

LLM IN: International Human Rights Law

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DISSERTATION TITLE

The responsibilities of the awarding bodies of mega-sporting events under the United Nations Guiding Principles on Business & Human Rights

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United Nations Guiding Principles on Business & Human Rights

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- **Introduction**

Mega- sporting events (MSEs) have been seen as driving factors of unity among nations and people which enhances humanity, dignity, solidarity, fair-play, and sustainability. The UN's 2030 Agenda for Sustainable Development regards sports as 'an important enabler of sustainable development' which contribute '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.'¹ The organising bodies of MSEs, notably the International Olympic Committee (Thereafter 'IOC') and Fédération Internationale de Football Association (FIFA) which reward the world largest and most recognised international sporting events, respond to this and put great emphasis on peace and development as its goal. For instance, the purpose of the Olympic Movement is to promote a peaceful and better world with preserving human dignity.² The Olympic Charter expressly manifest human rights protection in the fundamental principles of Olympism, and recognises it as the mission and role of the Olympic Movement.³ Similarly, FIFA

¹ UNGA Res. (A/RES/70/1) Transforming our world: the 2030 Agenda for Sustainable Development, para.37.

² International Olympic Committee (hereafter 'IOC'), Olympic Charter (entered into force 26 June 2019) Fundamental Principles of Olympism

³ *ibid*

acknowledges that its objective is to promote football considering its 'unifying, educational, cultural and humanitarian values'.⁴

Indeed, these mega-sporting events have positive impacts on the global society which connect people from all over the world with different background and status through sports. In addition, It also has positive impact on the hosting cities since it creates jobs, upgrades transportation and infrastructure, tourism etc

However, on the other hand, the huge events could be the factor of increasing the human rights abuse in the hosting countries. For instance, in terms of Olympic Games, the Beijing Games 2008 contributed to human rights abuses such as immense forced evictions; rise of arrest, detention and harassment towards critics of the national government, restriction of media freedom, and escalation of political suppression.⁵ The Sochi Winter Olympic Games were criticised about forced eviction and displacement, human rights violation against migrant workers, media censorship, severe repression of environmental and human rights NGOs, activists and journalists critical about the government and discrimination against lesbian, gay, bisexual, and transgender (LGBT) people.⁶ Furthermore, for organising 2016 Rio Games, significant number of families were

⁴ FIFA, FIFA Statutes: Regulations Governing the Application of the Statutes' (June 2019 edition) article 2

⁵ Human Rights Watch 'Olympics: Host City Contract Requires Human Rights: New Provisions Could Prevent Abuses That Marred Rio, Sochi, Beijing Games' (February 28, 2017) <<https://www.hrw.org/news/2017/02/28/olympics-host-city-contract-requires-human-rights>>

⁶ Business and Human Rights Resource Centre 'Russia: Human rights abuses related to 2014 Winter

forced or threatened to leave their home and homeless children and adolescents were removed for 'cleansing' by police and army violence.⁷

Olympic Games as well as FIFA World Cup are the world largest and most recognised international sporting events which involves several actors to host them. The Olympic Movement has been a major actor for developing legal standards related to sports, and the organisation, regulation and governance of the Olympic Games have been the model of many other championships.⁸ The Olympic Movement mainly consists of the IOC, International Sports Federations (IFs) and National Olympic Committees (NOCs),⁹ and particularly the IOC has had a leadership among them. Several individual sports, NOCs and IFs have the same basic structure of their governance as that of the IOC. Besides, Football is said to be one of the most popular sports. FIFA, one of the IFs recognised as a member of Olympic Movements, is a world governing body of more than 200 national associations of football, and has also taken a lead of IFs in the field of governance, issuing regulations and reports.¹⁰

Olympic Games in Sochi' <<https://www.business-humanrights.org/en/major-sporting-events/russia-human-rights-abuses-related-to-2014-winter-olympic-games-in-sochi>>

⁷ Jonathan Watts 'Rio Olympics linked to widespread human rights violations, report reveals' (8 Dec 2015) The Guardian <<https://www.theguardian.com/world/2015/dec/08/rio-olympics-2016-human-rights-violations-report>>

⁸ Mark James (2013) Sports Law (2nd Edn. Palgrave Macmillan)

⁹ International Olympic Committee, Olympic Charter (entered into force 26 June 2019) Rule 1(2)

¹⁰ FIFA website 'How FIFA Works' <https://www.fifa.com/governance/how-fifa-works/index.html>

As the organising bodies of mega-sporting events play a leadership role among the parties involved in the projects to organise and host the MSEs, they also have responsibilities to make sure the sports, events and movements would not harm human rights. In other words, the organising bodies should take leadership among relevant actors such as host cities and countries, their organising committees, business partners and sponsors who support and engage in delivering the MSEs, for all the actors to respect human rights. As organisations, they do not have obligations or responsibilities to resolve systemic problems relating to human rights in the host cities and countries, but they have responsibilities to take appropriate measures to create standards and mechanisms to mitigate adverse human rights impacts caused by or in relation to preparation and staging of their MSEs.

Although Olympic charter guarantees human rights, it mainly focuses on the protection of Athlete rather than people who are involved in or affected by the Olympic Games as workers and citizens.

It was in 2017 when the IOC started to include human rights clause in the future event regulations for the first time. The Hosting City Contract for the 2024 and 2028 Summer Olympic Games and 2026 Winter Olympic Games requires the host city, National Olympic Committee (NOC) and Local Organising Committee (LOC) to 'protect and respect human rights and ensure any violation of human rights is remedied in a manner consistent with international agreements, laws and regulations applicable in the Host Country and in a manner consistent with all internationally-

recognised human rights standards and principles, including the United Nations Guiding Principles on Business and Human Rights'.¹¹

FIFA also updated its statute and future event's regulations to incorporate human rights clause.

Article 3 of FIFA's Statutes stipulates that 'FIFA is committed to respecting all internationally recognised human rights and shall strive to promote the protection of these rights',¹² and the bidding regulation for the 2026 World Cup requires all bidding candidates to respect internationally recognised human and labour rights in the projects for bidding, organising and staging the event.¹³

In addition, in June 2019, Tokyo declared that it would apply the the United Nations Guiding Principles on Business and Human Rights (UNGP) voluntarily, which means Tokyo would be the first city that applies the UNGP to their Games.¹⁴

Overall, it has been a new trend to integrate protection and respecting of human rights as well as to apply the UNGP to the MSEs by the rewarding and organizing bodies. However, it is still not clear what it would mean, and how it should be implemented in practice. Although there had been several studies on the human rights abuse of the host countries of the MSEs, there had been only

¹¹ Host City Contract 2024, Principle 13.2(b)

¹² FIFA's Statutes, Article 3

¹³ FIFA, Guide to Bidding Process for the 2026 FIFA World Cup

¹⁴ The Tokyo Organising Committee of the Olympic and Paralympic Games, 'Tokyo 2020 Announces Sustainability Plan and Guiding Principle "Be better, together - for the planet and the people"' (12 June 2018) <https://tokyo2020.org/en/news/notice/20180612-02.html>

few studies on the responsibilities of MSE rewarding bodies. As the reforms of the IOC and FIFA are relatively new, the analysis of the new mechanisms and policies are still lacking. This report would focus on clarifying the role of the MSEs rewarding bodies by applying the UNGPs to its operations. As the Olympic Games and the FIFA World Cup are the most popular and recognized MSEs in the world, this report would analyse the governance systems of the IOC and FIFA, by particularly looking into their new policies and mechanisms.

This report consists of five sections. In the first section, it would explain the applicability of the UNGPs to the MSEs and provisions which should be respected by the rewarding bodies. The second section addresses the structures and mechanisms of the IOC and FIFA with highlighting the changes made in terms of human rights. Subsequently, the third section would study two cases of MSEs. One of the cases is 2022 Men's World Cup in Qatar, which have been a target of criticisms and a catalyst of FIFA's renovation on its commitments. The other is 2024 and 2028 Olympic Games which the IOC applied new bidding requirements and Host City Contract. The fourth section would consider the role of the rewarding bodies under the UNGPs and make suggestions which would be followed by conclusion section.

I. Background

- **Applicability of the UNGP**

The United Nations Guiding Principles on Business & Human Rights¹⁵ (UNGPs) which were developed by John Ruggie, the UN Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, and unanimously endorsed by the Human Rights Council in 2011, set the global authoritative standard on business and human rights. It provides the three pillars of the basic framework which are namely the States' obligation to protect human rights, the business enterprises' responsibility to respect human rights, and access to remedy. As the UNGPs are particularly about business enterprises and governments, it is clear that the hosting countries of mega-sporting events and business being involved in it would bear the duty and responsibility under the standards, whereas they are also applicable to the organizing bodies of the games. John Ruggie stated in his 2016 report on FIFA's responsibility on its human rights impact that 'the UNGPs' provisions on the responsibility to respect human rights are applicable to any comparable sports organization' since FIFA and other international sports associations 'do conduct significant levels of commercial

¹⁵ United Nations Office of the High Commissioner for Human Rights, 'Guiding Principles for Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework', (UNGPs) (2011)

activity'.¹⁶ He suggests that even though they are established as associations rather than companies, the feature makes appropriate to apply the UNGP as the standard.¹⁷

Indeed, Mega-sporting events are big business. For instance, the IOC's total revenue for the Olympiad from 2013 to 2016 marked 5.7 billion dollars.¹⁸ Although the IOC itself is established as a non-profitable organization, the Olympic Games involves several business either directly or indirectly to deliver the games such as broadcasting, construction of stadiums, and sports wears. In addition, 90% of its revenues are distributed to support NOCs, IFs and other sports organisations¹⁹ which creates sales for business at national and local level. Hence its activities have great impact on commerce on a global scale.

Along with the UNGP, the OECD Guidelines on Multinational Enterprises (OECD Guidelines) introduced a chapter on human rights during the update in 2011 which are aligned with the UNGP.²⁰ National Contact Points for Responsible Business Conduct (NCP) which are established by governments supplements the OECD Guidelines and related due diligence guidance by promoting the standards and handling the cases as non-judicial grievance mechanism. The

¹⁶ Ruggie, John G. 2016. "FOR THE GAME. FOR THE WORLD." FIFA and Human Rights. Corporate Responsibility Initiative Report No. 68. Cambridge, MA: Harvard Kennedy School, p.10.

¹⁷ Ibid, p.5

¹⁸ The IOC, Olympic Marketing Fact File 2019 Edition, P.7

¹⁹ Ibid, p.6.

²⁰ The OECD Guidelines on Multinational Enterprises 'Human rights'
<http://mneguidelines.oecd.org/2011HumanRights.pdf>

OECD Guidelines do not define the term 'multinational enterprises' precisely since companies and other entities may operate in various ways, and they grant that the ownership of the entities may be private, State or mixed.²¹ In October 2015, the Swiss NCP affirmed that the OECD Guidelines are applicable to FIFA responding to the submission by the Building and Wood Workers' International (BWI) which alleged human rights abuse of migrant workers related to the construction of facilities for the 2022 FIFA World Cup in Qatar. The Swiss NCP stated that, in order to decide whether the entity had responsibility under the Guideline, the key question is 'whether an entity is involved in commercial activities'.²² The Swiss NCP accepted the submission with the reason that FIFA is a registered association in the Commercial Register of the Canton of Zurich, which owns companies as well as foreign subsidiaries, and employs many specialists from several countries. It also added the facts as reasons that FIFA's operations are international and multinational as it consists of entities in several countries, and the contractual relationship with its direct counterparties has commercial nature since it covers activities such as marketing rights

²¹ The OECD Guidelines on Multinational Enterprises <file:///C:/Users/haaha/OneDrive/dissertation/BHR%20and%20MSE/OECD%20Guidelines%202011%20all.pdf> p.17

²² National Contact Point of Switzerland, Initial Assessment: Specific Instance regarding the Fédération Internationale de Football Association (FIFA) submitted by the Building and Wood Workers' International (BWI), (Berne, October 13, 2015), p.6 [file:///C:/Users/haaha/OneDrive/dissertation/BHR%20and%20MSE/Initial%20Assessment%20FIFA%2015%20\(2\).pdf](file:///C:/Users/haaha/OneDrive/dissertation/BHR%20and%20MSE/Initial%20Assessment%20FIFA%2015%20(2).pdf)

and finance.²³ These characteristics apply to the IOC and other organising bodies of mega-sporting events.

Thus, there is a growing expectation and needs towards organising bodies of mega-sporting events to respect the UNGP and other human rights standards, and it is reasonable to apply the rules because of their activities' international scale and commercial nature.

- **UNGP responsibility to respect**

The UNGP provide the framework for the enterprises' responsibility to respect human rights. All enterprises have responsibility to respect human rights regardless of their size, sector, operational context, ownership and structure,²⁴ and the scope of the responsibility covers not only their own operations, products or services that may cause or contribute to such impacts, but also those of their business partners or entities in its value chain which they have a direct links.²⁵ As the Interpretative Guide to the Corporate Responsibility to Respect Human Rights (Interpretative Guide) explains, even the enterprise may neither cause nor contribute to the adverse impact, it may be involved in it if the impact is caused by an entity with which it has a business relationship

²³ *ibid*

²⁴ UNGP, principle 14

²⁵ UNGP, principle 13

and is linked to its own operations, products or services.²⁶ According to principle 19 of the UNGP, if an enterprise has been directly linked to an adverse human rights impact through its business relationship, appropriate action that should be taken by the enterprise would vary depending on the extent of its leverage over the entity concerned.²⁷ The enterprise would be considered to have leverage if it has the ability to effect change in the entity's wrongful practices.²⁸ In the context of mega-porting event, the question would be how much leverage do the organising bodies have over the entities involved in hosting the event. As the organising bodies, it would be directly linked to all the adverse human rights impacts if they were caused by the entities operating for preparing and hosting the event such as construction of the stadiums or producing the merchandise. Thus the bodies should be the leading parties for addressing such impacts, and have the ability to incentivise the entities and organisations to improve their human rights performance, and engage the government of the hosting city to implement the human rights standards. In order to do so, the organising bodies are required to take appropriate measures to assure that their human rights policy is embedded throughout the whole value chain.

- **Policy commitment**

²⁶ OHCHR, The Corporate Responsibility to Respect Human Rights: An Interpretive Guide, Question 9

²⁷ UNGP, principle 19

²⁸ UNGP commentary for principle 19

In order to 'know and show' that they respect human rights, enterprises are required to: publicly express their commitment to meet the responsibility through a policy statement;²⁹ carry out human rights due diligence (HRDD) to identify, prevent, mitigate and account for how they address adverse human rights impacts;³⁰ and provide remedy when they identify adverse impacts they have caused or contributed to.³¹

Policy commitment is public statement of policy that shows the enterprise's responsibilities, and expectations to embed their responsibility.³² The policy commitment should include human rights expectations of all parties related to its operations, be internally and externally recognised and understood by relevant parties, and reflected to the policies and systems across the enterprise to integrate the idea.³³ The enterprises are required to make their responsibility and policies coherent, and embed the policy throughout all activities and business relationships. Enterprises have responsibility to make sure all the branches and entities are aware of the policy which increases their leverage over them as stated above.

- **Human rights due diligence**

²⁹ UNGP, principle 16

³⁰ UNGP, principle 17

³¹ UNGP, principle 22

³² UNGP, principle 16

³³ *ibid*

As Ruggie stated in his report, HRDD is a “process (that) helps companies address their responsibilities to individuals and communities that they impact and their responsibilities to shareholders, thereby protecting both values and value.”³⁴ Although HRDD procedure is not uniform because of the variety of size, industry and corporate structure of enterprises, key elements of the frame work are outlined in the UNGP which are: assessing; integrating and acting; tracking; and communicating. HRDD should be carried out as early as possible in the development of a new activity or relationship, as adverse human rights impacts can be increased or mitigated already at the stage of structuring contracts or other agreements.³⁵ In addition, HRDD should be conducted on an ongoing or iterative basis since the human rights risk may change over time.³⁶ Thus the organizing body of mega-sporting events should initiate HRDD at the bidding stage and undertake it at regular intervals including: ‘prior to a new activity or relationship; prior to major decisions or changes in the operation (e.g. market entry, product launch, policy change, or wider changes to the business); in response to or anticipation of changes in the operating environment (e.g. rising social tensions); and periodically throughout the life of an activity or relationship’.³⁷

³⁴ J. Ruggie, ‘Report of the SRSG on the issue of human rights and transnational corporations and other business enterprises’ (2010) Human Rights Council A/HRC/14/27 55. para 74.

³⁵ UNGP, Commentary for principle 17

³⁶ UNGP, principle 17

³⁷ *ibid* principle 18

To demonstrate HRDD, entities should identify and assess both actual and potential impacts with which they may be involved as the first step.³⁸ Potential impacts requires the enterprise to integrate the assessment findings across its internal functions and processes to prevent and mitigate them, while actual impacts requires remediation. In order for enterprises to verify whether its human rights policies are implemented and to improve their performance continuously, tracking the effectiveness of its responses is crucial part of HRDD.³⁹ The UNGP suggest that tracking should be a part of internal reporting systems, and performance contracts, reviews, surveys, and audits may be used as tools. Additionally, operational-level grievance mechanisms are also one of the tools for the enterprise to track the effectiveness, since it allows the enterprise to receive and respond to concerns from those directly affected their human rights in a timely manner.⁴⁰ In terms of 'showing' their human rights commitment, enterprises should report formally and externally on how they address adverse impacts. This communication process would enables the enterprises to provide a measure of transparency and accountability.

- **Remediation**

³⁸ *ibid* principle 18

³⁹ *Ibid* principle 20

⁴⁰ *ibid* principle 29

According to Principle 22 of the UNGP, enterprises should provide for or cooperate in their remediation when they identify that they have caused or contributed to adverse human rights impacts. The commentary of the principle further explains that where they have not caused or contributed to the impacts, but the impacts are directly linked to their operation, products or services by a business relationship, the enterprises themselves do not have obligation to provide for remediation but may take a role in doing so.⁴¹

Chapter III of the UNGP provides the principles for access to remedy. The UNGP distinguishes states' duty and enterprises responsibility in terms of remediation. While states 'must' take appropriate measures to ensure access to remedy for those affected when business-related human rights abuse occurred within their territory and/or jurisdiction, enterprises, industry, multi-stakeholder and other collaborative initiatives 'should' establish and ensure the availability of effective grievance mechanism.⁴² State-based mechanisms could be judicial or non-judicial which include the courts, labour tribunals, national human rights institutions, NCPs under the OECD Guidelines, many ombudsperson offices, and Government-run complaints offices, and form of remedy may be 'apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of

⁴¹ Ibid principle 22

⁴² Ibid principle 25, 29 30

harm through, for example, injunctions or guarantees of non-repetition'.⁴³ On the other hand, the UNGP also recognise the benefits of non-state-based mechanisms. They give two key functions of operational-level grievance mechanisms which are: supporting enterprises to identify adverse human rights impacts by providing channel for those directly affected; and addressing and remediating such impacts 'early and directly' with reduced costs and/or transnational reach.⁴⁴ Furthermore, industry bodies, multi-stakeholder and other collaborative initiatives also have responsibility to ensure the availability of effective mechanisms.⁴⁵ The principle 31 of the UNGP provides the criteria for effective state-based and non-state-based non-judicial grievance mechanisms which requires; '(a) legitimate: enabling trust from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes; (b) accessible: being known to all stakeholder groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access; (c) predictable: providing a clear and known procedure with an indicative time frame for each stage, and clarity on the types of process and outcome available and means of monitoring implementation; (d) equitable: seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed

⁴³ Ibid principle 25

⁴⁴ Ibid principle 28.29

⁴⁵ Ibid principle 30

and respectful terms; (e) transparent: keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism's performance to build confidence in its effectiveness and meet any public interest at stake; (f) rights-compatible: ensuring that outcomes and remedies accord with internationally recognized human rights; (g) a source of continuous learning: drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms; and operational-level mechanisms should also be: (h) based on engagement and dialogue: consulting the stakeholder groups for whose use they are intended on their design and performance, and focusing on dialogue as the means to address and resolve grievances'.⁴⁶ As it is explained in the UNGP, when state-based judicial and non-judicial grievance mechanisms establishes the basis of the wider systems remedy, operational-level grievance mechanisms could resolve and remediate the problem in the early stage. State-based and operational-level mechanisms, as well as international and regional human rights mechanisms can complement and improve the functions each other by collaboration.⁴⁷

II. Mechanisms of the awarding bodies

⁴⁶ Ibid principle t31

⁴⁷ Ibid Commentary for principle 25

This section would provide the overview of the structure and mechanisms of the IOC and FIFA in the light of protecting and respecting human rights . It would first address the basic structure of the organisations, which would be followed by some reforms conducted by the IOC and FIFA for improvement of human rights advocacy, and then explain how the organisations manage the championships.

a. Olympic Games and the IOC

- **Structure of the organisation**

The IOC is the most important actor among the Olympic Movement as it takes the leadership role among the sports industry community. The IOC is an international non-governmental not-for-profit organisation of unlimited duration in the form of an association with legal personality, recognised under Swiss Law.⁴⁸

Other than the IOC, the Main Constituents of the Olympic Movement are the recognised IFs and the NOCs. There are currently more than thirty IFs including the FIFA and 206 NOCs over five continents which are recognised by the IOC.⁴⁹ The members of the Olympic Movement also

⁴⁸ The Olympic Charter, Chapter 2 15(1)

⁴⁹ IOC website 'National Olympic Committees (NOCs)' <https://www.olympic.org/ioc-governance-national-olympic-committees>, 'International Sports Federations' <https://www.olympic.org/ioc-governance-international-sports-federations>

includes the Organising Committee of the Olympic Games (OCOGs), the national associations, clubs as well as persons belonging to the IFs and NOCs such as athletes and referees. Once they are recognised by the IOC and become a member, they would be bound by the Olympic Charter and shall abide by the decision of the IOC.⁵⁰ The Olympic Charter serves as a constitutional instrument for the Olympic Movement and statutes for the IOC. It also provides the definitions of the main rights and obligations of the main constituents of the Olympic Movements which are the IOC, IFs, NOCs and OCOG.⁵¹

The structure of the IOC is given in the Olympic Charter. The Session is the supreme organ of the IOC which adopt and amend the Olympic Charter and elect the host city of the Olympic Games, whereas the IOC Executive Board monitors the observance of the Olympic Charter. The Board also decides and creates legally binding regulations, for example, 'codes, rulings, norms, guidelines, guides, manuals, instructions, requirements and other decisions', which are requisite for implementation of the Olympic Charter and the organisation of the Olympic Games, and approves all internal governance regulations.⁵² The Olympic Charter stipulates the measures and sanctions in the case of violation of the Olympic Charter and other regulations.⁵³ It also provides

⁵⁰ The Olympic Charter, Chapter 1 'The Olympic Movement' 1(4)

⁵¹ *ibid*, Introduction to the Olympic Charter

⁵² *Ibid*, Chapter2 section3

⁵³ *Ibid*, Chapter6 section59

rules for dispute resolution which say that any dispute relating to the application or interpretation of the IOC's decisions may be resolved by the IOC Executive Board, and in certain cases, by arbitration before the Court of Arbitration for Sports (CAS), while 'disputes arising on the occasion of, or in connection with, the Olympic Games shall be submitted exclusively to the Court of Arbitration for Sport, in accordance with the Code of Sports-Related Arbitration'.⁵⁴

- **Policy and regulations**

According to the Olympic Charter, the IOC's role is to lead the Olympic movement and be a catalyst of the promotion of the Olympic values which include humanity, peace, non-discrimination, equality of men and women, and sustainable development among all parties involved in the celebration of the Olympic Games such as the NOCs, IFs, the athletes, OCOGs, the Worldwide Olympic Partners, broadcast partners, and the UN agencies.⁵⁵

In terms of human rights, the IOC Code of Ethics, which is based on and an integral part of the Olympic Charter,⁵⁶ recognises that international human rights conventions are applicable to the Olympic Games activities, and explicitly stipulates protection of human rights, particularly focusing

⁵⁴ Ibid, Chapter 6 section 6.1

⁵⁵ Ibid, Chapter 1 section 2, Mission and role of the IOC, Olympic charter; Also see the IOC homepage <https://www.olympic.org/about-ioc-olympic-movement>

⁵⁶ Olympic Charter, Chapter 2 Article 22

on ensuring human dignity, non-discrimination and rejection of all forms of harassment and abuse, in its fundamental principles.⁵⁷ The Code of Ethics is applicable to the members of the Olympic Movement and it has been established and updated by the IOC Ethics Commission, which is in charge of investigating complaints relating to violation of the Code and other ethical principles.⁵⁸ This principle was included by the revision of the Code of Ethics in 2016, following the adoption of the Olympic Agenda 2020, in which the IOC Ethics Commission was recommended 'to review the Code of Ethics and its Rules of Procedure to be fully aligned with the Olympic Agenda 2020 drive for more transparency, good governance and accountability'.⁵⁹

- **Olympic Agenda 2020**

In December 2014, the IOC Session adopted the Olympic Agenda 2020, which consists of 40 detailed recommendations to strengthen its 'good governance, transparency and ethics' for future Olympic Games.⁶⁰ It highlighted several areas to be changed which would be a key for promotion of human rights, such as inclusion of sustainability in all aspects of the Olympic Games and within

⁵⁷ A. Fundamental Principles IOC Code of Ethics, Article 1

⁵⁸ Olympic Charter, Chapter 2 Article 22, scope of application

⁵⁹ Recommendation 32 Olympic Agenda 2020: 20+20 Recommendations (Olympic Agenda 2020)

⁶⁰ Olympic Agenda 2020, 'Reference document: Speech by IOC President Thomas Bach on the occasion of the Opening Ceremony, 127th IOC Session, Monaco, 7 December 2014' p.4

the Olympic Movement's daily operations.⁶¹ The Agenda put emphasis on sustainability in not only environmental but also economic and social sphere. The 4th Recommendation requires the IOC to 'take a more proactive position and leadership role with regard to sustainability and ensure that it is included in all aspects of the planning and staging of the Olympic Games' by: developing a strategy for incorporation and realization of economic, social and environmental sustainability by potential and actual Olympic Games organisers in all phase of their project; supporting the governance of newly elected OCOGs for the 'integration of sustainability throughout the organisation'; monitoring the Games legacy in former Olympic Games organisers with the assistance of the NOC and external organisations such as the World Union of Olympic Cities (UMVO).⁶² The Agenda also made the 6th Fundamental Principle of Olympism in the Olympic Charter to be updated to include non-discrimination on sexual orientation.⁶³ Furthermore, the IOC was suggested to include articles with respect to non-discrimination, environmental issues and labour rights in the host city contract.⁶⁴

In the light of sustainability, the IOC published the Sustainability Strategy in 2017 aligned with the Olympic Agenda 2020.⁶⁵ It provides the framework for integrating sustainability into the IOC's

⁶¹ Ibid, Recommendation 4 and 5

⁶² Ibid, Recommendation 4

⁶³ Ibid, Recommendation 14; 6th clause Fundamental Principle of Olympism, Olympic Charter

⁶⁴ Olympic Agenda 2020, Recommendation1(5)

⁶⁵ IOC, IOC Sustainability Strategy: Executive Summary (approved December 2016, updated October 2017)

operation. The Strategy divides the IOC's responsibility in three spheres, namely responsibility of the IOC: as an organisation; as owner of the Olympic Games; and as leader of the Olympic Movement, and focuses on five particular areas which are: infrastructure and natural sites; sourcing and resource management; mobility; workforce; and climate.⁶⁶ In terms of the Olympic Games, the Strategy is intended to make the IOC to ensure that the Games would play a leadership role in the field of sustainability, and would be a catalyst for sustainable development of the host cities and the region.⁶⁷ It provides strategic intents which would be applicable to ongoing planning and organising process of future Olympic Games, for instance, minimise the number of new construction of sites by using existing venues, and avoid displacement of and adverse impacts on local citizens and indigenous people.⁶⁸ In the workforce sphere, it states that the IOC would proactively work with OCOGs, host cities and host NOCs to ensure that the working conditions of employees and volunteers who are involved in projects for organisation of the Olympic Games are safe and healthy, and fulfil the conditions under international standards applicable in the host country.⁶⁹

<https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/Factsheets-Reference-Documents/Sustainability/2017-03-21-IOC-Sustainability-Strategy-English-01.pdf>

⁶⁶ Ibid, p.6

⁶⁷ Ibid, p.11

⁶⁸ Ibid, p.13

⁶⁹ Ibid, p.13

- **The competition: Candidature Process**

Celebration of the Olympic Games is realised after several stages of election, host city contract, planning, construction, and delivery. The processes for celebrating the Games of the Olympiad are outlined in chapter 5 of the Olympic Charter.

Rule 33 and its bye-law provides the necessary steps for electing the host city, and the process has been updated by Olympic Agenda 2020. As a result of the Olympic Agenda, an assistance phase has been introduced to the bidding process. The phase enables the cities considering to be candidates to have IOC's assistance and feedbacks about candidature procedures, essential conditions, successful practices of previous host cities, supplies of materials. In the assistance phase, the potential host cities are encouraged to ensure the positive legacy and sustainability of the project, that their hosting of the Olympic Games would be a catalyst for long-term development of the cities and the regions.⁷⁰

Following the assistance phase, cities which decided to bid for an Olympic Games enter into the formal candidature procedure. The candidate procedure is a continuous dialogue between the IOC and NOCs/candidate cities to exchange information and for the cities to have opportunities

⁷⁰ Recommendation1, clause1 Olympic Agenda2020; also see IOC 'Olympic Games Candidature Process', <https://www.olympic.org/all-about-the-candidature-process>

to obtain services and knowledges from the IOC. The process is divided in three stages in which the candidate cities would submit proposals about different elements respectively.⁷¹ During stage 1, the candidate cities establish and present their Games vision, concept, strategy and legacy plans for the long term development and sustainability which meet the needs of the cities and regions.⁷² The Stage 2 is a phase which the candidates would be reviewed its governance, legal and venue funding to show that the cities have sufficient legal and financial foundations which would be needed to host the Olympic Games.⁷³ The last stage reviews stakeholders' Games experience by focusing on athletes experience, and analyses whether the cities have the abilities to deliver the event successfully and whether the Games in the city would bring positive sustainable legacy which meets the needs of the cities and regions.⁷⁴ The Evaluation Commission is obliged to visit the sites of the cities and publish final report on each city, which shall contain 'an assessment of the opportunities and risks of each candidature, as well as of sustainability and legacy'.⁷⁵

⁷¹ The IOC webpage, 'Olympic Games Candidature Process', date accessed 10 July 2019
<<https://www.olympic.org/all-about-the-candidature-process>>

⁷² Ibid.

⁷³ Ibid

⁷⁴ Ibid

⁷⁵ Olympic Charter, Chapter5 Bye-law to Rule 33, clause 2.2

The Olympic Agenda 2020 has recognised the needs of updated candidature process as different cities and regions have different level of development. As the IOC President Thomas Bach stated in his speech on the occasion of the IOC Session in which the Agenda was adopted, the new procedures has been revised to make the mechanism more flexible so that it can meet diverse needs of candidates with different context, and offer suitable solutions.⁷⁶ In order to realise this, the Agenda attaches further importance on sustainability and legacy. The three stages of the bidding process enables the IOC to determine whether the celebration of the Olympic Games in the candidate cities would be in line with the needs of development in the cities, and give positive impacts on the society in long term.⁷⁷

- **Election and the Host City Contract**

Subsequent to the Evaluation Commission's submission of the final report, The IOC Executive Board shall create a final list of candidate cities. The host city would be decided by the IOC Session by election following the Session's consideration of the report.⁷⁸ The newly elected host city and its NOC would enter into a written agreement with the IOC by signing the Host City

⁷⁶ Speech by IOC President Thomas Bach on the occasion of the Opening Ceremony, 127th IOC Session, Monaco, 7 December 2014, Olympic Agenda 2020 pp.3-4

⁷⁷ The IOC [n71]

⁷⁸ Olympic Charter, Chapter5 Bye-law to Rule 33, clause 3.1 and 3.2

Contract, immediately after the election.⁷⁹ The Host City Contract shall be public, and, as noted, it shall include clauses with respect to Fundamental Principle 6 of the Olympism which stipulates rejection of discrimination of any kind, as well as to environmental and labour-related issues since the adoption of the Olympic Agenda 2020.⁸⁰

When a city submit a bid to host the Olympic Games, the qualified public authorities of the city must be approved by the NOC of its country, and the authorities and the NOC shall assure that the Olympic Games would be held with satisfaction of the required criteria.⁸¹ The national government of the country of the candidate city has to provide the IOC with a 'legally binding instrument by which the said government undertakes and guarantees that the country and its public authorities will comply with and respect the Olympic Charter'.⁸² In addition, once the city has been elected, the NOC, the OCOG and the host city are jointly and severally responsible for all commitment relating to the organisation and staging of the Olympic Games. In the case that the NOC, the OCOG or the host city do not obey the Olympic Charter or other rules or instructions of the IOC, or breach their obligations, the IOC has power to withdraw their right to host the Olympic Games.⁸³ Hence the IOC is an authoritative body which has capability to approach, or to

⁷⁹ Ibid, Chapter5 Bye-law to Rule 33, clause 3.3

⁸⁰ Olympic Agenda2020, Recommendation1, clause5 and 6

⁸¹ Ibid, Chapter5 Bye-law to Rule 33, clause 1.1

⁸² Ibid, Chapter5 Rule 33 clause 3

⁸³ Ibid, Chapter5 Rule 36 clause 1 and 2

force if necessary, the Games organisers. However, even the IOC has the authority, it would not effectively function if it does not establish and actively utilise a solid monitoring system, and exercise its power. Despite their policies provide human rights protection, it still lacks sufficient systems for implementation.

b. Men's World Cup and FIFA

• The structure of the association

FIFA, the Fédération Internationale de Football Association (International Federation of Association Football), is an association established under the Swiss laws and have its headquarter located in Zurich.⁸⁴

According to the FIFA Statute, the FIFA Congress is the supreme and legislative body of the organisation, which is responsible for adoption of and amendments to the FIFA statutes.⁸⁵ The Congress shall be held at least once a year, and it is the body which decides the destination of the host country of the FIFA World Cup.⁸⁶

⁸⁴ FIFA 'FIFA Statute: Regulations Governing the Application of the Statutes, Standing Orders of the Congress' (June 2019 edn) <<https://resources.fifa.com/image/upload/fifa-statutes-5-august-2019-en.pdf?cloudid=ggyamhxxv8jrdfbekrm>>

⁸⁵ FIFA Statutes art.24(1) art29(1)

⁸⁶ Ibid, Art 28(2)(s)

FIFA Council 'defines FIFA's mission, strategic direction, policies and values, in particular with regard to the organisation and development of football at worldwide level and all related matters'.⁸⁷ The Council also has the power to define the standards, policies and procedures regarding all the business- or finance-related matters of FIFA such as commercial contracts, and oversee the overall management of FIFA.⁸⁸

FIFA has dispute resolution mechanisms in which disputes must be submitted to arbitration in principle. The final decision for the issues submitted against FIFA may be decided by the Court of Arbitration of Sports (CAS).⁸⁹

Other than the resolution system, FIFA has its own judicial mechanism. In order to secure a separation of powers, the Disciplinary, Ethics and Appeal Committee has been established as the independent judicial bodies under article 52 of the FIFA Statutes.⁹⁰ The Disciplinary Committee shall act in accordance with the FIFA Disciplinary Code, and it may impose sanctions stipulated in the Code and the FIFA Statutes on 'member associations, clubs, officials, players, intermediaries and licensed match agents' particularly when their behaviour on the pitch were against the standards.⁹¹ The FIFA Code of Ethics is the governing rule of the Ethics Committee's

⁸⁷ Ibid, Statutes art34(1)

⁸⁸ Ibid, Statutes Art34(2)(3)

⁸⁹ Ibid, Statutes Art 57-59

⁹⁰ Ibid, Statutes Art52(1)

⁹¹ Ibid, Statutes Art53(1)(2)

operation. It is the Ethics Committee's responsibility to monitor and investigate implementation of the Code of Ethics throughout the whole football community. The Ethics Committee may also pronounce the sanctions against conducts such as match manipulation, illegal bidding, and bribery that may infringe the integrity of the game.⁹² The Appeal Committee is responsible to deal with appeals against decisions of the Disciplinary and Ethics Committee, and the Appeal Committee's decisions are final and binding on parties concerned. Appeal to the CAS can be made after the Appeal Committee's decision.⁹³

The FIFA Code of Ethics is the governing rule of the Ethics Committee's operation. It is the Ethics Committee's responsibility to monitor and investigate implementation of the Code of Ethics, which focuses on actions outside the field, throughout the whole football community. The Ethics Committee may also pronounce the sanctions against conducts such as match manipulation, illegal bidding, and bribery that may infringe the integrity of the game.⁹⁴

- **FIFA's reform regarding human rights**

⁹² Ibid, Art54(1)(2)

⁹³ Ibid, Art55(2)

⁹⁴ Ibid, Art54(1)(2); FIFA.com 'Governance: Independent Ethics Committee
<https://www.fifa.com/governance/independent-ethics-committee/profile/index.html>

Although FIFA has been established its mechanisms to govern the football community and obtained popularity and financial development, it went through corruption which was found in 2015. The 2016 FIFA Reform Committee Report starts with a sentence which says 'FIFA is currently going through the worst crisis of its history'.⁹⁵ In order to restore trust, FIFA started reform of its institutional structure and mechanisms in 2016, led by 2016 FIFA Reform Committee. The reform are aimed to change FIFA's culture, governance system and level of participation of member associations, players and stakeholders for improving conditions of four specific fields focused, namely: governance; transparency; accountability; and diversity.⁹⁶ FIFA has had poor reputation about management for protecting and respecting human rights which became apparent with regard to the adverse human rights impact of selection of Russia and Qatar as the host city of Men's World Cup in 2018 and 2022 respectively. The main criticisms concerning Russia and Qatar were discriminatory anti-gay legislation and violation of rights of migrant workers in the construction sites for the tournament.⁹⁷

⁹⁵ 2016 FIFA Reform Committee Report (December 2, 2015) <https://img.fifa.com/image/upload/mzzxqw0dabgx8ljmhxwr.pdf>

⁹⁶ FIFA.com, 2016 FIFA Reforms (01 Feb 2016) <https://www.fifa.com/about-fifa/who-we-are/videos/2016-fifa-reforms-2763344>

⁹⁷ See for example: Simon Evans, Reuters, 'FIFA's human rights advisers call for more detail over stadium workers' (November 9, 2017); Minky Worden, Human Rights Watch 'LGBT Rights at the World Cup' <https://www.hrw.org/news/2018/05/29/lgbt-rights-world-cup> (May 29, 2018)

In February 2016, FIFA adopted article 3 of the FIFA Statutes by which FIFA elaborated human rights provision as stated above. FIFA also established a new bid requirement for the 2026 World Cup. In April 2016, Professor John Ruggie published a report on 'what it means for FIFA to embed respect for human rights across the full range of its activities and relationships, using the UNGPs as the template' as FIFA asked him to provide it with advice on the matter.⁹⁸ The report provided 25 recommendations which are mainly about: development and adoption of a human rights policy; embedding the policy into its daily actions; performing HRDD; improvement of remediation system.⁹⁹ In response to this, FIFA presented a new strategy in which FIFA recognises its 'significant responsibilities' as the awarding body of the world's most popular sports, and necessity of continuous effort on implementation of human rights.¹⁰⁰

In March 2017, FIFA established the Human Rights Advisory Board to strengthen its commitment to respect human rights. The Board is an independent body consists of international experts from the United Nations, trade unions, civil society and business, which would provide advice on FIFA's implementation of human rights commitments. FIFA is the first sports federation among all to set

⁹⁸ John Ruggie 'For the Game. For the World' p.9

⁹⁹ Ibid, pp.28-35

¹⁰⁰ FIFA, 'FIFA 2.0: The Vision for the Future' pp.62-64, available at https://resources.fifa.com/mm/document/affederation/generic/02/84/35/01/fifa_2.0_vision_low_neu.17102016_neutral.pdf

up such kind of advisory board.¹⁰¹ FIFA has also employed a Human Rights Manager in September 2016 for the first time in any sports federation.¹⁰²

In June in the same year, FIFA launched a new Human Rights Policy which embodies article 3 of the FIFA Statutes and is in accordance with the UNGP. The policy was reviewed by the Human Rights Advisory Board and other external stakeholders, and regarded that it would play a role as a guidance for FIFA's human rights commitment with its specified and strengthened vision.¹⁰³ The new Human Rights Policy consists of 13 articles. Article 1 to article 7 provides the content of FIFA's human rights commitment, whereas latter half provides its human rights approach. It stipulates four key elements to realise human rights which are: commit and embed; identify and address; protect and remedy; and engage and communicate. It serves a guideline for protecting human rights of workers in construction and prevent abuse or discrimination towards athletes.¹⁰⁴ In addition, in May 2018, FIFA established a complaint mechanism for human rights defenders and journalists who regard their rights have been infringed during their work associated with FIFA.

¹⁰¹ FIFA.com 'Independent advisory board of human rights experts to meet on 13 March' (10 Mar 2017) <https://www.fifa.com/about-fifa/who-we-are/news/independent-advisory-board-of-human-rights-experts-to-meet-on-13-march-2875485>

¹⁰² FIFA Fact Sheet: FIFA's Work on Human Rights' (November 2016) p.2 <https://img.fifa.com/image/upload/ggxfrkopaemj5o5vff8.pdf>

¹⁰³ FIFA.com, 'FIFA publishes landmark Human Rights Policy' (08 Jun 2017) < <https://www.fifa.com/about-fifa/who-we-are/news/fifa-publishes-landmark-human-rights-policy-2893311>>

¹⁰⁴ Ibid.

It reflects article 11 of the FIFA Human Rights Policy which stipulates the protection of human rights defenders and media representatives, and supplemented by a detailed statement.¹⁰⁵ FIFA's Human Rights Advisory board and other expert organisations as well as various stakeholders involved in the launch of the mechanism and the statement.¹⁰⁶ The complaint mechanism is web-based and anyone can submit report anonymously. The platform of the mechanism is created and managed by an external provider with high standard of data privacy and security, and the issues would be handled and responded under the applicable standards and guidelines by FIFA. Furthermore, it established the monitoring and enforcement mechanisms for labour rights on construction venues relevant to preparing for and hosting the 2018 and 2022 FIFA World Cups in Russia and Qatar, in collaboration with the BWI.¹⁰⁷ As for Russia, FIFA and the Local Organising Committee (LOC) developed Decent Work Monitoring System by working with external expert institution, and they strengthened the mechanisms by signing a Memorandum of Understanding (MoU) with the BWI and the Russian Construction Workers Union (RBWU) in August 2016.¹⁰⁸ On

¹⁰⁵ FIFA.com 'FIFA launches complaints mechanism for human rights defenders and journalists (29 May 2018) <https://www.fifa.com/about-fifa/who-we-are/news/fifa-launches-complaints-mechanism-for-human-rights-defenders-and-journalists>; also see FIFA, FIFA Statement on human rights defenders and media representatives, <https://resources.fifa.com/image/upload/ejf1ecdku14lm2v9zc03.pdf>

¹⁰⁶ Ibid.

¹⁰⁷ FIFA, FIFA activity update on human rights (May 2017) available at: https://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/21/activityupdate_humarrights_may2017_neutral.pdf p. 11 and 12

¹⁰⁸ Ibid p.11

the other hand, in Qatar, FIFA worked closely with the Supreme Committee for Delivery and Legacy (SC), which is responsible for delivering the facilities for the 2022 FIFA World Cup, and developed the monitoring system under the Workers' Welfare Standards (WWS) which are in line with international standards and binding for all companies involved in the construction sites for the championship.¹⁰⁹ The system includes self-assessments by the contractors and audits by the SC, the British company Impactt Ltd. which is an independent third-party and Qatari Ministry of Labour, to inspect the compliance of the WWS.¹¹⁰

- **Bidding process**

Pursuant to the FIFA Statute, the selection of venue for the final tournament of the FIFA World Cup aims to ensure the best possible conditions in the host country.¹¹¹

The FIFA general secretariat is responsible for establishing a 'far and transparent' candidature procedure with detail requirements for bidding and hosting and criteria for selecting the venue.¹¹²

The Council shall review the public report in which the FIFA general secretariat evaluate all the

¹⁰⁹ Ibid p.12

¹¹⁰ ibid

¹¹¹ FIFA Statute, Rule 69 (2)

¹¹² Ibid, Rule 69(2)(a)

candidates according to the criteria, and create final list of the candidates to submit to the Congress where the venue shall be decided.¹¹³

As part of FIFA's reform, it has revised its bidding process in terms of human rights and anti-corruption with support from the Office of the High Commissioner for Human Rights (OHCHR) and Professor Ruggie.¹¹⁴ In 2017, FIFA published guide to bidding process for the 2026 FIFA World Cup which included new requirements.¹¹⁵ The new bidding process places commitments to human rights and sustainability as one of the key principles, and explicitly refers to the UNGP. In the evaluation phase, before the evaluation by the FIFA Council, FIFA decided to carry out three types of assessments which would analyse and assess: the level of compliance with requirements; the risks and benefits including adverse human rights impacts; and the infrastructural and commercial capacity of staging a successful tournament.¹¹⁶

The bidding member associations must provide explicit commitments to respect all internationally recognised human rights aligned with the UNGP, and guarantees of compliance with international human rights standards from its national government, host cities, and any other entities

¹¹³ Ibid, Rule 69(1)(2)(b)(c)

¹¹⁴ FIFA, Fact Sheet: FIFA's work on Human Rights (November 2016)

¹¹⁵ FIFA, 'FIFA publishes guide to bidding process for the 2026 FIFA World Cup' (FIFA.com 07 Nov 2017) https://www.fifa.com/about-fifa/who-we-are/news/fifa-publishes-guide-to-bidding-process-for-the-2026-fifa-world-cuptm-2916170?intcmp=fifacom_hp_module_news

¹¹⁶ FIFA, Guide to Bidding Process for the 2026 FIFA World Cup, p.7

responsible for the construction and renovation of stadiums, training sites, accommodations and transportation systems. They are also required to present a strategy on how they would identify and address the risks of adverse human and labour rights impacts. The strategy shall include; 'a comprehensive report identifying and assessing any risks of adverse impacts on human rights and labour standards that is informed by a study by an independent expert institution assessing the respective country's human rights context; mechanisms that will be put in place to address all of the identified human rights risks; and a concept outlining ways in which the member associations will provide for or cooperate in access to remedy in the event that adverse human rights impacts have occurred'.¹¹⁷

With regard to sustainability, the bidding member associations shall provide a strategy for sustainable event management which includes provisions for procurement and supply-chain management and promotion of zero tolerance for discrimination.¹¹⁸

In short, FIFA has taken landmark steps to strengthen its human rights commitments. Because of the size of its impact among the global sports community, these steps have a great potential for FIFA to create a positive trend of revising the mechanisms and establishing the strategies to respect human rights by IFs.

¹¹⁷ FIFA, Guide to Bidding Process for the 2026 FIFA World Cup, p.32

¹¹⁸ FIFA, Guide to Bidding Process for the 2026 FIFA World Cup, p.31

III. Case studies

a. Migrant worker's rights in Qatar

In December 2010, Qatar won its bid to host the 2022 FIFA World Cup, as the first country within Middle Eastern countries.¹¹⁹ FIFA appointed Qatar as the host country of the tournament with acknowledging several concerns about the risks in respect of new construction plans of infrastructure Qatar had proposed. Qatar's winning bid included plans of newly constructing nine FIFA World Cup-sized stadiums and renovating three existing stadiums with deploying climate control measures which are cooling equipment to tackle the high temperature in the country.¹²⁰ It also proposed new team facilities, 140 additional accommodations for visitors which are expected to be more than 120 million, the New Doha International Airport, general transport system within the country, long-distance rail network connecting Qatar with neighbouring countries, New Doha Port for cruise ship, USD 20 billion worth of new road, new motorway to Bahrain and a road tunnel under Doha Bay.¹²¹

¹¹⁹ Jamie Jackson, 'Qatar wins 2022 World Cup bid' (2 Dec 2010) The Guardian <https://www.theguardian.com/football/2010/dec/02/qatar-win-2022-world-cup-bid>

¹²⁰ FIFA '2022 FIFA World Cup Bid evaluation Report: Qatar' p.4

¹²¹ FIFA '2022 FIFA World Cup Bid evaluation Report: Qatar' pp.4-22

Since then, the country have undertaken massive new construction to prepare for hosting one of the world biggest mega-sporting events. This significant push of construction projects which are required to be done by 2022 or earlier, created needs of considerable number of additional workers in a short time frame.

Majority of Qatar's population is migrant. According to the latest available data of Gulf Labour Markets and Migration (GLMM) provided by Migration Policy Centre, European University Institute, which is referred to by the World Bank's Migration and Remittances Factbook alongside the database of the UN Population Division (UNPD), Migrants make up 87 per cent of resident population and 95 per cent of workforce in Qatar. According to the GLMM's analysis, 71 per cent of the migrant workers are employed with low salary, and hospitality and construction workers are the top two occupations which forms significant portion among the whole low-income migrant workers.¹²² The home countries of the workers are mainly India, Nepal, Bangladesh, Sri Lanka and Philippines, in which they suffer from poverty and lack of stable jobs. They migrate to Qatar, which has the world highest GDP per capita, as they believe they can have stable jobs and earn

¹²² Gulf Labour Markets and Migration (GLMM), 'Working and Living conditions of Low-Income Migrant Workers in the hospitality and construction Sectors in Qatar' (GLMM - RR - No. 1/2019) p.3; see also World Bank, 'Migration and Remittances Factbook' (2016 3rd edn.) p.12

more money. Qatar has been one of the countries which send the largest amount of remittance to other countries.¹²³

Qatar has had a bad reputation for working condition of migrant workers because of its Kafala (sponsorship) system. It has been reported in international media and human rights NGOs reports that migrant workers experiences several human rights abuses including 'undue recruitment fees charged to the migrants, placing them in a situation of heavy debt before departing from the origin country; unpaid, partially paid or delayed wages, in connection or not with debts contracted at recruitment; differences in terms of pay and/or occupation between the contract actually signed at destination and the contract that was offered before leaving the origin country; precarious working conditions entailing risks for health and safety; freedom of movement restricted or denied by practices such as passport retention; forced labour (e.g., unpaid overtime); wretched and unhealthy housing and living conditions; and inaccessibility of legal redress'.¹²⁴

Despite these facts, FIFA did not require Qatar to provide information or guarantee to address human rights abuse in its criteria of bidding agreement, and appointed the country as the host.

In May 2015, the Building and Wood Workers' International (BWI) made a submission to the National Contact Point of Switzerland (Swiss NCP) with regard to the human rights abuse of

¹²³ World Bank, 'Migration and Remittances Factbook' (2016 3rd edn.) p.62

¹²⁴ Gulf Labour Markets and Migration (GLMM), 'Working and Living conditions of Low-Income Migrant Workers in the hospitality and construction Sectors in Qatar' (GLMM - RR - No. 1/2019) p.11

migrant workers relating to the construction of infrastructure for hosting the FIFA World Cup 2022 in Qatar.¹²⁵ The BWI, asserted that FIFA violated the OECD Guidelines as it did not take any measures even though human rights abuse in Gulf states had been known and documented for a long time. According to the BWI, FIFA escalated human rights violation by electing Qatar as the host country of the tournament since it consequently required considerable number of additional migrant workers to carry out new construction of facilities. It also claimed that FIFA lacked human rights policy and failed to carry out HRDD to make sure the event would not cause an adverse human rights impact which are required under the OECD Guideline.¹²⁶ On the other hand, FIFA argued that the football body was a non-profit association under the Swiss law rather than corporation so that it did not fall within the scope of the guideline, and denied its responsibilities on working condition in the contraction sites which Qatar contracted with FIFA.¹²⁷ The OECD rejected the FIFA's argument and defined FIFA as a multi-national enterprise which has responsibility to respect human and labour rights of workers employed in Qatar on construction projects for 2022 FIFA World Cup under the OECD Guideline.¹²⁸ In the proceedings of the NCP

¹²⁵ National Contact Point of Switzerland, Initial Assessment: Specific Instance regarding the Fédération Internationale de Football Association (FIFA) submitted by the Building and Wood Workers' International (BWI), (Berne, October 13, 2015) p.1

¹²⁶ Ibid. pp.2 and 3

¹²⁷ Ibid. p.4

¹²⁸ Ibid. pp.5-9

after the Initial Assessment, the NCP facilitated a mediation between the BWI and FIFA, and included the outcome of the mediation in the Final Statement. Consequently, both parties agreed on the outcomes which requires FIFA to further develop and the BWI to continuously support improvement of the situation of migrant construction workers employed for building facilities relevant to the 2022 FIFA World Cup in Qatar.¹²⁹ It included the adoption of the human rights policy, establishment of an advisory board, and revise of the bidding requirements of future World Cup.¹³⁰ FIFA acknowledged its responsibility for the risks in the construction sites relating to the FIFA World Cup and agreed on exercising its leverage on relevant actors in Qatar to improve the working conditions in consistency with the HRDD process under OECD Guidelines and the UNGP.¹³¹ The parties identified the importance of the solid and effective procedure for working conditions and grievance mechanism for workers on the ground which are insufficient in Qatar, and agreed that they would take steps to make them reviewed and improved.¹³² Furthermore, they recognised that it is essential to ensure the compliance of human rights standards by subcontractors within the supply-chains and decided to make further consideration on measures

¹²⁹ National Contact Point of Switzerland, Final Statement: Specific Instance regarding the Fédération Internationale de Football Association (FIFA) submitted by the Building and Wood Workers' International (BWI) (Berne, 2 May 2017) p.3

¹³⁰ Ibid p.3

¹³¹ Ibid p.3 and 4

¹³² Ibid. p.4 and 5

for capacity building of all relevant actors in cooperation with the local authorities.¹³³ The Final Statement was concluded with the agreement of regular meetings and continuous discussion between the parties for updates and NCP's follow-up.¹³⁴

This was the background of the reforms conducted by FIFA with regard to human rights stated in the former section. Adding to the reforms, in November 2016, the Supreme Committee for Delivery and Legacy (SC) signed a Memorandum of Understanding (MoU) with the BWI in which they agreed to carry out joint labour inspections on 'stadiums sites, training of staff from SC and contractors, as well as an assessment of the SC's grievance mechanisms'.¹³⁵ In February 2019, the SC and BWI published their second annual report which summarises the findings from the inspections carried out by their Joint Working Group (JWG) during 2018.¹³⁶ The inspection team conducted inspections by visiting five construction sites, two training sites and respective accommodations for workers, contracted by both international and domestic companies on six

¹³³ Ibid. p.4

¹³⁴ Ibid p.6

¹³⁵ FIFA, FIFA activity update on human rights (May 2017) available at: https://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/21/activityupdate_huma_nrights_may2017_neutral.pdf_p.11 p. 12, also see FIFA.com: FIFA World Cup Qatar 2022 'Supreme Committee for Delivery & Legacy and BWI sign MoU for joint inspections on Qatar 2022 Stadiums (15 Nov 2016) <https://www.fifa.com/worldcup/news/supreme-committee-for-delivery-legacy-and-bwi-sign-mou-for-joint-inspe-2850955>

¹³⁶ Supreme Committee for Delivery & Legacy (SC) 'SC and BWI publish second workers' welfare progress report' (25 February 2019) <https://sc.qa/en/news/sc-and-bwi-publish-second-annual-report>

occasions.¹³⁷ In the report, the JWG defined ‘non-compliance’ as a findings violating Qatari law as well as the standards referred to by the JWG regarding health, safety and welfare, and ‘observation’ as ‘suggestion for improvement’.¹³⁸ The report highlights non-compliances and observations found by the inspections, measures taken to improve the non-compliance and key findings reported. When compared with their first report published in 2018, it could be told some improvement as the number of observations has been decreased considerably in the sites where the inspection team visited in both years. However, there were some sites which non-compliances increased.¹³⁹ Some sites inspected in 2017 were not covered in 2018, but continuous investigations are needed to ensure the safety and health on the sites as the number of workers and contractors has been raised more and more.¹⁴⁰

¹³⁷ SC ‘SC and BWI publish second workers’ welfare progress report’ (25 February 2019) <https://sc.qa/en/news/sc-and-bwi-publish-second-annual-report>

¹³⁸ C and BWI, ‘The Supreme Committee for Delivery & Legacy and Building and Wood Workers’ International Joint Working Group 2018 Report’ P.14

¹³⁹ For example, the accommodation inspection for Al Rayyan Stadium found 37 observations and no non-compliance in in 2017, while 3 observations and 6 non-compliance was reported in 2018. SC and BWI, ‘The Supreme Committee for Delivery & Legacy and Building and Wood Workers’ International Joint Working Group 2018 Report’ pp.14-24 ; SC and BWI, ‘The Supreme Committee for Delivery & Legacy and Building and Wood Workers’ International Joint Working Group 2017 Report’ pp.12-16

¹⁴⁰ SC and BWI, ‘The Supreme Committee for Delivery & Legacy and Building and Wood Workers’ International Joint Working Group 2018 Report’ pp.14-24 ; SC and BWI, ‘The Supreme Committee for Delivery & Legacy and Building and Wood Workers’ International Joint Working Group 2017 Report’ pp.12-16

While the situation of health and safety has said to made progress, there are more issues to be improved. The SC also carried out its own monitoring system and it conducted inspections at 379 accommodations and 555 construction sites, 4,561 workers interviews and 956 ethical recruitment audits throughout 2018.¹⁴¹ In its report, SC highlighted problematic health insurance, passport retention and contract substitution.¹⁴²

Also, as Impactt Ltd. reported in 2018, the compliance of the contents whose compliance rates in 2017 were dramatically low have been improved, while, as a whole, compliance rates of most contents have decreased.¹⁴³ It also found that the number and severity of matters tends to get worse further down the supply chain, which are mainly manpower agencies who supply workforce to other companies and does not have direct connection with the SC.¹⁴⁴ Impactt Ltd. placed emphasis on issues of recruitment fees which is also crucial among migrant workers in the world.¹⁴⁵ It also pointed out wage problems in which several contractors did not provide the

¹⁴¹ SC, 'Fourth Annual Workers' Welfare Progress Report: February 2018 – January 2019' p.15

¹⁴² SC, 'Fourth Annual Workers' Welfare Progress Report: February 2018 – January 2019'

¹⁴³ The Compliance rate of contractor self-audits, disciplinary procedures and worker representation increased from 37% to 70%, 23% to 66% and 28% to 67% respectively, while, for instance, those of treatment, recruitment fees and wages and allowance decreased more than 10%. Impactt Ltd., 'Annual External Compliance Report of the Supreme Committee for Delivery & Legacy's Workers' Welfare Standards: Changing the game: towards real impacts for workers' (February 2018) P.23

¹⁴⁴ Impactt Ltd., 'Annual External Compliance Report of the Supreme Committee for Delivery & Legacy's Workers' Welfare Standards: Changing the game: towards real impacts for workers' (February 2018)pp.24-26

¹⁴⁵ Impactt Ltd., 'Annual External Compliance Report of the Supreme Committee for Delivery & Legacy's

workers' wage on time, failed to pay appropriate overtime premium and did not give sufficient rest and day off. The matter of non-compliance of working hours standards were critical, as at eight out of 19 contractors, working hours exceeded 72 hours per week, and in the worst case, the employees worked 14 hours per day and 402 hours per month. 12 contractors lacked precise and trustworthy monitoring system for working hours, and even they have working hours records, it included incorrect information or lacked necessary data.¹⁴⁶

As of today, Qatar has been still reported with the news of hundreds of migrant workers' death at the FIFA World Cup construction sites because of the long hours workforce in temperature of up to 45 degree Celsius.¹⁴⁷ It has been said that many of the workers' life could have been saved if the construction sites had appropriate heat protection equipped, and workers received enough care and rest. It has been also criticised that Kafala system makes migrant workers unable to quit

Workers' Welfare Standards: Changing the game: towards real impacts for workers' (February 2018)pp.27-31

¹⁴⁶ Impactt Ltd., 'Annual External Compliance Report of the Supreme Committee for Delivery & Legacy's Workers' Welfare Standards: Changing the game: towards real impacts for workers' (February 2018)pp.35-38

¹⁴⁷ Annie Kelly , Niamh McIntyre and Pete Pattison, 'Revealed: hundreds of migrant workers dying of heat stress in Qatar each year' (2 Oct 2019) <https://www.theguardian.com/global-development/2019/oct/02/revealed-hundreds-of-migrant-workers-dying-of-heat-stress-in-qatar-each-year>

jobs, go back home or complain since the employers have the significant power on workers and can keep identification documents and punish the workers under the Qatari law.¹⁴⁸

It could be also said that Qatar's organising the world biggest MSE raised the global awareness of the migrant workers issues in the country. The situation in Qatar is tragic, yet this could be the opportunity to improve the situation. FIFA should continuously cooperate with the SC, BWI and Impactt Ltd. to investigate the conditions of the labourers in the venues related to 2022 World Cup, with encompassing the inspections' scopes further to the value chains of the contractors. If FIFA fully exercises its leverage, to the extent it does not violate Qatari law, and proactively make actions to improve the conditions by sufficient and effective follow-ups at the FIFA World Cup related construction sites and accommodations, which are the biggest and main construction projects in the country, it has a potential to make, even small, changes.

b. The future Olympic Games

The election for the 2024 Summer Olympic Games was the first occasion which applied the new philosophy of candidature process provided by the Olympic Agenda 2020.¹⁴⁹ At the IOC Session in September 2017, the IOC members voted and decided that Paris and the Los Angeles would

¹⁴⁸ Human Rights Watch 'Building a better World Cup: Protecting Workers in Qatar Ahead of FIFA 2022' (June 2012)

¹⁴⁹ IOC, Report of the IOC Evaluation Commission 2024 p.4

host the Olympic Games 2024 and 2028 respectively.¹⁵⁰ As a consequence of the new criteria, both cities put great emphasis on strong commitments to sustainability and legacy. They placed organisation and staging of the Olympic Games as a step in long-term development plans of the sports, economy, society and environment of the cities and region, and presented that the Games would leave beneficial legacies for the society.¹⁵¹ The both cities also have solid support from citizens of the cities and regions, national governments and political parties, and they guarantee that they would use existing infrastructure which makes the needs of new construction minimum.¹⁵²

The new candidature procedure is valuable as it enabled to enhance the potential of sustainability and legacy of the future which are related to human rights protection. However, the Candidature Questionnaire which is the basis of the dialogue between the candidate cities and the IOC during the three stages of the bidding process lacked questions on protection and respect of human rights.¹⁵³ As a result, Los Angeles and Paris made no explicit commitment on protecting and respecting human rights nor reference to HRDD processes. Paris made commitments to carry

¹⁵⁰ IOC website '2024/2028 Host City Election' <https://www.olympic.org/2024-2028-host-city-election>

¹⁵¹ IOC, Report of the IOC Evaluation Commission 2024 p.9, 16, 51 and 52

¹⁵² IOC, Report of the IOC Evaluation Commission 2024 pp.10-12,17-23,48, 53-59, 84

¹⁵³ See Candidature Questionnaire Olympic Games 2024 (16 September 2015) <https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/Documents/Host-City-Elections/XXXIII-Olympiad-2024/Candidature-Questionnaire-for-the-XXXIII-Olympiad-2024.pdf>

out a study on environmental, social and economic impacts of new venues in the planning phase which could assess risks, but no further explanation was given.¹⁵⁴ Although both cities' maximum use of existing facilities would lower the risk of human rights abuse in construction sites, the risks within supply-chains which provide with construction materials would remain.¹⁵⁵ No details on how the projects would be monitored were provided, nor has a reference to tracking supply-chains for sourcing been made. Besides, the IOC evaluation did not mention the necessity of remediation mechanisms or explicitly required the candidates to establish such mechanisms to host the Olympic Games.¹⁵⁶

On the other hand, the Host City Contract for the 2024 Olympic Games includes several provisions relevant to human rights. For example, according to principle 13, the host city, its NOC and the OCOG shall prohibit 'any form of discrimination with regard to a country or a person on grounds of race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status',¹⁵⁷ and 'protect and respect human rights

¹⁵⁴ IOC, Overview Sustainability Commitment' Report of the IOC Evaluation Commission 2024, p.140

¹⁵⁵ Institute for Human Rights and Business, 2024 Olympic Bid Evaluation: A Human Rights Review (July 2017) p.3

¹⁵⁶ Institute for Human Rights and Business, 2024 Olympic Bid Evaluation: A Human Rights Review (July 2017) p.4

¹⁵⁷ Principle 13.2(a) Host City Contract 2024 available at: https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/Documents/Host-City-Elections/XXXIII-Olympiad-2024/Host-City-Contract-2024-Principles.pdf#_ga=2.150180598.1955758418.1501149517-903671617.1498830386

and ensure any violation of human rights is remedied in a manner consistent with international agreements, laws and regulations applicable in the Host Country and in a manner consistent with all internationally-recognised human rights standards and principles, including the United Nations Guiding Principles on Business and Human Rights, applicable in the Host Country'.¹⁵⁸

The IOC places these obligations in the context of the compliance of the Olympic Charter and enhancement of Olympism. The host city, its country's NOC and the OCOG shall perform these duties in order to fulfil its obligations under the Olympic Charter and the IOC Code of Ethics. In other words, the IOC recognised and explicitly presented that protection and respect of human rights, which are implemented by observing the UNGP, are essential contents of fundamental principles of the Olympic Movement.

In addition, with respect to sustainability and Olympic Games legacy, the Contract provides that the three parties responsible for the organisation 'take all necessary measures, where necessary in cooperation with Host Country Authorities and other third parties, to ensure that their activities in relation to the organisation of the Games comply with any international agreements, laws and regulations applicable in the Host Country, with regard to planning, construction, protection of the environment, health and safety, labour and working conditions and cultural heritage'.¹⁵⁹

¹⁵⁸ Principle 13.2(b) Host City Contract 2024

¹⁵⁹ Principle 15.2(b) Host City Contract 2024

Furthermore, the IOC requires the OCOG to cooperate with the authorities of the host city's country to ensure that 'there shall be no restrictions or limitations on the freedom of the media to provide independent coverage of the Games as well as related events, nor on the editorial independence of the material broadcast or published by the media'.¹⁶⁰

Nevertheless, the IOC has failed to include detailed instructions for protection and promotion of human rights. The Host City Contract should require the organiser observance of international human rights standards, HRDD and risk assessment, access to remedy, internal mechanisms for monitoring the implementation of international human rights obligations. In addition, although the Host City Contract requires the host cities to follow labour and anti-corruption regulations, it lacks detailed guarantees on business and its supply chains.¹⁶¹

In the latest bid, which is the election for the Winter Olympic Games 2026, candidature process has been updated the from that of the Paris 2024 and Los Angeles 2028. In the Candidature Questionnaire for Olympic Winter Games 2026, the IOC required candidates to submit certain guarantees from the authorities of the host city and its country and other third parties concerned, which would be binding commitments of the elected city, the NOC, and the OCOG.¹⁶² This

¹⁶⁰ Principle 25.1(a) Host City Contract 2024

¹⁶¹ Amnesty International UK, '2024 Olympics: "Astonishing" omission of human rights in Host City Contract' (24 Sep 2015) <https://www.amnesty.org.uk/press-releases/2024-olympics-astonishing-omission-human-rights-host-city-contract>

¹⁶² IOC, Candidature Process: Olympic Winter Games 2026 p. 43

included guarantees from the Government of the candidates' countries as well as the authorities of each regions or cities, other than the host city, hosting Games venues that they protect and respect human rights and ensure remediation for human rights abuse in accordance with international laws and standards including the UNGP.¹⁶³ Consequently, in the final report of the IOC Evaluation Commission for Olympic Winter Games 2026, summaries featured on human rights conditions in the candidate cities were provided, in which the cities were evaluated by human rights indicators such as ratification of international human rights treaties and ILO core conventions.¹⁶⁴ Nonetheless, details for assessing and monitoring impacts on human rights and remediation for their violation were still missing, and consideration to human rights abuse by business and its supply-chains were not mentioned.

IV. Analysis and suggestions for further improvements

a. Putting the UNGP into the context

As stated in the first section, the IOC and FIFA have responsibility to respect human rights in line with the UNGP. As the awarding bodies, they are the ones who select the host cities and countries, and closely corporate with them and the national and local organising bodies. In

¹⁶³ IOC, Candidature Questionnaire: Olympic Winter Games 2026, p. 86 and 88

¹⁶⁴ IOC, IOC Evaluation Commission Report: Olympic Winter Games 2026, P.127and 128

addition, the finance of the bodies are supported by several sponsors and broadcasting companies, and planning and staging the events are dependent on business partners who deliver facilities, services, materials, and other goods needed. Hence, The awarding bodies have leverage over the parties with regard to their operations and projects related to and conducted for organising and hosting the MSEs. Consequently, they have responsibilities to exercise their leverages to ensure that all relevant actors respect human rights, and take appropriate measures if there are non-compliance. In other words, the IOC and FIFA have responsibilities over

In order to implement their responsibilities, the IOC and the FIFA have to make a human rights policy commitments, and they should be acknowledged and respected by all the relevant parties.

In terms of HRDD, it should be carried out in the earliest stage of the project as well as on a continuous and repeating basis. As a result, the awarding body should assess the risks of adverse human rights impact in the evaluation stage of the bidding procedure to select the host of the events and reflect the study to its bid. In addition, the should also make sure the risk assessments are conducted by the hosts during their projects such as constructions. Besides, tracking also requires close cooperation with the hosting locations as well as the businesses concerned. There should be monitoring and tracking mechanisms within the relationship between the awarding bodies and the host organisers, as well as the host and the contractors and subcontractors to cover the whole supply chain. Each parties should have operational level grievance mechanisms,

which allows individuals and groups to raise concerns directly, and provide information of their commitment publicly to secure transparency. In the light of remediation systems, the IOC and FIFA should establish legitimate and available grievance mechanisms which fulfil the conditions required in the UNGP. In order to enhance the effectiveness and ensure the fulfilment of the criteria, the awarding bodies could investigate whether state-based judicial and non-judicial grievance mechanisms are established in the candidate cities and countries.

b. The IOC and the Olympic Games

- **Policy commitment**

It is clear that the fundamental idea of Olympism contains peace-building and realization of human-dignity, which could be associated with implementation of human rights. Indeed, IOC has been recognised the significance of promotion and protection of human rights as the rewarding organisation of the MSE, which has been reflected to its Olympic Charter and the Code of Ethics. However, while some policies and mechanisms has been improved, there are still a lot to do with implementing it. With regard to the Olympic Agenda 2020, it does neither explicitly mention human rights nor refer to the UNGP. Moreover, the main focus of the charter, codes and agenda is clean athletes and non-discrimination of those participants rather than human rights of people who would involve in and be affected by organising and staging the Olympic Games as workers,

citizens, or other groups of individuals. The terminologies used for the human rights clauses are broad and need to be embedded in operational level standards with details. Policy commitments is not required to be in detail and could be simple expression of a general commitment, yet it should provide that the entities respect all internationally recognised human rights under the UNGP.¹⁶⁵ Therefore, the policies should specifically refer to it. In terms of this, the Code of Ethics does express the commitment for respecting international human rights conventions insofar as they apply to the Olympic Games activities.¹⁶⁶ However, though the scope of application of the Code include the IOC and the NOCs at all time and the OCOGs as long as they exist, the application to the cities is limited to the time of the candidature process, and sponsors and business partners are not included.¹⁶⁷ In order to keep the coherence of the policies, it should expand the scope to the host city, as the new host city contracts which include human rights clauses are binding on the NOCs, OCOGs as well as the host cities and businesses concerned. If not, the host city requirements should definitely provide specific conditions for respecting and protecting human rights, and make the host cities to respect internationally recognised human rights standards throughout it bidding, planning and staging of the Olympic Games. In addition,

¹⁶⁵ Question 22 OHCHR 'The Corporate Responsibility to respect human rights: an Interpretive Guide' HR/PUB/12/02

¹⁶⁶ IOC Code of Ethics Article 1.4

¹⁶⁷ IOC Code of Ethics scope of application

they should have threshold for choosing sponsors, and ensure that the hosts of the Games would take appropriate measures to protect and respect human rights in terms of business.

The emphasis on sustainability in the Olympic Agenda 2020 is progressive step as it could lead to requiring the host city to incorporate human rights into its planning and staging the Games as well as managing the site after the event. This recommendations could be interpreted that the IOC is to play an active role to support and monitor the host cities, the NOCs and the OCOGs to tackle with issues which could occur by hosting the event, for instance, forced eviction, migrant workers, human trafficking, and media censorship. In addition, inclusion of clauses about non-discrimination as well as environmental and labour-related matters in the host city contract would enables the IOC to mitigate the risk of violation of human rights, to put pressure and take sanctions on the host cities if they breach the contract. The latest bidding process is valuable as human and labour rights was embedded in both the candidature requirements and the Host City Contract with reference to the UNGP. Integrating human rights in the candidature process is essential for policy commitment as it would be the measures for internally and externally communicating to the relevant actors which is required in the principle 16(d) of the UNGP. Yet the IOC is still missing the policy commitment which includes the ideas of contents provided in the host city contract and the requirements. Policy commitment would be a 'constant reference point' for relevant parties

and stakeholders.¹⁶⁸ It would also be the reference point for the IOC itself for deciding the policies and mechanisms for the future Games. The IOC needs to establish a human rights policies specifically express the protection and respecting of international recognised human and labour rights which are applicable to all relevant parties.

- **Human rights due diligence**

Because of the new candidature procedure with the assistance phase and three evaluation stages, the possibility for the IOC to assess and track the risks of adverse human rights impacts in the candidate cities by communicating with them. As the hosting requirements include the guarantees of compliance of international human rights standards from the Government of the candidate cities and the authorities of the cities which would hold the Games venues, the IOC may mitigate the risks of the impacts. The human and labour rights requirements would enable to make the candidate cities to be engaged in human rights protection, and the dialogues between the IOC and the candidates would be the opportunities for the IOC to advise and support the candidates to reach the level of the requirement before they actually start the projects for hosting the Games if there are any shortages to fulfil the conditions in the cities. However, even the risk

¹⁶⁸ Question 22 OHCHR 'The Corporate Responsibility to respect human rights: an Interpretive Guide' HR/PUB/12/02

assessments by the IOC before they elect the host cities are assured, it is equally important that risk assessment would be conducted by the host cities, the NOCs and the OCOGs as well as the relevant companies when they plan, carry out and manage the each projects such as construction of stadiums for the Olympic Games. The IOC should add the requirement of risk assessment in the Host City Contracts.

In addition, the IOC should ensure that hosting cities and committees have monitoring and remediation mechanisms within their countries, cities and partnership and sponsorship relations. While they are lacking the tracking and remediation mechanisms, they cannot complete HRDD procedure. The IOC should provide the hosts with the detailed requirements and instructions of tracking and remediation system with regard to business projects and their supply chains.

The more significant problem is that the IOC itself lacks monitoring and remediation mechanisms. Although the IOC Executive Board monitors the compliance of the Olympic Charter and the Ethics Commission does so for the Code of Ethics, there are no human rights tracking and monitoring systems covering the observance of the Host City Contracts. It has sanctions against host cities and the committees if they violate the Olympic Charter, but does not have remediation procedure as well as grievance mechanisms. The IOC should take a leadership role for forming the foundation of monitoring and remedying mechanisms among the Olympic Movement in order to ensure that those of the host cities and committees would work effectively.

Even the IOC has developed their policies and strategies, they would not effectively function unless they are reflected to the operations and implemented. The IOC should provide the detailed instructions of HRDD processes the host cities carry out and establish the monitoring system as well as remediation mechanisms in order to achieve the human rights protection.

c. FIFA and the World Cup

FIFA has been established several key standards and mechanisms in the process of its reform.

It is valuable that FIFA started renovation of its policies and mechanisms working with external experts responding to public opinions and interest in human rights matters. The monitoring systems enabled to identify the issues and the public report enhance the transparency. Because there are several parties who monitor the actions, and each parties has different focuses and findings, each parties can cover others insufficiency. For example, while the SC and BWI's report Impactt Ltd. had inspected further in its supply chains, and interviewed the workers on the ground.

However, until today, the violations of human rights are still occurring in the sites relevant to the organisation and hosting of the FIFA World Cup. Its is only the beginning for FIFA's challenge to deal with human rights issues, and as the bidding process for the 2026 Games introduced the human rights policies and requirements, FIFA should continuously make efforts to ensure its implementation.

V. Conclusion and further comments

As the integration of protecting and respecting human rights into the policies and mechanisms is relatively new trend of the awarding bodies of MSEs, there are still a lot of challenges they should tackle to improve the situation. However, human rights issues in the context of MSEs has always existed and been discussed over a period of many years, and it is essential for the awarding bodies to make changes as soon as possible.

Because of the status of the IOC and FIFA among sports community, they should be the leading parties of human rights protection in terms of governance and regulations. In addition, as the Olympic Games and FIFA World Cup attract outstanding attention of and involves great number of people, business and government all over the world, the awarding bodies should be aware of their impacts on the global and national societies. If they successfully deliver the championships, they would leave a great legacy in the host location. On the other hand, if they fail to lead the championships to be hosted fairly, there would give immense adverse impacts on the people and the regions of the host locations.

Even though the awarding bodies do not have legal power to force the governments to resolve the systemic human rights issues in the host countries, they have rights and responsibilities to

create regulations and mechanisms to govern the host cities, organisations, companies and other relevant parties to secure the protection and respecting of human rights in the activities relevant to organising and hosting the championships. Furthermore, the popularity of the events could be tools to raise the awareness of issues in the host locations, create public opinions and become the moving force of resolving the problems. The MSEs could be a catalyst of changes in the host locations in either positive or negative ways. The awarding bodies should take appropriate steps to enhance the positive legacy and decrease the possibilities of negative impacts.

Although this report has focused on the application of the UNGP, further studies should be made to identify the IOC and FIFA's responsibilities under international law in broader term. This would include studies on rights and responsibilities of international organisations, since it is still not clear how far the awarding bodies can use its leverage and should cover the risks. Since the scope of managing of the MSEs should include not only bidding, planning and hosting but also past-Games legacy, as well as host cities, host committees and business including their supply chains, the identification of the extent of their rights and responsibilities is crucial. In addition, this report only analysed the migrant workers case, but there are several areas which could be affected by the events, such as forced eviction, human trafficking and child prostitution. In terms of business relationships, the awarding bodies have connections with companies for sponsorship and licensing, and significant number of business involves in the event, by supplying merchandise,

sports wears and equipment, food and drinks other than sports infrastructures and accommodations, and they have suppliers of their materials and ingredients respectively. As the awarding bodies integrated human rights in line with the UNGP, it should be further researched to analyse the responsibilities of the awarding bodies of these global sized sporting events.