

CHAMPIONING HUMAN RIGHTS

IN THE GOVERNANCE OF
SPORTS BODIES

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ABOUT

The Mega-Sporting Events Platform for Human Rights is an emerging multi-stakeholder coalition of international and intergovernmental organisations, governments, sports governing bodies, athletes, unions, employers, sponsors, broadcasters, and civil society groups. The MSE Platform is chaired by Mary Robinson, and facilitated by IHRB.

MSE Platform members are working together to develop more comprehensive, consistent, and accountable approaches to managing social risks and adverse human rights impacts arising from MSEs, and overcome the barriers to better knowledge transfer and good practice within and between sport traditions and events. The MSE Platform will formally launch the Centre for Sport and Human Rights in June 2018 and will develop support and guidance for all actors responsible for delivering MSEs.

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Founded in 2009, IHRB is the leading international think tank on business and human rights. IHRB's mission is to shape policy, advance practice and strengthen accountability in order to make respect for human rights part of everyday business.

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ABOUT THIS GUIDE

PURPOSE

Sports Bodies are critical actors in delivering mega-sporting events, setting the expectations and standards to which events should be delivered. Through implementing human rights within their own governance and operations, Sports Bodies can take important steps towards protecting the values of sport and implementing respect for human rights.

This Guide introduces human rights to Sports Bodies, large and small, drawing on lessons from the International Olympic Committee, FIFA, UEFA, and the Commonwealth Games Federation and outlining four tangible steps that Sports Bodies can take to build human rights into the governance of their organisations. Focussed explicitly on governance, this Guide is intended for consideration at executive and board level of Sports Bodies.

CONSULTATION

This Guide is intended to be a living document that will evolve over time to capture emerging good practices from across the world of Sports Bodies. The authors welcome case studies and examples of promising practice to incorporate into future editions.

A programme of further work will also be undertaken to explore implementing this guidance across the range of Sports Body operations and how they can maximise their leverage to achieve change. The MSE Platform will be conducting outreach to pilot this Guide with Sports Bodies internationally and tailor materials specifically for smaller Sports Bodies.

FOREWORD

This Guide promotes a coherent approach to aligning sporting values and human rights. It provides practical steps for Sports Bodies to follow and is intended to be a helpful tool for sporting organisations at all levels and of all capacities.

Sports Bodies are custodians of sporting movements that have inherent potential to create positive change. To realise this potential it is essential that respect for human rights be embedded within governance and operations, and that policies, systems, and practices regularly evolve to reflect the continually developing human rights landscape. This should also be the starting point for engaging with critical issues such as integrity, equality, and fair play.

Sports Bodies have a responsibility to respect human rights: that is, to provide equal opportunity to play and to avoid people's human rights being harmed through their activities or business relationships, and to address harms that do occur. At all times Sports Bodies should strive to act responsibly, through their governance, through proper safeguarding, and through respecting the rights of all stakeholders including athletes, fans, communities, workers, children, volunteers, journalists, human rights defenders, and potentially marginalised groups.

The Commonwealth Games Federation, the International Olympic Committee, FIFA, and UEFA have all made significant progress by each publically committing to respect human rights throughout their activities and taking steps to build those commitments into how they operate. We must also remember that most sport is played at a grassroots level, and not all organisations have the capacities of those who have shown leadership to date. Indeed, within the world of sport there is already a great deal of good work that enhances, promotes, and respects human rights. This must be identified, celebrated and learned from.

The Mega-Sporting Events Platform for Human Rights stands ready to support Sports Bodies around the world in implementing this guidance. By working collaboratively on these issues our chance of ensuring harm free sport for all can only be enhanced.

David Grevenberg, Chief Executive
Commonwealth Games Federation



David Rutherford, Chief Commissioner
New Zealand Human Rights Commission



OVERVIEW

ALIGNING SPORTING VALUES WITH HUMAN RIGHTS

Sports Bodies typically embody a set of core values, and a prevailing belief that sport has the power to be a force for good in society.

This is reflected in their mission and values, efforts to address integrity issues and ensure that the legacy and development of sport continues for the benefit of all. This helps to create an environment underpinned by respect and cooperation, which strengthens the promotion of and respect for human rights.

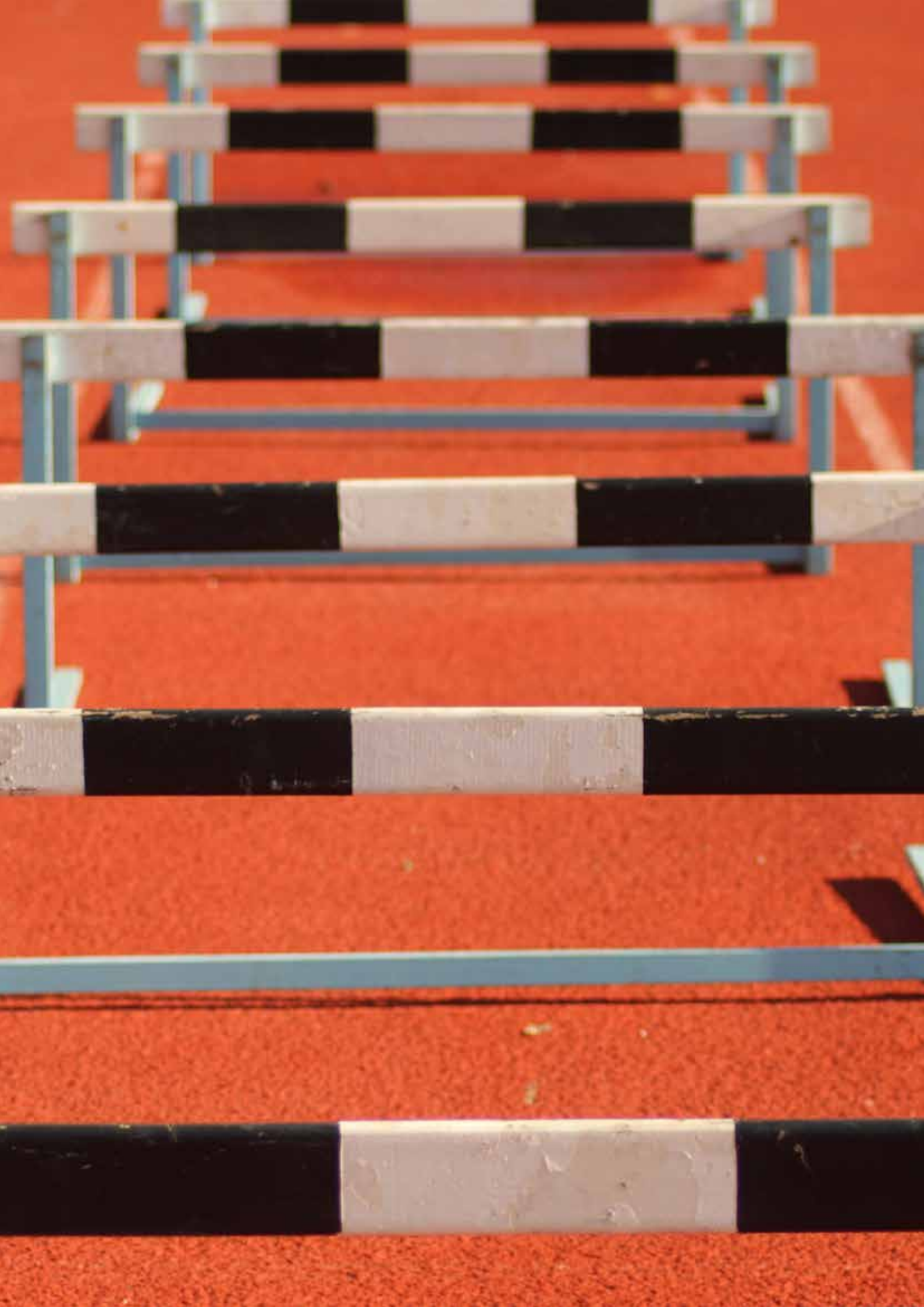


OVERVIEW

IMPLEMENTING HUMAN RIGHTS IN THE GOVERNANCE OF SPORTS BODIES

Sports Bodies should follow these four steps in the governance of their organisations to demonstrate that they are promoting the values of sport and showing respect for human rights in line with best practice and international norms, notably the UN Guiding Principles on Business and Human Rights.





INTRODUCTION

Participation in sport and physical activity plays an important role in bringing people together around common values of fair play, integrity, teamwork, excellence, respect, tolerance and friendship. Sports Bodies play a role in promoting these values and help to create an environment underpinned by respect and cooperation, which strengthens the promotion of and respect for human rights. The language of human rights draws all of these things together with a common narrative that enables the values of sport and respect for human rights to be pursued collaboratively.

The clearest link between human rights and sport is often found in the planning and delivery of mega-sporting events (MSEs) like the Olympic Games or the FIFA World Cup. These events attract major construction projects and merchandise supply chains and bring together a large number of stakeholders, including workers, athletes, fans, media and others creating the potential for positive and negative impacts on human rights. Most of sport in the world, however, is played, coached and administered on a much smaller scale at a local level. This means that all Sports Bodies, large and small, local and international, have a role to play in protecting the values of sport and in respecting people's human rights.

Respect for human rights means not to infringe the rights of others. Put simply this means "do no harm". This does not just require that Sports Bodies prevent actively causing harm but also that they take positive steps to prevent and mitigate involvement in human rights harm.

“ Where, after all, do universal human rights begin? In small places, close to home... the world of the individual person; the neighbourhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.

Eleanor Roosevelt

Participation in sport and physical activity is a recognised right to which people are entitled:

- Article 1 of the Revised International Charter of Physical Education, Physical Activity and Sport adopted by UNESCO's General Assembly (2015) states that: "The practice of physical education, physical activity and sport is a fundamental right for all".
- Article 30 of the UN Convention on the Rights of Persons with Disabilities affirms the right of persons with disabilities to: "Participation in cultural life, recreation, leisure and sport".
- Article 31 of the UN Convention on the Rights of the Child states that: "Children have the right to relax and , and to join in a wide range of cultural, artistic and other recreational activities".
- Article 10 of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) states men and women should have "the same Opportunities to participate actively in sports and physical education"; and Article 13 states that: women have the "right to participate in recreational activities, sports and all aspects of cultural life".

Sport and physical activity is also an important facilitator of a number of other internationally recognized human rights, including:

- The right to participate in cultural life, enshrined in Article 27 of the UDHR and Article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).
- The right to health, enshrined in Article 25 of the UDHR, Article 12 of the ICESCR, Article 5 of the Convention on the Elimination of All Forms of Racial Discrimination and Article 11 and 12 of CEDAW.
- The right to rest and leisure, included in Article 24 of the UDHR and Article 7 of the ICESCR.

Sport has also proved to be a cost-effective and flexible tool in promoting peace and development objectives. Sport's role for social progress is further acknowledged in the Sustainable Development Goals:

“ Sport is also an important enabler of sustainable development. We recognize the growing contribution of sport to the realization of development and peace in its promotion of tolerance and respect and the contributions it makes to the empowerment of women and of young people, individuals and communities as well as to health, education and social inclusion objectives.

Declaration of the 2030 Agenda for Sustainable Development

SPORTS BODIES AND HUMAN RIGHTS

Sports Bodies (international, regional and national sports federations) and their respective movements vary greatly in terms of their size, remit, and organisational structure. Some are legally constituted as private companies within given national jurisdictions. Others - including many of those based in Switzerland – are registered as non-profit associations.

Larger organisations like the International Olympic Committee (IOC) and Commonwealth Games Federation (CGF) regulate and sanction the delivery of multi-sport events as well as the development of affiliated regional and national organisations, while maintaining strategic relationships with the international sports federations who develop, officiate and oversee the individual sports at their signature events. A number of international federations like FIFA and World Rugby, or confederations like UEFA, govern at a sport-specific level and also sanction and orchestrate single-sport mega events. Other sports federations periodically run major championships but with a few exceptions are generally concerned with overseeing the development and execution of the rules and regulations of their sport, and the development of their sport or sporting movement at the international, regional or local level.

Despite these organisational and operational differences Sports Bodies are also custodians of sporting movements and already promote the values of sport by ensuring that standards of equal opportunity, diversity, anti-discrimination and integrity are upheld. Respect for human rights should not be seen as separate from these objectives, rather respect for human rights ties all of these things together under the common narrative of “harm free sport”.

Sports Bodies already take steps to promote integrity in sport, ensure the development of the game and safeguard the well-being and dignity of athletes, fans, officials, volunteers, employees, and local residents. They do this, for example, by providing safe and decent conditions of work, by enforcing non-discriminatory policies and ensuring their sports and sport venues are accessible to persons with disabilities and from all genders and backgrounds, or by procuring equipment and services responsibly. The importance of maintaining the goodwill and social license of governments, local businesses and residents, and contributing a positive social benefit is increasingly well understood. These activities support Sports Bodies’ objectives of respecting human rights.

This Guide articulates a framework to support Sports Bodies, from larger international organisations to smaller governing bodies and associations, in implementing their responsibility to respect human rights. By drawing upon lessons from larger Sports Bodies related to the governance of their organisations, this Guide outlines a number of steps that can be considered by all organisations. Some questions will not be applicable to all organisations because of their size, scope or geographic spread.



GOVERNANCE AND HUMAN RIGHTS

To ensure the values of sport and respect for human rights are pursued collaboratively, Sports Bodies must embed respect for human rights in the systems and processes by which their organisations are directed and controlled.

This requires reference to the organisation's central governing body (i.e. its board-level functions, committees and sub-committees, and the division of responsibilities), the individuals that make up those governing functions (i.e. their skills, experience, independence and competence), and the processes by which they come to perform those roles.

It also requires reference to constitutional documents and the governing rules and regulations of the organisation that set out how its activities should be performed. Across all organisations risk management frameworks as well as oversight and escalation processes will also be relevant. Organisations must also have reference to disciplinary and dispute resolution procedures.

The UN Guiding Principles on Business and Human Rights (UN Guiding Principles) provide a globally authoritative framework for Sports Bodies to embed respect for human rights into governance and risk management systems and processes. The UN Guiding Principles serve as a common reference point because they explicitly reference international human rights norms and standards, providing Sports Bodies with a practical way to respect these standards and mitigate associated risks.

The UN Guiding Principles on Business & Human Rights

The UN Guiding Principles are based on three pillars, stating that:

- States have a duty to protect human right including from abuse by third parties through policies, legislation, regulation and adjudication
- Business enterprises, including Sports Bodies, have a responsibility to respect human rights, that is, they should avoid infringing the human rights of others and address any infringements they are involved in
- Both States and business enterprises should ensure access to effective judicial and non-judicial remedy when human rights are harmed

This Guide aims to support Sports Bodies to make sure that their governance systems and processes, as distinguished from the day-to-day operational management, equip them to show that their organisation is promoting the values of sports and demonstrating the responsibility to respect human rights in line with the UN Guiding Principles and best practice. It is designed to help Sports Bodies improve their supervisory and management board-level operation and oversight of human rights issues.

The terminology used in this Guide reflects language most often used by businesses (i.e. boards, executive management teams, committees, etc.). This may differ slightly from that used by a number of Sports Bodies, where terms like Congress, Council, Executive Committees are sometimes more common.

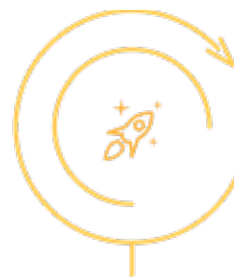
Human Rights Due Diligence

The UN Guiding Principles call on organisations to carry out human rights due diligence, which is a process to help enterprises identify, prevent, mitigate and account for how they address their adverse human rights impacts. Leading instruments offering guidance on human rights due diligence include the OECD Guidelines for Multinational Enterprises, ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), and ISO 26000. A number of initiatives might also provide Sports Bodies with practical and sector-specific guidance on carrying out human rights due diligence, for instance, OECD Due Diligence Guidance for Responsible Business Conduct and sectoral guidance for agricultural and textile sectors, among others.





STEP ONE: COMMIT AND EMBED



Make a public commitment to respect human rights and ensure this is embedded within organisational culture, standards, and practices.

A Sports Body should make sure that respect for human rights is at the core of its organisational culture so that it is a key part of how it does business, engages with stakeholders, manages its impacts, and communicates about its activities.

In making a public commitment Sports Bodies should ensure that this commitment is developed in consultation with internal and external stakeholders, in particular those with human rights expertise and that, at a minimum, it is aligned with key international human rights standards such as the UN Guiding Principles on Business and Human Rights, the ILO Declaration on Fundamental Principles and Rights at Work, and the OECD Guidelines for Multinational Enterprises, amongst others. Sports Bodies might also draw on standards that apply to vulnerable and marginalized groups such as the UN Convention on the Rights of the Child, as well as sport specific standards, such as the Sporting Chance Principles on Mega-Sporting Events and Human Rights.

A policy commitment should be adopted by the highest level of the organisation, that is, at board and/or constitutional level and should express the organisation's expectations of personnel, commercial partners, subsidiaries, members and member associations and other relevant parties linked to its operations and activities.

Embedding respect for human rights into organisational culture, standards and practices requires appropriate board-level operation and oversight of this commitment.

STEP 1 CHECKLIST: COMMITTING AND EMBEDDING

A Sports Body’s board should:

- UNDERSTAND HOW HUMAN RIGHTS ARE CURRENTLY DEALT WITH** by the organisation to identify gaps and opportunities, for example by mapping existing practices. This might include reference to accessibility, diversity, anti-bribery and corruption and anti-discrimination policies.
- BUILD SKILLS, EXPERIENCE, AND KNOWLEDGE** on human rights at both the board and executive management level, including within relevant commissions, committees or sub-committees.
- ENSURE APPROPRIATE DIVISION OF RESPONSIBILITY** for human rights issues at operational, management and board levels, and check there is adequate understanding of roles at each level.
- EMBED THE COMMITMENT** to human rights into relevant internal statutes, codes of conduct, governing regulations and associated processes, including those covering:
 - relationships with members and member associations
 - operation and composition of the board, e.g. board recruitment and diversity and training/capacity building
 - ethics and integrity, anti-bribery and corruption, anti-discrimination and gender, equality and diversity
 - relationships with athletes of all types
- ENSURE ESCALATION PROCESSES ENABLE** the most severe, or salient, human rights concerns to be dealt with at board level.
- DEVELOP INDICATORS** for human rights risk identification and management at board-level and review them regularly.
- ALIGN THE NARRATIVE** and messaging about the need to respect human rights within the organisation’s values and strategic objectives.



STEP TWO: IDENTIFY RISKS



Identify any actual and potential risks to human rights and prioritise for action those that are most salient (or severe).

Sports Bodies should take proactive steps to understand how existing and proposed activities could affect human rights.

These steps should be linked with ongoing processes of governance and risk management as well as one-off systems for identifying risks, such as event specific environmental or social risk assessments. Any process of human rights due diligence needs to identify risks to people, rather than traditional business risks. Sports Bodies should view risks to people as risks to the organisation itself, including risks to strategic and commercial objectives.

In identifying risks to human rights, Sports Bodies should draw on internal and external human rights expertise and involve meaningful consultation with affected individuals or where this is not possible with reasonable alternatives such as independent experts, including human rights defenders and others from civil society.

Sports bodies should prioritise human rights risks based on those that create the most severe risk of negative impact, that is, it's salient human rights risks. Sports Bodies should ensure that board-level function has adequate oversight and management of these risks. The UN Guiding Principles provide a useful framework for prioritising human rights risks, that is, those salient human rights risks, according to how grave, widespread and difficult they are to remedy.

STEP 2 CHECKLIST: IDENTIFYING RISKS

A Sports Body's board should:



IDENTIFY SALIENT HUMAN RIGHTS RISKS associated with activities and business relationships



INCLUDE WITHIN MANAGEMENT PROCESSES the identification of human rights risks in:

- Own activities, including the staff that it employees, procurement activities, its supply chain and sustainability;
- Events and tournaments, considering the entire lifecycle from planning to delivery;
- Sports management and governance, for instance its relations with member associations and the employment and transfer of athletes



REQUIRE EVENT BIDDERS to identify potential human rights impacts associated with their bids and how they would seek to address them



ENSURE FORMAL STRUCTURES exist for regular engagement with relevant internal and external stakeholders about human rights risks across the organisation involving human rights groups



ESTABLISH MECHANISMS TO ENABLE STAKEHOLDERS to raise human rights concerns with the organisation



STEP THREE: TAKE ACTION



Take appropriate action to address risks to human rights and provide access to remedy when necessary.

Sports Bodies should use their influence to prevent and mitigate identified risks to human rights that are linked to their activities, events and business relationships.

Sports Bodies should assess their ability to influence the behaviour of organisations and other stakeholders with whom they have relationships to prevent and manage human rights harm. This may include mapping stakeholders and partners and the avenues that exist to exert leverage over them.

Stakeholders

- National and regional member associations
- Local Organising Committees
- Sponsors, broadcasters/media, licensees
- Suppliers, contractors, recruitment agencies
- National, regional and local governments and officials
- Tourism and trade boards
- Trade unions and employer associations
- Local businesses
- Athletes
- Fans and supporters
- Communities
- Workers
- Children
- Human rights defenders/activists
- Vulnerable or marginalised groups

Opportunities to Influence

- Bidding criteria and processes for awarding events
- Engagement with member associations and federations during the event hosting phase
- Procurement contracts and services agreements, usually at local level
- Sponsorship and licensing agreements, including those awarded at local level (e.g. suppliers of goods carrying event logos) and at the international level (e.g. worldwide marketing rights)
- Broadcasting arrangements
- Contractual and financial arrangements with national and regional member associations
- Sector initiatives supporting collective action
- Leveraging the role of Sport Bodies as regulators of their respective movements

The extent to which opportunities exist for Sports Bodies to influence their stakeholders and business partners will depend on the structure of the organisation and the nature of its commercial relationships. In relation to events, for instance, influence to prevent and mitigate human rights risks may depend on the nature, composition and scale of the event and systems and structures in place for its delivery.

In many cases, Sports Bodies will not have contractual relationships with organisations that have the most leverage to address human rights issues. In such cases Sports Bodies should seek to build their leverage to address human rights issues. For example, procurement contracts and services agreements are generally commissioned and managed at a local level by local organising committees. Sports Bodies can encourage responsible behaviour by host governments and delivery partners by seeking to influence local organising committees, for example, by including human rights requirements and guidance in bid documents and hosting contracts.

Shift, a leading centre of expertise on the UN Guiding Principles, has identified five ways that may assist Sports Bodies to use their influence to prevent and mitigate human rights risks. These can be exercised by Sports Bodies themselves or the organisations and other stakeholders they engage with to prevent and manage human rights harm.

Forms of Influence

1. **Commercial influence:** using contractual terms, audits, bidding criteria, questionnaires and incentives for members, suppliers and business partners to ensure human rights standards are met
2. **Business influence:** building the capacity of commercial partners through training and driving expectations using international or industry standards like the UN Guiding Principles.
3. **Influence through actions with business peers:** working with peers to develop collaborative solutions and share lessons learned about addressing human rights issues
4. **Influence through direct engagement with local and international organisations:** working with civil society or international organisations to develop skills and knowledge at a local level, support monitoring and enforcement of standards and encourage a favourable regulatory environment to protect and respect human rights
5. **Influence through multi-stakeholder initiatives:** supporting collective action through collaboration with businesses, government, international and civil society organisations to develop standards and strategies for addressing human rights issues.

Sports Bodies should engage a wide range of stakeholders to address human rights issues and to understand and track the effectiveness of their actions. Where Sports Bodies identify that they have caused or contributed to a negative impact on human rights they must ensure that a timely and effective remedy is available.

STEP 3 CHECKLIST: TAKING ACTION

A Sports Body’s board should:

- IDENTIFY WHAT LEVERAGE THE ORGANISATION HAS** through its relationships and any avenues that exist for exerting influence in those relationships to support action to respond to human rights impacts
- INCLUDE HUMAN RIGHTS IN THE BIDDING DOCUMENTS** to host events and ensure that those bids are evaluated for compliance with that criteria using recognised human rights expertise
- REGULARLY ENGAGE WITH HOSTS** to reduce human rights impacts associated with events, and provide guidance to event hosts to support the prevention and mitigation of human rights impacts
- INCLUDE CRITERIA RELATED TO HUMAN RIGHTS PERFORMANCE** in contractual and financial arrangements with members and member associations
- DEVELOP AN ENGAGEMENT STRATEGY** to enable a constructive dialogue with a range of stakeholders about how the organisation is addressing human rights issues, this includes with affected groups
- ALIGN DISCIPLINARY PROCEDURES AND DISPUTE RESOLUTION BODIES** with the human rights policy commitment and make sure that individuals involved in those processes have adequate human rights training and expertise
- DEVELOP GRIEVANCE MECHANISMS** that enable complaints to be received and addressed in relation to how the organisation is addressing human rights issues, especially in relation to events



STEP FOUR: COMMUNICATE



Report and communicate how the organisation is addressing risks to human rights.

Sports Bodies should ensure they have appropriate processes for communicating how they are addressing human rights impacts both internally and externally in a way that is accessible and transparent.

This includes reporting on how they are addressing the most severe, or salient, risks to human rights. It should give specific information on how salient human rights issues are determined, including input from stakeholders. Reporting should allow the organisation to demonstrate how respect for human rights has been embedded across the organisation, including information on metrics and performance indicators. The UN Guiding Principles Reporting Framework provides a useful starting point for Sports Bodies to guide their reporting on human rights issues

STEP 4 CHECKLIST: COMMUNICATING

A Sports Body's board should:



REPORT REGULARLY on how salient human rights risks are identified and managed, including information on key geographies



ENSURE ADEQUATE INTERNAL PROCESSES EXIST for tracking and monitoring actions taken to address risks to human rights



REQUIRE COMMERCIAL PARTNERS AND MEMBER ORGANISATIONS to report regularly on how salient human rights risks are identified and managed



REQUIRE EVENT HOSTS to publish information about how they understand and are addressing risks to human rights in relation to tournaments and events



CHAMPIONING HUMAN RIGHTS
IN THE GOVERNANCE OF SPORTS BODIES

