adversely affected by MSE-related human rights abuses in access to remedy, in particular in cases of discrimination, as many NHRIs have a specific mandate to address those.

International mechanisms

In theory, host states of MSEs within the jurisdiction of the European Court of Human Rights (ECtHR) could be held responsible by ECtHR for human rights abuses that take place within the context of hosting the event and be ordered to compensate those affected. However, so far this has not happened, as no complaint has been filed in that regard. ECtHR has ruled on a number of cases related to sports more generally, clarifying that the European Convention on Human Rights (ECHR) applies to these situations, upholding the rights of those affected, holding states responsible for breaching their obligations and compensating those affected in some cases. For instance, Switzerland and Turkey have been held responsible for breaching Article 6 of the ECHR on the right to fair trial, and Serbia has been held responsible for violating the right to non-discrimination under Article 1 of Protocol no. 12 to the ECHR.⁵

Another example more indirectly relevant in the context of sport is the complaint procedure of the International Labour Organisation (ILO). In 2014 a number of states, including

Belgium, Libya, Jordan, Morocco, Sweden, the United Kingdom, Denmark, France, Canada, Pakistan, Kenya and Tunisia, filed a complaint against Qatar for breaching its obligations under the ILO's Forced Labour and Labour Inspection Conventions in the context of preparing the country for the 2022 FIFA World Cup, among other events and tournaments (ILO Governing Body, 2016, Appendix 1). The basis of the complaint was Qatar's sponsorship law (*kafala*) and inaction to stop common illegal practices such as confiscation of passports, contract substitution and recruitment fees in relation to migrant workers. While Qatar had not ratified any of the ILO Conventions relating to the protection of migrant workers, the ILO accepted the complaint and undertook a mission to Qatar in 2015 and a high-level tripartite visit to the country in 2016.⁶ As part of the procedures, the ILO reviewed relevant Qatari labour laws, which led to a number of recommendations for reforms and the introduction of new laws regarding a temporary minimum wage, a new dispute committee and the establishment of a workers' support and insurance fund (Equidem, 2022). A technical cooperation agreement was subsequently agreed on between Qatar and the ILO, commencing in 2017, to implement the recommendations.

Operational-level grievance mechanisms

Last, there are a number of mechanisms that exist at the MSE level or which are run by private actors involved in the MSE business. Following the definition provided in the UNGPs, these would be considered OGMs.⁷ These include any mechanisms administered by a company involved in the MSE business and contributing or directly linked to associated human rights abuses. A concrete example is the mechanism of the Coca-Cola Company, which sponsors the Olympic and Paralympic Games (The Coca-Cola Company, 2022). It has several mechanisms in place to address human rights issues in its supply chain, such as child labour or forced labour, but also for direct employees to report any work-related human rights abuses. Another example of an OGM from a sponsor is Adidas's 'Third Party Complaint Process for Breaches to the Adidas Group Workplace Standards or Violations of International Human Rights Norms' (Adidas, 2014). This mechanism could, for instance, be activated in the case of human rights abuses in the supply chain for Adidas products intended to be used for a particular MSE.

Gaps and challenges in access to remedy

In 2017, the authors of the Sporting Chance White Paper on Remedy identified the following three gaps in access to remedy for MSE-related human rights abuses:

1. Lack of binding and standing human rights policy and capacity across international sport bodies and as a consequence no recourse to dispute resolution for human rights cases;
2. Lack of sport-based human rights grievance mechanisms;
3. While the majority or all of MSE-related human rights issues could be addressed by existing mechanisms, this does not mean they will be able to meet all expectations, especially in terms of remediation and compensation to victims (Mega-Sporting Events Platform for Human Rights, 2017a, pp. 22–23).

Six years later, not much has improved. Many of these challenges still exist (World Players Association, 2021, p. 8), and additional concerns have been discovered, with new cases of MSE-related human rights abuses arising. Some are structural and cross-cutting in the sense

that they relate to the way these events and sports bodies are governed, while others are mechanism specific. Regarding the latter, national courts, for instance, struggle with the cross-border element that is often inherent to these cases, as cross-border jurisdiction of national courts is currently still the exception rather than the norm. Another often-heard argument against using national courts to address cases related to sports or MSEs is that they lack expert understanding of the world of sport or MSEs, such as sports bodies' rules and regulations (see Reilly, 2012, pp. 78–80). The problem with this argument is that in cases involving human rights abuses, the necessary specificity (or expertise) is about human rights harms and not sports. However, sports bodies' mechanisms have been developed with sport rules and values in mind and not designed for human rights cases. At the same time, the autonomy of sport, which prevails in many ways in legal structures and perceptions of people inside sports, slows down progress on building human rights capacity in relevant mechanisms. NHRIs, as another mechanism, are often constrained in the types of cases they can address due to their limited scope and mandate to deal with discrimination only (University of Essex, 2020). As we have seen earlier, the NCP-specific instance procedure is only available to disputes relating to commercial activities. Arguably, any MSE-related matter has sufficient commercial character because MSEs as such are a highly commercial undertaking. The internal mechanisms of sports bodies like FIFA and the IOC are focused on the rights of involved parties and athletes. This highlights the limited scope of some of these options, which presents obstacles to what kind of activities and contributions could be accounted for.

Indeed, most existing mechanisms in sport are tied to specific (and often narrow) institutional or normative standards (Hunter and Bridgeman, 2008, p. 193). Other structural challenges concern the power imbalances at play in the sporting and MSE contexts. This applies equally to cases against host states and companies as perpetrators (Shelton, 2005, pp. 2–3). Another problem is that per hosting agreements, FIFA and IOC remain excluded from legal responsibility due to indemnification clauses, which ensure that FIFA and the IOC cannot be held liable by third parties to any of the terms and conditions in the HCC or bidding regulations (see, for instance IOC, 2017b, rule 37). Moreover, when assessed against the effectiveness criteria of UNGPs, none of these non-judicial mechanisms would qualify as fully effective (UNGPs, 2011, Principle 31). While most of these options could be considered legitimate in one way or another, only some are accessible, predictable, equitable, transparent or rights compatible. The NCP procedure in the FIFA case has also been referred to as educational for both parties involved. Through the process of mediation, they gained better understanding of each other's expectations and their roles and responsibilities (CSHR, 2018a, p. 10). However, FIFA's Human Rights Advisory Board concluded in its second report that in those cases where victims could access certain mechanisms, it 'either took a long time to provide remedy or only provided partial remedy' (FIFA's Human Rights Advisory Board, 2018, p. 8).

An overview of recent initiatives

In recent years, a number of additional mechanisms have been developed or are being designed to address and overcome existing challenges. As a result of the increasing number of abuse cases being reported within the sporting context, more and more safe sport entities are being established on the national and international level, which, depending on their exact mandate, deal with cases of abuse in sports through investigating and providing remedies to those affected. FIFA has been working to create an international safe sport entity (Beutler, 2021). Sport Resolutions recently announced it is launching a pilot for new independent

disclosure and complaints mechanisms for Olympic and Paralympic sport across the United Kingdom (Sport Resolutions, 2022). However, these mechanisms seem to be a reaction more to human rights and integrity issues concerning sports in general, such as abuse or doping-related issues, without having a specific focus on issues arising from MSEs. In that sense, their focus is much more on athletes as rights-holders and less so on other groups and individuals whose rights can be negatively impacted by the staging of MSEs such as migrant workers, local communities, volunteers or fans.

Another interesting and relevant initiative is the new mechanism developed by the World Players Association called the ‘Sport and Human Rights Dispute Resolution Mechanism’ (World Players Association, 2021, p. 17). This initiative is a mediation and arbitration mechanism based on The Hague Rules on Business and Human Rights Arbitration, and cases would be registered at and administered by the International Bureau of the Permanent Court of Arbitration (PCA) at The Hague (*The Hague Rules on Business and Human Rights Arbitration*, 2019). While the intention behind this initiative is ‘not to replace existing effective and rights-compatible mechanisms but rather to complement them and to strengthen the remedy ecosystem available to different rights holders’, the main question is how it seeks to ensure that relevant parties, in particular sports organisations, will agree to participate in the process (World Players Association, 2021, p. 17). Sports bodies and professional athletes are usually bound by existing agreements that bind parties to use in-house mechanisms of sport bodies and/or CAS. In that sense, the new mechanism is more promising for third parties and those which are not covered by any arbitration agreement, including individuals adversely affected by MSE-related abuses. This means, for example, that for issues related to housing rights of affected communities, or labour rights of workers involved in event-related construction or other projects, the PCA mediation or arbitration mechanism could play a significant role in providing access to remedy for affected individuals, as long as the concerned parties agree to use it. In addition, the mechanism also introduces the option to request an advisory opinion on sport-related human rights issues. Assuming it can be requested by one party only, such an opinion could be a useful tool with a certain authoritative power if it is deemed legitimate and authoritative, which could push sport organisations or others involved in staging MSEs and related human rights abuses in the right direction to prevent, mitigate or remedy harms.

Finally, in addition to new institutions being developed for hosting new mechanisms, more ad hoc and specific remedy mechanisms are being established to address MSE-related human rights harms. One example is the complaint system that was part of the safeguarding policy of the Birmingham 2022 Commonwealth Games, which was in effect a reporting system that helps to deal with cases of discrimination or abuse affecting attendees, athletes or employees in the context of the Games. Another example, which has not materialised yet, is the calls by civil society to FIFA and the Qatari government for establishing a fund to compensate human rights abuses suffered by migrant workers in the preparation of Qatar 2022 (Amnesty International and others, 2022). It remains to be seen whether these calls are heard and acted upon.

Conclusion

Access to remedy for sport-related and MSE-related human rights abuses remains one of the most challenging aspects in creating a world of sport that fully respects and protects human rights. This overview of existing mechanisms and gaps highlights three things.

First, more work is needed to understand the challenges and find meaningful and effective ways to address them. This can be done by reforming existing mechanisms, such as CAS, and existing procedures in and outside of sport bodies and also by developing new mechanisms. Second, it is important to acknowledge that even the best prevention efforts cannot eliminate all harms and abuses that staging an MSE can bring with it. However, if remedy is done in an effective way, correcting the harm and compensating those affected, it can set powerful precedents that can help to prevent future harms. Third, due to the many actors that are potentially and often in reality involved in MSE-related human rights harms, remedy solutions need to be a collaborative effort, building upon a shared responsibility approach, taking the responsibilities of all involved actors into account, when addressing the human rights challenges around MSEs. Future MSEs, like the Women's World Cup 2023 hosted in Australia and New Zealand, the Olympic and Paralympic Games hosted in Paris in 2024 or the United World Cup in 2026, will face their own challenges and provide opportunities to apply new mechanisms and pilot new standards, which can improve access to effective remedy for human rights abuses beyond the MSE context.

Notes

- 1 See art. 8, Universal Declaration of Human Rights, 1948; art. 2(3), International Covenant on Civil and Political Rights, 1966.
- 2 See for instance www.nationalsportstribunal.gov.au/, www.sportresolutions.co.uk/, www.crdsc-sdrcc.ca/eng/home, or www.sportstribunal.org.nz/.
- 3 NHRIs are state-mandated bodies, independent of government, with a broad constitutional or legal mandate to protect and promote human rights at the national level. See <https://ennhri.org/about-nhris/>.
- 4 NCPs are agencies established by governments and mandated to promote and apply the OECD Guidelines for Multinational Enterprises. See <http://mneguidelines.oecd.org/ncps/>.
- 5 *Mutu and Pechstein v. Switzerland*, Appl No 40575/10 and No 67474/10 (ECtHR, 2 October 2018); *Fédération Nationale des Syndicats Sportifs (FNASS) and Others v France* Appl. Nos. 48151/11 and 77769/13 ECtHR (18 January 2018); *Šimunić v Croatia* Appl. No. 20373/17 ECtHR (22 January 2019); for an overview of sport-related cases before the ECtHR, see European Court of Human Rights, 'Sport and the European Convention on Human Rights' (2019) www.echr.coe.int/Documents/FS_Sport_ENG.pdf.
- 6 The ILO Conventions with relevance for the protection of migrant workers are C97, C143, and C181. Migrant workers are only mentioned in the preamble of the Declaration on Fundamental Principles and Rights at Work as group to pay special attention to. None of the core principles that apply to all ILO members explicitly relate to migrant workers.
- 7 The UNGPs define them as mechanisms which are 'accessible directly to individuals and communities who may be adversely impacted by a business enterprise. They are typically administered by enterprises, alone or in collaboration with others, including relevant stakeholders. They may also be provided through recourse to a mutually acceptable external expert or body. They do not require that those bringing a complaint first access other means of recourse. They can engage the business enterprise directly in assessing the issues and seeking remediation of any harm'. See commentary to Principle 29.

References

- Adidas. 2014. Third party complaint process for breaches to the Adidas group workplace standards or violations of international human rights norms. Available from: www.adidas-group.com/media/filer_public/3a/a8/3aa87bcf-9af9-477b-a2a5-100530e46b19/adidas_group_complaint_process_october_2014.pdf [Accessed 14 December 2022].

- Amnesty International. 2019. Reality check: the state of migrant workers' rights with four years to go until the Qatar 2022 World Cup. Available from: www.amnesty.org/download/Documents/MDE2297582019ENGLISH.PDF [Accessed 15 May 2019].
- Amnesty International and Others. 2022. Joint open letter to Gianni Infantino regarding remedy for labour abuses behind the 2022 World Cup – Amnesty International. Available from: www.amnesty.org/en/latest/campaigns/2022/05/qatar-joint-letter-to-gianni-infantino-regarding-remedy-for-labour-abuses/ [Accessed 14 July 2022].
- Australia, P. of 2019. National sports tribunal bill 2019 – explanatory memorandum. Available from: https://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r6302_ems_a10eddbf-e65f-4bfe-8a73-07b078d3c523/upload_pdf/698944.pdf;fileType=application%2Fpdf [Accessed 14 December 2022].
- Beutler, I. 2021. Final report of the consultation process to consider the creation of an international safe sport entity, October 2021. Available from: <https://digitalhub.fifa.com/m/26007b081f56ec2e/original/FINAL-REPORT-OF-THE-CONSULTATION-PROCESS-TO-CONSIDER-THE-CREATION-OF-AN-INTERNATIONAL-SAFE-SPORT-ENTITY.pdf> [Accessed 15 April 2022].
- Building and Work Worker's International. 2019. *The dark side of the Tokyo 2020 Summer Olympics*. Available from: www.bwint.org/web/content/cms.media/1542/datas/dark%20side%20report%20lo-res.pdf [Accessed 14 December 2022].
- Centre for Sports and Human Rights. 2018a. Meeting report: strategic dialogue on remedy. Available from: www.sporhumanrights.org/en/resources/meeting-report-strategic-dialogue-on-remedy [Accessed 8 January 2020].
- Centre for Sports and Human Rights. 2018b. The 2018 sporting chance principles. Available from: www.sporhumanrights.org/uploads/files/Sporting_Chance_Principles_2018.pdf [Accessed 8 December 2017].
- Chappelet, J.-L. and Kübler-Mabbott, B. 2008. *The International Olympic Committee and the Olympic system: the governance of world sport*. London: Routledge.
- The Coca-Cola Company. 2022. Reporting ethics concerns. Available from: www.coca-colacompany.com/policies-and-practices/reporting-ethics-concerns [Accessed 15 April 2022].
- Cornu, P., Cuendet, S. and Vidal, L. 2017. *Disciplinary and arbitration procedures of the sports movement*. 6th ed. Strasbourg: Council of Europe.
- Council of Europe. 2018. Human rights protection in Europe in the context of sports organisations' disciplinary and arbitration procedures good practice. Available from: <https://edoc.coe.int/en/online-resources/7688-human-rights-protection-in-europe-in-the-context-of-sports-organisations-disciplinary-and-arbitration-procedures-good-practice-handbook-no-5.html> [Accessed 14 December 2022].
- ECtHR. 2019. Sport and the European convention on human rights. Available from: www.echr.coe.int/Documents/FS_Sport_ENG.pdf [Accessed 14 December 2014].
- Equidem. 2022. If we complain, we are fired. Available from: <https://www.equidem.org/reports/if-we-complain-we-are-fired> [Accessed 10 January 2023].
- European Court of Human Rights. 2018. *Fédération Nationale des Syndicats Sportifs (FNASS) and Others v. France*.
- European Court of Human Rights. 2018. *Mutu and Pechstein v. Switzerland*.
- European Court of Human Rights. 2019. *Šimunić v. Croatia*.
- Fédération Internationale de Football Association. 2017. FIFA regulations for the selection of the venue for the final competition of the 2026 FIFA World Cup. Available from: http://resources.fifa.com/mm/document/affederation/administration/02/91/60/99/biddingregulationsandregistration_neutral.pdf [Accessed 3 January 2018].
- Fédération Internationale de Football Association. n.d. Supreme committee for delivery & legacy and BWI sign MoU for joint inspections on Qatar 2022 Stadiums. *FIFA.com*. Available from: www.fifa.com/worldcup/news/y=2016/m=11/news=supreme-committee-for-delivery-legacy-and-bwi-sign-mou-for-joint-inspe-2850955.html [Accessed 1 June 2017].
- FIFA. 2018. FIFA statement on human rights defenders and media representatives. Available from: <https://resources.fifa.com/image/upload/ejflcedku14lm2v9zc03.pdf> [Accessed 12 June 2018].
- FIFA. 2022. FIFA statutes. Available from: https://digitalhub.fifa.com/m/3815fa68bd9f4ad8/original/FIFA_Statutes_2022-EN.pdf [Accessed 14 December 2022].

- FIFA's Human Rights Advisory Board. 2018. Second report by the FIFA human rights advisory board. Available from: <https://resources.fifa.com/image/upload/fifa-second-human-rights-advisory-board-report.pdf?cloudid=hw134aljrosbxevkwvh> [Accessed 10 June 2019].
- FIFPRO. 2019. Korean players win ground-breaking case. Available from: <https://fifpro.org/news/koreans-win-landmark-case-against-illegal-contract-termination/en> [Accessed 14 December 2022].
- The Hague Rules on Business and Human Rights Arbitration. 2019. Available from: https://www.cilc.nl/cms/wp-content/uploads/2019/12/The-Hague-Rules-on-Business-and-Human-Rights-Arbitration_CILC-digital-version.pdf [Accessed 13 August 2022].
- Handelsgericht des Kantons Zürich. 2017. *FNV, Bangladeshi free trade union congress, BWI, & Nadim Shariful Alam v. FIFA*. Available from: www.asser.academy/media/4117/fnv-vs-fifa-handelsgericht-zu-erich-3-january-2017.pdf [Accessed 9 January 2018].
- Heerdt, D. 2018. Tapping the potential of human rights provisions in mega-sporting events' bidding and hosting agreements. *International Sports Law Journal*, 17 (3–4). DOI: 10.1007/s40318-018-0129-8.
- Hunter, D. and Bridgeman, N. 2008. Narrowing the accountability gap: toward a new foreign investor accountability mechanism. *Georgetown International Environmental Law Review*, 20 (2).
- ILO Governing Body. 2016. Complaint concerning non-observance by Qatar of the Forced Labour Convention, 1930 (No. 29), and the Labour Inspection Convention, 1947 (No. 81), made by delegates to the 103rd Session (2014. of the International Labour Conference under article 26 of the ILO constitution. Available from: www.ilo.org/wcmsp5/groups/public/-ed_norm/-relconf/documents/meetingdocument/wcms_459148.pdf [Accessed 28 May 2019].
- ILO Governing Body. 2017. Complaint concerning non-observance by Qatar of the Forced Labour Convention, 1930 (No. 29), and the Labour Inspection Convention, 1947 (No. 81), made by delegates to the 103rd Session. 2014. of the International Labour Conference under article 26 of the ILO Constitution. Available from: https://www.ilo.org/gb/GBSessions/previous-sessions/GB326/WCMS_459148/lang--en/index.htm [Accessed 13 August 2022].
- International Olympic Committee. 2017. *Olympic charter*.
- IOC. 2016. Media complaints reporting tool. Available from: <https://secure.registration.olympic.org/en/media-complaint> [Accessed 4 September 2018].
- IOC. 2017a. Candidature process – Olympic Winter games 2026. Available from: https://stillmed.olympic.org/media/Document_Library/OlympicOrg/Games/Winter-Games/Games-2026-Winter-Olympic-Games/Candidature-Process-Olympic-Winter-Games-2026.pdf#_ga=2.236969411.377486577.1514982975-1597313024.1505207328 [Accessed 3 January 2018].
- IOC. 2017b. Host city contract principles games of the XXXIII Olympiad in 2024. Available from: https://stillmed.olympic.org/Documents/Host_city_elections/Host_City_Contract_Principles.pdf [Accessed 14 December 2022].
- IOC. 2017c. Host city contract principles games of the XXXIV Olympiad in 2028. Available from: <https://stillmed.olympic.org/media/DocumentLibrary/OlympicOrg/Documents/Host-City-Elections/XXXIV-Olympiad-2028/Host-City-Contract-2028-Principles.pdf> [Accessed 19 October 2017].
- IOC. 2020. Olympic Charter (2020), Rule 61(2). Available from: <https://olympics.com/ioc/olympic-charter> [Accessed 20 December 2022].
- LOCOG. 2012. LOCOG sustainable sourcing code. Available from: https://library.olympic.org/Default/doc/SYRACUSE/47420/locog-sustainable-sourcing-code-london-organising-committee-for-the-olympic-and-paralympic-games?_lg=en-GB [Accessed 14 December 2022].
- Mackey, R. 2016. Brazilians can protest against Temer inside Olympic venues, court rules. Available from: <https://theintercept.com/2016/08/09/brazilians-must-allowed-protest-inside-olympic-venues-court-says/> [Accessed 14 December 2022].
- Mega-Sporting Events Platform for Human Rights. 2017a. Remedy mechanisms for human rights in the sports context. Sporting chance white paper 2.4. Available from: www.ihrb.org/uploads/reports/MSE_Platform%2C_Remedies_Mechanisms_for_Human_Rights_in_the_Sports_Context%2C_Jan-2017.pdf [Accessed 12 September 2017].
- Mega-Sporting Events Platform for Human Rights. 2017b. 2024 Olympic bid evaluation – a human rights view. Available from: www.ihrb.org/uploads/briefings/IOC_2024_Evaluation_-_Briefing_-_25_July_2017.pdf [Accessed 25 July 2022].

- NCP Switzerland. 2015. Specific instance regarding the Fédération Internationale de Football Association (FIFA) submitted by the Building and Wood Workers' International (BWI) – Initial Assessment. Available from: www.seco.admin.ch/seco/en/home/Aussenwirtschaftspolitik_Wirtschaftliche_Zusammenarbeit/Wirtschaftsbeziehungen/nachhaltigkeit_unternehmen/nkp/Statements_zu_konkreten_Faellen.html [Accessed 6 March 2023].
- NCP Switzerland. 2016a. Specific Instance regarding the Fédération Internationale de Football Association (FIFA) submitted by Americans for Democracy and Human Rights in Bahrain (ADHRB) – Initial Assessment. Available from: www.seco.admin.ch/seco/en/home/Aussenwirtschaftspolitik_Wirtschaftliche_Zusammenarbeit/Wirtschaftsbeziehungen/nachhaltigkeit_unternehmen/nkp/Statements_zu_konkreten_Faellen.html [Accessed 6 March 2023].
- NCP Switzerland. 2016b. Initial assessment – specific instance regarding the Fédération Internationale de Football Association (FIFA) submitted by Americans for Democracy and Human Rights in Bahrain (ADHRB). Available from: www.seco.admin.ch/seco/en/home/Aussenwirtschaftspolitik_Wirtschaftliche_Zusammenarbeit/Wirtschaftsbeziehungen/NKP/Statements_zu_konkreten_Faellen.html [Accessed 9 January 2018].
- NCP Switzerland. 2017. Specific Instance regarding the Fédération Internationale de Football Association (FIFA) submitted by the Building and Wood Workers' International (BWI) – Final Statement. Available from: www.seco.admin.ch/seco/en/home/Aussenwirtschaftspolitik_Wirtschaftliche_Zusammenarbeit/Wirtschaftsbeziehungen/nachhaltigkeit_unternehmen/nkp/Statements_zu_konkreten_Faellen.html [Accessed 6 March 2023].
- Olympic Delivery Authority. 2012. Learning legacy: lessons learned London 2012 learning legacy, December, 1–12. Available from: <http://learninglegacy.independent.gov.uk/themes/health-and-safety/research-summaries.php> [Accessed 14 December 2022].
- Point, U.N.C. 2015. Final Statement following agreement reached in complaint from Americans for Democracy and Human Rights in Bahrain (ADHRB) against formula one group companies. Available from: https://assets.publishing.service.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 [Accessed 14 December 2022].
- Prakken d'Oliveira – Human Rights Lawyers. 2017. Swiss court rejects case against FIFA on formal grounds. Available from: www.prakkendoliveira.nl/en/news/swiss-court-rejects-case-against-fifa-on-formal-grounds [Accessed 6 February 2017].
- Prakken d'Oliveira and schadenanwaelte. 2016. FNV & Nadim Shariful Alam v FIFA – Case summary. Available from: www.prakkendoliveira.nl/images/nieuws/2016/case_summary_fnv__alam_vs_fifa.pdf [Accessed 17 October 2016].
- Reilly, L. 2012. Introduction to the Court of Arbitration for Sport (CAS) & the role of national courts in international sports disputes, a symposium?. *Journal of Dispute Resolution*, 1.
- Shelton, D. 2005. *Remedies in international human rights law*. 2nd edn. Oxford University Press. DOI: 10.1093/acprof:oso/9780199207534.001.0001.
- Sport Resolutions. 2022. Sport integrity: a new independent disclosure and complaints service for Olympic & Paralympic sport | sport resolutions. Available from: www.sportresolutions.com/news/view/sport-integrity-a-new-independent-disclosure-and-complaints-service [Accessed 15 April 2022].
- United Nations. 2011. Guiding principles on business and human rights: implementing the United Nations “protect, respect and remedy” framework. DOI: HR/PUB/11/04.
- United Nations General Assembly A/72/162. 2017. Report of the working group on the issue of human rights and transnational corporations and other business enterprises.
- University of Essex. 2020. The role of national human rights institutions in access to justice and dispute resolution, research project. Available from: www.essex.ac.uk/research-projects/the-role-of-national-human-rights-institutions-in-access-to-justice-and-dispute-resolution [Accessed 23 August 2020].
- World Players Association. 2021. Ensuring access to effective remedy – the players strategic pathway to justice. Available from: <https://uniglobalunion.org/wp-content/uploads/WPA-Access-to-Remedy.pdf> [Accessed 15 April 2022].