



# Host Actors and Human Rights Due Diligence in the Sports Context

Sporting Chance White Paper 2.1  
Version 1, January 2017



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

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# The Mega-Sporting Events Platform for Human Rights

The Mega-Sporting Events Platform for Human Rights (MSE Platform – [www.megasportingevents.org](http://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](http://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

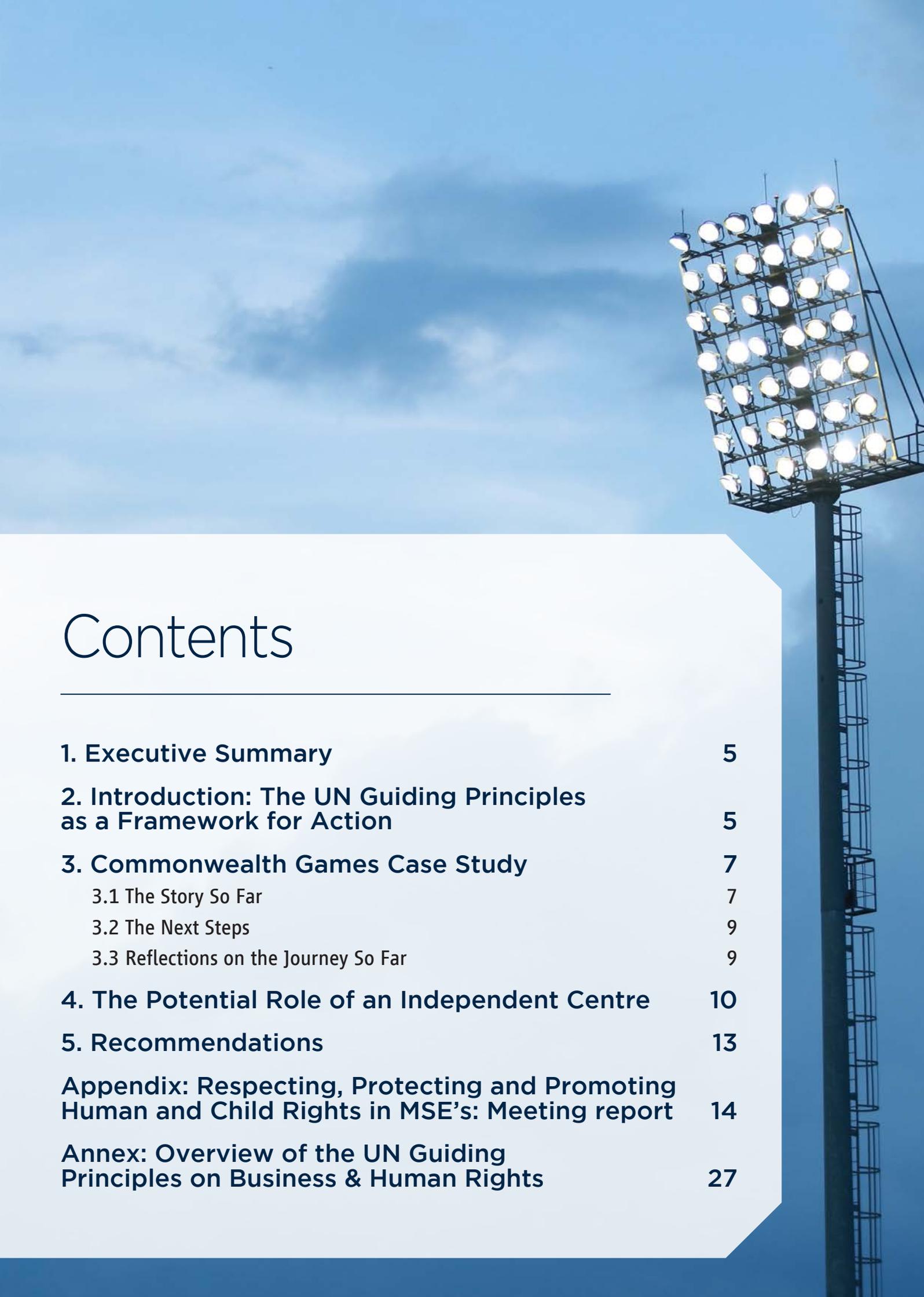
- White Paper 2.1 Host Actors and Human Rights Due Diligence in the Sports Context
- White Paper 2.2 Procurement and Human Rights in the Sports Context
- White Paper 2.3 Human Rights Risk Mitigation in the Sports Context
- White Paper 2.4 Remedy Mechanisms for Human Rights in the Sports Context

### 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

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|   |           |
|---|-----------|
| <b>1. Executive Summary</b>   | <b>5</b>  |
| <b>2. Introduction: The UN Guiding Principles as a Framework for Action</b>                           | <b>5</b>  |
| <b>3. Commonwealth Games Case Study</b>   | <b>7</b>  |
| 3.1 The Story So Far  | 7         |
| 3.2 The Next Steps  | 9         |
| 3.3 Reflections on the Journey So Far   | 9         |
| <b>4. The Potential Role of an Independent Centre</b>   | <b>10</b> |
| <b>5. Recommendations</b>   | <b>13</b> |
| <b>Appendix: Respecting, Protecting and Promoting Human and Child Rights in MSE's: Meeting report</b> | <b>14</b> |
| <b>Annex: Overview of the UN Guiding Principles on Business &amp; Human Rights</b>                    | <b>27</b> |

# Executive Summary

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1

Based on a case study from the Commonwealth Games, this paper explores the human rights duties and responsibilities of mega-sporting event (MSE) 'Hosts', defined as the event organising committee and their local and national government counterparts.

It reviews frameworks including UN Guiding Principles on Business and Human Rights (UN Guiding Principles) and Children's Rights and Business Principles as appropriate roadmaps for implementation by the state and private sector actors engaged in MSE delivery and legacy realisation.

It highlights an emerging area of good practice using a case study from the Commonwealth Sports Movement, providing an overview of the steps taken to date, future plans, and lessons learned so far. Whilst at an early stage, it provides a potential direction of travel for other international federations thinking of undertaking a similar journey to integrate human rights considerations in event hosting.

It concludes by reflecting on what this case study implies for an initiative for collective action, and how the initiative with the Commonwealth Sports Movement can provide valuable lessons to inform the development of more universal roles and functions. It concludes by focusing on the changing support requirements the Commonwealth Sports Movement is likely to need over time as buy-in and capacity in relation to human rights are built.

## Introduction: The UN Guiding Principles as a Framework for Action

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Given the mounting scrutiny in relation to the respect for and protection of human rights in connection to MSEs, the expectations placed on event hosts to take action and address these issues have never been higher.

MSE hosts play arguably the most critical role in ensuring that the consideration of human rights is integrated into the planning, staging, and legacy of an MSE.

Only when MSE hosts use the lens of human rights to examine their plans and activities will they understand the ways in which MSEs can positively or negatively impact on peoples' lives and be in a position to put in place effective systems to manage human rights issues.

Since MSE hosts include actors from both government and the private sector, the UN Guiding Principles on Business and Human Rights<sup>1</sup> provide an ideal framework to understand the human rights responsibilities and duties of both the organising committee and their local and national government counterparts, and hosts are beginning to use the UN Guiding Principles as a roadmap for understanding and addressing human rights risks linked to their MSEs.

In 2014 with support from the Scottish Human Rights Commission, IHRB, and others, the Glasgow Commonwealth Games Organising Committee became the first local organising committee in the world to develop a human rights policy statement and to report on its performance.<sup>2</sup>

The Games hosts also partnered with Unicef UK to raise awareness and funding to support children across the Commonwealth to realise their rights. The partnership included an initial child rights mapping exercise based on the UN Guiding Principles and the Children's Rights and Business Principles,<sup>3</sup> which sought to understand where Glasgow 2014 had an impact on children.

Building on this work, the Commonwealth Games Federation (CGF) has strengthened its commitment to human rights, and is supporting the hosts of the next four Commonwealth Games and Youth Games to understand and act on their impacts on people using the UN Guiding Principles as a roadmap.<sup>4</sup> See the case study below for further details.

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1 OHCHR, "UN Guiding Principles on Business & Human Rights" (2011), [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

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

3 See: <http://childrenandbusiness.org/>

4 The Commonwealth is an association of independent sovereign states spread over every continent and ocean, which comprises 2.2 billion people, or 30% of the world's population.

# Commonwealth Games Case Study

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## 3.1 The Story So Far

In March 2016, in partnership with Unicef UK, IHRB, and Terre des Hommes, the CGF convened a meeting to launch the initiative to integrate human rights considerations into the life-cycle of the Commonwealth Games. The CGF meeting marks a watershed for MSEs. For the first time an MSE awarding body and all its principal host partners came together to explore the ways they can collectively minimise human and child rights harm and maximise the opportunities for promoting human rights within the planning, delivery, and legacy of an MSE.

During the meeting, national and local government representatives from each of the upcoming Commonwealth Games and Commonwealth Youth Games host countries<sup>5</sup> joined forces with their counterparts from local organising committees.

The four teams of Commonwealth Games hosts were asked to reflect on the possible human and child rights challenges ahead, with the aim of identifying and learning how to deliver an MSE following a human rights-based approach. Observers from other sports governing bodies and experts from civil society, trade unions, academia and the UK government shared their expertise in human and child rights and supported discussions in the meeting.

At the end of the meeting, the four Games hosts teams had:

- Developed a shared understanding of some of the principle human and child rights risks and opportunities linked to the Commonwealth Games in their country
- Understood the human rights expectations placed on Commonwealth Games stakeholders as set out by the UN Guiding Principles and the Children's Rights and Business Principles
- Reached agreement on their shared roles and responsibilities in relation to human and child rights risks and opportunities
- Developed preliminary plans of what was needed to in order to implement human and child rights considerations into the lifecycle of each upcoming Games
- Given their commitment to pilot processes to implement human rights considerations into Games planning, delivery and legacy, with expert support

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<sup>5</sup> 2022 Nassau, Bahamas 2017, Gold Coast, Australia 2018, Belfast, Northern Ireland 2021 and Durban, South Africa

A key focus for the meeting was to start identifying potential human rights risks linked to the four upcoming Games. Participants identified common global, and specific local human rights risks relating to the Games, including:

- Discrimination against LGBT+ people, disabled people, and racial/religious groups
- Child labour and other human rights abuses in the supply chain
- Paying below the minimum and living wage
- Exploitation of migrant workers and possible tensions with low-skilled indigenous workers
- Clearing of homeless people and street-children
- Security risks – related to local and international challenges, terrorism, and impacts on local residents
- Community resentment at restriction of movement on local residents

Opportunities identified across host contexts included:

- Going beyond compliance to raise standards in procurement and business and human rights
- Greater social inclusion – advancing the rights of indigenous communities and poorer communities
- Tourism
- Skills development
- Better promotion or safeguarding of sensitive human rights issues e.g. addressing alcoholism, FGM

It was recognised by participants that in order to fully understand these risks and opportunities, there is a need to engage and consult with potentially affected stakeholder groups. A key take away from the meeting for Games Hosts was to return home and identify their key relationships and potentially affected groups, to begin the process of ongoing engagement.

At the end of the meeting, the Games Hosts, without exception, strongly committed to implementing a human rights due diligence-based approach to the Commonwealth Games and Commonwealth Youth Games delivery life-cycle. Each Games host was alive to the challenges ahead and the need to avoid ignorance and complacency. The CGF is championing this work, and is set to embed human rights within its own governance and bidding criteria (see Sporting Chance White Paper 1.2).

Since the meeting, work to implement human rights within the four Games hosts continues with the support of expert stakeholders. For example, the hosts of the 2018 Commonwealth Games in Gold Coast have taken steps to ensure that sustainability is a key focus in their planning and delivery. They are now finalising a Human Rights Statement that includes their commitment to human rights and how they plan to action this responsibility through the planning, staging and legacy of the Games.

## 3.2 The Next Steps

The commitment of four consecutive Commonwealth Games and Youth Games Hosts alongside the leadership of the CGF, and the ongoing support of experts across the human and child rights landscape, provides a unique opportunity to pilot new ways of working that clearly place human and child rights at the centre of MSE planning, delivery and legacy.

Building on the outcomes of the meeting detailed above the Commonwealth Games Movement is embarking on a long term project that aims to protect and promote the human and child rights of all those impacted by future Mega Sporting Events, with support from the Oak Foundation, Unicef, IHRB and others.

This project aims to:

- Pilot of the implementation of human and child rights considerations within the four upcoming Commonwealth Games
- Develop bid criteria to embed these considerations into the process of awarding and delivering future Commonwealth Games
- Develop international guidance to assist Games Hosts in the integration of a human rights approach, for all organisers of MSEs, through learning from the four pilots

With central technical support provided by Unicef and its partners, and drawing on both local and international expertise, this ambitious initiative will provide support to the four Games Hosts to further understand the human rights impacts of their Games and to establish policies and management processes to prevent, mitigate and remedy any risks to people. It will develop a platform to enable the Games Hosts to learn from each other, and provide training and guidance to build Games Host capacity around Human Rights.

Ultimately, the initiative will lead to new bid criteria for the Commonwealth Games, guidance for future MSE Hosts based on learning from the pilot, and a case study from which all future organisers can learn.

## 3.3 Reflections on the Journey So Far

Despite this initiative being in the first few months, three areas have already emerged as key to the project's overall success.

### Commitment

The ongoing commitment from the Commonwealth Games, both within the CGF and from the Games Hosts has been crucial in driving progress. Without the leadership

shown by the CGF, the initiative would never have got off the ground, but without the similar drive from each Games Host, success on the ground will not be possible.

## Expert Input

The support from expert stakeholders in the field of human and child rights has been vital. It has been key to draw on external expertise to build capacity and understanding within the Governments and Organising Committees, but the engagement needs to be meaningful and requires expert organisations to play the role of 'critical friend' to the Games Hosts in order for results to be achieved.

## Sharing Learning and Collaboration

The success of this work relies on the will of upcoming Hosts to share learning with each other, as well as learning from other sectors, from governments that have faced similar challenges, and bodies of knowledge around implementing human rights due diligence.

# 4 The Potential Role of an Independent Centre

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The initiative to develop Commonwealth Games hosts' understanding, capacity, and action on human rights requires a range of inputs from many different actors. In the short term, many of the stakeholders connected to the 'centre' have already provided and have committed to continue providing support to this initiative. Longer term, this initiative provides an opportunity to explore in more depth the kind of inputs that would add real value to Games hosts as they strive to include human rights considerations in MSE planning, delivery and legacy.

## Research

The starting point for the initiative was research; identifying past risks connected with similar events to make the case for action and identifying good practice to support future Hosts to develop their plans.

*A 'centre' that collates relevant research and learning could help facilitate easy access to this information. It could play a role in identifying and highlighting significant common issues, and sharing learning from the responses undertaken in other events.*

## Capacity Building

A core early element of this work has been to build capacity and understanding on human and child rights amongst the key stakeholders, supporting the hosts to identify their own risks to people and develop their own ways to address these risks.

*A 'centre' could provide, or sign-post Hosts towards local or international training opportunities in relation to human and child rights, the UN Guiding Principles and other relevant areas.*

## Advocacy

Advocacy, initially to the CGF on the importance of this initiative, and later to the Games Hosts by the CGF, has been a core element of the early days of this work.

*A 'centre' could build buy-in, momentum, engagement and ultimately a critical mass across a range of stakeholders, both local and international. It could use the collective platform to advocate for key areas of change, changing the paradigm so that consideration of human rights becomes the norm. It could play a critical role in supporting the main stakeholders to recognise where they need support, and to engage with those ready to assist.*

## Technical Expertise

Expert input, or sign posting to experts in terms of training, guidance, peer support and capacity building will continue to be a critical part of this initiative moving forward. Not only will experts be needed to support the process of identifying risks and engaging affected stakeholders, but also in providing input on the development of policies and processes as well as how best to provide access to remedy. Identifying and recommending who has the experience, knowledge and understanding of the local human rights context to make positive contributions to this project, will be vital. To date, the project has already supported NHRIs to link with the local organising committees.

*A 'centre' could share valuable insights about how risk identification and mitigation, and other areas of due diligence, have been developed in other related sectors and industries. It could also provide expert input to identify gaps or strengthen existing processes. It could identify and quality assure local training providers and consultants able to take on these roles. Finally, a 'centre' could develop model bid conditions for future MSEs to act as a roadmap for action on the part of awarding bodies.*

## Quality Assurance

As the four Games Hosts begin to enhance and develop their policies and processes to address the human and child rights risks they identify, a key role will be to support the development of these procedures and ensure they meet recognised standards.

*A 'centre' could provide a 'clearing house' where good practices are identified and shared. It could develop standards, blueprints, and models of good practice for others to draw upon.*

## Making Connections

Be it with other MSE Hosts, affected stakeholders or relevant experts, right from the outset, this project has aimed to connect people so they can share and learn directly from each other. A network of trusted agencies working in this space will be an invaluable resource moving forwards.

*A 'centre' could provide a platform where representatives of affected stakeholders can share concerns and have their voices heard, helping ensure more effective risk mitigation. It could help facilitate links between international federations as well as with experts, bridging different networks and creating a whole that is greater than the sum of the parts in terms of understanding, expertise and action.*

## Developing Guidance

A core objective of this initiative is to develop guidance that can be used by future Hosts. The lack of guidance in the sector has been identified as one of the drivers for this initiative.

*A 'centre' could develop a range of useful tools and guidance related to standard operating procedures, policies, and risk assessments in a language that both sectors understand. It could develop a toolkit on the UN Guiding Principles specifically for the MSE context.*

## Sharing Learning

Learning is at the heart of this work. Learning from past MSE hosts, learning from each other during the pilot, and making the lessons from the process available for others to learn from, are central to this initiative.

*A 'centre' could provide a platform to share the guidance developed through this project with other stakeholders involved in delivering MSEs, as well as sharing connections, research, good practice, toolkits and all the other areas highlighted above.*

# Recommendations

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The CGF vision for the long term is that the federation will build internal capacity on human and child rights and develop bid criteria and host city guidance to enable every future Commonwealth Games host to respect the rights of the people it affects. This vision has implications for the kind of support the CGF would need in both the short and long term.

In the short term the input needed will be related to lending or building capacity on human and child rights, supporting the development of the guidance and bid conditions and helping with Host City audits in relation to human and child rights.

In the medium term, the CGF would hope to be in a position to undertake the auditing and quality assurance functions in relation to Commonwealth Games host cities, holding them to account in relation to human rights. This would be preferred by the CGF to a model where an independent body took on that function.

Where an independent body could provide a valuable role is in holding the CGF accountable, providing additional due diligence oversight and conducting auditing of the CGF's activities on behalf of the federation's board.

This implies an evolving set of requirements for support, starting with capacity building, and transforming over time into an oversight role with access to a professional network of sports and human rights auditors and advisors.

This changing role implies a number of requirements for any source of support:

- No cost or low cost service provision (recognising the limited resources of many of the bodies involved in the Commonwealth Games Movement)
- Clarity on the changing role from capacity lending to capacity building to oversight
- The need for both independence and transparency on the part of any body that provides this kind of support

In conclusion, the development of a 'centre' should use as its starting point, what needs to happen in order for MSEs to respect, protect and promote human rights. It needs to build on the existing vision held by those involved in pushing this agenda forward within sport, for the way that capacity will be developed, lines of accountability will be formed and oversight will function. In that way, it will ensure that any support is relevant, useful and welcome, and really makes a difference for human rights.



# Appendix: Respecting, Protecting, and Promoting Human and Child Rights in MSE's: Meeting report

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London, 16–17 March 2016

## Summary

On 16-17th March 2016, the Commonwealth Games Federation (CGF) - in partnership with Unicef UK, the Institute for Human Rights and Business (IHRB) and Terre des Hommes (TDH) - convened a meeting in London. The meeting was designed to start a process that will integrate human and child rights considerations into the life-cycle of the Games. The main conclusions of the meeting were as follows:

- A commitment from the top – The Commonwealth Games Federation’s vision is underpinned by human rights. The CGF has committed to respecting human rights and working to benefit host societies.
- Rebuilding sport’s social licence – the Commonwealth Games (CG) cannot be a bystander to human rights abuses in sport – sport’s social license and legitimacy depends on people’s goodwill.
- Using a human rights lens: partnering with stakeholders – reassessing the CG life-cycle through a human rights lens unearths unfamiliar challenges, requiring support from civil society and union partners.
- Mega-sporting events (MSE) and human rights – Mega-sporting events have great potential for good, but there is a recurring pattern of suffering and human rights abuse that cannot continue. Good practice is needed.
- Working collectively to address human rights challenges – Collaborative solutions are now indispensable.
- A roadmap – The UN Guiding Principles on Business and Human Rights are a global

framework applying to government and commercial MSE organisers. They offer a systematic approach to ensuring respect for human rights, and are supported by the Children's Rights and Business Principles.

- The imperative of direct engagement with key stakeholders – assessing, preventing and mitigating human rights risks linked to MSEs calls for direct and ongoing dialogue with affected and vulnerable groups.
- Remediation – if human rights harm occurs, access to remedy for victims is required. Providing or participating in appropriate access to remedy is a shared responsibility between organising committee, the Government and other commercial actors, which requires joint action.
- Putting principles into practice – dilemmas and challenges will arise. A starting place is to map MSE organiser relationships and affected stakeholders, engage directly with those potentially affected and put action plans in place to minimise risks to people.

## Background

The first half of 2016 has witnessed an overdue period of innovation on human and child rights issues in the arena of mega sporting events. This follows the tumult of 2015, during which the sports industry experienced unprecedented scrutiny – not just over the FIFA corruption and IAAF doping scandals, but also in relation to ongoing human rights concerns, including over the treatment of migrant workers in Qatar and street children being forcibly evicted in Durban. Within the Commonwealth Games movement there have also been human rights issues, most notably connected to Delhi 2010. The Games in Glasgow 2014 and Samoa 2015 took important steps forward to address some of the issues seen in Delhi, and now the Commonwealth Games Federation (CGF) and other leading stakeholders in sport are taking practical steps to put respect for human rights high on their list of priorities.

FIFA commissioned Harvard Professor John Ruggie, the former UN Special Representative on Business and Human Rights, and supported by Shift Ltd., to oversee an independent review and develop recommendations in order to embed respect for human rights across FIFA's operations, resulting in the inclusion of human rights requirements in the bidding process for World Cups from 2026 onward.

In parallel, a multi-stakeholder process aimed at exploring the scope for an independent Centre for learning, legacy and accountability on human rights in sport is underway. Chaired by Mary Robinson and facilitated by the Institute for Human Rights and Business (IHRB), this process has support from sports bodies, UN and other international agencies, governments, sponsors and other commercial partners, trade unions, civil society and national human rights institutions.

## Introduction to the Meeting

On 16-17th March 2016, the CGF - in partnership with Unicef UK, IHRB and Terre des Hommes - convened a meeting in London. The meeting was designed to start a process that will integrate human rights considerations into the life-cycle of the Commonwealth Games. This builds on the groundwork laid by the Glasgow 2014 Commonwealth Games Organising Committee, which was the first local organising committee in the world to develop a human rights policy statement and to report on its performance.

The CGF meeting ('the meeting'), held during Commonwealth week, marked a watershed for MSEs. For the first time, a games owner, the CGF, and all its principal local partners from both government and the Organising Committees (OCs) for the next four Commonwealth Games and Youth Games, came together to explore the ways they can collectively minimise human and child rights harm and maximise the opportunities for promoting human rights within the planning, delivery and legacy of an MSE.

During the meeting central government/city-government representatives from each of the forthcoming CGs (to be held in Gold Coast, Australia in 2018, and Durban, South Africa in 2022) and Commonwealth Youth Games (to be held in the Bahamas in 2017, and Belfast in 2021), joined forces with their counterparts from the local OCs. These 'Games Hosts' were asked to reflect on the possible human and child rights challenges ahead, with the aim of identifying and learning how to deliver an MSE following a human rights-based approach. Observers from other sports governing bodies and experts from civil society, trade unions, academia and the UK government shared their expertise in human and child rights and supported discussions in the meeting.

The objectives set out for the meeting were to develop:

- A shared understanding of the main risks and opportunities that often arise with regards to human and child rights and MSEs, and an initial understanding of the specific issues in their local context;
- A grasp of the human rights requirements set out by the UN Guiding Principles and the Children's Rights and Business Principles vis-à-vis the obligations of States and commercial bodies (including organising committees, sponsors and commercial partners);
- Basic agreement on the Games Host's shared roles and responsibilities in relation to human and child rights risks and opportunities;
- A preliminary forward plan and recognition in broad terms of what is needed in order to implement human and child rights considerations into the lifecycle of MSE, and;
- Initial agreement on the guidance and support needed by Games Hosts, and a commitment to pilot processes to implement human rights considerations into Games planning, delivery and legacy.

# Setting a New Standard for Sport

## A Commitment from the Top

Respecting human rights is a high priority for the CGF and is reflected in its recent Transformation 2022 Strategy that was unanimously endorsed by the CGF General Assembly in September 2015. The CGF is responsible for organising the Commonwealth Games (CG), one of the world's largest multi-sports events, which is held once every four years among athletes from Commonwealth nations.<sup>6</sup> The CG date back to 1930 (then the British Empire Games) and is the same age as the FIFA World Cup. Today's Commonwealth Games are watched by a global audience of 1.6 billion, and involves over 4,500 athletes across 17 disciplines, representing 53 member states and 71 different territories. As such the potential for either human rights good or harm is enormous.

Like other sports bodies, the CGF has faced its share human rights challenges, notably in relation to the New Delhi 2010 CG, during which forced evictions and construction deaths were reported. Lessons from New Delhi, as well as more positive developments from Glasgow 2014, have informed the CGF's new vision.

During the meeting, David Grevemberg, CEO of the CGF, championed a leadership position on human rights. The CGF places a premium on inclusivity and bringing peace, sustainability and prosperity to wherever the CGF and its partners operate. As part of its core values of humanity, equality and destiny, the CGF is committed to ensuring that it leaves a positive and lasting impact on CG host communities. Human rights lie at the heart of this vision. Grevemberg issued a call to action, acknowledging that until the CGF embeds human rights within its culture, governance and management systems, as well as in the way it and its partners operate on the ground, its brand is on the line.

## Rebuilding Sport's Social Licence

Sport stands at a crossroads. Human rights concerns in Sochi, Rio and Qatar have been in the news repeatedly since 2014. Though the CGF is not directly implicated in these events, the CG and YCG are nonetheless part of the same ecosystem as the Olympics and FIFA World Cup. As such, Games Hosts and the CGF cannot be bystanders, or they risk being tainted by association.

During the meeting, IHRB warned that whereas twenty years ago it may have been possible to organise an MSE like the CG with only a political or legal license to operate, today with the advent of the internet, the 24-hour news cycle, and social media, securing a social license is just as important.<sup>7</sup> The success of MSEs depends on the support and goodwill of local communities. The social license of MSEs however is being questioned now as never before, evidenced in the Boston and Hamburg public votes to withdraw from races to

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<sup>6</sup> The Commonwealth is an association of independent sovereign states spread over every continent and ocean, which comprises 2.2 billion people, or 30% of the world's population.

<sup>7</sup> A guide to legitimacy in business, "The Social License", was written by John Morrison and published by Palgrave MacMillan in 2014 - <http://johnmorrisonbooks.com>

host the 2024 Olympic and Paralympic Games. The CGF, IHRB and UNICEF concurred that the legitimacy and trustworthiness of the sports sector as a whole requires that all key MSE players now find ways to leave a lasting and positive impact upon the societies that host the greatest sports tournaments, respecting all human rights, including the rights of children.

## Understanding the Games Through the Prism of Human and Child Rights

Efforts to embed human rights in the delivery of the CG demands a reassessment of how the Games are delivered from start to finish. Only then can the CGF and Games Hosts hope to understand the ways in which MSEs can positively or negatively impact on peoples' lives, including those of children and other vulnerable groups, and put in place effective systems to manage human rights issues.

During the meeting, UNICEF urged MSE organisers to look at planning and delivery through a new lens: the prism of child rights. By doing so, Games Hosts can gain fresh insights into the impacts of MSEs that previously went unseen. For example, this approach may create a more vivid understanding of how families and children are affected by forced evictions to develop land for new stadiums and infrastructure. This approach to understanding the impact of MSEs on children should be fully integrated into efforts to embed human rights in the life cycle of the Games.

The CGF acknowledged that sports organisers and hosts need to be humble when faced with new, unfamiliar challenges like human rights and accept that success may only be achievable through partnership. Building internal human rights capacity will be important for Games Hosts, but the CGF and Hosts can take advantage of a vast amount of knowledge and expertise, as well as offers of support from civil society, trade unions, national human rights institutions and other stakeholder groups.

## International Standards on Human Rights

A basic understanding of human rights is a pre-requisite as sports bodies and organisers embark upon a programme of reform. They are intrinsic to many of the world's cultures, religions and philosophies. The Universal Declaration of Human Rights (UDHR) forms the basis of modern human rights law. The UDHR articulates that each one of us is entitled to the same basic rights and freedoms; rights that are universal and cannot be revoked. These rights are elaborated in law through a number of UN treaties - such as the UN Convention on the Rights of the Child, or the Convention on the Rights of Persons with Disabilities, and the Conventions of the International Labour Organisation - which with a few exceptions national governments formally ratify. Human rights are further embedded through regional instruments such as the European Convention on Human Rights, the African Charter on Human and People's Rights and American Convention on Human Rights, and the Commonwealth Charter which underpins the CGF's work.

For an introduction into human rights, watch this video overview<sup>8</sup>

During the meeting IHRB observed that human rights are frequently misunderstood, and in many contexts come with negative connotations, sometimes being seen as foreign meddling in domestic matters, or only about helping 'others', often the most marginalised members of in society. In truth human rights are about our common dignity, and what binds people together rather than what sets them apart.

## Mega Sporting Events and Human Rights

MSEs have potential to bring about great human rights benefits: job creation, new skills development, social housing, urban regeneration, revitalisation of leisure spaces, boosts to health living, sports participation, tourism, improving social infrastructure and protection for children, shifting public attitudes to people who are disabled, women's participation in sport, as well as the potential to confront past injustices. Yet there is also a long a history of human rights violations associated with MSEs. Common violations include forced evictions, as seen in New Delhi and Brazil; criminalization or clearances of street children and homeless people as found in Atlanta and South Africa; construction deaths and migrant worker exploitation prevalent in Beijing and Qatar; allegations of sweatshop labour in the manufacture of merchandise and sporting goods in many MSEs; clampdowns on the right to protest and freedom of expression in Vancouver and London; indiscriminate policing in Brazil; and concerns around racism, homophobia and discrimination, affecting fans, athletes and local populations at many recent MSEs.

Pockets of good practice are emerging, such as new sourcing codes for the Vancouver 2010 Winter and London 2012 Summer Olympic and Paralympic Games; the establishment of an independent sustainability oversight body, and a complaints mechanism for London 2012; and the adoption of both a human rights policy and post-games human rights report by the Glasgow 2014 OC.<sup>9</sup> There is, however, limited knowledge-sharing and a lack of co-ordination across the sports sector to address human rights challenges.

During the meeting, human and child rights experts noted their concern that lessons are not being learnt regarding MSE and human rights. Research shows that many of the same human rights challenges are recurring from one MSE to the next.<sup>10</sup> This has ramifications for the social license for those involved in an MSE, especially if MSE's revisit the same country - as is or will be the case with Brazil (Rio), Russia (Sochi), South Africa (Durban) and China (Beijing). In the absence of a handover mechanism on human rights issues across the sporting traditions (anecdotal evidence suggests a deliberate distancing between the FIFA and Olympics Organising Committees in Brazil) there is an urgent need for change. Host stakeholders noted that though each OC has

<sup>8</sup> See: <https://www.youtube.com/watch?v=nDgIVseTkuE>

<sup>9</sup> Some examples of emerging good practice can be found on the resource website: [www.megasportingevents.org](http://www.megasportingevents.org)

<sup>10</sup> See IHRB, "Striving for Excellence - Mega-Sporting Events and Human Rights" (2013), <https://www.ihrb.org/megasportingevents/resource-view/report-striving-for-excellence-mega-sporting-events-human-rights>

a short working life and typically tight budget, their impacts can be long lasting. National, state and local governments, the CGF, Commonwealth Games Associations, and their commercial partners on the other hand, are around for the long-term and may all face consequences if they or their OC partner is implicated in human rights abuses. All participants recognised the need for more collaboration.

## Working Collectively to Address Human Rights Challenges

The organising and staging of any MSE, such as the CG, is an inherently collective endeavour. National and local governments and OCs have to work together to address many tasks, often under the scrutiny of the sports governing body. Each OC needs to collaborate with public officials and a range of commercial partners and other stakeholders to deliver the event in question. How is this to be done in a way that also respects the human rights of communities, athletes, spectators, and workers as well as down the supply chain?

During the meeting participants observed that when new sectors, like sport, come to address human rights for the first time, questions often arise such as: What does human right due diligence look like? How should we set priorities? Where does responsibility lie between governments and private actors?

The human rights experts explained that a new global standard: the UN Guiding Principles attempts to answer many of these questions.

## The UN Guiding Principles on Business and Human Rights - A Roadmap for MSEs

MSE organisers can employ the UN Guiding Principles and other international standards<sup>11</sup> to navigate their human rights challenges. In June 2011 the UN Human Rights Council unanimously endorsed the UN Guiding Principles, which were drawn up under the six-year mandate of Professor John Ruggie, the UN Secretary-General's Special Representative for Business and Human Rights, and developed after worldwide multi-stakeholder consultation. The UN Guiding Principles spell out that:

Governments have a duty to protect people's rights, including from abuses by businesses, for example through different forms of regulation and legislation, and in an MSE context by ensuring that agreements with Sports Governing Bodies are not at odds with their international treaty obligations.

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<sup>11</sup> MSE organisers can also take their lead from related standards like the 1998 ILO Declaration on Fundamental Principles and Rights at Work, OECD Guidelines on Multinational Enterprises (revised 2011) and ISO 26000.

Companies and commercial enterprises have a responsibility to respect human rights, which means to avoid infringing the rights of others and addressing the impacts in which they are involved. This includes sports federations, OCs and their commercial partners,

Both governments and companies have a shared responsibility to provide victims with access to remedy when things go wrong.

To learn more watch “UNGP’s and Business and Human Rights: An Introduction”<sup>12</sup>

During the meeting human rights experts addressed concerns that were raised around undue bureaucracy and the technicalities of working with the UN Guiding Principles.<sup>13</sup> They noted that the UN Guiding Principles are valuable in an MSE context because they apply to all the principal actors involved in delivering the Games. In addition, the Children’s Rights and Business Principles provide a helpful tool to understand the specific impacts of MSEs on children.

The experts stressed that the responsibility of commercial actors to respect human rights exists independently of whether the government meets its own obligations. It is not sufficient just to follow the law, because in some countries national laws are either poorly enforced or may be at odds with internationally recognised human rights standards. MSE organisers recognised that they need to be proactive rather than reactive, if they are to ensure that they refrain from violating human rights.

The experts warned that MSE organisers cannot offset their responsibility to respect human rights with high visibility, CSR-style, projects that promote human rights. By doing so they risk overlooking issues that could result in people getting hurt and may appear disingenuous or to be engaged in window-dressing. MSE organisers first need to put down solid foundations with a commitment to respect human rights, implemented through human rights due diligence, then they can safely pursue opportunities to support human rights.

## A Risk Management Tool

In practice the Guiding Principles ask commercial enterprises to:

- Make a public commitment to respect human rights
- Conduct human rights due diligence through a continuous process of assessing risks the business could pose to people’s rights, integrating and acting on the finding and putting management systems in place to prevent and mitigate risks, tracking how these efforts work in practice, and communicating on effectiveness

<sup>12</sup> See: <https://www.youtube.com/watch?v=BCoL6JVZHRa>

<sup>13</sup> The Guiding Principles are increasingly reflected in domestic law, such as the UK Modern Anti-Slavery Act. Governments are also developing National Action Plans for their implementation in domestic regulation and company guidance.

- and outcomes.
- Provide, or partner with others, to offer remediation mechanisms for any individuals or communities who may be affected.

The process should be ongoing not sequential or one-off, and requires a commitment from the top of the organisation. Due diligence demands continual analysis of risks to human and child rights and assessments of what works and what doesn't, so that lessons can feed a process of continuous improvement.

Human rights responsibilities arise wherever there is a potential or actual human rights impact. Games Hosts may be involved in a human rights impact if they:

- cause it through their own activities – for example through harsh working conditions of their employees;
- contribute to it through their own activities – for example by shortening an order deadline to suppliers at late notice, leading suppliers to make health and safety shortcuts, or;
- are directly linked via their operations, products or services to an impact caused by a business relationship – for example if sponsor has child labour in their supply chain of products for the event.

During the meeting the experts warned that human rights due diligence must above all be about preventing risks to people, not to the business (although the two are often related). Analogies were drawn with workplace health and safety, where developing a safety culture can help lower levels of risk. Establishing a human rights culture can similarly ensure that smaller risks are noticed and managed before they escalate. Adhering to the UN Guiding Principles and conducting due diligence need not be burdensome, but can be cost effective, saving both valuable management time and money. Sport stakeholders remarked that MSEs like the Commonwealth Games depend on 80-90% public funding, and that human rights due diligence should help ensure both a social and financial return on investment.

Experts from the Glasgow 2014 OC recalled benefits derived from using the UN Guiding Principles. They noted the importance of buy-in from the leadership, and how developing a public commitment to respect human rights (the Human Rights Approach) helped the OC build its internal human rights capacity. Developing the approach also offered a means by which to communicate human rights commitments to campaigners and sceptical partners, and a benchmark against which to measure how well they lived up to their promises.<sup>14</sup>

## The Importance of Meaningful Engagement with Key Stakeholders

A key element of the human rights due diligence approach is the need to enter into direct and ongoing dialogue with potentially affected stakeholders. This helps MSE

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<sup>14</sup> For details, see: <http://www.ihrb.org/commentary/glasgow-worlds-first-mega-sporting-event-human-rights-policy.html>

organisers and their partners identify, prevent, mitigate and remedy any risks to people, while offering a valuable source of local intelligence.

It is vitally important to give special attention to impacts on vulnerable groups, notably children and historically marginalised groups, and there are [helpful tools](#) available to guide MSEs organisers on this. This means talking with, listening to, and acting on the feedback from children (or child rights representatives) and other affected people themselves, such as migrant workers who may be at risk of forced labour, local communities, and their representative bodies from civil society or the trade union movement.

Participants identified common global, and specific local human rights risks and opportunities relating to the CG. Sport stakeholders recognised they will need to be open-minded, and look beyond obvious risks.

Risks across host contexts included:

- Discrimination against LGBTI people, disabled people, and racial/religious groups
- Child labour and other human rights abuses in the supply chain
- Paying below the minimum and living wage
- Exploitation of migrant workers and possible tensions with low-skilled indigenous workers
- Clearing of homeless people and street-children
- Security risks – related to local and international challenges, terrorism, and impacts on local residents
- Community resentment at restriction on local residents

During the meeting expert participants warned of possible pitfalls of outsourcing human rights due diligence to sustainability consultants in lieu of direct engagement, and of trying to replicate approaches that may have been tested at earlier MSEs but which are not necessarily locally suited. Not all consultants are yet up to speed with the fast-developing area of business and human rights, and it is important to be aware that there is as yet very little good practice in the world of sport upon which to build; models from other industry sectors therefore should be considered. MSE organisers should ensure that stakeholder engagement is sufficiently broad, and not confined to better understood issues like discrimination or supply chain management, or they may overlook wider, more unfamiliar human rights issues.

Opportunities across host contexts included:

- Going beyond compliance to raise standards in procurement and business and human rights
- Greater social inclusion – advancing the rights of indigenous communities and poorer communities
- Tourism
- Skills development
- Better promotion or safeguarding of sensitive human rights issues e.g. addressing alcoholism, FGM

## Remediation

A key human rights concept and pillar of the UN Guiding Principles is that of remedy. If harm happens, there is a need for Games Hosts to provide for or participate in remedy for the victims. Too often there is no place where people can reach out to make complaints or seek redress, whether that is in relation to compensation following forced evictions, over unsafe working conditions in construction or along the supply chain, or for street children moved to accommodate new facilities or commercial exclusion zones. In each case a channel should be available. As outlined in the UN Guiding Principles, this is a shared responsibility between states and companies. Host governments must ensure access to effective remedy, but OCs and other commercial bodies need to help provide for or cooperate in remedy for victims including workers, athletes, fans and communities. The trade union movement can help access avenues for remedy in many scenarios.

During the meeting experts stakeholders warned that access to remedy is often the forgotten piece of the jigsaw in relation to good human rights risk management. Receiving complaints should not necessarily be viewed negatively. Companies in other industries have found that handling complaints can provide a feedback loop and help them minimise risks over time. Trust in the system is essential, and there are certain criteria for effectiveness<sup>15</sup> that need to be met. Host participants understood that there is very limited good practice within sport, with the exception of London 2012's Complaints and Dispute Resolution mechanism<sup>16</sup>.

## Putting Principles into Practice

Implementing the UN Guiding Principles – both for Commonwealth Games host governments and their sports sector and commercial counterparts – is a challenge that many governments worldwide and other industry sectors have started to wrestle with. It would be misleading to underestimate the complexity of the task. Human rights violations happen at specific points in time and places. An appreciation of the domestic legal human rights landscape is thus important. Australia, for example, has some of the strongest legislation on Free, Prior, Informed Consent (a concept that underpins many questions around the land rights of indigenous communities), but this doesn't exist in all jurisdictions. There are also many avenues of support, such as UN bodies like the ILO and UNICEF, National Human Rights' Institutions or Commissions, human rights organisations, trade unions, and grassroots groups, many of whom have a wealth of knowledge and experience they could be willing to share with MSE hosts. The Building and Wood Workers' International union, for example, has learning on construction and risks of STDs and sexual exploitation.

During the meeting Games Hosts welcomed the framework provided by the UN Guiding Principles, saying it is robust and fit for purpose. That said, they recognised that identifying and mitigating the risks would not be easy, that difficult dilemmas can arise,

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15 See UN Guiding Principle 31.

16 See learning summary: <http://learninglegacy.independent.gov.uk/documents/pdfs/sustainability/cs-sustainable-sourcing-code-complaints-mechanism.pdf>

and scenario planning may be needed. What should OC's and their commercial partners do if national law is at odds with international human rights standards? The Glasgow OC had to weigh up whether to proceed with the gay 'Glasgow kiss' at the opening ceremony – which was designed to lend recognition to same-sex relationships – even at risk of offending other Commonwealth nations. Games Hosts appreciated that risk mitigation as an ongoing process. Some risks will be unknown at the outset, for example in Glasgow, Sri Lankan residents protested over a human rights crisis in Sri Lanka.

During the meeting, Games Hosts discussed the roles and responsibilities between stakeholders in the host government and OC, and recognised that the division of labour was not clear-cut and would require high levels of co-operation. The Hosts undertook an initial mapping of their key relationships in order to help them identify areas where relationships place them at increased risk of impacting human rights, for example, through remote contractors and suppliers. Host participants also embarked on a process, to be continued back in their home context, of charting their affected stakeholders, and drawing up short-term action plans.

Common relationships with Games Hosts:

- Sponsors, broadcasters/media, licensees
- Suppliers, contractors, recruitment agencies
- The CGF, International Federations, other World Governing Bodies, Commonwealth Games Associations, team officials, coaches
- National, Regional and Local Government, and Politicians
- Regulators
- Tourism boards
- Transport
- Education staff
- Health providers
- Emergency personnel
- Security services
- Trade unions

Common affected stakeholder groups:

- Local communities – including families and children
- Local businesses and street-vendors
- street-children and homeless people
- Grassroots and minority groups
- Workers, including migrant workers and their families
- Athletes and coaches
- Volunteers
- Fans, spectators, visitors and consumers

Individual short-term action plans differed, depending on local context and the timeline to the Games, but common elements included:

- The need to build internal capacity on human rights
- Reaching out to external advice and support

- Agreeing roles and responsibilities
- Making a public commitment to respect human and child rights
- Embarking on the process of human rights due diligence
- Developing detailed local plans based on research and stakeholder consultation

## Conclusion – Next Steps

At the end of the meeting, the Games Hosts, without exception, strongly committed to implementing a human rights due diligence-based approach to the Commonwealth Games and Commonwealth Youth Games delivery life-cycle. Each Games Host was alive to the challenges ahead and the need to avoid complacency. The CGF is championing this work, and is set to embed human rights within its own governance and bidding criteria. The CGF is also keen to empower its Games Hosts in an ongoing, transparent and cyclical process of learning that feeds CGF's own efforts. There is no such thing as a failed experiment - every experiment gets results. Durban and Belfast can learn from Gold Coast, the Bahamas, and Glasgow before them. No Host needs to reinvent the wheel. The CFG and MSE organisers can learn from other sectors and other governments that have faced similar challenges, as well bodies of knowledge around implementing human rights due diligence.

The Human rights experts welcomed the courage of CGF and its Games Hosts, and offered ongoing support to the CG actors, as they build their internal human rights capacity and start to grapple with the challenges and opportunities ahead.

The CGF and its Games Hosts are determined to set an example on human rights for the wider sports sector, and to support collective efforts designed to help sport reclaim its social license, deliver MSEs that respect people's rights, and recapture the public's goodwill - so that sport continues to inspire future generations.



# 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”.<sup>1</sup>

## 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 linked<sup>2</sup> 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  |
|---|---|
| <b>Causing</b> 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"> <li>• “Taking the necessary steps to cease or prevent the impact” (UNGP 19)</li> <li>• “Provide for or cooperate in their remediation through legitimate processes” (UNGP 22)</li> </ul> |
| <b>Contributing</b> 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:   |

<sup>1</sup> UN Guiding Principle 11, p13.

<sup>2</sup> 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"> <li>• “Taking the necessary steps to cease or prevent its contribution” (UNGP 19)</li> <li>• “Using its leverage to mitigate any remaining impact to the greatest extent possible” (UNGP 19)</li> <li>• “Provide for or cooperate in their remediation through legitimate processes” (UNGP 22)</li> </ul>  |
| <p>Impacts <b>directly linked</b> 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"> <li>• Using or increasing its leverage over the entity at cause to seek to prevent or mitigate the impact (UNGP 19).</li> <li>• 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).</li> </ul> <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"> <li>• “[Its] leverage over the entity concerned”.</li> <li>• “How crucial the relationship is”.</li> <li>• “The severity of the abuse”.</li> <li>• “Whether terminating the relationship ... would have adverse human rights consequences”.</li> </ul> |

## 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).