



## **Input to the UNGPs 10+ / Next Decade BHR project**

With a Focus on the UNGPs in the World of Sport

The Centre for Sport and Human Rights (CSHR) welcomes the UNGPs10+/Next Decade project by the UN Working Group on the issue of human rights and transnational corporations and other business enterprises and this opportunity to contribute. CSHR's input is submitted as a supplement to and in support of the submission of our parent charity, the Institute for Human Rights and Business (IHRB). Our responses to the questions are focused on the implementation of the UNGPs in the world of sport.

(1) Where has progress taken place in UNGPs implementation over the course of the last decade? What are the promising developments and practices (by governments, businesses, international organisations, civil society organisations, etc.) that can be built on?

In recent years, the UNGPs have gained in awareness in the world of sport. This development was triggered by a number of initiatives from different organisations and stakeholders. A starting point was the 2014 open letter to then president of the Fédération Internationale de Football Association (FIFA) Joseph Blatter, from the former UN High Commissioner for Human Rights and president of Ireland, Mary Robinson, and former UN Special Representative on Business and Human Rights, John Ruggie in their respective capacities as Patron and Chair of IHRB. The letter highlighted the human rights challenges related to the then upcoming World Cup in South Africa and formulated concrete recommendations on how FIFA should address adverse human rights impacts. Ruggie was later commissioned by FIFA to recommend how to embed human rights into policies and practices, using the UNGPs as the authoritative standard. NGOs like Human Rights Watch and Amnesty International also included the UNGPs in their advocacy work on mega-sporting events and human rights, and human rights and sport more generally. In 2016, CSHR's precursor, the Mega-Sporting Events Platform for Human Rights, adopted the '[Sporting Chance Principles](#)', which build upon and explicitly refer to the UNGPs.

A number of concrete changes in sport governing bodies in the past years should be noted at international and regional levels. For example, FIFA adopted a human rights policy with reference to the UNGPs and reformed its bidding regulations to include human rights provisions that mention the UNGPs. Commonwealth Sport (before: Commonwealth Games Federation) committed to implementing the UNGPs in its daily operations and relationships. The Union of European Football Associations (UEFA) issued new bidding and tournament requirements with explicit reference to the UNGPs. More sports bodies on the international and national levels are currently in the process of revising their regulations from a human rights perspective, using the UNGPs as guidelines.

(2) Where do gaps and challenges remain? What has not worked to date?

The majority of sport organisations still lack awareness and understanding of human rights and their responsibilities or are resistant to embedding human rights into policies and practices. The latter in particular obstructs progress in this field. Furthermore, while there are positive examples and initiatives to build on and learn lessons from, the opportunities for sharing best practice and knowledge are still limited.

One of the most difficult challenges to address is the accountability gap that exists around sport-related human rights abuses. Pillar III of the UNGPs clarifies the responsibilities of relevant actors to ensure access to effective remedies. However, those affected often lack effective remedies for their abuses altogether or face significant obstacles in accessing available mechanisms. In addition, even where mechanisms can be accessed and complaints heard, the relevant mechanisms often lack human rights capacity. As a result, state and non-state actors responsible for the abuses are

too often not held accountable for their actions or inactions when it comes to addressing harms done.

(3) What are key obstacles (both visible and hidden), drivers, and priorities that need to be addressed to achieve fuller realization of the UNGPs?

The key obstacles to achieve fuller realization of the UNGPs in the world of sport are the resistance of some sport governing bodies and organisers of sporting events to recognize the scope of their responsibilities and the persistent attitude of some actors that promotes the autonomy of sport. This attitude is upheld by policies of sports governing bodies that prevent interference through state regulation and ordinary court systems, and fostered by the fact that the autonomy of sport has been recognized and confirmed by international and regional intergovernmental organisations. However, while it is true that sport has its own unique governance structures, it is not true that these exist outside internationally-recognised human rights standards and achieving this change of mind-set needs to be a priority. More wide-spread acceptance that human rights apply to the world of sports is an essential driver to achieving fuller realization of the UNGPs.

Another priority and driver at the same time is stakeholder engagement. This is even more important in the context of specific groups like children, persons with disabilities, or migrant workers, who in many ways are more vulnerable in the context of sport and sport events. While there are examples of stakeholder engagement initiatives of sport bodies and sport event organisers on topics related to human rights, it is missing in many developments relevant to the sport and human rights movement. Learning lessons from the business and human rights field and transferring best practices to the world of sport to enhance stakeholder engagement as well as other processes, such as risk identification and assessment and other elements of human rights due diligence, needs to be a priority as well.

(4) What systemic or structural challenges need to be tackled to realize sustainable development based on respect for human rights?

In addition to challenges related to the notion of 'autonomy of sport', there are a number of systemic and structural challenges that need to be addressed to ensure development towards a world of sport that fully respects human rights and in a sustainable manner. Cases of different forms of abuse of athletes, including child athletes, have recently come to light around the world. Power imbalances between coaches and athletes, or representatives of sport organisations and athletes, facilitate unsafe environments in which these cases of abuse can occur. Furthermore, inequalities, not only in terms of gender but also in relation to parasports and equal opportunities to participate in sport present other structural challenges that need to be addressed. This includes strengthening diversity and inclusion at the governance levels of different sports. The lack of transparency of many sports governing bodies, in particular where it concerns mechanisms and processes that can help to deal with cases of sport-related human rights abuses, including the system of arbitration, which is the most common method of dispute settlement in the world of sport nationally but also internationally through the Court of Arbitration for Sport, creates additional structural challenges that need to be addressed.

Further challenges arise from the way human rights organisations are perceived by sports governing bodies or organisers of sport events. It is important to signal that many organisations would be constructive and helpful in making sport human rights compliant and sustainable, by harnessing the power of sport and of the diversity of actors involved, and building their capacity.

- (5) In concrete terms, what will be needed in order to achieve meaningful progress with regard to those obstacles and priority areas? What are actionable and measurable targets for key actors in terms of meeting the UNGPs' expectations over the coming years?

Meaningful progress has to be made on all the challenges mentioned above. That requires first and foremost that all relevant actors within the ecosystem of sport recognize their human rights responsibilities. In concrete terms, all sports governing bodies and sport event organisers need to have a human rights policy in place, which refers to the corporate responsibility to respect human rights and includes coherent commitments to respect and protect human rights, and to remedy abuses where they occur. At the same time, key actors that can play a role in facilitating or providing access to remedy for sport-related human rights abuses, including states and international organisations, need to increase their efforts and live up to their respective obligations and responsibilities, to help close the accountability gap. Stronger implementation of the UNGPs can generally help to prevent cases of sport-related human rights abuses, and where these cases cannot be prevented, ensuring that all contributing actors are held accountable.

Another actionable target is the enhanced transparency and traceability of processes and decisions taken by sports governing bodies and event organisers, their ethics and disciplinary committees and grievance mechanisms. The increase of diversity of staff among sports governing bodies and sport event organising committees is a related measurable target.

What is needed more generally to reach those targets is a commitment to collective action from all stakeholders and sustainable structures for knowledge sharing.

- (6) Is there other information relevant to the UNGPs 10+ project that you'd like to share?

CSHR is currently in the process of co-editing a special issue of the International Sports Law Journal on the topic of remedy and redress for sport-related human rights abuses, to be published in Q4 2021 or Q1 2022. The UNGPs and in particular pillar III of the UNGPs play a central role in that project.

In addition, CSHR organised events and published a number of tools and guidelines for various actors in the ecosystem of sport, which build upon and explicitly mention in one way or another the UNGPs. This is a selection of relevant documents published this year:

- "Sport, Business and Human Rights" (September 2020), available at: <https://www.sporhumanrights.org/en/resources/meeting-report-2019-sport-businesshuman-rights>
- "The 2019 Sporting Chance Forum Meeting Report" (June 2020), available at: <https://www.sporhumanrights.org/en/resources/meeting-report-2019-sporting-chance-forum>
- "Time for domestic sport to implement human rights commitments" (May 2020), available at <https://www.sporhumanrights.org/en/resources/time-for-domestic-sport-to-implement-human-rights-commitments>

- “Games time: Planning and acting to respect human rights in mega-sporting events” (April 2020), available at:  
[https://www.sporhumanrights.org/uploads/resources/Games\\_Time\\_Guide.pdf](https://www.sporhumanrights.org/uploads/resources/Games_Time_Guide.pdf)

More CSHR resources on sport and human rights with reference to the UNGPs can be found [here](#).

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