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Workshop

Large Sporting Events: Human Rights as a Game Changer?



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Policy Department for External Relations
Directorate General for External Policies of the Union
PE 653.642 - July 2021



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Large Sporting Events: Human Rights as a Game Changer?

ABSTRACT

Large sporting events such as the football World Cup or the Olympic Games can have a considerable impact on a variety of human rights, including the rights of citizens in the host countries; the fundamental freedoms of athletes, journalists and spectators; and the rights of workers involved in construction sites and supply chains. In recent years, international sports federations and other stakeholders have increasingly acknowledged their role in promoting and respecting human rights by adopting strategies, appointing dedicated bodies and including human rights criteria in the bidding and selection process for hosting states. This workshop, requested by the Subcommittee on Human Rights, and organised in association with the Committee on Culture and Education, examined the progress made by sports governing bodies, in addition to the EU's potential role in advocating for a coherent, human rights-based approach to sports events. The two briefings presented at the workshop analyse the legal human rights provisions in existing bidding and hosting regulations, as well as the political context for promoting human rights through large sporting events, including the potential linkages between human rights objectives and sustainable development goals.

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This study was originally requested by the European Parliament's Subcommittee on Human Rights (DROI)

The content of this document is the sole responsibility of the authors, and any opinions expressed herein do not necessarily represent the official position of the European Parliament.

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VERSION

English-language manuscript completed on 06/07/2021.

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This paper will be published on the European Parliament's online database, ['Think Tank'](#)

ISBN: 978-92-846-8340-6 (pdf)

doi:10.2861/027534 (pdf)

Catalogue number: QA-02-21-866-EN-N (pdf)

ISBN: 978-92-846-8339-0 (paper)

doi:10.2861/098054 (paper)

Catalogue number: QA-02-21-866-EN-C (paper)

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BRIEFING

Legal responsibilities for promoting human rights and preventing human rights abuses in relation to large sporting events

ABSTRACT

This Briefing analyses existing bidding and hosting regulations, mapping the various actors involved in delivering large sports events and their responsibilities. While it is a positive development that sports bodies have introduced human rights criteria into these regulations, there are numerous shortcomings regarding their scope and enforceability. In response, six recommendations are made on how the European Union and Member States can support the promotion of human rights through large sporting events, ensure the prevention of human rights abuses in the context of these events and improve access to remedy whenever human rights abuses occur.

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July 2021

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List of acronyms

| | |
|-------|---|
| BWI | Building and Wood Workers' International |
| CAS | Court of Arbitration for Sport |
| CSO | Civil Society Organisation |
| DFB | German Football Federation [<i>Deutscher Fussball-Bund</i>] |
| EACEA | European Education and Culture Executive Agency |
| EU | European Union |
| EURO | European Football championship |
| FIFA | Fédération Internationale de Football Association |
| FRA | European Union Agency for Fundamental Rights |
| FNV | Federation of Dutch Trade Unions [<i>Federatie Nederlandse Vakbeweging</i>] |
| HA | Hosting Agreement |
| HCA | Host City Agreement |
| HCC | Host City Contract |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families |
| IOC | International Olympic Committee |
| ISGB | International Sport Governing Body |
| MS | Member States |
| MSEs | Mega-sporting events |
| NCP | National Contact Points |
| NGO | Non-governmental Organisation |
| NOC | National Olympic Committee |
| OCOG | Organising Committee of the Olympic Games |
| OECD | Organisation for Economic Co-operation and Development |
| OPGs | Olympic and Paralympic Games |
| UEFA | Union of European Football Associations |
| UN | United Nations |
| UNGPs | UN Guiding Principles on Business and Human Rights |

1. Introduction

Large sport events such as the European Football championship (EURO), Fédération Internationale de Football Association's (FIFA) women's or men's World Cup, the Summer and Winter Olympics as well as the Paralympic Games (OPGs), the Commonwealth Games, or the *Jeux de la Francophonie* all carry human rights risks, but also potential for the promotion of human rights. The risks have become increasingly apparent with the majority of large sport events hosted in recent decades, but particularly since the Beijing Games in 2008¹. Numerous reports have highlighted that a whole range of human rights can be adversely impacted by delivering these events, such as housing rights, labour rights, privacy rights, rights to freedom of expression and protest, as well as the principle of non-discrimination. For the Seoul, Barcelona, Atlanta, Sydney, Athens, Beijing and London events, in all more than two million people, families and individuals, have been displaced or forcefully evicted due to directly and indirectly linked construction projects². Concerns for workers' rights abuses have been raised in connection with the Sochi OPGs in 2014 and the 2018 FIFA World Cup in Russia, as well as the 2018 Winter Games in Pyeongchang and preparations for the 2022 FIFA World Cup in Qatar³. Child labour concerns linked to large sport events have been reported as a common issue in events' supply chains, for instance in connection with the production of Olympic logo goods, mascot toys, or other Olympic merchandise for the 2012 London OPGs⁴. Discriminatory legislation against the LGBTI+ community in Russia was passed before the 2014 Winter Games in Sochi⁵, whilst harassment and arrests amongst opponents and human rights activists were issues which came to light before the 2018 FIFA World Cup in Russia and the Pyeongchang Winter Olympics, later that same year⁶. Increase in police brutality and militarisation of public spaces was reported extensively in the context of the 2014 FIFA World Cup in Brazil and even more so for the Rio 2016 Olympic Games⁷.

At the same time, some of these events have also highlighted their potential for promoting human rights and bringing about human rights-friendly reforms in a host country. Most recently, Qatar adopted a series of labour law reforms that increased the level of protection for migrant workers, at least on paper⁸. While the implementation and enforcement of these new laws is proceeding slowly, this development nevertheless shows that the international attention paid to Qatar since the awarding of the World Cup has brought about positive changes. For the forthcoming Tokyo Olympic Games, a sustainable sourcing code and grievance mechanism was introduced which allowed workers to file complaints related to their working conditions; however, this was later criticised for being unusable and ineffective in practice⁹.

Nevertheless, growing awareness and evidence of adverse human rights impacts from large sporting events have increased pressure on sporting bodies to accept the applicability of human rights standards to their operations, including large-scale events. Indeed, over the past five years a number of sport bodies have accepted the applicability of the United Nations' Guiding Principles on Business and Human Rights

¹ M. Worden, *'The Olympics' Leadership Mess*, *The New York Times*, published on 12 August 2013.

² Centre on Housing Rights and Evictions, *'Fair Play for Housing Rights'*, 2007, p 217.

³ S. Ganji, *'Leveraging the World Cup: Mega Sporting Events, Human Rights Risk, and Worker Welfare Reform in Qatar'*, *Journal on Migration and Human Security*, Vol 4, No 4, 2016, pp 221-259.

⁴ C. Brackenridge, et al., *'Child Exploitation and the FIFA World Cup: A Review of Risks and Protective Interventions'*, 2013.

⁵ D. Van Rheenen, *'A skunk at the garden party: The Sochi Olympics, state-sponsored homophobia and prospects for human rights through mega sporting events.'* *Journal of Sport & Tourism* 19, No. 2, 2014, pp 127-144.

⁶ Building and Wood Workers' International (BWI) and the Korean Federation of Construction Industry Trade Unions (KFCITU), *'PyeongChang 2018 Winter Olympics - Construction Workers' Rights Violations'*, 2018, pp. 4-6.

⁷ A. Talbot, and T. F. Carter, *'Human Rights Abuses at the Rio 2016 Olympics: Activism and the Media'*, *Leisure Studies*, Vol 37, No 1, 2018, pp 77-88; J. Boykoff, *'The Olympics in the Twenty-First Century: Where Does Rio 2016 Fit In'*, in Andrew Zimbalist (ed), *Rio 2016 - Olympic Myths, Hard Realities*, Brookings Institution Press 2017.

⁸ D. Heerdt, *'Blurred Lines of Responsibility and Accountability – Human Rights Abuses at Mega-Sporting Events'*, Intersentia, 2021, p. 115-117

⁹ BWI, *'The Dark Side of the Tokyo 2020 Summer Olympics'* (2019), p. 12-13.

(UNGPs) to the world of sport. Accordingly, they have revised their Statutes; adopted human rights policies or strategies; and integrated human rights into the bidding and hosting regulations for large sporting events.

This briefing provides an overview and analysis of the legal framework that prescribes the appropriate human rights obligations and responsibilities in the context of organising and staging large sporting events, particularly mega-sporting events (MSEs)¹⁰, focussing on responsibilities for promoting human rights and preventing human rights abuses in the context of these events. More specifically, it addresses the following question:

How does the current legal framework regarding the promotion of human rights and the prevention of human rights abuses at MSEs fall short and how can it be improved?

Answers to this question have been sought through a desk-study of relevant material and sources, in particular hosting and bidding regulations, as well as other human rights- and MSE-relevant primary sources, with a focus on MSEs that are organised outside the European Union (EU). These sources are analysed with a legally pluralist approach to understand the different (sources of) human rights responsibilities and obligations of different actors involved. Secondary sources in the form of academic literature are relied upon wherever necessary. In fact, the body of academic literature available on the topic of MSEs and human rights has grown significantly in the past decade¹¹.

The Briefing will proceed as follows. Section 2 introduces recent hosting and bidding regulations that include human rights provisions. Section 3 maps the actors involved in organising and staging MSEs together with their relevant human rights responsibilities and obligations. Section 4 provides a concise overview of relevant accountability and remedy mechanisms. Section 5 analyses the existing framework, identifying gaps and flaws which detract from the effective promotion of human rights and prevention of human rights abuses. Finally, Section 6 concludes the briefing by providing a number of recommendations for actions that can help to rectify these gaps and flaws.

¹⁰ The focus of the analysis lies on MSEs because this is where significant and most recent developments in terms of the legal framework took place. An MSE can be defined as ‘Sporting festivals organised by a specially created authority which tend to be either a one-time event or recurring events of limited duration, with significant or international scale, and which generate and carry mass popular appeal and media interest’, see Centre for Sport and Human Rights, [‘Games Time: Planning and Acting to Respect Human Rights in Mega-Sporting Events’](#), 2020, p 8. While the terms ‘MSEs’ and ‘large sports events’ could be used interchangeably, and certainly MSEs fall under what would be considered large sports events, the latter could be considered to also include regional and smaller events, like continental championships of different sports, or even national tournaments that require similar infrastructure and preparatory works, and therefore carry similar human rights risks as other large sports events.

¹¹ D. Heerdt, ‘Blurred Lines of Responsibility and Accountability – Human Rights Abuses at Mega-Sporting Events’, Intersentia, 2021, p. 4-5.

2. Overview of human rights-relevant bidding and hosting regulations

The legal framework that forms the basis for organising and hosting MSEs rests on bidding and hosting regulations adopted by international sport governing bodies (ISGBs), as well as additional documents that specify operational requirements, principles, obligations, together with government guarantees and declarations. For a considerable length of time, human rights were not part of these documents. This changed in 2017 when the Union of European Football Associations (UEFA), FIFA, the International Olympic Committee (IOC) and Commonwealth Sport (former Commonwealth Games Federation) decided to include human rights provisions in their requirements for hosting and/or bidding for their respective international tournaments. The following sub-sections summarise and contextualise the relevant provisions. Excerpts from the complete provisions can be found in the Annex to this Briefing.

2.1 UEFA's bidding requirements for the EURO 2024

In May 2017, UEFA inserted human rights requirements into its 'Tournament Requirements' and 'Bid Dossier' for the EURO 2024 Football Championship¹². The Bid Dossier asks candidates to detail their strategy for integrating the UNGPs together with other listed international human rights treaties and guidelines 'in order to protect, respect and fulfil universal human rights, including child rights and the rights of workers as well as ensure that those acting in the government's/public Authorities' name protect and respect these rights'¹³. The Tournament Requirements oblige bidders 'to respect, protect and fulfil human rights and fundamental freedoms, with a duty to respect human, labour and child rights during the Bidding Procedure and, if appointed, until the end of the dismantling of UEFA EURO 2024'¹⁴. It is also stated that Bidders and hence the Host Association must act in compliance with those human rights documents and treaties listed in the Bid Dossier¹⁵.

By imposing this obligation to 'respect, protect and fulfil human rights' and referring to specific human rights treaties and documents to which this tripartite obligation applies, UEFA's revised bidding requirements include not only negative obligations to refrain from violating human rights, but also positive obligations in terms of their protection and fulfilment¹⁶. These positive obligations apply to the Bidders, defined as 'each UEFA member association bidding to host the Tournament, from the time such UEFA member association declares its interest to bid'¹⁷. UEFA member associations are the national football associations, which usually have the status of private associations registered under the laws of the respective host country. Furthermore, UEFA's human rights bidding requirements are also directed at other actors involved in delivering the event, namely those acting directly on behalf of governments or other public authorities, which can be private companies and contractors tasked with exercising functions and tasks that would usually be covered by public authorities. It is remarkable that all obligations ascribed to these actors apply during the Bidding Procedure, even though they turn into legally binding obligations (in the form of contractual obligations) only when the event has been awarded and the hosting agreement has been signed¹⁸.

¹² UEFA, '[UEFA EURO 2024 Tournament Requirements](#)', 2017; UEFA '[UEFA EURO 2024 Bid Dossier Template](#)', 2017, Section 3.

¹³ UEFA, '[UEFA EURO 2024 Bid Dossier Template](#)', 2017, Question 18.

¹⁴ D. Heerdt, '[Tapping the potential of human rights provisions in mega-sporting events' bidding and hosting agreements](#), *The International Sports Law Journal*, Vol 17, 2018, pp 170–185.

¹⁵ UEFA, '[UEFA EURO 2024 Tournament Requirements](#)', 2017, Section 3.

¹⁶ D. Heerdt, 2018.

¹⁷ UEFA, '[UEFA EURO 2024 Tournament Requirements](#)', 2017, Section 3.

¹⁸ D. Heerdt, 2018.

Regarding remedy provisions, the revised Bid Dossier references only the UNGPs and the Sporting Chance White Paper on 'Remedy Mechanisms for Human Rights in the Sport Contexts'¹⁹. The Tournament Requirements do not include any explicit requirement to provide remedies for human rights abuses related to EURO 2024, but propose to have in place 'a complaint mechanism and effective remedies for human rights infringements (including labour standards and corruption due diligence) in direct relation with the organisation of UEFA EURO 2024', or a 'secure reporting system (including mechanism to protect and secure the anonymity of whistle-blowers and complainants who do not want to be publicly identified)²⁰.

2.2 IOC's Host City Contracts for the 2024 and 2028 Summer Olympic Games and Candidature Questionnaire for the 2026 Winter Olympics

Two parallel IOC developments have to be considered: the IOC's new approach for the 2026 Winter Olympic Games' candidature process; and Host City Contracts (HCC) for the 2024 and 2028 Summer Olympic Games. Regarding the former, human rights are mentioned only in relation to core guarantees that must be submitted together with Candidature Files. According to the revised Candidature Questionnaire, national governments, regional authorities and all cities hosting the Games must guarantee to the IOC that they will respect and protect human rights and remedy any violation:

'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'²¹.

These guarantees apply to all activities related to organising the 2026 Winter Olympics and become binding once the event has been awarded. It is noteworthy that explicit reference to remedy is included. However, they bind only those public authorities that are involved in staging the event and fall short of expressing similar requirements for any private actors involved in bidding and delivering²².

The Host City Contracts for the 2024 and 2028 Olympics contain identical provisions regarding human rights and oblige the signing parties 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, applicable in the Host Country'²³.

This clause binds together a number of bodies: the IOC; the respective host city; the respective National Olympic Committee (NOC); and the Organising Committee of the Olympic Games (OCOG). Each OCOG is established by the host city in conjunction with the NOC and applies to all activities undertaken in organising the Games. The inclusion of an obligation to provide remedy is again significant. However, this clause binds only contract signatories and limits human rights obligations to those already applicable in

¹⁹ UEFA, '[UEFA EURO 2024 Bid Dossier Template](#)', 2017, Section 3; Mega-Sporting Events Platform for Human Rights, '[Remedy Mechanisms for Human Rights in the Sports Context](#)', Sporting Chance White Paper 2.4, Version 1, 2017.

²⁰ UEFA, '[UEFA EURO 2024 Bid Dossier Template](#)', 2017, Section 3.

²¹ IOC, '[Candidature Questionnaire - Olympic Winter Games 2026](#)', 2017, Section 6.1.

²² For more information, see D. Heerdt, '[Tapping the potential of human rights provisions in mega-sporting events' bidding and hosting agreements](#)', *The International Sports Law Journal*, Vol 17, 2018, pp 170–185.

²³ IOC, '[Host city contract principles games of the xxxiv olympiad in 2024](#)', 2017, Principle 13(2b).

the host country – in other words, those obligations that the respective government has already agreed to at international level.

Interestingly, the HCC also includes obligations for the IOC itself related to setting up a reporting mechanism for keeping track of these human rights obligations²⁴.

2.3 FIFA's bidding regulations for the 2023 women's and the 2026 men's World Cup

New guidelines covering bidding processes for the 2023 women's and the 2026 men's FIFA World Cups both include sections on sustainability and human rights. In specific terms, FIFA:

'requires the implementation of human rights and labour standards by the bidding member associations, the government and other entities involved in the organisation of the tournament, such as those responsible for the construction and renovation of stadiums, training sites, hotels and airports'²⁵.

The men's tournament guide is more comprehensive than the women's in asking for specific commitments and information on human rights as well as labour standards from the member association. These include: a public commitment to respect human rights; guarantees of compliance with international human rights and labour standards; as well as a human rights strategy²⁶. The guide for the women's tournament requires bidders simply to make 'an explicit public commitment to human rights, a comprehensive human rights risk assessment (including an independent study) and a description of the proposed measures and strategy to address such risks'²⁷. Guarantees of compliance with international standards are not mentioned.

In addition, Section 8 of 'FIFA Regulations for the selection of the venue for the final competition of the 2026 FIFA World Cup™' requires member associations to 'respect Internationally Recognised Human Rights, including workers' rights, in all aspects of its/their activities relating to this Bidding Process in accordance with the UN Guiding Principles'²⁸. This includes measures for avoiding actions which may cause or contribute to 'any adverse human rights, including workers' rights, impacts', as well as measures which seek to 'prevent or mitigate adverse human rights impacts that are directly linked to its/their operations, products or services by its/their business relationships'²⁹. These regulations do not explicitly mention the obligation to provide any remedy, which is indirectly covered by reference to the UNGPs.

However, this is mentioned in the government and host city declarations along with guarantees which the bidder has to submit. They require the respective authorities to comply with their international obligations — as *de facto* organs of the state — to respect, protect and fulfil human rights, ensuring that effective remedy mechanisms are put in place³⁰. Furthermore, the bidder is required to enter into formal agreements with all authorities responsible for stadiums, training sites, airports and hotels³¹. According to FIFA, respecting human rights as well as supporting and collaborating with grievance mechanisms form part of the agreements.

²⁴ IOC, '[Host city contract principles games of the xxxiv olympiad in 2024](#)', 2017, Principle 13(3).

²⁵ FIFAa, '[Guide to the bidding process for the FIFA Women's World Cup 2023](#)', p. 5; FIFA, '[GUIDE TO THE BIDDING PROCESS FOR THE 2026 FIFA WORLD CUP](#)', 2017a, p. 5.

²⁶ FIFA, '[Guide to the bidding process for the 2026 FIFA world cup](#)', 2017a.

²⁷ FIFAa, '[Guide to the bidding process for the FIFA Women's World Cup 2023](#)', p. 20.

²⁸ FIFA, '[FIFA Regulations for the Selection of the Venue for the Final Competition of the 2026 FIFA World Cup](#)', 2017b, Clause 8.2.

²⁹ FIFA, '[FIFA Regulations for the Selection of the Venue for the Final Competition of the 2026 FIFA World Cup](#)', 2017b, Clause 8.2.

³⁰ FIFA, '[Host City Declaration Template](#)', point vii; FIFAc, '[Government Declaration](#)', point iv.

³¹ FIFA, '[FIFA Regulations for the Selection of the Venue for the Final Competition of the 2026 FIFA World Cup](#)', 2017b, Clause 2.1.5.

In line with these provisions, the main responsibility for implementing human rights and labour standards as well as providing remedy mechanisms rests with the member associations as bidders, but the responsibilities are extended to their relationships with third parties, for instance through agreements with stadium authorities or other entities that run training sites.

2.4 Commonwealth Sport's Candidature Questionnaire and Host City Contract for Birmingham 2022

In its 'Transformation 2022' strategy, Commonwealth Sport (the former Commonwealth Games Federation) states that it integrates human rights and sustainability into host city contracts for events in 2021 and beyond³². While its bidding regulations and hosting agreements are not publicly available, Commonwealth Sport shared the relevant human rights provisions of their Host City Contract upon request³³. The Candidature Questionnaire also includes reference to human rights, but the document could not be accessed.

These HCC clauses require the parties to 'protect and respect human rights, conduct human rights due diligence and ensure any violation of human rights is remedied, in a manner consistent with the UNGPs and all international agreements, laws and regulations applicable in the Host Country and in line with internationally recognised human and labour rights standards and principles'³⁴. As such, these provisions are similar to the IOC's HCC clauses. It is noteworthy that they include the obligation to provide a remedy mechanism. However, obligations are limited to those international human rights standards to which the host government has already agreed. Furthermore, it is not clear to what extent these obligations should and can be extended to actors that are not parties to the contract, in particular private parties involved in delivering the Games. Nevertheless, in line with these requirements, the Birmingham 2022 Games' organisers have adopted a Social Values Charter, which makes clear that they expect their supply chain to be consistent with their position on these fundamental principles and that they will include contractual requirements on compliance with a number of human and labour rights instruments³⁵.

3. Overview of the responsible actors and relevant human rights obligations

The previous section emphasised that under relevant hosting and bidding regulations, international sporting bodies, national sporting bodies, the relevant hosting authorities and local organisers all have legally binding obligations to respect and/or protect human rights and/or provide effective remedy for human rights abuses in the context of MSEs. However, there are more actors involved in organising and staging these events, whose responsibilities are sometimes referenced in other documents that can form part of the bidding or hosting regulations. These include stadium agreements or other templates for contracts with private contractors.

The table below provides an overview of various actors involved not only in staging MSEs but possibly also in human rights issues occurring in the context of MSEs and the respective sources of responsibilities to promote human rights and prevent abuses.

³² Commonwealth Sport, [Transformation 2022 Refresh – Strategic Plan \(2019-2022\)](#), 2019, p. 8.

³³ The excerpted provisions are copied in the Annex.

³⁴ Commonwealth Sport, Host City Contract for Birmingham 2022, 2017, Clause 11.5.2 (see Annex).

³⁵ Birmingham 2022 Commonwealth Games, [Social Values Charter](#), 2019, p. 10.

Table 1: Overview of MSE Actors – Human Rights Responsibilities and Obligations

| Actor | Legally binding sources | Other relevant sources |
|--|---|---|
| International Sport Bodies (FIFA, the IOC, UEFA, or Commonwealth Sport) | Hosting agreements, statutory commitments (where applicable), Swiss law (in case of FIFA, UEFA, and the IOC) | UNGPs, human rights policies of international sport bodies (where applicable, e.g. FIFA's human rights policy) |
| National Sport Bodies (national football federations, National Olympic Committees, or Commonwealth Games Associations) | Hosting agreements, bidding regulations and agreements, domestic law | UNGPs, human rights policies of national sport bodies (where applicable, e.g. human rights policy of the German football federation), |
| Officials/authorities from the host city or country (it depends on the event which organ of the state signs the contract, but multiple levels of government can be involved) | Hosting agreements, bidding regulations, international human rights instruments, domestic law | Government guarantees and declarations that bidders have to submit to international sport bodies as part of the required bidding documents (e.g. see annex p.19), UNGPs |
| Local Organising Entities (can be either a public or a private body, but in many cases those entities have both) | Hosting agreements, bidding regulations, domestic law, international law (where a state-actor is concerned) | UNGPs, policy documents (e.g. Birmingham's 'Social Value Charter') |
| Private contractors and their sub-(sub-)contractors | Contracts with local organising entities (where applicable, and including stadium agreements, training site agreements, etc.), domestic law | UNGPs |
| Sponsors | Sponsorship contracts (where applicable), domestic law | UNGPs |

Table 1 shows that in addition to the regulations and contractual agreements discussed above, there are many other sources for responsibilities and obligations of the various actors involved. While not all of them are legally binding or explicitly apply to human rights issues related to MSEs, they can be of direct or indirect relevance in defining responsibilities. The key difference between the various actors involved is that some are public entities and others are private entities. Sporting bodies, national and international, fall in the latter category, usually being established as private associations under the respective national law. Consequently, international human rights standards do not apply to them automatically. However, as private bodies, and in particular when involved in commercial activities, as has been established by the Swiss National Contact Point, international guidelines such as the UNGPs or the Guidelines for Multinational Enterprises adopted by the Organisation for Economic Co-operation and Development (OECD) apply to them. Furthermore, national legislation on due diligence and on business and human rights could and probably should also apply. While a detailed assessment of all the sources mentioned above goes beyond the scope of this Briefing, two should be highlighted here.

Firstly, the **domestic laws of hosting countries** are a crucial source of responsibilities for the various actors involved, in particular those laws and acts that relate to human rights; these include obligations in the fields of labour law or criminal law and apply to private actors operating within the host country's territory. In addition, the duty of care is decisive in ensuring that the various actors involved share a legal responsibility not only to prevent human rights abuses, but also potentially to promote human rights. This standard is usually linked to domestic tort law and generally obliges private entities to act in the best interests of another individual and not in a way that causes harm. However, considering that domestic standards on the duty of care can differ significantly from one country to another and that MSEs increasingly take place in countries with questionable human rights protection, the likelihood that domestic law can offer the necessary responsibilities and adequate protection is low. Moreover, responsibilities to promote human rights might be lacking entirely. Swiss law, which is often referred to as *the* applicable law in a number of the hosting and bidding regulations, can also provide a source of responsibilities, in particular for international sporting bodies located in Switzerland. Ongoing developments around the Swiss 'Responsible Business Initiative' are also relevant, even though for now the proposal has been rejected. This would make respect for human rights and due diligence mandatory for Swiss companies operating both at home and abroad. Furthermore, it is not clear to what extent this legislation would apply to sport bodies.

Secondly, **international human rights instruments** are essential, in particular since a number of the MSE-specific regulations explicitly refer to and even limit applicable human rights obligations to those international agreements that a respective host country has entered into. In addition to the International Bill of Human Rights and all other UN human rights treaties, regional human rights treaties such as the African Charter on Human and Peoples Rights or the American Convention on Human Rights are relevant. In addition to the European Convention on Human Rights, the Council of Europe adopted a number of other resolutions and conventions with relevance to sport and human rights³⁶. Moreover, due to private actors' involvement and collaboration, developments in the field of business and human rights are directly linked to the business of MSEs and related human rights risks. In particular, this concerns ongoing negotiations for a 'Legally Binding Instrument to Regulate, in International Human Rights Law, the Activities of Transnational Corporations and Other Business Enterprises'.

4. Overview of relevant remedy and accountability mechanisms

The recent addition of human rights criteria to hosting and bidding regulations did not come with any special mechanism that can establish accountability and provide remedial action for MSE-related human rights abuses. While studies and actual cases of human rights abuses related to MSEs and the sporting world in general indicate that relevant remedy and accountability mechanisms are either not effective or non-existent³⁷, it is nevertheless important to acknowledge that certain mechanisms exist that *are* of relevance in addressing these cases. The list below presents a selection of state-based judicial and non-judicial examples, and non-state-based grievance systems that have been used or established in the context of MSEs or referenced in MSE-related regulation.

³⁶ See for instance [the Tbilisi resolutions](#), or [the Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events](#) (2016).

³⁷ A more comprehensive overview of relevant mechanisms is provided in a study conducted by the Centre for Sport and Human Rights on accountability and remedy mechanisms for sport-related grievances. See Centre for Sport and Human Rights, '[Mapping Accountability and Remedy Mechanisms for Sport](#)', 2019.

Table 2: Remedy and Accountability Mechanisms Relevant in the MSE Context

| Type of mechanism | Mechanism | Examples / cases |
|--------------------------------------|--------------------------------------|--|
| Judicial mechanisms | National courts | Case filed by <i>Federatie Nederlandse Vakbeweging</i> (FNV), Building and Woodworkers' International (BWI), the Bangladeshi Free Trade Union Congress and a migrant worker from Qatar against FIFA before the Handelsgericht Zürich (2017, see here) |
| | | Case filed by the <i>Ministerio Publico do Brasil</i> against the Organisers of the Rio de Janeiro Olympic Games in a federal court in Brazil (2016, more information here) |
| Non-judicial mechanisms | OECD National Contact Points (NCP) | Case before the Swiss NCP filed by BWI against FIFA (2017, see here) |
| Non-state-based grievance mechanisms | Specific MSE grievance mechanisms | London's Organising Committee for the Olympic Games' Complaint and Dispute Resolution Mechanism, which was developed to resolve complaints and disputes related to breaches of the Sustainable Sourcing Code |
| | | Tokyo's Organising Committee for the Olympic Games also launched grievance mechanisms for the Tokyo 2020 Olympics based on a Sustainable Sourcing Code |
| | Sport bodies' mechanisms | Complaint mechanisms for media representatives, for instance in the context of the Olympic Games or the FIFA World Cup (FIFA's mechanism also explicitly applies to human rights defenders), Ethics Committees |
| | Court of Arbitration for Sport (CAS) | No case yet, but the revised hosting and bidding regulations, which include human rights provisions, at the same time include arbitration clauses, some with explicit reference to the CAS; there is also an ad hoc division for the Olympic Games at the CAS |

5. Gap-analysis and evaluation

The analysis and evaluation of information provided above considers the question of how the existing framework falls short in preventing human rights abuses and promoting human rights in the context of MSEs.

Following introduction for the Birmingham 2022 Commonwealth Games, it is widely regarded as a positive development that all subsequent MSEs will include human rights provisions as part of the bidding and hosting framework, albeit any provisions adopted will differ in the scope of their substantive, personal and temporal aspects. Some are comprehensive and include obligations to protect, respect and fulfil human rights; others even include obligations regarding remedy. However, there are also those which are more limited and, for instance, explicitly reduce any human rights obligations to those that are applicable in the

host country, which may be more minimal considering the varying ratification rates of international human rights treaties and failure to implement ratified obligations.

Furthermore, these provisions are not always clear in regard to the timeframe or types of actions they apply to, although it is important to acknowledge that human rights abuses can happen at all stages of an MSE's life cycle³⁸. Moreover, some of these provisions concern only parties to the contract or the bidders, which excludes a number of other actors that are *de facto* directly involved in delivering MSEs. Additionally, from a rights-holder perspective and considering access to remedy, these provisions are meaningless, as they do not provide any opportunity for rights-holders to claim their rights. Rights-holders are not parties to HCCs and therefore cannot benefit from the human rights obligations agreed upon by the different parties. Should there be human rights abuses, these obligations can be enforced only if one of the signing parties acting on behalf of the rights-holders initiates arbitration proceedings against the other relevant party or parties on the grounds of non-compliance with contractual obligations³⁹. Furthermore, even if these clauses would directly benefit rights-holders, there are currently no funds or resources dedicated to compensating for the harm they might have suffered.

Consequently, different sporting bodies are at different stages in the process of embedding human rights into their policies and practices. While initiatives such as the UNGPs or the OECD Guidelines for Multinational Enterprises are increasingly recognised and accepted by ISGBs, with FIFA and Commonwealth Sport being forerunners in this field, other sporting bodies such as the IOC are only slowly catching up⁴⁰. Compared with other hosting and bidding regulations, FIFA's approach based on the UNGPs arguably seems to create the densest network of human rights responsibilities and obligations in the context of MSEs, by making sure that they extend to as many involved actors as possible. More specifically, this approach addresses not only obligations to respect, protect and fulfil human rights for all state actors, but also the responsibility to respect human rights for all non-state actors and their relationships with third parties. However, despite positive movement towards greater recognition of human rights, in April 2021 UEFA alarmingly awarded their U-19 women's EURO Championship to Belarus. Clearly, the bidding criteria differed from those for the men's EURO Championship⁴¹ which contain human rights standards. This award for the women's event is also set against numerous reports documenting how footballers and other athletes have been victims of systematic human rights violations committed by the Belarusian authorities⁴².

A common reaction to disclosed human rights issues in the context of mega-sporting events in recent years is calling for a boycott of the event. These calls are made by politicians but also certain civil society organizations. However, not all human rights or other relevant organizations and actors support such calls. In the case of the Qatar World Cup in 2022, a number of international NGOs and trade union organizations made it clear that a boycott of the event at this stage would not help the human rights situation and migrant workers in Qatar, who themselves are not in favour of an action of this kind⁴³. Indeed, the problem is that until now calls for boycotts usually came up after an event has been awarded and the harm has been

³⁸ Mega-Sporting Events Platform for Human Rights, ['The Mega-Sporting Event Lifecycle: Embedding Human Rights From Vision to Legacy'](#), 2018.

³⁹D. Heerdt, ['A Rights-Holder View on Human Rights Provisions in Olympic Bidding and Hosting Regulations'](#), *AJIL Unbound* 114, 2020, pp 356-361.

⁴⁰ B. Schwab, ['Embedding the Human Rights of Players in World Sport'](#), *International Sports Law Journal*, Vol 17, No 3, 2018, pp 214-232.

⁴¹ UEFA, ['UEFA EURO 2024 Tournament Requirements'](#), 2017.

⁴² L. Johnson, ['Slam Uefa over Belarus decision'](#), *Josimar*, Published on 4 May 2021.

⁴³ BHI, ['BHI zu den Fußball-WM-Mannschaften: Unterstützen Sie die Durchsetzung von Arbeitsreformen in Katar'](#), 2021. Translated by the Business and Human Rights Resource Centre available [here](#).

done. A boycott from different governments, national teams or individual athletes will not remedy such harm. However, it can help raise awareness and pressure the hosting authorities or other actors involved into taking responsibility.

Furthermore, recent revisions of bidding and hosting regulations should not be seen as isolated developments. In fact, a number of sporting bodies including some of those listed above have in recent years undergone wider human rights-related reform processes. The IOC committed to adopting a human rights policy and strategy as well as establishing a Human Rights Advisory Committee following recommendations from a collaboration with the organisation Shift and former UN High Commissioner for Human Rights Prince Zeid Ra'ad Al Hussein⁴⁴. FIFA's human rights journey began in 2015, when it hired John Ruggie, former UN Secretary-General's Special Representative for Business and Human Rights, to write a report on how the UNGPs apply to FIFA, which *inter alia* led to the inclusion of human rights commitments in FIFA's Statutes and the development of a human rights policy⁴⁵. As early as 2014, the Glasgow Commonwealth Games were accompanied by a human rights policy⁴⁶ and Commonwealth Sport committed to developing a human rights component as part of its Transformation 2022 Strategy⁴⁷. In addition, it is working closely together with Commonwealth countries and National Human Rights Institutes on promoting the notion of sport and human rights, leading to outcomes such as the London Declaration on Sport and Human Rights, or the consensus statement on promoting human rights in and through sport⁴⁸. These developments constitute a trend in the sporting world and are evidence of the growing human rights movement in sport events.

The lack of publicly available regulations and policies from sporting bodies makes it difficult to monitor progress made in this area beyond the most well-known organisations being considered in this briefing. Hence, there is a clear need for greater transparency among all sporting bodies, in particular when it concerns human rights policies and provisions. NGOs and media representatives play a key role in investigating and publishing such information. If the standards are publicly available, NGOs and other civil society actors can use the relevant information to monitor the bidding, awarding and hosting procedure as well as hold relevant parties to account.

At the same time, recent reforms to hosting and bidding regulations, which have been publicly communicated, demonstrate some measure of flexibility as these regulations are updated for almost every new tournament, indicating that there is room for improvement. Nevertheless, despite their shortcomings, the effect of recent changes to these provisions should not be underestimated. Indeed, they can help spark a broader effort on human rights at the level of national sporting bodies. A shining example of what can be achieved is evident in the recent human rights efforts undertaken by the German Football Federation (*Deutscher Fussball-Bund*, DFB), which in 2019 included a human rights commitment in its Statutes and just last month adopted and published a human rights policy⁴⁹. As the DFB itself states, these measures are the result of a journey that started with its application to host the UEFA EURO 2024⁵⁰.

Finally, it is clear that due to the multiplicity and diversity of actors involved in delivering MSEs, a patchwork of human rights responsibilities and obligations currently apply. Depending on the host, this patchwork can comprise a more or less dense network. Private and public actors cooperate, jointly organising and staging events. While the latter are bound by international human rights standards, the former are

⁴⁴ IOC, '[IOC moves forward with its human rights approach](#)', 2020.

⁴⁵ A. Duval, and D. Heerdt, '[FIFA and Human Rights—a Research Agenda](#)', *Tilburg Law Review*, Vol. 25, No.1, 2020, p 5-7.

⁴⁶ Scottish Human Rights Commission, '[Scotland leads Commonwealth in developing human rights policy for Games](#)', 2014.

⁴⁷ Commonwealth Games Federation, '[Commonwealth Games Federation Human Rights Policy Statement](#)', 2017.

⁴⁸ Commonwealth Forum of National Human Rights Institutes, '[London Declaration – Declaration on Sport and Human Rights](#)', 2018; The Commonwealth, '[The Commonwealth Consensus Statement on Promoting Human Rights in and through Sport](#)', 2020.

⁴⁹ DFB, '[DFB-Menschenrechts-Policy](#)', 2021.

⁵⁰ DFB, '[Vorreiter im Sport](#)', 2020.

regulated under domestic laws, where levels of human rights protection can differ. This creates gaps in obligations and responsibilities to prevent human rights abuses and promote human rights in the context of MSEs. Arguably, these can be filled with adequate contractual obligations in hosting agreements together with sufficient requirements and evaluation criteria in bidding regulations.

6. Recommendations

To address shortcomings and harness all opportunities identified in the previous section, a number of actions can be taken. These are formulated below as recommendations on what the European Union and Member States (MS) could do to strengthen the existing legal framework, and to make respect for and protection of human rights an integral part of delivering MSEs:

Regarding the promotion of human rights through large sporting events, it is recommended that:

1. The EU aligns its work on MSEs and human rights with its efforts on business and human rights, in three specific ways:

- a) There is much to learn for the sport and human rights movement from the business and human rights field; to some extent lessons are already being shared, especially among private actors involved in the sports and MSE business. However, this happens on a more *ad hoc* than systematic basis and the **European Commission should facilitate knowledge exchange and structured dialogue among host countries and their Organising Committees, from within and outside the EU**. An expert group with human rights specialists from business as well as the sporting world could be set up at EU level, for instance in collaboration with the OECD and other international organisations in the business and human rights field and connected with all stakeholders that have human rights responsibilities or obligations.
- b) **The European Parliament should encourage MS to include the issue of promoting human rights through MSEs in their National Action Plans on business and human rights as part of their ongoing cooperation with national parliaments**; the EU and its MS could increase efforts to influence non-EU countries to do the same, thereby ensuring that MSEs are used responsibly and contribute to sustainable development and prosperity. This could also fall within point 23 of the EU Work Plan on Sport 2021-2024, which invites the Commission to 'consider providing an online platform to store and exchange reports, best practices or relevant documents to facilitate information sharing between Member States'⁵¹. MS could share the relevant parts on MSEs and human rights from their National Action Plans on such a platform.
- c) **The European Parliament should ensure that sport and in particular MSE business is considered in new legislative proposals for a EU Directive on mandatory human rights, environmental and good governance due diligence' through its legislative powers under the ordinary legislative procedure**. More specifically, those MSE actors involved in a commercial capacity, including not only sponsors, broadcasters and other private companies but also sporting bodies, should be covered by the legislation.

2. The EU, in particular the Council of the EU, uses its influence in international organisations and other relevant platforms to strengthen international cooperation on addressing MSE-related human rights issues, not only between states but also between non-state actors in the world of sport.

⁵¹ Council of the European Union, '[Resolution of the Council and of the Representatives of the Governments of the Member States meeting within the Council on the European Union Work Plan for Sport](#)', 2020/C 419/01, 2020.

This is in line with the EU's values to respect fundamental rights (Article 2 TEU) and particularly the general objectives of Article 3(5) TEU on human rights abroad together with external action under Article 21 TEU and its role with regard to sport mentioned under Article 165 TFEU. This also follows the EU Work Plan for Sport 2021-2024, as well as the 'integrated multi-agency approach' promoted in the Council of Europe's 2016 Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events as well as its resolution on 'A European approach to Sport policies: the revision of the European Sports Charter'⁵².

Regarding the prevention of human rights abuses in the context of large sports events, it is recommended that:

3. **The European Commission, as part of its role under the EU Work Plan for Sport 2021-2024, encourages international sporting bodies as the owner of MSEs to make publicly available their bidding and hosting regulations together with all contracts.** While these organisations are generally likely to oppose the publication of full contracts for commercial reasons, it is valid to expect that certain sections covering human rights provisions can be made publicly available. This would help raise awareness and improve transparency on existing responsibilities and obligations, thereby increasing accountability for bidders and other parties that are signatories to those contracts.
4. **The EU calls for further reforms of MSE hosting and bidding regulations that aim at integrating human rights responsibilities not only through Council conclusions and position papers, but also as part of ongoing cooperation with the European Union Agency for Fundamental Rights (FRA).** The constant revision of these documents provides opportunities to update the process, thereby ensuring that human rights responsibilities and obligations reflected in the relevant provisions are comprehensive and enforceable. Furthermore, many large sporting events are still awarded and hosted without human rights criteria forming part of the bidding or hosting regulations. Where this is the case, the EU should stress the need for inclusion in future regulations. In addition, the EU should ensure that regulations take into account the recommendations for awarding entities formulated in the Guiding Principles relating to democracy, human rights and labour rights, in particular in the context of the awarding procedure of major sport events⁵³. These efforts should be aligned with those supporting developments on best practice human rights clauses for hosting and bidding regulations (see recommendation 5a).

Regarding access to remedy when human rights abuses have happened in the context of large sport events, it is recommended that:

5. **The EU calls for the direct enforceability of these provisions, through Council conclusions and in line with the EU Work Plan for Sport 2021-2024, to ensure that rights-holders are actually benefitting from human rights obligations included in bidding and hosting regulations.** This could be achieved either by introducing a clause in those regulations that make relevant human rights provisions applicable to third parties, by adding a party who is responsible for representing those affected to the signatories of those contracts, or by using domestic law that allows for third party beneficiaries in the context of these contracts. The EU could support all these options respectively by:

⁵² Council of Europe, '[Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events](#)', 2016; Council of Europe, '[Resolutions of the 16th Council of Europe Conference of Ministers responsible for Sport](#)', MSL16(2020)10final, 2021.

⁵³ European Commission, Expert Group on Good Governance, '[Guiding Principles relating to democracy, human rights and labour rights, in particular in the context of the awarding procedure of major sport events](#)', 2016.

- a. facilitating developments and sharing of best practice template clauses for these contracts through **cooperation with FRA**;
- b. supporting the development of affected-persons representative bodies;
- c. collecting and sharing good practice from those MS that have legislation which makes provision for third party beneficiaries. Regarding the latter, the **European Parliament could again tap into existing relationships and sporting ties that MS have already built with many third countries across the globe**⁵⁴.

Ensuring direct enforceability of these human rights provisions and legal standing for the rights-holders can help create a deterrent effect and incentivise parties to live up to their responsibilities in preventing human rights abuses from happening in the first place.

6. Finally, **the EU supports studies and capacity building, as well as knowledge sharing on effective remedy and accountability mechanisms through funding from the European Education and Culture Executive Agency (EACEA)**. Such studies could link the sporting world with and highlight best practice examples from business and human rights fields as well as stress the crucial role that governments can play through regulating and incentivising. In addition, **through Council conclusions the EU should call for the establishment of a fund that can be used to compensate victims that have had to go through relevant mechanisms.**

⁵⁴ Council of the European Union, '[Sport diplomacy: Promoting Europe's Interests and Values in the World - Policy debate](#)', 8128/21, 2021, p 4.

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Annex – Relevant provisions

UEFA

Copied from [UEFA EURO 2024 Bid Dossier Template](#)

'Question 18

Describe your global strategy of how you are going to integrate the United Nations' Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework for UEFA EURO 2024 in order to protect, respect and fulfil universal human rights, including child rights and the rights of workers as well as ensure that those acting in the government's/public Authorities' name protect and respect these rights contained in the following treaties and guidelines:

- the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights;
- the eight ILO fundamental conventions as set out in the Declaration on Fundamental Principles and Rights at Work and its Follow-up;
- the United Nations' Convention on the Elimination of All Forms of Discrimination against Women;
- the United Nations' Convention on the Rights of the Child;
- the Mega Sporting Events Remedy Mechanisms for Human Rights in the Sports Context; and
- the OECD Guidelines for Multinational Enterprises, 2008'.

Copied from [UEFA EURO 2024 Tournament Requirements:](#)

'3— Human rights

The Bidders have the obligation to respect, protect and fulfil human rights and fundamental freedoms, with a duty to respect human, labour and child rights during the Bidding Procedure and, if appointed, until the end of the dismantling of UEFA EURO 2024.

'Human rights' refers to the set of rights and freedom to which all human beings are considered to be entitled to, whatever their nationality, place of residence, sex, sexual orientation, national or ethnic origin, colour, religion, language, age, or any other status. These rights are all interrelated, interdependent and indivisible.

As mentioned in the United Nations' Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework, an authoritative list of the core internationally recognised human rights is contained in the International Bill of Human Rights (consisting of the 'Universal Declaration of Human Rights' and the main instruments through which it has been codified: the 'International Covenant on Economic, Social and Cultural Rights' and the 'International Covenant on Civil and Political Rights'), coupled with the principles concerning fundamental rights in the eight ILO fundamental conventions as set out in the Declaration on Fundamental Principles and Rights at Work and its Follow-up. In addition, United Nations' Convention on the Elimination of All Forms of Discrimination against Women, as well as the United Nations' Convention on the Rights of the Child are to be taken into consideration. The Bidders and then the Host Association must be in compliance with the texts mentioned above.

In order to respect at best human rights, the Bidders should aim at:

- culturally embedding human rights;
- proactively addressing human rights risks;

- engaging with relevant stakeholders and implementing means of reporting and accountability.

Reporting indicators could for instance be:

- Measures to prevent child labour in supply chains involved in UEFA EURO 2024 delivery or to prevent labour rights violations, in particular when building or renovating the Stadiums.
- Evidence of meaningful consultation of stakeholders and vulnerable groups affected by UEFA EURO 2024.
- A complaint mechanism and effective remedies for human rights infringements (including labour standards and corruption due diligence) in direct relation with the organisation of UEFA EURO 2024.

Compliance indicators could be:

- ethic code comprising basic values;
- comprehensive risk assessment with regard to corruption, fraud and any other criminal acts and unethical behaviour;
- compliance management system according to the risk assessment and in line with international standards, including:
 - code of conduct;
 - guidelines on gifts, invitations, conflict of interest;
 - secure reporting system (including mechanism to protect and secure the anonymity of whistle-blowers and complainants who do not want to be publicly identified).'

IOC

Copies from the [Candidature Questionnaire](#):

'G1.2 Guarantee by the National Government

Provide a guarantee from the government of your country (including where necessary a confirmation by any other authority or entity competent for the matters described below) including the following commitments:

[...]

2. Guarantee that necessary measures will be taken so that, in all activities related to the organisation of the Olympic Winter Games 2026 and Paralympic Winter Games 2026:

i. human rights are protected and respected and 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;

[...]

G1.3 Guarantees by Regional authorities and other cities hosting Games sites

2. Guarantee that appropriate measures will be taken so that, in all activities related to the organisation of the Olympic Winter Games 2026 and Paralympic Winter Games 2026,

i. human rights are protected and respected and 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;’

Copied from the [Host City Contract for the 2024 and 2024 Summer Olympics](#) (identical provisions):

‘II. CORE REQUIREMENTS 13. Respect of the Olympic Charter and promotion of Olympism

[...]

13.2. Pursuant to their obligations under §13.1, the Host City, the Host NOC and the OCOG shall, in their activities related to the organisation of the Games:

[...]

b. 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, applicable in the Host Country;

[...]

13.3. The IOC, through its Coordination Commission referred to in §27, shall establish a reporting mechanism to address the obligations referred to in §13.1 and §13.2 in connection with the activities of the Host City, the Host NOC and the OCOG related to the organisation of the Games.’

FIFA

Copied from [Guide to the Bidding Process for the 2026 FIFA World Cup™](#):

‘Commitment to human rights and sustainability

A commitment to respect human rights is enshrined in article 3 of the FIFA Statutes and specified in the organisation’s Human Rights Policy. FIFA is fully committed to conducting its activities in connection with hosting the FIFA World Cup based on sustainable event management principles – in line with ISO 20121 – and to respecting international human rights and labour standards in accordance with the United Nations’ Guiding Principles on Business and Human Rights. Based on this, FIFA also requires the implementation of human rights and labour standards by the bidding member associations, the government and other entities involved in the organisation of the tournament, such as those responsible for the construction and renovation of stadiums, training sites, hotels and airports.

[...]

5 Sustainability and Human Rights

FIFA expects all entities involved in hosting and staging the 2026 FIFA World Cup to follow the principles of sustainable event management and to respect internationally recognised human rights in line with the United Nations’ Guiding Principles on Business and Human Rights.

[...]

Human rights

The member associations must also provide specific commitments and information on human rights and labour standards, including:

- an explicit public commitment to respect all internationally recognised human rights in line with the United Nations’ Guiding Principles on Business and Human Rights;

- a proposal for a human rights strategy on how to identify and address the risks of adverse impacts on human rights and labour standards. The strategy must 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;
 - 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.
- guarantees of compliance with international human rights and labour standards from the government and host cities (see the Government Declaration and Host City Declaration templates in the Documents section below), as well as from the entities responsible for the construction and renovation of stadiums, training sites, hotels and airports.'

Copied from [Guide to the Bidding Process for the FIFA Women's World Cup™ 2023](#):

'COMMITMENT TO SUSTAINABILITY AND HUMAN RIGHTS

FIFA is fully committed to conducting its activities in connection with hosting the FIFA Women's World Cup™ based on sustainable event management principles – in line with ISO 20121 – and to respecting international human rights and labour standards in accordance with the UN Guiding Principles on Business and Human Rights. On this basis, FIFA also requires the implementation of human rights and labour standards by the bidding member associations, the government and other entities involved in the organisation of the tournament, such as those responsible for the construction and renovation of stadiums, training sites, hotels and airports.

[...]

Sustainability incl. Human Rights

FIFA is committed to organising the FIFA Women's World Cup™ following sustainable event management principles including respecting internationally recognised human rights. Therefore, FIFA expects all entities involved in hosting and staging the FIFA Women's World Cup 2023™ to follow the principles of sustainable event management and to respect internationally recognised human rights in line with the United Nations' Guiding Principles on Business and Human Rights. In order to make this edition the most sustainable FIFA Women's World Cup™ in history and ensure a positive legacy, bidding member associations must provide the following:

[...]

- A plan on how they will carry out stakeholder dialogue in each of the host cities on areas including human rights, anti-discrimination, accessibility, and environmental protection [...]
- An explicit public commitment to human rights, a comprehensive human rights risk assessment (including an independent study) and a description of the proposed measures and strategy to address such risks

[...].'

Copied from [FIFA Regulations for the Selection of the Venue for the Final Competition of the 2026 FIFA World Cup](#)

[...]

'SUSTAINABLE EVENT MANAGEMENT AND HUMAN RIGHTS

8.1 GENERAL PRINCIPLES

(i) The FIFA World Cup represents an event of major national and international significance with the potential to create a positive experience and long-lasting legacy in the Host Country/Host Countries and beyond. Due to the magnitude, complexity and significant environmental, social and economic impact of the FIFA World Cup in the Host Country/Host Countries, special attention and efforts are required by all involved stakeholders with a view to hosting and staging the FIFA World Cup in a sustainable manner that does not involve adverse impacts on human rights and labour standards.

(ii) In accordance with FIFA's statutory objectives and core values, as reflected in Articles 3 and 4 of the FIFA Statutes as well as FIFA's Human Rights Policy, FIFA is fully committed to conducting its activities in connection with hosting and staging the Competition based on Sustainable Event Management principles in line with ISO20121 and to respecting Internationally Recognised Human Rights, including workers' rights, in accordance with the UN Guiding Principles. Likewise, FIFA expects the Member Association(s) and all other stakeholders to conduct all activities in connection with the Bidding Process as well as the hosting and staging the Competition based on Sustainable Event Management principles in line with ISO20121 and respecting Internationally Recognised Human Rights, including workers' rights, in accordance with the UN Guiding Principles.

8.2 UNDERTAKINGS BY MEMBER ASSOCIATION(S)

(i) The Member Association(s) shall respect Internationally Recognised Human Rights, including workers' rights, in all aspects of its/their activities relating to this Bidding Process in accordance with the UN Guiding Principles, with the understanding that this entails taking adequate measures to:

a) avoid causing or contributing to any adverse human rights, including workers' rights, impacts through its/their own activities, and address such impacts when they occur; and

b) seek to prevent or mitigate adverse human rights impacts that are directly linked to its/their operations, products or services by its/their business relationships even if the Member Association(s) has/have not caused or contributed to such impacts, because a significant part of human rights risk may be associated with the activities of third parties.

(ii) Furthermore, the Member Association(s) hereby acknowledge(s) that, as part of its/their Bid Book, it/they shall be requested to provide the following, as further described in the Bidding Agreement:

a) an explicit public commitment that the Member Association(s) will respect Internationally Recognised Human Rights, including workers' rights, in accordance with the UN Guiding Principles in all aspects of its/their activities relating to the hosting and staging of the Competition, including legacy and post-event related activities;

b) a proposal for a human rights strategy on how to meet its/their obligations to respect Internationally Recognised Human Rights, including workers' rights, in accordance with the UN Guiding Principles in all aspects of its/their activities relating to the hosting and staging of the Competition, including legacy and post-event related activities; and

c) a summary report outlining the Member Association(s)' stakeholder engagement process implemented as part of the development of the aforementioned human rights strategy.

(iii) The Member Association(s) shall, in connection with any activities in relation to the Bidding Process, use its/their financial resources in a moderate manner, without incurring undue expenses.'

Commonwealth Sport

Excerpt from 'Birmingham 2022 Commonwealth Games HCC - Sustainability, Environment, Equality, Transparency and Human Rights (Signed Dec 2017)'

'11.5. The Parties agree to

[...]

11.5.2. protect and respect human rights, conduct human rights due diligence, and ensure any violation of human rights is remedied, in a manner consistent with the UNGPs and all international agreements, laws and regulations applicable in the Host Country and in line with internationally recognised human and labour rights standards and principles;

[...]

11.5.4. carry out all activities foreseen under the Agreement in a manner which embraces sustainable development and contributes to the SDGs and COP21;

11.5.5. 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 and delivery 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, including the implementation of a compliance management system to ensure that the work of partners and contractors is performed in line with the UNGPs and is held to high standards with regard to procurement, service delivery, due diligence and compliance.

11.6 The Parties agree that the Games provide a distinct opportunity to innovate and contribute towards achieving the SDGs, UNGPs and COP21 and will work at every opportunity to do so.'

BRIEFING

Sport, sustainability and human rights: an integrated approach

ABSTRACT

This briefing considers the possibilities of strengthening human rights criteria regarding large sport events given the contemporary political context. Basing its approach on research advocating the merger of sport events and human rights with the UN Sustainable Development Goals (SDGs), the briefing discusses how these relations may affect sport governing bodies, hosts of large sport events, as well as future work by the European Union (EU). Three rights-holder groups to whom this approach would be beneficial are suggested as a potential framework for future policy discussions. Finally, three recommendations are introduced on how the branches of the EU can develop their work on promoting sport and human rights.

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July 2021

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List of acronyms

| | |
|--------|--|
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| CoE | Council of Europe |
| COHRE | Centre on Housing Rights and Evictions |
| CRIN | Child Rights International Network |
| CSR | Corporate Social Responsibility |
| DIHR | Danish Institute of Human Rights |
| DROI | European Parliament's Subcommittee on Human Rights |
| EC | European Commission |
| EEAS | European External Action Service |
| EP | European Parliament |
| EU | European Union |
| FIFA | Fédération Internationale de Football Association |
| GSP | Generalised System of Preferences |
| HLG | High Level Group |
| HRW | Human Rights Watch |
| IAAF | International Association of Athletics Federation |
| IGOs | Intergovernmental Organisations |
| IHWC | Ice Hockey World Championship |
| ILO | International Labour Organization |
| IOC | International Olympic Committee |
| MSEs | Mega-sporting events |
| NDICI | Neighbourhood, Development and International Cooperation Instrument |
| NFA | Norwegian Football Association |
| NGO | Non-governmental organisations |
| OECD | Organisation for Economic Co-operation and Development |
| OHCHR | Office of the United Nations High Commissioner for Human Rights |
| SDGs | Sustainable Development Goals |
| UEFA | Union of European Football Associations |
| UNOSDP | United Nations Office on Sport for Development and Peace |
| UNGPs | UN Guiding Principles on Business and Human Rights |

1 The political context of sport and human rights

In 2016, an expert group advised the European Commission (EC) on how to encourage sport organisations ‘to adopt democratic procedures and how to include human rights and labour rights in governing sport activities, in particular in the organisation of major sport events’⁵⁵. Nevertheless, because of the legal autonomy of event awarding and sport governing bodies, opportunities are slim for branches of the European Union (EU) such as the EC and the European Parliament (EP), in addition to the Council of Europe (CoE), to impose human rights-based obligations as well as responsibilities in the organisation and execution of large sporting events⁵⁶. In other words, somewhat paradoxically, whilst these governing bodies can represent an obstacle to full implementation of human rights criteria in relation to large sporting events, at the same time they hold the key to making progress. A similar sentiment was expressed in January 2021 when the EU Ministers responsible for Sports submitted a letter to Commissioner Mariya Gabriel seeking to include human rights considerations in sport generally and major sporting events in particular: ‘While fully respecting the autonomy of sport, international sports organisations should be encouraged to take accountable decisions on the hosts for major sporting events’⁵⁷.

This briefing argues that the EU could follow up on this statement by defining its role in promoting human rights through sport. This stance is not new and mirrors, for instance, previous statements that ‘the EU could carve out an important role as a human rights champion’ in relation to large sport events⁵⁸. What has not been noted before, is how the need for a coordinated effort in promoting European values through sport has been amplified by the UN’s closure in 2017 of its Office on Sport for Development and Peace (UNOSDP), whose aim was to leverage sport in advancing development and peace. This has left a void in the field of sport and human rights, albeit the International Olympic Committee (IOC), as its successor, is demonstrating growing acknowledgement of human rights circumstances. Nevertheless, the scope of this undertaking extends well beyond Olympic sporting arenas⁵⁹.

At the same time, it must be underlined that several sport governing bodies in recent years have expanded their responsibilities beyond pure sporting activities by reworking their bidding procedures and host contracts, along with reporting and remedy mechanisms, to bridge the gap between rhetoric and reality in relation to human rights and large sporting events⁶⁰. This Briefing focuses primarily on what Houlihan calls ‘global sport governing bodies’⁶¹, which mainly refers to the IOC, Fédération Internationale de Football Association (FIFA) and World Athletics (formerly International Association of Athletics Federation, IAAF). Many of their human rights requirements have been adapted from the UN Guiding Principles on Business and Human Rights (UNGPs)⁶². However, the application of UNGPs also comes with some

⁵⁵ Expert Group on Good Governance, [Guiding Principles relating to democracy, human rights and labour rights, in particular in the context of the awarding procedure of major sport events](#), 2016, p 3.

⁵⁶ A. Geeraert, ‘The EU in International Sports Governance: A Principal-Agent Perspective on EU Control on FIFA and UEFA’, London: *Palgrave Macmillan*, 2016; A. Duval, ‘The Olympic Charter: A Transnational Constitution Without a State?’, *Journal of Law and Society*, Vol 45, No1, 2018, pp 245-269; M. Baddeley, [‘The extraordinary autonomy of sports bodies under Swiss law: lessons to be drawn’](#), *The International Sports Law Journal*, 20, 2020, p 3-17.

⁵⁷ ‘EU Sports Ministers: Human rights must be ensured at all international sporting events’, 27 January 2021. Retrieved from the Finnish government’s [website](#).

⁵⁸ A. Duval, [‘Embracing Human Rights in EU Sport Diplomacy’](#), *Sport and Citizenship*, 49, 2020, p 13.

⁵⁹ Sport and Dev, [‘Dropping the ball - Critiquing the recent closure of the UNOSDP’](#), Published 11 July 2017.

⁶⁰ See D. Heerdt, Legal responsibilities for promoting human rights and preventing human rights abuses in relation to large sport events, DG for External Policies, European Parliament, forthcoming.

⁶¹ B. Houlihan, ‘Sports Globalisation, the State and the Problem of Governance’ In T. Slack (Ed.), *The Commercialisation of Sport* (pp. 52-75). London: Routledge, 2004.

⁶² See J.G. Ruggie, ‘FOR THE GAME. FOR THE WORLD’ FIFA and human rights. Corporate Responsibility Initiative Report No. 68. Cambridge, MA: *Harvard Kennedy School*, 2016; Human Rights Watch, [Testimony by Minky Worden at European Parliament hearing](#)

limitations⁶³ and, although contractual details have been specified by sport governing bodies to enhance both the promotion and protection of human rights in relation to large sporting events, several risks and troublesome circumstances remain. This is due *inter alia* to sporting events being expected to address the broader human rights responsibilities, as sport is more than just business and human rights are more than legal principles⁶⁴. According to a 2018 report by the Mega-Sporting Events Platform for Human Rights, for example, social responsibilities are an essential part of hosting a large sporting event: 'Sport can and should serve as a catalyst to create positive benefits and lasting impact for communities, especially those that play host to large sporting events'⁶⁵. Thus, to improve the promotion of human rights in relation to large sporting events, some argue that these rights must be integrated into a larger societal development context⁶⁶.

In line with recent research⁶⁷, such an approach, which supplements legal changes and progress⁶⁸, , advocates a stronger connection between the 2030 Agenda for Sustainable Development (embodied in the Sustainable Development Goals, SDGs) and human rights discourse in relation to large sporting events. The rationale for this approach lies in the understanding that since the life cycle of these events is so deeply embedded into society, focusing on human rights alone is not enough. Promoting human rights as part of large sporting events entails viewing these rights as the *means*⁶⁹ of achieving societal *ends* to which SDGs provide direction and content. According to the Sustainable Development Goals Fund, for example, large sporting events can 'have long-lasting positive effects on employment and overall social progress as long as *they are consistent with human rights and labour standards, and sustainability goals, and the money spent is feasible*'⁷⁰. Due to the SDGs and human rights having become essential to large sporting events and sport governing bodies, albeit with mixed results⁷¹, merging these themes in policy work is an effective way of maximising societal impact and legitimising actions for the sake of stakeholders⁷².

[on sports and human rights](#), Published on 19 November 19, 2018; HRH Z.R. Al Hussein, and R. Davis, '[Recommendations for an IOC Human Rights Strategy. Independent Expert Report by Prince Zeid Ra'ad Al Hussein and Rachel Davis](#)', 2020.

⁶³ F. Kirschner, '[Breakthrough or much ado about nothing? FIFA's new bidding process in the light of best practice examples of human rights assessments under UNGP Framework](#)', *International Sports Law Journal* 19, 2019, pp 133–153; A. Willett, 'Holding the Best Olympics Ever: The Need for a Permanent & Independent Human Rights Committee to Oversee Olympic Procurements', *Public Contract Law Journal*, Vol 49, No1, 2020, pp 123-147.

⁶⁴ For various underpinnings of this claim, see K. Nash, 'Towards a Political Sociology of Human Rights', In E. Amenta, K. Nash, & A. Scott (Eds.), *The Wiley-Blackwell Companion to Political Sociology*, 2016, pp. 444-454; European Commission, [The European Pillar of Social Rights Action Plan](#), 2021.

⁶⁵ Mega-Sporting Events Platform for Human Rights, '[Championing Human Rights in the Governance of Sports Bodies](#)', 2018a, p 6.

⁶⁶ Commonwealth Secretariat, '[Sport for Development and Peace and the 2030 Agenda for Sustainable Development](#)', 2015; R. Giulianotti, S. Darnell, H. Collison, P.D. Howe, '[Sport for Development and Peace and the Environment: The Case for Policy, Practice, and Research](#)', *Sustainability*, 10(7), 1-15, 2018.

⁶⁷ Commonwealth Secretariat, 2015; R. Giulianotti, S. Darnell, H. Collison, P.D. Howe, 2018; Sustainable Development Goals Fund, '[The Contribution of Sports to the Achievement of the Sustainable Development Goals: A toolkit for action](#)', 2018.

⁶⁸ For more details see D. Heerdt, Legal responsibilities for promoting human rights and preventing human rights abuses in relation to large sport events, DG for External Policies, European Parliament, forthcoming.

⁶⁹ This approach is based on A. Woodiwiss, *Making Human Rights Work Globally*, London: Taylor & Francis, 2003.

⁷⁰ Sustainable Development Goals Fund, 2018, p 39.

⁷¹ A. Geeraert, and R. Gauthier, '[Out-of-control Olympics: why the IOC is unable to ensure an environmentally sustainable Olympic Games](#)', *Journal of Environmental Policy & Planning*, Vol 20, No 1, 2018, pp 16-30.

⁷² Among the many research publications and reports underpinning this claim are G. Hayes, and J. Karamichas, '[Introduction: Sports Mega-Events, Sustainable Development and Civil Societies](#)', In: Hayes & Karamichas (Eds.), *Olympic Games, Mega-Events and Civil Societies. Global Culture and Sport*, 2012, pp. 1-27; J.R. Gold, and M.M. Gold, '[Olympic legacies and the sustainability agenda](#)', *Nature Sustainability* 4, 2021, pp 290–291; J. Caudwell, and D. McGee, '[From promotion to protection: human rights and events, leisure and sport](#)', *Leisure Studies*, Vol 37, No 1, 2018, pp 1-10; I. Lindsey, and P. Darby, '[Sport and the Sustainable Development Goals: Where is the policy coherence?](#)', *International Review for the Sociology of Sport*, 54(7), 2019, pp 793–812; UNESCO, [Kazan Action Plan](#), 2017; D. McGillivray, et al, '[A conceptual model and research agenda for bidding, planning and delivering Major sport events that lever human rights](#)', *Leisure Studies*, Vol 38, No 2, 2019, pp 175-190; C. Dias and T. Christiaen, '[Sport for sustainable development](#)', *Sport and Citizenship*, No 49, 2020, p 20.

By way of justifying this approach further and clarifying its societal significance beyond the event itself, it is important to first review the major risks associated with the life cycle of large sporting events.

1. **The practice of 'sportswashing'.** Motives for hosting large sporting events include: the generation of 'soft power' on a global political stage; pressing claims of ideological superiority; and using the event to boost domestic identity politics. By showcasing a country's investment and tourism opportunities neatly packaged in global event standards through a large sporting event, authoritarian states eclipse the anti-democratic sides of domestic politics⁷³. A sign of this happening is referred to by Corrarino as 'legal exceptionalism'⁷⁴, where a sense is fostered that 'bigger' concerns about national pride justify laws which deviate from what would normally be acceptable. Hence, 'sportswashing' invokes a political dimension to this type of state behaviour as the opaque awarding of sport events to countries where human rights are suppressed is in direct contravention of democratic values as well as those of sport governing bodies themselves⁷⁵. For example, Martín and Hernández⁷⁶ argue that awarding the 2020 EURO Cup, originally intended to take place in Hungary, challenges the ethics of sport governance as in their view political developments in the country defy both the Union of European Football Associations' (UEFA) and European Union values.
2. **Restrictions in freedom of expression and political engagement for journalists, civil activists and public intellectuals.** Impediments to freedom of speech have been documented in relation to mega-events such as the 2008 Olympics in Beijing and 2014 Olympics in Sochi^{77,78}, with political suppression of these rights taking both soft and hard forms. An example of the latter preceded the Ice Hockey World Championship (IHC) in Belarus during 2014. On this occasion, members of the Belarusian opposition and non-governmental organisations were 'preventively' arrested before the Championship began. According to researchers Nizhnikau and Alvari⁷⁹, those arrested 'were mostly sentenced for petty crimes that were, according to some media, fabricated and politically motivated'. Less blatantly connected to a large sporting event, but equally grave for freedom of expression, are developments ahead of the 2022 FIFA World Cup in Qatar. While media freedom has been limited since the late 1970s, in 2019 researchers were more optimistic about progress related to the World Cup than comparable events⁸⁰. Yet, this optimism was dented in 2020 with an addition to Qatar's penal code which allows for imprisonment of up to 5 years or/and a fine of up to 100 000 Qatari riyals (about EUR 22 000) for publishing 'false or biased rumours, statements or news, or inflammatory propaganda, domestically or abroad, with the intent to harm national interests, stir up public opinion, or infringe on the social system or the public system of the state'. According to a representative of Amnesty International, this new

⁷³ M. M. Kobierecki, and P. Strożek, '[Sports mega-events and shaping the international image of states: how hosting the Olympic Games and FIFA World Cups affects interest in host nations](#)', *International Politics* 58, 2021, pp 49–70.

⁷⁴ M. Corrarino, 'Law Exclusion Zones": Mega-Events as Sites of Procedural and Substantive Human Rights Violations', *Yale Human Rights & Development Law Journal*, Vol 17, No 1, 2014, pp 180-204.

⁷⁵ A. Tomlinson, '[The supreme leader sails on: leadership, ethics and governance in FIFA](#)', *Sport in Society*, 17(9), 2014, pp 1155-1169; H.E. Næss, '[Sandwiched between sport and politics. Fédération Internationale de l'Automobile \(FIA\), Formula 1, and non-democratic regimes](#)', *The International Journal for the History of Sport*, Vol 34, No 7-8, 2017, pp 535-553.

⁷⁶ D. Plaza Martín, and E.S. Alarcón Hernández, '[The 'Greater Hungary' and the EURO 2020. Sports diplomacy of an illiberal state](#)', *Soccer & Society*, 2021.

⁷⁷ K. Burchell, 'Infiltrating the space, hijacking the platform: Pussy Riot, Sochi protests, and media events', *Participations: Journal of Audience and Reception Studies*, Vol 12, No 1, 2015, pp 659–676.

⁷⁸ Rsf.org, '[Olympic disaster for free expression in China](#)', rsf.org, Published on 22 August 2008.

⁷⁹ R. Nizhnikau and N. Alvari, '[Ice Hockey World Championship in Belarus: Political Context](#)'. In A. Makarychev & A. Yatsyk (Eds.), *Mega Events in Post-Soviet Eurasia. Mega Event Planning*, New York: Palgrave Macmillan, 2016, p 90.

⁸⁰ C. LaMay, 'The World Cup and Freedom of Expression in Qatar', In D. Reiche & T. Sorek (Eds.), *Sport, Politics and Society in the Middle East*, New York: Oxford University Press, 2019, pp 107-122.

legislation 'deals another bitter blow to freedom of expression in the country and is a blatant breach of international human rights law'⁸¹.

- 3. Lack of proper stakeholder inclusion in the development of large sporting events.** Although definitions of relevant 'stakeholder groups' abound, a study by Giulianotti et al. of public protest and activism related to the 2012 London Olympics⁸² illustrates this by specifying six forms of opposition that centred on the Games: national criticisms (e.g. on distribution of Olympic resources); local criticisms (e.g. on lack of jobs and business benefits); issue-specific campaigns (e.g. on the environment); 'glocal' protests against specific nations and sponsors (e.g. campaigns against BP, Dow, and Rio Tinto); situationist spectacles (e.g. mass cycle rides near Olympic venues); as well as anti-Olympic forums and demonstrations (e.g. critical web sites, multi-group marches). Even though reasons for this resistance shifted, a common feature was a sense of not being heard or of being included only on the basis of false promises. In other cases, vulnerable groups are outright denied having a say at all. Especially critical in this context is the inclusion of children's rights together with the acknowledgement of their stakeholder group standing in relation to large sporting events, an issue returned to below and in Section 2.1.
- 4. Denial of essential welfare and labour rights related to the construction of sports arenas and event-related infrastructure.** Typical issues related to these risks are: absence of minimum salaries; unsafe working conditions; anti-union policies; lack of grievance mechanisms; and exploitation of migrant workers⁸³. While all these issues have characterised many large sporting events, such as the 2004 Olympics in Athens and the 2010 FIFA World Cup in South Africa – which in the latter case also proved to be a turning point in addressing the necessity of international collaboration between labour unions⁸⁴ – debate surrounding the 2022 FIFA World Cup in Qatar demonstrates that workers' rights are far from safeguarded. For example, it has been argued that without the joint liability of principal contractor and subcontractors, combined with appropriate monitoring and inspection measures from the national authorities, it will be difficult to implement minimum requirements for an effective occupational health and safety regulation⁸⁵. Looking closer at the Qatari case, the exploitation of migrant workers from South Asia through the *kafala* system, besides their being provided with poor working conditions, has led to a number of injuries and even deaths, evoking sharp criticism⁸⁶. Whereas the Qatari authorities in March 2021, after years of pressure from the International Labour Organization (ILO) and others, abolished some of the most troublesome arrangements by introducing labour reforms and increased minimum wages⁸⁷, the core problem still persists. Worker's rights abuses must be explored in the context of the migration life cycle – from the time the migrant first considers working overseas to his/her employment abroad and eventual return to the home country⁸⁸.

⁸¹ Reuters, [Amnesty says new Qatar law 'curbs freedom of expression'](#), Published on 20 January 2020.

⁸² R. Giulianotti, et al., ['Sport Mega-Events and Public Opposition: A Sociological Study of the London 2012 Olympics'](#), *Journal of Sport and Social Issues*, Vol 39, No 2, 2015, pp 99–119.

⁸³ M. Prado da Graça, ['Changing the Game: A critical analysis of labour exploitation Mega Sport Event infrastructure projects'](#), Engineers against poverty (EAP), 2020.

⁸⁴ E. Cottle (ed) 'South Africa's World Cup: Legacy for Whom?' Durban: *University of KwaZulu-Natal Press*, 2011.

⁸⁵ M. Prado da Graça, ['Changing the Game: A critical analysis of labour exploitation Mega Sport Event infrastructure projects'](#), Engineers Against Poverty (EAP), 2020.

⁸⁶ Z. Bowersox, ['Naming, Shaming, and International Sporting Events: Does the Host Nation Play Fair?'](#), *Political Research Quarterly*, Vol 69, No 2, 2016, pp 258–269; P. Millward, ['World Cup 2022 and Qatar's construction projects: Relational power in networks and relational responsibilities to migrant workers'](#), *Current Sociology*, Vol 65, No 5, 2017, pp 756–776; J. Horne, ['Understanding the denial of abuses of human rights connected to sports mega-events'](#), *Leisure Studies*, Vol 37, No 1, 2018, pp 11–21.

⁸⁷ ILO, ['Qatar's new minimum wage enters into force'](#), Published on 19 March 2021.

⁸⁸ S.K. Ganji, ['Leveraging the World Cup: Mega Sporting Events, Human Rights Risk, and Worker Welfare Reform in Qatar'](#), *Journal on Migration and Human Security*, Vol 4, No 4, 2016, pp 221–259.

- 5. The ramifications of forced evictions and displacement without proper compensation⁸⁹.** To make space for facilities either directly connected to the event (such as stadia and athlete's housing) or indirectly (such as hotels), sport event hosts are backed by national and regional authorities in using the event to speed up urban redevelopment. In this process, which often excludes affected parties ahead of the event, there are several cases of citizens being 'relocated' against their will. Numbers are difficult to verify, but a 2007 report from the Centre on Housing Rights and Evictions (COHRE) estimated that close to 1.5 million Beijing citizens were displaced as a result of development plans associated with the 2008 Beijing Olympics⁹⁰. More accurate numbers, apparently, are those 1 200 citizens who were displaced prior to the 2012 London Olympics and 77 000 in relation to the 2016 Rio Olympics⁹¹. These evictions impact the lives of adults in many ways, for example in relation to the 2021 Tokyo Olympics where displaced people's view on adequate housing differed sharply from the city's view⁹². Worse still, children are particularly vulnerable in this process as they lose access to education, health and other vital social services, as noted in a study of the 2016 Rio Olympics⁹³. They also become exposed to exploitation, child labour and sexual violence.
- 6. Shortcomings in the current procurement regime.** Addressing the range of procurement activities across the Mega Sporting Events' (MSEs) life cycle, the Mega-Sporting Events Platform for Human Rights underlines how in a network of sporting, public and corporate actors 'it may be challenging to separate the boundaries between the State's duty to protect rights and offer remedies, as a host nation, from the fulfilment of an organising committee's responsibility to respect rights, through the application of human rights due diligence'⁹⁴. This difficulty arises because a large sporting event includes: procurement processes related to supply chains of workers, goods and services; international contractors; national and international logistical issues; commercial aspects (ranging from the clothes that volunteers wear to media production infrastructure); security measures; as well as food and drinks. A critical aspect of this network is the existence of child labour. While this has been part of the sporting industry since the 1980s, notably through the production of footballs in Pakistan, evidence of how much it is linked to sport events is more scattered. According to Dowse, Powell and Weed⁹⁵ 'it is not possible to determine the scale of event-specific impact'. That said, the risk of children being the suffering parties in a poorly monitored supply chain related to a large sporting event is impossible to avoid. To conduct human rights due diligence related to all these procurement processes and at the same time acknowledge the need to provide a social legacy following the event, the UN Guiding Principles for Human Rights and Businesses are – as claimed above – a necessary, but incomplete framework. Although progress is being made by sport governing bodies in this respect, for example by adapting the UNGPs to sport⁹⁶, it remains to be seen whether they address in practice what Willett claims to be the missing pieces of the UN framework, namely: 'direct, independent oversight to prevent abuses and effective procedures for fielding grievances and ensuring victims have access to monetary and

⁸⁹ Human Rights Watch, '[World Report 2015](#)', 2015; Fairplay, '[Human rights risks in the context of mega-sport events and how to prevent them](#)', 2017.

⁹⁰ COHRE, '[Mega-Events, Olympic Games and Housing Rights. Opportunities for the Olympic Movement and Others](#)', 2007.

⁹¹ J. Boykoff, 'The Olympics in the Twenty-First Century: Where Does Rio 2016 Fit In?', In A. Zimbalist (Ed.), *Rio 2016: Olympic Myths, Hard Realities*, Washington, DC: Brookings Institution Press, 2017a, pp 13-34.

⁹² N. Suzuki, Naofumi, T. Ogawa, and N. Inaba, 'The right to adequate housing: Evictions of the homeless and the elderly caused by the 2020 Summer Olympics in Tokyo', *Leisure Studies*, Vol 37, No 1, 2018, pp 89–96.

⁹³ Terre des Hommes International Federation, '[Fact sheet: Effects on Mega Sporting Events on Rio's Children](#)', 2015.

⁹⁴ Mega-Sporting Events Platform for Human Rights, '[Children's Rights in the Sports Context](#)', Sporting Chance White Paper 4.1, Version 1, 2017b.

⁹⁵ S. Dowse, S. Powell, and M. Weed, '[Children's Rights and Mega Sporting Events: An Evidence-based Review of Selected Intersecting Themes](#)', *Terre des Hommes and the Oak Foundation*, 2015, p 9.

⁹⁶ D. Heerdt, Legal responsibilities for promoting human rights and preventing human rights abuses in relation to large sport events, DG for External Policies, European Parliament, forthcoming.

injunctive relief for their suffering⁹⁷. Equally as important as these guidelines, according to the Mega-Sporting Events Platform for Human Rights, is best practices knowledge sharing⁹⁸. In this regard, the 2012 London Olympics should be taken as a positive example due to its praiseworthy clear division of responsibilities and accountability when it came to procurement issues.

- 7. The hindrance, or reversal of, gender equality initiatives.** Whereas several governing bodies in sport have initiated gender equality reforms, such as the #WeGrowAthletics Initiative by World Athletics launched in March 2021, the surrounding challenges are still underplayed by many event hosts. On the one hand, some sport governing bodies and sport event hosts have taken measures such as: governance reforms to increase the share of female executives; improvements in gender portrayal by the media during events; and enhancement of financial and cultural conditions for female athletes in general. On the other hand, as returned to in Section 2.2, there are countries, media parties and governing bodies that contravene gender equality values and suppress women's rights as individuals in relation to large sporting events. In other cases, gender equality issues are worsened by political intervention related to sport events, as in the example referred to by Van Rheenen⁹⁹ which cites 'the anti-gay propaganda laws of 2013, and the corresponding state-sponsored homophobia' introduced just six months prior to the Sochi Olympics. Van Rheenen saw this as 'part of a larger conservative agenda orchestrated by Putin and his Kremlin allies'¹⁰⁰. Moreover, issues related to trafficking and sexual exploitation are recurrent threats to events' promise of delivering a social legacy to the host country. Whereas some argue that a worsened situation for sex workers is difficult to correlate with large sporting events¹⁰¹, others claim that the problem is the potentially high number of unreported cases¹⁰². Consequently, Caudwell¹⁰³ concludes that there is a need to establish the extent of trafficking for sexual exploitation and concomitant abuses of human rights during major sporting events.
- 8. The practice of 'greenwashing',** that is the use of words such as 'sustainable' or 'eco' in marketing material without acting accordingly¹⁰⁴. Although environmental awareness and 'sustainable sourcing' have become intrinsic features of sport events' design over the past decade¹⁰⁵, these events still bring major interventions to the environment. For instance, as an upcoming example, the 2021 Tokyo Olympics is aiming at zero carbon and zero waste, using renewable energy to power the Games and align with the SDGs¹⁰⁶. There has been some increase in events receiving international certification for sustainable practices, most notably ISO 20121, which became popular after the 2012 London Olympics had set the sustainability standard for MSEs¹⁰⁷. Nevertheless, the massive use of energy, claims of biodiversity loss and water pollution are but a few examples which have led to claims that 'Olympic luminaries obfuscate matters by conflating internal sustainability measures with bigger-picture

⁹⁷ A. Willett, 'Holding the Best Olympics Ever: The Need for a Permanent & Independent Human Rights Committee to Oversee Olympic Procurements', *Public Contract Law Journal*, Vol 49, No1, 2020, pp 123-147.

⁹⁸ Mega-Sporting Events Platform for Human Rights, 2017b.

⁹⁹ D. Van Rheenen, '[A skunk at the garden party: the Sochi Olympics, state-sponsored homophobia and prospects for human rights through mega sporting events](#)', *Journal of Sport and Tourism*, Vol 19, No 2, 2015, pp 127-144.

¹⁰⁰ D. Van Rheenen, 2015, p 137.

¹⁰¹ V. Mentor-Lalu, 'Lies, Misrepresentation and Unfulfilled Expectations: Sex Work and the 2010 Soccer World Cup', In E. Cottle' (Ed.) *South Africa's World Cup: Legacy for Whom?*, Durban: *University Of KwaZulu-Natal Press*, 2011, pp 159-174.

¹⁰² J. Caudwell, 'Sporting Events, the Trafficking of Women for Sexual Exploitation and Human Rights', In L. Mansfield, J. Caudwell, B. Wheaton & B. Watson (Eds.), *The Palgrave Handbook of Feminism and Sport, Leisure and Physical Education*, London: Palgrave Macmillan, 2018, pp 537-556.

¹⁰³ J. Caudwell, 2018.

¹⁰⁴ T. Miller, 'Greenwashing Sport', London: *Routledge*, 2017.

¹⁰⁵ IOC, '[Sustainability Essentials. A series of practical guides for the Olympic Movement](#)', n.d.

¹⁰⁶ TOCOPG, [Overview of the Tokyo 2020 Games Sustainability Plan](#), 2018.

¹⁰⁷ H.E. Næss, '[Is ISO20121 certification a detour or gamechanger for eco-striving sport events? A conceptual typology](#)', *Frontiers in Sports and Active Living*, 2021.

environmental legacy'¹⁰⁸. At the same time, the London Olympics is again mentioned in the literature as a game-changer, because of its comparatively thorough approach to sustainability during and after the event. An example is the Queen Elizabeth Olympic Park, which, according to Azzali¹⁰⁹, the Olympic organisers have restored to become far more environmentally healthy than before the Games.

As demonstrated by these issues and other reports addressing the even bigger picture of global challenges¹¹⁰, the societal linkages between SDGs and human rights which can be tackled through large sporting events are plentiful. Given the limited scope of the Briefing, it will focus on three selected themes to illustrate how large sporting events can promote human rights and SDGs, without denying the importance of other linkages.. Before the connections under the themes are discussed further, three policy issues which affect this debate must be clarified.

1.1 Conceptual issues

What do sport governing bodies really mean when they mention 'human rights' in policy documents? This question is raised because the use of such a key concept immediately creates a commitment to action which has an influence on the remaining two issues: *operationalisation* and *remedy*. Taking the IOC as an example, on the one hand we find specific references to human rights in an independent expert report from 2020 which sets out recommendations for the IOC on how to meet its responsibilities¹¹¹. A similar position was taken by the expert group advising the European Commission on how to encourage sport organisations to take greater responsibility for good governance and human rights in 2016. It stated that bidders for large sporting events are obligated to respect and promote human rights – specifically citing as examples freedom of speech, labour conditions and sustainability – which 'should be accepted explicitly and unconditionally'¹¹². On the other hand, through its host city contract from 2024 onwards the IOC itself restricts the universality of human rights by technicalities in the contract's text¹¹³. What is more, because of these technicalities, national interpretations of how to comply with these requirements are still possible¹¹⁴, which in turn affects the trustworthiness of any universal human rights motive expressed by the IOC elsewhere.

1.2 Operational issues

The second issue is *operational*: how do sport governing bodies implement human rights criteria as part of an award process? A positive example, related to risk 7 above, was observed with extension of the 6th Fundamental Principle of Olympism to prohibit discrimination on the basis of sexual orientation after the 'anti-gay' controversy related to the 2014 Sochi Olympics, with IOC President Thomas Bach explaining that this principle was derived from the Universal Declaration of Human Rights¹¹⁵. However, if we return to the IOC contract case, point 13.2 within the 'Principles' part of the host city contract states that the bidder must:

¹⁰⁸ J. Boykoff, 'Green Games: The Olympics, Sustainability, and Rio 2016', In A. Zimbalist (Ed.), *Rio 2016: Olympic Myths, Hard Realities*, Washington, DC: Brookings Institution Press, 2017b, p 196.

¹⁰⁹ S. Azzali, '[Queen Elizabeth Olympic Park: an assessment of the 2012 London Games Legacies](#)', *City, Territory and Architecture*, Vol 4, No 11, 2017, 1-12.

¹¹⁰ See also OHCHR, '[Sustainable Development Goals – Human Rights](#)', 2015; UNOSDP, '[Sport and the Sustainable Development Goals. An Overview outlining the contribution of sport to the SDGs](#)', 2017.

¹¹¹ HRH Z.R. Al Hussein, and R. Davis, '[Recommendations for an IOC Human Rights Strategy. Independent Expert Report by Prince Zeid Ra'ad Al Hussein and Rachel Davis](#)', 2020.

¹¹² [Expert Group on Good Governance. Guiding Principles relating to democracy, human rights and labour rights, in particular in the context of the awarding procedure of major sport events](#), 2016, p 11.

¹¹³ For details, see Section 1.2 below and D. Heerdt, Legal responsibilities for promoting human rights and preventing human rights abuses in relation to large sport events, DG for External Policies, European Parliament, forthcoming.

¹¹⁴ CAS (Court of Arbitration for Sport), '[Sport and Human Rights](#)', March 2021.

¹¹⁵ A. Willett, 'Holding the Best Olympics Ever: The Need for a Permanent & Independent Human Rights Committee to Oversee Olympic Procurements', *Public Contract Law Journal*, Vol 49, No1, 2020, pp 123-147.

*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, applicable in the Host Country*¹¹⁶.

This is clearly open to interpretation because what applies in the Host Country is not always consistent with international human rights standards. Some even claim that the applicability clause ‘warrants a morally relativistic approach of “When in Rome, do as the Romans do”’¹¹⁷. Furthermore, even if event hosts include government guarantees for protecting, for instance, freedom of expression and assembly, they may still embed in the bidding documents the right to set local restrictions. An example touching this aspect is the 2018 proposal for a United Human Rights Strategy by the United 2026 FIFA World Cup organisers, which generally sets a new benchmark in addressing human rights concerns in relation to large sporting events. In Section 7, ‘Freedom of Expression & Assembly. Restrictions on Free Speech / Protection of Free Speech’, the document first states that these rights are guaranteed by the legal framework of the hosting countries (Canada, United States and Mexico). However, it also points out that ‘there may be specific rules that apply in private spaces such as stadiums, Fan Zones, and other non-public spaces’ which affect these freedoms¹¹⁸. In securing freedom of speech, this document also mentions the possibility for ‘free speech zones’ (similar to those created during the 2008 Beijing Olympics) and proposes to define ‘clear rules, which are clearly stated in entry conditions, on any types of statements, banners, images or other limitations of speech or expression’¹¹⁹. These rules, though, can take many forms and be policed in different ways. For better or worse, *conceptual* and *operational* issues thus affect *remedial* considerations.

1.3 Remedial issues

The independent expert report to the IOC on human rights specifies that remedy ‘means making good a harm a person has suffered’¹²⁰. Nevertheless, if remedy mechanisms are the event host’s responsibility insofar as they comply with national laws, as one interpretation of the IOC’s host city contract indicates, there is a risk that nothing happens in the wake of human rights violations in non-democratic countries. Remedy mechanisms work only when those in charge of them acknowledge that somebody’s rights have been violated in the first place. If the host country of a sporting event decides to contravene the IOC’s policies after the event has been awarded, interprets the contractual details differently than the IOC, or refuses to accept that sexual minorities should be a rights holder group (as for instance in countries such as Qatar where male homosexuality is forbidden), the ensuing actions by sport governing bodies and interpretation of what constitutes sanctionable activities related to human rights inevitably becomes a political issue¹²¹.

¹¹⁶ IOC, ‘Host City Contract – Principles’, 2017, p 16.

¹¹⁷ D. Mayer, and R. Jebe, ‘The Legal and Ethical Environment for Multinational Corporations’, In D. Mayer & J. O’Toole (Eds.), *Good business: Exercising effective and ethical leadership*, New York: Routledge, 2010, p 160.

¹¹⁸ United 2026, ‘[Proposal for a United Human Rights Strategy](#)’, 2018, p 75.

¹¹⁹ United 2026, 2018, p 38.

¹²⁰ HRH Z.R. Al Hussein, and R. Davis, ‘[Recommendations for an IOC Human Rights Strategy. Independent Expert Report by Prince Zeid Ra’ad Al Hussein and Rachel Davis](#)’, 2020, p 22.

¹²¹ For more information of remedy, see D. Heerdt, Legal responsibilities for promoting human rights and preventing human rights abuses in relation to large sport events, DG for External Policies, European Parliament, forthcoming.

2 Connecting the Sustainable Development Goals, sport events and human rights

To advocate the selection of themes in sections 2.1-2.3, this Briefing relies on 'The SDG – Human Rights Data Explorer' tool developed by the Danish Institute of Human Rights (DIHR), which contains 145 000 recommendations under the international human rights system, in addition to recent research which addresses the advantages of merging SDGs and human rights in policy work. In February 2021, 92 % of these DIHR recommendations were directly linked to 17 SDG targets. Among the rights holder groups which would benefit the most from an integration of human rights instruments and SDGs¹²² DIHR identify: *children*, included in relation to large sporting events not only due to their lack of stakeholder representation, but also an emphasis on children's rights in the European Union Work Plan for Sport 2021-2024; *women and girls*, included here due to the focus of sport governing bodies on gender equality; and *human rights defenders*, included due to the recurrent debates on freedom of speech involving athletes, activists and journalists.

2.1 SDGs, sport and children's rights

The first theme concerns the prevention of negative impacts on children (here defined as everyone under 18 years of age) from large sporting events. To that end, it is vital to take a holistic approach towards risks associated with this topic. By holistic it is implied that a network of stakeholders – including the event host – collaborate to address the core issues when it comes to securing the well-being of children in relation to large sporting events, especially as the SDGs have been criticised by Child Rights International Network (CRIN) for treating children as 'objects of charity rather than as holders of human rights'¹²³. In light of the risks associated with large sporting events outlined above in Section 1, the reason for this holistic approach towards children's rights is twofold. Firstly, childhood is viewed 'as a socially defined construct influenced by time, place and culture'¹²⁴. One example is given by critical Western media reports on the 'gruelling' sport schools for children in China which, by the latter's standards, are legitimate ways of producing Olympic champions¹²⁵. Secondly, 'children's rights and interests cannot be managed in isolation from their social networks and geographical environments and, because MSEs are delivered in community spaces, hosting processes inevitably present a range of direct and indirect risks and opportunities for them'¹²⁶. For sport governing bodies with global reach on the one hand and countries' shifting adherence to conventions on children's rights on the other, this means a string of principal and practical challenges related to large sporting events. These include 'the relocation of families leading to loss of access to basic services such as schools or health services; harmful child labour in the provision of goods and services for suppliers and sponsors; and violence, harassment and abuse linked to the MSE'¹²⁷. In a 2018 study, Dowse, Powell and Weed identified similar risks while exploring the intersection between children's rights and six established social justice issues (environment, housing, labour, LGBT+, security and women) across the event lifecycle¹²⁸. Their conclusion was that to remedy children's vulnerabilities in relation to large sporting events the host must reverse their invisibility as a stakeholder group. To do so, any measure to reduce

¹²² An overview of what the DIHR consider as 'rights-holder groups' is available on the [SDG Human Rights Data Explorer](#).

¹²³ CRIN, '[Children's rights and the SDGs](#)', n.d.

¹²⁴ S. Dowse, S. Powell, and M. Weed, '[Mega-sporting events and children's rights and interests – towards a better future](#)', *Leisure Studies*, Vol 37, No 1, 2018, p 98.

¹²⁵ NBC News, '[Young Chinese Children Train for Future Olympics](#)', Published on 2 June 2016.

¹²⁶ S. Dowse, S. Powell, M. Weed, 2018, p 100.

¹²⁷ Mega-Sporting Events Platform for Human Rights, '[Children's Rights in the Sports Context](#)', Sporting Chance White Paper 4.1, Version 1, 2017b, p 6.

¹²⁸ S. Dowse, S. Powell, M. Weed, 2018.

negative impacts on children from mega-events must consider the societal context. For example, with regard to child labour it needs to take into account the risk of creating unintentional consequences for a local community or a scenario where children are worse off should they lose their income. This can be done only if any given event host leadership commits to 'establishing children's rights and interests as integral to the hosting criteria and operationalising them through a supportive monitoring, evaluation and, where necessary, sanction and access to remedy framework'¹²⁹. FIFA's ongoing development of an event-time safeguarding programme for children, which is an offspring from its Child Safeguarding Toolkit launched in 2019¹³⁰, is an important step in the right direction. Nevertheless, without a clear agreement between sport governing bodies and event hosts on what they mean by 'children's rights' it will be difficult to hold any of them accountable for potential violations.

2.2 SDGs, sport, women and girls

With regard to the second theme, large sporting events can promote gender equality *inter alia* by: reversing male dominance in sporting federations; promoting female role models; as well as supporting female empowerment projects in clubs and with sponsors. In particular, in the context of International Women's Day in 2020, the EU Ambassador to Pakistan Androulla Kaminara and the Captain of the Pakistan Women's Football Team Hajra Khan stated that, 'the media should play a more active role in featuring female athletes'¹³¹. This means that stereotypes and clichés must be avoided to foster increased self-esteem and confidence in women and girls while outdated gender norms that might inform behaviour, decisions and systems must be eliminated. A literature review of the Olympics and gender equality in sport media between 1984-2018 has revealed a gradual increase in coverage and fairer portrayals of sportswomen in the Olympics¹³². Yet, compared with male athletes, sportswomen are still 'gender-typed' and downplayed for various reasons. Some studies refer to market demand (the audience prefers male sports, although that may also result from the offering), to production processes favouring a male ideology of sports (partly true), or to nationalism and success as more important than gender preferences (relevant to some countries, but not to all sports). To rectify these issues, the IOC has initiated the Gender Equality Review Project¹³³. It argues that women in sport should be represented 'across all forms of media and communication channels'¹³⁴, as specified in 25 action-oriented recommendations across five themes. However, some problems linger. As certain Olympics are held in countries where women's rights are not respected and protected as stipulated under international human rights law¹³⁵, there is naturally uncertainty as to what extent this policy can be implemented. A study of the bids to host the 2023 FIFA Women's World Cup argues that bidding nations 'situate themselves as benevolent rescuers of struggling women's sport without acknowledging their accountability for policies and practices that disenfranchised women's football in the first place'¹³⁶. This leads to a bigger question of the extent to which sport governing bodies can require from hosts a fairer portrayal of female athletes, combined with: the hosting government's view on *inter alia* the Convention on the Elimination of All Forms of Discrimination against

¹²⁹ S. Dowse, S. Powell, M. Weed, 2018, p 105.

¹³⁰ FIFA, '[Up to Us. Child Safeguarding Toolkit for Member Associations](#)', 2019.

¹³¹ EEAS, '[Why women in sports matter: Op-Ed on the International Women's Day by the EU Ambassador to Pakistan Androulla Kaminara and Hajra Khan](#)', Published on 11 March 2020.

¹³² A. Grabmüllerová, and H. E. Næss, 'Gender, media, and the Olympic Games 1984–2018: A literature review', In G. Molnar & R. Bullingham (Eds.), *Routledge Handbook of Gender Politics in Sport and Physical Activity*. Routledge, forthcoming 2021.

¹³³ IOC, '[Portrayal Guidelines for Gender Balanced Representation](#)', Lausanne: IOC, 2018.

¹³⁴ IOC, 2018, p 3.

¹³⁵ L. de Soysa, Lilamani and S. Zipp, '[Gender equality, sport and the United Nation's system. A historical overview of the slow pace of progress](#)', *Sport in Society*, Vol 22, No 11, 2019, pp 1783-1800.

¹³⁶ B.M. Desjardins, '[Mobilising gender equality: A discourse analysis of bids to host the FIFA Women's World Cup 2023™](#)', *International Review for the Sociology of Sport*, <https://doi.org/10.1177/1012690221998131>, 2021.

Women (CEDAW); the effect a sport event will have on gender equality issues; or whether one has to advocate change through other means. The United States, for example, has signed but not ratified the CEDAW, and whereas Qatar became a member of the Convention in 2009, it is still far from fully committed to the Convention. However, in practice there are reasons to believe that gender equality (as understood by liberal Western standards) is given greater precedence in the US than in Qatar. It is in this context that the media has a crucial role to play, not merely as a way to translate conventions on gender equality into imagery and representation, but also as a source of role models in sport where athletes are part of the process. Although Muslim female athletes, for example, do not necessarily mirror liberal Western gender norms, research on their use of social media underlines that as role models in sport they are equally as important¹³⁷. For the EU, it is therefore important to encourage sport governing bodies, event hosts and their media partners to revise the media coverage process as a whole – including the gender ideologies of media production – rather than just evaluating the results and theorising about possible impacts. At the same time, ‘gender equality’ is differently understood across the globe. A challenge for the IOC and, for instance, the EU is thus to promote gender equality ideas with roots in human rights and SDGs without making them appear as Eurocentric media demands, thereby avoiding potentially creating a backlash.

2.3 SDGs, sport and human rights defenders

The third theme deals with a need to improve and promote the position of human rights defenders in relation to large sporting events. For athletes as human rights defenders, a central right within this context is freedom of speech which, according to philosophers such as J.S. Mill¹³⁸, is the foundation of all freedoms. Ever since US athletes John Smith and Tommie Carlos raised their fists against racism during the medal ceremony at the 1968 Olympics in Mexico, there has been controversy whenever athletes have spoken up on social issues. Under the banner of neutrality, sport governing bodies have traditionally forbidden or frowned upon political statements during events in an attempt to keep sport free from ideological battles. However, undeniably, sport and politics do mix. The neutrality principle has been increasingly challenged with the emergence of, *inter alia*: the Black Lives Matter movement, where kneeling, its most prominent symbol, has become a feature of English Premier League matches prior to kick-off as a sign of joint commitment to combat racism; fan engagement related to the 2022 World Cup in Qatar, where a coalition of Norwegian supporter clubs in February 2021 urged the national federation to boycott the event; and athlete activism against IOC’s Rule 50 in the Olympic Charter (see below). In Norway’s case, the Norwegian Football Association (NFA) hesitated at first to engage with the matter. However, as demands to take a stand from supporters and elite clubs grew, the NFA commissioned a report by a committee consisting of different stakeholders, non-governmental organisations’ (NGOs) representatives and experts on whether a boycott would be the most efficient way to reduce labour rights abuses in Qatar. Partly due to the assignment’s wording and partly because several members were against boycotts in general, the committee concluded that the NFA should not boycott the event. Nevertheless, the NFA will take an independent decision at an extraordinary general assembly in June 2021¹³⁹. Looking at IOC’s Rule 50, it states that athletes cannot use the podium or the opening ceremony for political gestures (such as kneeling) or statements (such as wearing a symbol). Many critics have found Rule 50 to be an unacceptable suppression of their freedom of speech, with which the IOC has no right to interfere. As the IOC operates under Swiss law, Shahlaei argues that ‘if the right to freedom of speech should be restricted for athletes and to what extent sport governing bodies can limit this freedom, it is up to a competent court of law to rule upon the legitimacy and legality of such regulations’¹⁴⁰. Nevertheless, the IOC is for the moment

¹³⁷ K. Toffoletti and C. Palmer, ‘[New approaches for studies of Muslim women and sport](#)’, *International Review for the Sociology of Sport*, Vol 52, No 2, 2017, pp 146–163.

¹³⁸ Mill, J.S., ‘On Liberty’, *Indianapolis: Hackett Publishing*, 1847/1978.

¹³⁹ H. Melnæs, ‘[Could the Norway boycott of the Qatar World Cup change the future of football?](#)’, *The Guardian*, 30 March, 2021.

¹⁴⁰ F. Shahlaei, ‘[Athlete’s gestures are protected by international human rights law](#)’, *Playthegame*, published on 11 August 2020.

sticking to its view that the Olympics should be an arena free from political intervention. On the one hand, we should acknowledge the view of those who are anxious about athletes hijacking the medal ceremony for political purposes, as well as listen to those raising the question of how we can protect athletes from becoming figureheads for a political party or ideological constellation in return for state funding. On the other hand, this Briefing argues that there are larger risks associated with limiting freedom of speech. If the sporting event promotes human rights, yet limits freedom of speech at the same time, the very legitimacy of its governing body may be in danger¹⁴¹. Especially in a world where democratic debate is under pressure by religious dogmas, suppressive ideologies and authoritarian states, the role of sport governing bodies as drivers of societal progress during large sporting events with global media attention cannot afford to be rendered hypocritical. What is more, protecting freedom of speech does not imply that the IOC or other sporting organisations must take part in a debate. The ability to facilitate democratic debate in the service of public interest, as noted in Article 10 of the European Convention on Human Rights¹⁴², should be seen as an asset to sport governing bodies in achieving their social goals and consolidating their autonomy instead of a threat to their principles of neutrality¹⁴³.

3 Relevant actors in the field of Sustainable Development Goals, sport events and human rights

Five groups are identified here as central to the work of promoting human rights and the SDGs through large sporting events. The first group comprises **Intergovernmental Organisations (IGOs)**: in particular, the UN¹⁴⁴, the European Union, the Organisation for Economic Co-operation and Development (OECD) and the Council of Europe. All have produced recommendations which link the importance of sport as a social driver with the leverage for change during large events, in which the 2016 report from the expert group advising the EC on the application of UNGPs to sport events is a key reference¹⁴⁵. In addition, former Commissioner Tibor Navracsics mandated a High-Level Group (HLG) to assess the potential of sport in EU diplomacy. The 2016 HLG final report emphasises how major events indeed offer sport diplomacy opportunities. Among the recommendations we find a call to 'support projects and research relating to the staging of major sport events within the framework of existing EU funding programmes, including support for pre-event, side event and legacy activities promoting EU fundamental values'¹⁴⁶. Unfortunately, as addressed by an earlier study¹⁴⁷, these recommendations sometimes lack coherence between outlook

¹⁴¹ B. Schwab, 'When We Know Better', We Do Better.' Embedding the Human Rights of Players as a Prerequisite to the Legitimacy of Lex Sportiva and Sport's Justice System', *Maryland Journal of International Law*, Vol 32, No 4, 2016, pp 4-67.

¹⁴² Council of Europe, '[Freedom of expression. Article 10](#)', European Convention on Human Rights, n.d.

¹⁴³ H.E. Næss, '[The Neutrality Myth: Why International Sport Associations and politics are inseparable](#)', *Journal of the Philosophy of Sport*, Vol 45, No 2, 2018, pp 144-160.

¹⁴⁴ See for example HRSAC (Human Rights Council Advisory Committee), '[Final report of the Human Rights Council Advisory Committee on the possibilities of using sport and the Olympic ideal to promote human rights for all and to strengthen universal respect for them](#)', New York: UN, 2015.

¹⁴⁵ [Expert Group on Good Governance. Guiding Principles relating to democracy, human rights and labour rights, in particular in the context of the awarding procedure of major sport events](#), 2016.

¹⁴⁶ HLG on Sport Diplomacy, [Report to Commissioner Tibor Navracsics](#). 2016, p 18.

¹⁴⁷ H.E. Næss, 'Good intentions, vague policies: A thematic analysis of the United Nations', the European Commission's, and the OECD's recommendations on sport and politics', *Journal of Global Sport Management*, Vol 4, No 1, 2019, pp 25-37.

and outcome. It remains to be seen whether this will change with the EU's upcoming Sport Diplomacy initiatives (some of which include UEFA¹⁴⁸) as well as the European Union Work Plan for Sport 2021-2024¹⁴⁹.

The second group of actors engaged in driving change with regard to sport and human rights have been **human rights agencies and organisations**. Historically, beside boycotting the apartheid regime in South Africa, these actors first came to the forefront in the early 1990s. In 1993, with support from the US government, Human Rights Watch (HRW) initiated a campaign against the Chinese bid for the 2000 Winter Olympics. According to Professor Barbara J. Keys, 'because 'human rights' is an extraordinarily expansive concept, HRW opened the door to a nearly limitless range of moral claims on the Olympics'¹⁵⁰. The specific approach of the campaign created a template for subsequent ones carried out by core human rights actors such as Amnesty International, sport actors with a focus on human rights (e.g., the Sport and Rights Alliance, Sports Integrity Initiative, Fairplay, Play the Game) and multi-purpose agencies whose work is influenced by the sport and human rights nexus (such as UNI Global Union, Action Sustainability and the ILO). In particular, since its launch in 2018 the Centre for Sport and Human Rights has manifested itself as a powerful hub for stakeholders, with growing influence on the policies of sport governing bodies. For example, in 2020 the Centre, in consultation with 30 leading child rights and sport experts, prepared and presented to FIFA a set of recommended 'Indicator Questions' on child rights for consideration in the United 2026 Human Rights Scorecard¹⁵¹.

The third group of actors are **academics**, whose role is to be the watchdogs of sport governing bodies' actions on human rights and the SDGs. However, the field considers to a minor degree the integrated approach advocated in this Briefing and hence can instead be split into three categories. *The first category* links only two out of the three research fields. Those who study human rights and sustainable development¹⁵² rarely make any reference to the sporting world. Others in this group explore the connection between sport and human rights¹⁵³, but consider sustainability only superficially. Existing studies on sport and human rights focus either on the issue of mega-sporting events and human rights¹⁵⁴, or discuss social impacts of sport more generally, such as racism, without using the label of human rights. *The second category* focuses on sport as a lever for social integration in developing countries, but often with a narrow empirical outlook and with traces of neo-colonial bias¹⁵⁵. A separate but related field called 'Sport for Development and Peace' mostly devotes its attention to philanthropic approaches to charitable

¹⁴⁸ W. Chakawata, ['The centrality of the UEFA in the light of an EU Sport Diplomacy'](#), *SportandEU.com*, 2 December, 2020.

¹⁴⁹ [Resolution of the Council and of the Representatives of the Governments of the Member States meeting within the Council on the European Union Work Plan for Sport \(1 January 2021-30 June 2024\)](#).

¹⁵⁰ B. Keys, ['Harnessing Human Rights to the Olympic Games: Human Rights Watch and the 1993 'Stop Beijing' Campaign'](#), *Journal of Contemporary History*, Vol 53, No 2, 2018, p 420.

¹⁵¹ Centre for Sport and Human Rights, ['Child Focused Questions for Inclusion in the United 2026 Human Rights Scorecard Guidance Note'](#), 2020.

¹⁵² T. Pogge, and M. Sengupta, ['Assessing the sustainable development goals from a human rights perspective'](#), *Journal of International and Comparative Social Policy*, Vol 32, No2, 2016, pp 83-97; Winkler, Inga T., and Carmel Williams, ['The Sustainable Development Goals and human rights: a critical early review'](#), *The International Journal of Human Rights*, Vol 21, No 8, 2017, pp 1023-1028.

¹⁵³ J. Horne, ['Understanding the denial of abuses of human rights connected to sports mega-events'](#), *Leisure Studies*, Vol 37, No 1, 2018, pp 11-21; B. Keys, ['Harnessing Human Rights to the Olympic Games: Human Rights Watch and the 1993 'Stop Beijing' Campaign'](#), *Journal of Contemporary History*, Vol 53, No 2, 2018, pp 415-438; F. Kirschner, ['Breakthrough or much ado about nothing? FIFA's new bidding process in the light of best practice examples of human rights assessments under UNGP Framework'](#), *International Sports Law Journal* 19, 2019, pp 133-153; J. Krieger, and S. Wassong, (eds), 'Dark Sides of Sport', Champaign, IL: Common Ground, 2019.

¹⁵⁴ L. Amis, ['Mega-Sporting Events and Human Rights—A Time for More Teamwork?'](#), *Business and Human Rights Journal*, Vol 2, No 1, 2017, pp 135-141; J. Horne, ['Understanding the denial of abuses of human rights connected to sports mega-events'](#), *Leisure Studies*, Vol 37, No 1, 2018, pp 11-21.

¹⁵⁵ S.C. Darnell, et al., ['The State of Play: Critical sociological insights into recent 'Sport for Development and Peace' research'](#), *International Review for the Sociology of Sport*, Vol 53, No 2, 2018, pp 133-151.

activities or sport's impact on development and good governance¹⁵⁶. *The third category* examines sport's responsibility for the ecosystem, but hardly ever considers human rights¹⁵⁷. Out of 96 peer-reviewed journals in this field between 2007 and 2017, only two articles touched upon 'social sustainability' which, generously interpreted, could be part of a human rights agenda¹⁵⁸. Similarly, in renowned publications such as the *Routledge Handbook of Sport and the Environment*¹⁵⁹ and the edited volume *Sport and Environmental Sustainability*¹⁶⁰, 'human rights' are mentioned only once in each book. This lack of integration therefore constitutes sufficient opportunity to address these connections further.

The fourth group of actors is **athletes' associations**. Whereas athletes traditionally have spoken their mind on human rights or political issues individually, the past two decades have seen an emergence of associations such as EU Athletes (set up in 2008 and co-founded by the Erasmus+ programme), UNI World Athletes, Global Athlete, as well as sport-specific associations such as The Athlete Association (Track and Field) and various national associations (where footballers seem to be the most active). Whereas national associations often act as trade unions of sorts and look at employment issues, global associations take on the bigger picture which include human rights and SDGs. Taking these associations as a collective, several researchers now emphasise their developing power within topics such as human rights and even claim that failure by, for instance, the IOC to acknowledge these associations can lead to changes in the power balance within international sport¹⁶¹.

The fifth group of actors consists of **sponsors**. Traditionally a silent partner in large sporting events, they now seem to engage more on different levels. Previous work on sport and human rights has identified five ways for sponsors to prevent and mitigate human rights risks related to the issues outlined in Section 1: commercial/contractual considerations; business partnerships; peer pressure; NGO collaboration; and multi-stakeholder initiatives¹⁶². An example is SKODA's withdrawal as main sponsor to the 2021 Ice Hockey World Championship as a result of the Belarusian regime's human rights violations¹⁶³. Less radical moves include corporations such as Coca-Cola being given a seat on FIFA's Human Rights Advisory Board. Coincidentally, Brent Wilton, Coca-Cola's representative on the Board, states in the foreword to a report on sponsorship, sport and human rights, that particular attention should be given to broader human rights due diligence in relation to sporting events¹⁶⁴. Whereas human rights have been part of many firms' corporate social responsibility (CSR) policies for some time, notably through the UNGPs, creating beneficial links through SDGs and sport could be an additional incentive for corporations to develop more comprehensive strategies aligned with the EU's vision.

¹⁵⁶ R. Giulianotti, 'Human Rights, Globalization and Sentimental Education: The Case of Sport', *Sport in Society*, Vol 7, No 3, 2004, pp 355–369; Sanders, Ben, 'An own goal in Sport for Development: time to change the playing field', *Journal of Sport for Development*, Vol 4, No 6, 2016, pp 1-5.

¹⁵⁷ O. Dudfield, 'SDP and the Sustainable Development Goals', In H. Collison, S. C. Darnell, R. Giulianotti & P. D. Howe (Eds.), *Routledge handbook of sport for development and peace*, London: Routledge, 2018, pp 517-527; I. Lindsey, and P. Darby, [Sport and the Sustainable Development Goals: Where is the policy coherence?](#), *International Review for the Sociology of Sport*, 54(7), 2019, pp 793–812.

¹⁵⁸ S. Trendafilova, and B.P. McCullough, ['Environmental sustainability, scholarship and the efforts of the sport sector: A rapid review of literature'](#), *Cogent Social Sciences*, Vol 4, No 1, 2018.

¹⁵⁹ B.P. McCullough, and T. B. Kellison (Eds.), *Routledge Handbook of Sport and the Environment*. London: Routledge, 2018.

¹⁶⁰ C. Mallen and G. Dingle, (Eds.). *Sport and Environmental Sustainability*. London: Routledge, 2020.

¹⁶¹ Seltmann, Maximilian, ['Disrupting institutional reproduction? How Olympic athletes challenge the stability of the Olympic Movement'](#), *Sport und Gesellschaft*, Vol 18, No 1, 2021, pp 9-37.

¹⁶² Mega-Sporting Events Platform for Human Rights, ['Sport, Sponsorship and Human Rights: Guiding Questions'](#), 2018b.

¹⁶³ ŠKODA AUTO, ['Statement of ŠKODA AUTO on the 2021 IIHF Ice Hockey World Championship'](#), Press release of 16 January 2021.

¹⁶⁴ Mega-Sporting Events Platform for Human Rights, ['Sport, Sponsorship and Human Rights: Guiding Questions'](#), 2018b.

4 Recommendations to the European Union

To summarise, the current political context creates an opportunity for the European Union to be the agenda-setter for including human rights-based criteria in the organisation and execution of large sporting events. The author's recommendations for an operationalisation of this opportunity are threefold.

The first recommendation is for the European Commission and the EU Special Representative for Human Rights to encourage sport governing bodies to clarify conceptual, operational and remedial issues when it comes to 'human rights'. In fact, unless these matters are on the one hand transparent and on the other hand as closed as possible to relativistic interpretations¹⁶⁵, there is a chance – as noted in Sections 1.1-1.3 – that they may obscure rather than clarify what the different parties in a large sporting event are morally and legally accountable for. If external parties are to be able to monitor whether sport governing bodies live up to their human rights commitments in relation to large sporting events, it should be clear what these commitments mean in terms of bidding requirements, the use of sanctions and claims of 'sportswashing'. This may challenge the neutrality of sport governing bodies because they will have to engage with differing political views on the human rights risks presented in Section 1. As the IOC and FIFA are governed by Swiss law and it is in the authorities' interest to avoid further sports scandals which harm the national image, it is relevant to include Swiss authorities in this process. As Tonnere argues, in 2020 there were 'promising discussions' between sport governing bodies and the Swiss authorities, 'but they will only come to fruition if there are no new scandals along with real progress in human rights within these bodies in the coming years'¹⁶⁶.

Given the void left by the closure of UNOSDP mentioned in Section 1, **the second recommendation** is for the European Parliament to initiate a task force with representatives from the actors introduced in Section 3 of this Briefing. Although several human rights agencies and organisations are already working to address and mitigate the risks mentioned in this Briefing, their leverage in third countries is limited by organisational capacity, financial issues, or lack of political weight. The task force could therefore, in line with this Briefing's overall argument, suggest an EU agenda for how the relation between human rights and the SDGs could be explored to promote social progress through large sporting events. To provide European added value, this agenda can draw upon linkages between SDGs and human rights in defining the next steps in an EU sport diplomacy strategy¹⁶⁷, based on the principle of 'smart complementarity' and the report by the High-Level Group mandated by former Commissioner Tibor Navracsics mentioned above. The latter recommended 'supporting projects and research relating to the staging of major sport events'¹⁶⁸. The European External Action Service (EEAS) could, through its Human Rights Contact Points and the Human Rights Dialogues, be one operative component of this task force. By approaching prospective and awarded sporting event hosts in the early stage of an event's life cycle, Commission, EEAS and the task force can facilitate exchange and mobility of sport event managers, as well as offer knowledge sharing and best practices in line with the EU's overall agenda.

The third recommendation, given that the HLG report 'called for more attention to be given to economic diplomacy when major events are staged'¹⁶⁹, is for the EU to consider financial incentives to promote

¹⁶⁵ UN, '[Relativist Claims on Culture Do Not Absolve States from Human Rights Obligations, Third Committee Expert Says as Delegate Denounce Country-Specific Mandates](#)', General Assembly, Third Committee, 73rd Session, 29 and 30 Meetings, 23 October 2018.

¹⁶⁶ Q. Tonnerre, '[Switzerland and the IOC: a complicated bilateral relationship](#)', *Sport and Citizenship*, No 49, 2020, p 18.

¹⁶⁷ Council of the European Union, '[Sport diplomacy: Promoting Europe's Interests and Values in the World - Policy debate.](#)', 8128/21, 30 April 2021.

¹⁶⁸ R. Parrish, T. Zintz, '[A European Union High Level Group on Sport Diplomacy](#)', *Sport and Citizenship*, No 49, 2020, p. 9.

¹⁶⁹ R. Parrish and T. Zintz, 2020, p 9.

human rights which may reduce the known risks related to large sporting events. These incentives can take several forms, thus here are two of many possible suggestions. On the one hand, sporting events can be included within the EU's conditionality policy on trade and human rights. Based on the 'plus version' of the generalised system of preferences (GSP+), where certain countries are granted preferential trade access to the EU market if they implement human rights measures¹⁷⁰, one suggestion is that in return for GSP+ status the host country must vouch for the protection of human rights in relation to a large sporting event's life cycle, in addition to fulfilling other obligations. On the other hand, the EU, through the Thematic Component of the Neighbourhood, Development and International Cooperation (Global Europe) Instrument (2021-2027), could include funding mechanisms for future sporting event hosts that integrate SDGs and human rights or use some of the unallocated funds for this purpose¹⁷¹. A specific event which can be approached – also mentioned earlier in debates on sport diplomacy, SDGs and human rights¹⁷² – is the 2026 Youth Olympics in Senegal.

¹⁷⁰ I. Zamfir, '[Human Rights in EU Trade Policy. Unilateral measures applied by the EU](#)', EPRS, May 2018.

¹⁷¹ European Commission, '[European Commission welcomes the endorsement of the new €79.5 billion NDICI-Global Europe instrument to support EU's external action](#)', Press release of 19 March 2021.

¹⁷² C. Dias and T. Christiaen, '[Sport for sustainable development](#)', *Sport and Citizenship*, No 49, 2020, p 20.

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II. Workshop proceedings

WORKSHOP PROCEEDINGS

**Large Sporting Events:
Human Rights as a Game Changer?**

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1 Programme

For the Subcommittee on Human Rights (DROI), in association with the Committee on Culture and Education (CULT)

WORKSHOP

Large Sporting Events: Human Rights as a Game Changer?

Tuesday, 25 May 2021, 15.00-16.15

Brussels

PROGRAMME

- 15.00** **Introductory remarks**
- **Maria Arena**, MEP, Chair of the Subcommittee on Human Rights
 - **Dace Melbārde**, MEP, Vice-Chair of the Committee on Culture and Education
- 15.10** **Academic expert presentations**
- The legal framework:*
- **Dr Daniela Heerdt**, Researcher at Tilburg Law School, independent consultant in the field of sport and human rights
- The political context:*
- **Dr Hans Erik Næss**, Associate Professor of Sport Management, Department of Leadership and Organization, Kristiania University College, Oslo, Norway
- 15.30** **Input from stakeholders**
- **Niels Nygaard**, Acting President, European Olympic Committees
 - **Joyce Cook**, CBE OBE, FIFA Chief Social Responsibility and Education Officer
- 15.45** **Q&A session**
- 16.10** **Concluding remarks by the Chairs**
- 16.15** **End**

2 Introductory remarks by the Chairs

Co-Chair **Maria Arena (MEP, S&D), Chair of the Subcommittee on Human Rights (DROI)**, opened the meeting by highlighting the responsibility of host countries, athletes and sporting organisations regarding the promotion of human rights. Sporting events are of symbolic importance and should be used as an opportunity to promote values such as diversity, solidarity and equality. The subcommittee has long paid close attention to the positive impact of major sporting events, but also to human rights challenges. In the world of sport it is all too common to see bad governance and rights violations, including sexual violence, discrimination, abuses of power, forced displacement and violations of labour rights, as witnessed by the injuries and deaths of migrant workers who worked on construction sites for the upcoming FIFA World Cup. Ms Arena stressed that tackling these challenges requires greater commitment from the EU, its Member States, Olympic committees, sporting federations and the companies involved.

Co-Chair **Dace Melbārde (MEP, ECR), Vice-Chair of the Committee on Culture and Education (CULT)** highlighted the fact that with major sporting events on the horizon, there were growing concerns about their impact on civil liberties, equality and human rights. Raising one of the most outrageous cases, the FIFA World Cup, she referred to an article published in *the Guardian* in February 2021 which reported the deaths of 6 500 migrant workers in Qatar in the last 10 years, and to recent announcements that migrants would be stripped of rights that they had only just been given. Those violations are unacceptable and must be condemned. Nevertheless, large sporting events can also have positive effects on economies and societies, promote integration and human rights. Ms Melbārde underlined the fact that the CULT Committee, which was preparing a report on the future of sport, believed that a lot remained to be done to ensure that sporting communities in Europe and beyond fully believe in the principles of equality and the need to advance and protect human rights. Only once grassroots sporting communities require respect for these principles will the countries wishing to host such events be prepared to put those principles into practice.

3 Presentations by academic experts

3.1 Dr Daniela Heerdt (Tilburg University Law School): the legal framework

Dr Heerdt welcomed the fact that some upcoming mega sporting events were starting to include human rights provisions in their bidding and hosting frameworks, but pointed out that those provisions differ significantly. Her analysis of bidding and hosting regulations for upcoming mega sporting events concluded that these provisions differed in their substantive, temporal and personal scope. According to Dr Heerdt, the extent to which the provisions require that human rights be protected, respected and fulfilled differs greatly; the timeframes for the provisions also vary and are sometimes unclear; and only a fraction of the parties involved in human rights abuses have signed the provisions. Dr Heerdt went on to underline the fact that different sporting bodies were at different stages when it comes to incorporating human rights into their policies and practices.

According to Dr Heerdt's analysis, international guidelines such as the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises are increasingly recognised and accepted by sporting bodies. However, she also identified two fundamental problems. Firstly, owing to the multiplicity and diversity of the various parties involved in mega sporting events, there is a patchwork of human rights obligations and responsibilities which creates gaps when it comes to promoting human rights and preventing human rights abuses. Secondly, from the perspective of the rights holders, human rights provisions do not include ways to claim rights and there are no funds available and dedicated to

compensating rights holders. Potentially relevant remedy and accountability mechanisms are often not effective or not applicable to such cases.

Dr Heerdt pointed out that these bidding and hosting frameworks are updated regularly, which creates room for improvement. Dr Heerdt then proceeded to present six recommendations for the EU:

The promotion of human rights

1. The EU should align its work on large sporting events and human rights with its efforts on business and human rights in three ways:
 - a. The Commission should facilitate the exchange of knowledge and structured dialogues among host countries and their organising committees both within and outside the EU, and could call for the creation of an expert group on business and sports rights;
 - b. The European Parliament should encourage Member States to include the promotion of human rights through mega sporting events (MSEs) in their national action plans on business and human rights through cooperation with national parliaments;
 - c. The European Parliament should ensure that sport and the MSE business in particular are considered in the new proposal for an EU directive on mandatory human rights, environmental and good governance due diligence through its legislative powers under the ordinary legislative procedure;
2. The Council should use its influence in international organisations and other relevant platforms to strengthen international cooperation on addressing MSE-related human rights issues;

Prevention of human rights abuses

3. As part of the EU Work Plan for Sport (2021-2024), the Commission should encourage international sporting bodies – as the owners of MSEs – to make their bidding and hosting regulations publicly available, or at least the human rights aspects thereof;
4. The EU should, through Council conclusions and position papers, call for further reforms of MSE hosting and bidding regulations in order to incorporate human rights responsibilities, in cooperation with the EU Fundamental Rights Agency (FRA);

Access to remedy

5. The EU should promote the direct enforceability of these provisions to ensure that rights holders benefit from human rights obligations, by:
 - a. developing standard clauses for these contracts through cooperation with FRA;
 - b. supporting the development of representative bodies of the people affected, include by creating funds to compensate those concerned;
 - c. collecting and sharing good practices;
6. The EU should support studies and capacity-building, possibly through funding from the EU Education, Audiovisual and Culture Executive Agency, as well as knowledge-sharing on effective remedy and accountability mechanisms.

3.2 Dr Hans Erik Næss (Kristiania University College): the political context

Dr Næss started by pointing out that as opposed to the legal context, where human rights are supposed to be universal, the political context is a matter of priorities and debate. He highlighted the need to

examine the risks associated with mega sporting events before introducing specific human rights criteria. He identified seven major risks, namely: (1) the practice of ‘sportswashing’, whereby host countries use sporting events to showcase their country, (2) restrictions on freedom of expression and the political engagement of journalists, civil activists and academics, (3) the denial of essential welfare and labour rights, notably in construction, (4) the ramifications of forced evictions and displacement without proper compensation, (5) shortcomings in existing procurement regimes, with particular regard to child labour, (6) the hindrance or reversal of gender equality initiatives, and (7) the practice of ‘greenwashing’.

In Dr Næss’s opinion, all of these risks compound one another and make it more difficult to prioritise individual points. Sporting bodies cannot address all of these issues and require assistance in making connections between human rights and the UN Sustainable Development Goals (SDGs). Based on the identification by the Danish Institute for Human Rights of overlaps between human rights and the SDGs, Dr Næss pointed out how sporting bodies should combine them in their new policies. Dr Næss highlighted first and foremost the need to focus on children (referred to in *inter alia* SDG 3), as almost invisible stakeholders in large sporting events. Another thematic priority is gender equality (SDG 5). Dr Næss stressed the need to keep up the momentum of the good work already being done by several sporting federations and stakeholders. Lastly, SDG 16 on peace and strong institutions should be a priority, as freedom of expression is the basis for many other fundamental rights.

Based on this analysis, Dr Næss concluded by proposing three recommendations for the EU:

- a. The EU should encourage sporting bodies to specify human rights commitments, as the existing provisions still leave many issues unaddressed and remain open to interpretation;
- b. The EU should consider establishing a task force to coordinate the efforts of the various stakeholders to address human rights at large sporting events;
- c. The EU should establish a financial incentive for the hosts of sporting events to incorporate human rights and the SDGs into the lifecycle of the event.

4 Stakeholders’ contributions

4.1 Niels Nygaard (acting President, European Olympic Committees)

Niels Nygaard underlined the importance of human rights as an issue that sporting associations and event owners need to take seriously. The European Olympic Committees are in the process of implementing a strategic agenda for 2030 and human rights will be a part of this. In the process of developing that agenda, all 50 national Olympic committees are being heard. The findings of all consultations to date will be presented at the General Assembly of the European Olympic Committees next month. The new strategy will hopefully embed human rights in the criteria applied for the award of the European games. They would become central to the contract for the host city.

Mr Nygaard argued that in the last 14 years the National Olympic Committee of Denmark has been at the forefront and has on multiple occasions asked for human rights guidelines to be included in the organisation of major sporting events. He stated that all sporting organisations should include human rights criteria as a part of their bidding processes, but also identified the challenges faced by international organisations. The situation in different national Olympic committees in Europe is far from uniform. The National Olympic Committees reflect the general political situation in their respective countries, and some may even be pressured by their government not to speak out on human rights issues, sometimes for fear of damaging economic relationships with other countries.

Referring to the recent discussions by EU sports ministers on sports diplomacy, Mr Nygaard stated that while he believed in the power of sport, there was a need for clear political leadership. While sporting and governmental organisations should work hand in hand to promote and defend human rights, he opined that governments should take the lead on economic and diplomatic boycotts for sporting events to follow. He referred to cases where governments still carry out trade and diplomatic relations with countries that do not respect human rights, while expecting sporting events to boycott those countries. He recalled that sporting associations have neither the mandate nor the capacity to change the laws of those countries and called for governments to fulfil their legitimate role and their international responsibilities.

Sporting associations must work together with and be assisted by intergovernmental organisations, but also have their own responsibilities to fulfil. Mr Nygaard called for all associations to affirm their values in their core documents, such as the Olympic Charter or the Olympic Agenda 2020+5, because human rights, freedom of speech and equality are fundamental values that must be defended everywhere and at all times.

Mr Nygaard concluded by stating that sporting federations, like any other organisations, must take human rights seriously and develop comprehensive strategies on the topic. This issue cannot be resolved without concerted cooperation between countries and sporting organisations, both of which need to live up to their responsibilities. Calling merely for the boycotting of sporting events is pure symbolism and asking sporting associations and athletes to shoulder the burden alone is unethical, ineffective and wrong. Mr Nygaard ended his intervention by reminding the Chairs and the MEPs that the European Olympic Committees would soon be developing strategies to embed human rights criteria within the organisation of major events. He promised that this process would be transparent and that the European Olympic Committees would work in partnership with the European Parliament, NGOs and governments to ensure that they have all the necessary expertise.

4.2 Joyce Cook (Chief Social Responsibility and Education Officer, FIFA)

Joyce Cook stated that FIFA remains steadfast in its commitment to respecting and protecting human rights in sport. She reminded the Chairs and the MEPs of FIFA's engagement on human rights principles. Since 2016, FIFA has amended its statutes to enshrine human rights in Article 3. This commitment was consolidated with the publication of FIFA's Human Rights Policy in May 2017, which provides a policy framework for the association's human rights work in line with the UN Guiding Principles on Business and Human Rights. At the same time, FIFA has developed a strategic human rights programme, appointed in-house expertise and has been working with international stakeholders and experts. This programme relates to the integration of human rights into all stages of the bidding, preparation and delivery of the FIFA World Cup and FIFA Women's World Cup.

Ms Cook explained that since November 2017, FIFA has integrated human rights requirements into all stages of its bidding processes. The most far-reaching bidding processes to date have been for the selection of the hosts for the 2026 FIFA World Cup and 2023 FIFA Women's World Cup. Human rights bidding reports and declarations from each bidder are made public and inform the decisions of FIFA's decision-making bodies. The selection process for the FIFA World Cup was taken by all of FIFA's member associations with a public ballot at the FIFA Congress – FIFA's supreme decision-making body – in 2019.

Bidders are now required to:

1. Commission an independent entity to conduct a human rights context assessment;
2. Develop a human rights strategy and action plan to address human rights risks associated with the tournament;

3. Provide government declarations and guarantees on human rights, including with regard to labour rights, security and anti-discrimination.

Ms Cook mentioned the increasing number of reports of harassment and abuse, particularly involving children. She reassured participants that upholding children's rights and protecting and safeguarding all stakeholders including children, young people, women and vulnerable adults will become critical requirements for all future FIFA events and tournaments.

Ms Cook explained that in 2010, human rights did not form part of the bidding criteria when the decisions were made on the hosts for the 2018 and 2022 FIFA World Cups, nor did they inform those decisions. Nevertheless, a 2018 FIFA World Cup human rights strategy was developed (as part of the sustainability strategy) for Russia with the implementation of a labour rights monitoring programme in collaboration with international construction unions. Furthermore, a complaints mechanism for human rights defenders and journalists and related procedures to address cases was developed and launched ahead of the tournament, with a number of cases addressed in the lead-up to and during the finals. Ms Cook pointed out that FIFA had supported human rights activists who faced scrutiny from the Russian authorities for speaking out on human rights.

In this regard, Ms Cook underlined the comprehensive human rights plan for the 2022 FIFA World Cup in Qatar devised by the Supreme Committee for Delivery and Legacy. A robust monitoring system was set up for FIFA World Cup workers. This system is being implemented by a dedicated team of international experts at the Supreme Committee and is independently monitored by the international trade union for construction workers (Building and Wood Workers' International – BWI) and by an independent monitoring company from the UK – Impactt Ltd. Ms Cook underlined the fact that issues arise when construction companies try to cut corners and that the work of the Supreme Committee therefore remains relevant and the monitoring system is constantly being reviewed.

The current priorities on human rights include:

1. Stepping up labour rights protections for stadium construction workers to include service workers in security, hotels, transportation and catering, who will at some point be involved in delivering the tournament – more than 100 000 workers in total;
2. The implementation of FIFA requirements regarding accessibility for disabled fans and visitors, as regards both stadium infrastructure and the preparation of event-time assistance programmes;
3. Engaging with international stakeholders, experts and fan groups on inclusion and anti-discrimination, including with regard to LGBTIQ+, with the aim of ensuring a welcoming and safe tournament environment for everyone.

Furthermore, Ms Cook urged everyone to look at the Sustainability Strategy for the 2022 FIFA World Cup, the October 2020 update report on implementation, and the detailed reports on protection measures for FIFA World Cup workers by the Supreme Committee, the independent unions and the International Labour Organization (ILO).

Ms Cook concluded her intervention by reaffirming the role of sport and the power it holds around the world. She also pointed out that *the Guardian* has since clarified that the story it originally published was misrepresentative, a view shared by independent trade unions.

5 Debate

David Lega MEP (EPP, Sweden) highlighted the fact that the discussions about human rights for mega sporting events was a timely issue. He reminded participants of the need to prevent sportswashing in future sporting events, and underlined that it was too late to change the location of the upcoming Olympics in China.

Mr Lega asked the representatives from FIFA and the Olympic Committees for their take on including human rights criteria that are as robust as sustainability criteria in the hosting and bidding regulations. He argued that further progress had to be made in this regard. He further inquired whether these regulations would be made publicly available. He also asked their opinion on whether the national broadcasting of opening and closing ceremonies could be stopped, given the risk of such ceremonies being used to glorify the host state (sportswashing).

Salima Yenbou MEP (Greens/EFA, France) highlighted the fact that sport is a cross-cutting issue that can be used in a positive way. She argued that sport has both an economic and political value and that the cooperation of CULT and DROI was therefore crucial. She denounced the FIFA World Cup in Qatar as a World Cup of shame in the light of the reported deaths of more than 6 500 migrant workers. She also reminded participants of the human rights abuses that took place during the Olympic Games in China and the FIFA World Cup in Brazil. She urged her fellow MEPs not to turn a blind eye but to make sure that human rights criteria would be included in sporting events, and argued that the EU and its Member States should use their influence to ensure this. Furthermore, she agreed with Mr Lega that the issue was very topical with the Winter Olympic Games in Beijing on the horizon. She asked the speakers whether they would recommend following the call to boycott the Olympics in China, on which opinions diverged.

Marc Tarabella MEP (S&D, Belgium), speaking as Co-Chair of the European Parliament Sport Intergroup and Vice-Chair of the Delegation with the Gulf Countries, referred to a recent delegation hearing on the development of human rights, which was also linked to the recent article by *the Guardian* on labour rights abuses in Qatar. He highlighted the fact that international organisations such as the ILO and the International Trade Union Confederation had confirmed that progress was being made on the issue of sport and human rights, but that much remained to be done. He argued that the pressure brought to bear on Qatar had had a major effect and the labour rights situation had improved, specifically on the minimum wage, annual leave, and the abolition of the Kafala system. Qatar was the only Gulf country to have abolished this, which could serve as a model for other countries to follow. He asked the academic experts about their assessment of these developments and questioned whether a boycott, as called for by the Norwegian football team, would be opportune given that the infrastructure had already been built. He concluded by pointing out that companies that refused to enforce the new laws were excluded from public procurement processes in Qatar.

Miguel Urbán Crespo MEP (The Left, Spain) referred to ongoing reports about labour rights violations and the exploitation of migrant workers in Qatar and argued that FIFA, sponsors and construction companies were profiting from this. He expressed the view that there had been a lack of responsibility and that it would perhaps have been more logical to have moved the tournament to a different country. He pointed out that large sporting events are repeatedly held in repressive countries, such as the Formula 1 Grand Prix in Bahrain, where executions and arbitrary arrests of human rights activists had been taking place. He also questioned the case of Saudi Arabia, which had been applauded for promoting women's football, despite the lack of respect for gender equality in the country. He wondered what could best be done to ensure that human rights become a key criterion for the hosting of large sporting events to prevent them from promoting the image of authoritarian governments. He asked the experts what they thought about the relationship between sport – and football in particular – and racism and the extreme right. He

also called for a stronger condemnation of the maltreatment of women and children in certain sporting disciplines.

Tomasz Frankowski MEP (EPP, Poland), CULT Committee rapporteur for the own-initiative report on the future of sports, pointed out that while there were risks to awarding sporting events to countries such as China, Qatar or Saudi Arabia, there were also opportunities. He pointed out that the role of governments and cooperation with sporting bodies is crucial to support human rights in the world of sport. He underlined the point raised by Dr Næss that sporting bodies cannot be the only actor promoting human rights and asked what particular role the EU should play in promoting human rights in sport. He also asked about Dr Næss's proposed working group and how it should organise, in practice, cooperation between the EU, sporting federations and other actors. Mr Frankowski addressed two questions to the FIFA representative: first of all, on children's rights, he asked if there were any specific protection programmes available, and secondly, he asked about the work that had been done to improve the accessibility of sporting events for people with disabilities.

Andrea Cozzolino MEP (S&D, Italy) underlined the political nature of the debate on human rights in sporting events, and stressed the need to look at the role of the EU. He made specific reference to the evolving discussion around the diplomatic boycott of large sporting events. He stressed that this was a question for governmental institutions, and should not rest solely on the shoulders of sporting organisations. He asked how this could be used as leverage for promoting human rights. Secondly, he emphasised the need to look at the impacts of large sporting events on citizenship rights and of overcoming *ius sanguinis*, for which sport and its configurations of different nations could provide positive momentum. Thirdly, he referred to the issue of workers' rights and the deregulation which had taken place in Western countries in this field in recent years. It would therefore be wrong to place responsibility entirely on the shoulders of Qatar or other host countries. Mr Cozzolino pointed out that three people die on construction sites every day in Italy. This shows that the battle for workers' rights is a global problem which also requires action at European and international levels.

Javier Martín Cerracín, Policy Officer – Human Rights Division, European External Action Service (EEAS), welcomed the meeting, as the EEAS was aware of the growing importance of the promotion of human rights in the context of sport and the regulation of major sports events. The EEAS is committed to playing an important part in the discussions. He explained that the EEAS follows two principles in its engagement. Firstly, the EU fully respects the supporting nature of the EU's competences in the field of sport and the autonomy of national and international sporting organisations in the organisation of sporting events. Secondly, the EU is committed to promoting respect for human rights in all areas of its external action, including sport, and expects all the relevant actors to respect their human rights obligations.

Sport-related human rights issues are already being discussed in political dialogues with partner countries, not least in the context of business and human rights and labour rights. As for the organisation of the 2022 FIFA World Cup in Qatar, the EU has raised human rights issues with the host country over recent years as a prominent issue. Moreover, the EU special representative on human rights travelled to Qatar in 2020, visiting construction sites and discussing the human rights situation. The EEAS will continue to work on the situation of workers' rights in Qatar in cooperation with the ILO.

Mr Martín Cerracín went on to mention the EU's leading role in promoting the UN Guiding Principles on Business and Human Rights. The EU has helped to plan projects in Asia, including countries that host mega sporting events such as Japan and China, to support concrete measures to promote human rights in the context of business activities.

He concluded by underlining the EU's commitment to playing a leading role in promoting human rights in business and human rights, including in the field of sport. In this context, the EU's Action Plan on Human

Rights and Democracy commits to greater engagement with different actors, such as the Centre for Sports and Human Rights, to making EU action more coherent in the implementation of the UN Guiding Principles on Business and Human Rights.

Floor van Houdt, European Commission, Directorate-General for Education, Youth, Sport and Culture, Head of Unit for Sport, highlighted the Commission's continued work on the impact of sport on good governance, including in an international context. This is an integral part of the 2021-2024 EU Work Plan for Sport. The current Portuguese Council Presidency has been focusing on the topic of sport diplomacy, and the awareness of human rights in sport has been part of these discussions. A Council debate took place on the issue the previous week, while discussions would continue at a conference on sport diplomacy on 3 and 4 June 2021. Ms van Houdt recalled the ongoing dialogue between the Commission and international sport federations, which also covers good governance in sport and sport integrity. A cooperation agreement has been signed between UEFA and the Commission, and the values of good governance and integrity are a part of this cooperation. The Commission continues to support sport through programmes such as Erasmus+ by nearly doubling the funding for the sports chapter for the next seven years. In conclusion, Ms van Houdt stressed that sport governance would continue to be a priority for the Commission, which will continue to promote human rights as part of its policies.

In response to one of the questions by Mr Lega, **Ms Cook** stated that the human rights bidding reports are publicly available and have been published for the 2023 and 2026 FIFA events. FIFA had invited the 2026 candidate host cities to submit their draft human rights strategies, and provided feedback to allow for further improvements.

She pointed out that three workers had died and 35 had been injured on World Cup construction sites in Qatar. This information has been made public on the Supreme Committee's website and the ILO will publish a report on such injuries soon. Ms Cook underlined the fact that every death is regrettable and that FIFA was continuing to monitor this issue.

Replying to the question from Mr Urbán Crespo, she highlighted that FIFA takes racism very seriously and has strengthened its own disciplinary process, which includes remedial and educational measures and victims' testimonies at hearings.

In response to the questions by Mr Frankowski, Ms Cook stated that children's rights are being taken very seriously and are addressed in the FIFA Guardians Programme. In January 2021, FIFA also launched a new diploma to professionalise the safeguarding of offices. On people with disabilities, she underlined that FIFA was working to ensure that all its events are accessible. Ms Cook concluded her statement by highlighting the importance of cooperation between the EU and international sporting bodies.

Concluding remarks by the chairs

Ms Melbärde concluded the meeting, underlining that the messages conveyed will be communicated to the CULT Committee. She stressed that much work needs to be done in order to strengthen human rights criteria for large sporting events. She expressed the hope that the European Union could play an important role in promoting human rights in sport and highlighted that this important issue requires further cooperation.

6 Biographies of speakers

Dr Daniela Heerdt

Researcher at Tilburg Law School, Project officer at the Centre for Sport and Human Rights, Independent consultant in the field of sport and human rights

Daniela Heerdt has a background in public international law and human rights law. She graduated cum laude from her LL.M. in International and European Public Law at Tilburg University in 2014 and since then worked at different universities as teacher and researcher in the field of international law and human rights, with a specialization in business and human rights. In September 2016, she started a PhD research project on mega-sporting events and human rights, focusing on the question of how to establish legal responsibility for human rights harms that occur in the context of these events. In the course of the last years, she developed expertise in mega-sporting events and human rights, as well as sport and human rights more broadly, and works as independent consultant for the Centre for Sport and Human Rights among others. In April 2021, she defended her PhD thesis on responsibilities for human rights abuses at mega-sporting events.

As part of her PhD research, she studied and published papers on human rights provisions in bidding and hosting regulations for mega-sporting events, from a mainly legal perspective.

Dr Hans Erik Næss

Associate Professor of Sport Management, Department of Leadership and Organization, Kristiania University College

Hans Erik Næss (b. 1978) is an Associate Professor of Sport Management, Department of Leadership and Organization, Kristiania University College Oslo (Norway). He holds a PhD in sociology from the University of Oslo and is the author of several peer-reviewed articles and books on sport governance, sport culture and the relations between business, politics and organization of sport, including *A Sociology of World Rally Championship. History, Identity, Memories and Place* (2014) and *A History of Organizational Change: The case of Fédération Internationale de l'Automobile (FIA) 1945-2020* (2020), both with Palgrave Macmillan.

Joyce Cook CBE OBE

Joyce Cook joined FIFA in November 2016 as its Chief Member Associations Officer and a member of FIFA's Senior Management Board. In September 2019, she was appointed as the first ever FIFA Chief Social Responsibility and Education Officer responsible for the organisations Human Rights and Anti-Discrimination, Child Protection and Safeguarding, and Sustainability and Environment programmes.

An openly gay disabled women working in football, Cook is one of the world's leading voices on inclusion, anti-discrimination and sustainable development in sport, having been active in this sector for almost 20 years. In 2009, she founded the Centre for Access to Football in Europe and has served on the boards of FARE, Women in Football, the English FA Inclusion Advisory Board, the UK Sports Grounds Safety Authority, and as an expert to a range of equality advisory groups.

In 2017, Cook was awarded a CBE in the Queen's New Year's Honours (UK) for services to disability and sports at national and international levels.

PE 653.642
EP/EXPO/DROI/FWC/2019-01/LOT6/1/C/09

Print ISBN 978-92-846-8339-0 | doi:10.2861/098054 | QA-02-21-866-EN-C
PDF ISBN 978-92-846-8340-6 | doi:10.2861/027534 | QA-02-21-866-EN-N