

SPORT, SPONSORSHIP AND HUMAN RIGHTS

GUIDING QUESTIONS

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AUTHORS

This document has been produced as an output from the Sponsors task force of the Mega-Sporting Events Platform for Human Rights (MSE Platform), coordinated by Haley St. Dennis and Alison Biscoe (IHRB). It has been developed for the MSE Platform with four major international sponsors providing input: ABInBev, adidas Group, the Coca-Cola Company, and P&G. It does not necessarily reflect the views of all the sponsors involved, nor any other MSE Platform members.

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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TABLE OF CONTENTS

FOREWORD	5
1. QUESTIONS AT ENGAGEMENT STAGE	6
2. QUESTIONS AT AGREEMENT STAGE	8



FOREWORD

The questions in this tool are intended to prompt the identification of issues to consider at the earliest stages of developing a sport sponsorship relationship, and in the sponsor agreement itself. In particular, these questions should help sponsors consider how they might create effective leverage to address risks throughout the lifetime of the sponsorship.

Sponsors have a responsibility, within their own operations and throughout their supply chains, to respect human rights. Sporting events are no different from any other business relationship in terms of needing to proactively take account of potential human rights risks.

In 2016, a group of international sponsors of MSEs came together to contribute to the white paper on '[Sponsors and Human Rights in the Sports Context](#)'. This formed part of a broader white paper series and explored human rights risks as they relate to sponsor–sports body relationships. This tool has since been developed to support sponsors' risk assessment and planning processes as they relate to a company's involvement in sponsoring a sporting event. These questions form part of a sponsors' individual commitment to manage their human rights risks in line with the [UN Guiding Principles on Business and Human Rights](#) (UNGPs).

These questions do not intend to encompass all business areas where sponsors should conduct human rights due diligence, such as sourcing or procurement. They also do not consider due diligence that sports bodies themselves should conduct when selecting sponsors to partner with, though such two-way due diligence should be undertaken and sports body guidance developed in the future.

Each sponsor retains the independent right to decide whether or not to sponsor any sports body and any associated sporting event and define the specific business terms associated with the sponsorship. The questions in this form can be used as an illustrative tool to support a sponsor's engagements with sports governing bodies and event organisers, and inform the sponsor's broader human rights due diligence process. They are equally relevant both to local sponsorships where a sponsor enters directly into a sponsorship agreement with a local organising committee (LOC).



Brent Wilton
Director, Global Workplace Rights
The Coca-Cola Company





1. QUESTIONS AT ENGAGEMENT STAGE

To determine alignment and identify gaps, it is important that the sponsor attaches a human rights lens¹ to their discussions from the outset, as well as at the point of formal agreement (see part 2).

KEY QUESTIONS TO ASK LOCAL ORGANISING COMMITTEES, SPORTS BODIES, AND OTHERS:

A. COUNTRY/HOST:

- i. What country/host selection process exists and does the sports body take steps to promote and respect human rights?
- ii. What is the “hosting” methodology of the sports body? What steps will the sports body take to ensure potential host countries/LOC take all possible steps to promote and respect human rights?

¹ Under the UN Guiding Principles on Business & Human Rights, companies can be involved in a human rights risks or impact in one of three ways, and the appropriate action depends on which: Where a business causes or may cause an adverse human rights impact, it should take the necessary steps to cease or prevent the impact. Where a business contributes or may contribute to an adverse human rights impact, it should take the necessary steps to cease or prevent its contribution and use its leverage to mitigate any remaining impact to the greatest extent possible. Where a business has neither cause nor contribute to the impact, but is involved because the impact is caused by an entity with which it has a business relationship and is linked to its own operations, products, or services, the business should use its leverage to encourage the entity that caused or contributed to the impact to prevent or mitigate its recurrence.

B. VULNERABLE GROUPS:

- i. What is the LOC/sports body's process for identifying vulnerable groups? What steps are being taken by responsible parties to promote and respect the human rights of those potentially affected? (e.g. in relation to land acquisitions, clearance, resettlement, or other issues.)?
- ii. How are potentially affected stakeholders meaningfully engaged in all key processes including but not limited to ongoing risk assessments and the development of grievance mechanisms?
- iii. What grievance mechanisms are or will be in place to enable people to raise concerns/complaints with the sports body/LOC? What are the associated escalation and remediation processes? Are these grievance mechanisms effective² for potentially affected groups (e.g. ethnic minorities, people who are disabled, children, amongst others)? What is the timeframe for resolving grievances?

C. MONITORING:

- i. During the sourcing, planning, and event delivery stages of the event, how does the sports body/LOC intend to monitor the promotion and respect of human rights and what are the steps to be taken to escalate and remediate?

D. SUSTAINING PROCESS:

- i. What process will the sports body/LOC establish to continue to mitigate and remediate human rights issues post-event? Will sponsors be involved in that process and what is the timeframe?

KEY QUESTIONS TO RAISE INTERNALLY:

A. HUMAN RIGHTS DEFENDERS:

- i. Given the location of an MSE, what risks to human rights defenders³ may arise and how should those risks be responded to by the sponsor, the sports body, or jointly (e.g. freedom of speech, women's rights, indigenous peoples, athletes protesting, amongst others)?

B. MONITORING:

- i. During the sourcing, planning, and event delivery stages of the sporting event, how do we (the sponsor) intend to monitor the promotion and respect of human rights? What are the steps to be taken to escalate issues to the sports body/LOC and monitor remediation?

² See UN Guiding Principle 31 for criteria on 'effective' grievance mechanisms: http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

³ There is no specific definition of who is or can be a human rights defender. It is a term used to describe people who, individually or with others, act to promote or protect human rights. See further, United Nations, Human Rights Defenders: Protecting the Right to Defend Human Rights, Fact Sheet No.29 at: <http://www.ohchr.org/Documents/Publications/FactSheet29en.pdf>



2. QUESTIONS AT AGREEMENT STAGE

KEY QUESTIONS WHEN AGREEING THE SPECIFIC TERMS:

- a. Does the sports body have a human rights policy and/or human rights language defined or referenced in the agreement for the hosting of an MSE? How is this policy implemented? Does it guarantee participation of the local population?
- b. Do any commercial terms pose adverse human rights risks and how could those risks be prevented or mitigated (e.g. impacts on local vendors)?
- c. What language can be included to encourage/require a human rights impact assessment (HRIA) be made by the sports body, once a host country has been identified?
- d. What language is available to provide the sponsor with the ability to disclose human rights concerns to the sports body, and what obligations does the sports body have to follow up on those concerns with either the host country or LOC?
- e. Does the sponsorship involve the delivery of products or services?
 - If yes, what measures has the sponsor taken to confirm that the procurement process meets in full the sports bodies’/LOCs’ human rights standards?
 - What action has the sponsor taken to integrate its’ own supplier requirements into the sponsorship agreement?
- f. What is the documented process should a human rights concern be raised during the term of the sponsorship agreement?
- g. What ability is there contractually for a sponsor to be released from its sponsorship agreement in the event of human rights breaches or to secure other legal remedies?



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