

IMPACTS OF MEGA SPORTING EVENTS ON CHILDREN AND YOUTH RIGHTS

RECOMMENDATIONS FOR FIFA AND THE IOC FROM THE
ANALYSIS OF THE BIDDING PROCESS TO HOST THE
GAMES IN BRAZIL

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ABOUT THE RESEARCH

The objective of this Policy Paper is to provide recommendations to the organizers of mega sporting events - Fédération Internationale de Football Association (FIFA) and the International Olympic Committee (IOC) - on ensuring that the bidding process for choosing the host for its competitions embraces human rights protection, especially the protection of the rights of children and adolescents. These recommendations are based on the study of the Brazilian case and consider the main challenges and opportunities for future competitions from the analysis of the FIFA and the IOC's decision-making processes to select the host for the 2014 World Cup and the 2016 Olympics.

The Policy Paper is part of a larger research project developed by the Business and Human Rights Group (GDHeE) of the FGV Law School in São Paulo between 2015 and 2016, entitled "Mega sporting events and the Protection of Children and Adolescents", which received the support of the OAK Foundations, Porticus and the Embassy of the Kingdom of the Netherlands. The research and information for this document were derived from the activities listed below:

Analysis of the documents composing the bidding process for choosing the host of the FIFA World Cup™ and the 2016 Olympic Games

The bidding processes for choosing the host for the mega sporting events consist of various procedures undertaken by FIFA and the IOC, based on their own rules for selection of the country (for the FIFA World Cup™ 2014) and the city (for the Olympics Games) that will host the mega sporting events in question. The bidding process is the first decision-making phase before the mega sporting event takes place and it guides how the chosen country/city must conduct the organization of the competition.

In this research, the Group analysed the available documents related to the selection of the host of those mega sporting events and resulting negotiations, in order to understand how human rights protection requirements were incorporated into the process. This is particularly important because the commitments made by the selected countries have an effect on the subsequent phases of the organization of the events, as well as their preparations, notably the construction of stadiums and investments in logistics infrastructure in the country.

In the case of the **FIFA bidding process**, the Group analysed six main available documents, namely:

- (i) *FIFA Statute*;
- (ii) *Code of ethics*;
- (iii) *Bidding Agreement*;
- (iv) *Host City Agreement*;
- (v) *Inspection Report for the 2014 FIFA World Cup*;
- (vi) *Government guarantees presented by Brazil*.

In the case of the **bidding process for hosting the Olympic Games carried out by the IOC**, the following 8 documents available were analysed, namely:

- (i) *Olympic Charter*
- (ii) *Code of Ethics*
- (iii) *Rule of conduct applicable to all cities wishing to organize Olympic Games*
- (iv) *Candidature Acceptance Procedure*
- (v) *Report of the IOC Candidature Acceptance Working Group*
- (vi) *Candidature Procedure and Questionnaire*
- (vii) *Report of the IOC Evaluation Commission for the Games of the XXXI Olympiad in 2016*
- (viii) *Host City Contract.*

The analysis of the documents comprised of investigating whether, and in what way, they considered human rights, especially the rights of children and adolescents, in the bidding process. The research findings formed the basis for making recommendations on when it would be the most opportune moment to include these themes in the documents for future bidding processes.

EXECUTIVE SUMMARY AND RECOMMENDATIONS

CHALLENGES AND OPPORTUNITIES FOR THE PROTECTION OF HUMAN RIGHTS IN MEGA SPORTING EVENTS

In 2007, after having applied for it, Brazil was chosen to host the FIFA 2014 World Cup. In 2009, the city of Rio de Janeiro was chosen as the host city for the 2016 Olympic Games. Since then, a number of infrastructure projects began in order to meet the requirements of the organizers of mega sporting events - FIFA and IOC. Just for the World Cup, more than 17 billion Brazilian Reais was invested in infrastructure¹, for the actual building of the stadiums, and for renovations of airports and mobility construction works.

According to an opinion poll conducted by Datafolha in 2008, about 80% of Brazilians were in favour of hosting the World Cup in the country. However, in 2014, that number dropped to 50%². What caused such a shift in the opinion of a significant portion of the local population?

It is general knowledge that hosting mega sporting events significantly affects local people, especially those who live in the surroundings of where the construction works for the event take place, affecting children and adolescents even more harshly. Many effects are the consequence of the events themselves and related celebrations, because during such events, children and adolescents do not attend school and are left unattended without adult supervision. Furthermore, the construction of stadiums and infrastructure works associated with the event often force children and adolescents to be displaced from their homes to neighbourhoods previously unknown to them, being disconnected from their locality, schools and leisure options. Also, when they live in regions close to construction sites, children and adolescents are often subject to increased police violence and child sexual abuse.

The question that arises in this context is, what is the role of mega sporting events organizers in relation to their impacts? What are the responsibilities of FIFA and the IOC in relation to violations resulting from the organization of such mega sporting events? How could measures to prevent the negative impacts of games and to protect human rights be incorporated into the bidding process for the host countries? What are their responsibilities regarding the rights of children and adolescents?

In order to make recommendations to the sporting event organizers on measures that could have been taken to protect the rights of children and adolescents in the context of mega sporting events, the GDHeE conducted a research based on analysis of documents related to the bidding processes of FIFA and the IOC.

¹ Available: <http://www.brasil.gov.br/esporte/2014/05/especial-estadios-aeroportos-e-telecomunicacoes-sao-finalizados-para-copa> Last accessed: January 14th 2016

² Information about this opinion poll is available at: <http://datafolha.folha.uol.com.br/opiniaopublica/2014/04/1437519-cai-apoio-dos-brasileiros-a-realizacao-da-copa-do-mundo-no-pais.shtml>

A summary of the main findings of the research can be found below:

1. Lack of requirements for human rights protection, as well as for the protection of children and adolescents, in the documents that inform the decision-making of the bidding process of Brazil as a host country for these mega sporting events.

Although mega sporting events organizers require a series of guarantees and assurances from the candidate countries as a necessary condition of their pledge, the analysis of the bidding processes to host the World Cup and the Olympic Games revealed the lack of measures aimed at protecting human rights in the documents that compose **the decision-making phase of the bidding process designed to choose the country or city to host such events**³. None of the 14 documents analysed (6 regarding the FIFA bidding process and 8 in the case of the IOC) include standards and mechanisms for the protection of human rights, nor standards regarding the protection of children and adolescents. This means that countries with a troubled human rights record can be selected to host such events without them offering any safeguard or presenting any action plan to mitigate potential impacts. **The choice of host is an important step, because it is still possible at an early stage to question whether the given country would be able to prevent and remedy human rights impacts resulting from the event.** At the same time, this being the first step in the organization of a mega-event, **this phase is able to influence the subsequent steps, both in relation to the construction works that must be carried out for hosting the event that will potentially affect the surrounding populations, as well as in relation to the impact that may be caused during competitions.**

2. The bidding processes for the host of sports events are not participatory and lack transparency.

From the analysis of the documents and the perception study, there is evidence suggesting the lack of participation in the bidding process for the host of mega sporting events. In both of the case studies analysed - the choice of Brazil to host the FIFA World Cup 2014 and of Rio de Janeiro to host the 2016 Olympic Games - the bidding processes did not include mechanisms involving non-governmental actors and people who would likely be affected by the event.

Moreover, the lack of transparency that characterizes the bidding processes obstructs the participation of civil society. In the case of FIFA, many key documents, such as the Bidding Agreement, include confidentiality clauses, and – since the signing parties are private entities (FIFA and the Brazilian Football Confederation, or CBF) – these clauses are out of the reach of Brazil’s Act on Access to Information, both before or after the negotiations.

To face these challenges, the GDHeE developed a series of recommendations that are based on the analysis carried out here.

³ In parallel, the analysis of the decision-making in the case of three stadiums - whose results are in the policy paper addressed to the government – arrived to similar conclusions.

RECOMMENDATIONS CONCERNING THE SELECTION OF THE HOST

The severity of the impacts caused by carrying out the mega sporting events – both in the early phase of construction works as well as during the games - justify setting up mechanisms to ensure and fulfil the respect and protection of human rights. In recent years, the international community and civil society organizations have demanded that the activities of FIFA and the IOC be more consistent with the grammar of human rights. Both organizations have sought to implement changes to include respect for human rights among its priorities.

In this direction, in February 2016, the FIFA Extraordinary Congress approved the inclusion of an additional clause in its Statute affirming its commitment to the respect for human rights⁴. In addition, FIFA sought guidance from Professor John Ruggie, author of the UN Guiding Principles on Business and Human Rights, to mainstream respect for human rights in all its activities.

In April 2016, Professor Ruggie published a report entitled “For the Game. For the World: FIFA and Human Rights”, which aimed at addressing the adverse human rights impacts caused by the FIFA activities⁵. The report recommends the necessary changes required in FIFA structures and processes, providing a general framework on how to integrate human rights into their governance.

Our research adopted a different approach, more restricted in scope and based on Brazil’s experience in hosting two major sporting events - the World Cup 2014™ and the 2016 Olympics. In this sense, we tried to deepen the analysis about the decision-making of the bidding processes and demonstrate how and when it can be the most effective and timely to introduce the subject of human rights in the documents and contracts which form the basis for the selection of the host of such mega sporting events.

Thus, as a starting point, our research developed an in-depth analysis of the documents that form the basis for the bidding processes for the host city/country, as these include the requirements and guarantees asked from the governments, as well as the contract terms that the host must comply with throughout the preparation and the duration of the games. Interestingly, despite the different research focuses, our findings converge with the conclusions of Ruggie’s report.

The target audience of the recommendations developed here is primarily the organizers of mega sporting events, since they themselves stipulate the rules pertaining the choice of the host. However, the recommendations are also addressed to civil society organizations that are concerned about the adverse impacts of these events on the rights of local populations and vulnerable groups and have already pressured the organizers for changes.

The recommendations are organized around the two main findings of this research focused on the analysis of the documents related to the 2014 FIFA World Cup™ and the 2016 Olympic Games in Brazil:

- Lack of requirements for human rights protection as well as for the protection of children and adolescents in the bidding processes for the selection of the host for those mega sporting events.
- The absence of transparency and participation in the bidding processes for the selection of the host.

⁴ The new article establishes the following: “FIFA is committed to respecting all internationally recognized human rights and shall strive to promote the protection of these rights”.

⁵ Available at: <https://www.hks.harvard.edu/centers/mrcbg/programs/crri/research/reports/report68>

How to incorporate human rights standards, especially those pertaining to the rights of children and adolescents, into the bidding processes for the choice of host of mega sporting events?

Six recommendations:

1. Include an article about protection and respect to human rights in the basic documents (Olympic Charter and Code of Ethics in the case of the IOC and the Statute and Code of Ethics in the case of FIFA).

According to the UN Guiding Principles on Business and Human Rights, the first step to respect human rights is to have a political commitment to respect, adopt and comply with a human rights policy. As mentioned above, FIFA and the IOC are already promoting these changes. For example, FIFA has already included an article on human rights in its Statute. These commitments should be accompanied by processes that are able to ensure effective measures to protect human rights, and the establishment of indicators on the basis of which such commitments can be monitored and remedied, if applicable. Thus, with regard to the bidding processes for choosing the hosts of mega sporting events, FIFA and the IOC must:

1.1. Apply the policy of respect for human rights from the early phases of decision-making in the bidding processes for the selection of the hosts of mega sporting events.

- Refer to the commitment of respecting human rights enshrined in the organizations' basic documents in key documents and contracts that compose the bidding processes.
- Use the basic documents as indicators and guidance to highlight the importance of the protection and respect for human rights for organizers of sport events.

1.2. Use the basic documents as indicators and guidance to highlight the importance of the protection and respect for human rights for organizers of sport events.

- To frame the political commitment and the basic documents in a similar parlance to that used in international human rights treaties.
- To review the documents composing the bidding process in order to align their content and language with the new political commitment.
- To explicitly mention in the commitment the protection of vulnerable groups, such as children and adolescents.

2. Make respect and protection of human rights a prerequisite in the bidding process for the selection of the host countries/cities:

2.1. Include human rights requirements and clauses in the Candidature Procedure and Questionnaire documents in the case of the IOC and in the Bidding Agreement in the case of FIFA, the commitment to which by the candidate country/city should be taken into consideration as a criterion to be selected

to host the mega sporting event. Considering that these documents are organized into chapters under various thematic headings that guide the application by the countries/cities (e.g. “Motivation, concept and legacy”, “political support”, “Finance”, “Marketing”, etc.), this research recommends creating a specific chapter on human rights. The chapter should ask candidates for:

- A government guarantee on the commitment to protect human rights throughout the whole organization and hosting of the event;
- A study of the potential impacts and risks of human rights violations caused by the hosting of the sport event in the area in question, considering not only the games and the festivities during the mega sporting events, but also the construction works and investments prior to it. The study should pay attention to the specific circumstances of vulnerable groups present in the territory, particularly children and adolescents;
- The development of a plan for prevention, control and monitoring of impacts, and a plan to remedy those impacts in case of violation.

The development of a plan for prevention, control and monitoring of impacts, and a plan to remedy those impacts in case of violation.

2.2. Turn the study and the preventive, controlling and remedial measures requested in the human rights chapter into one of the assessment criteria for choosing the host of the games. Thus, the human rights requirements in these documents should have a disqualifying character, and not only constitute a political commitment to be respected by the chosen city/country after it has been chosen.

2.3. Advise the candidates on how to carry out this impact study and the prevention and mitigation plan.

2.4. Take into account impartiality and transparency, and participation of those who may be impacted in order to strengthen the legitimacy of these studies and plans (procedural indicators).

3. Adopt minimum standards of respect for human rights in order to prevent serious human rights violations as a result of hosting a major sporting event in a given city/country.

Based on international human rights treaties - including treaties and conventions aimed at the protection of the rights of children and adolescents - and national legislation, FIFA and the IOC should:

3.1. Establish minimum standards of respect for human rights on the basis of all internationally recognized human rights;

3.2. Elucidate the minimum standards for all stakeholders that are required by the organization to ensure respect for human rights.

3.3. Regarding the rights of children and adolescents, explicitly prohibit child labour and require prevention plans to be enacted in order to avert the increase of child sexual exploitation associated with both the large contingent of tourists as well as with construction works which result in the unplanned temporary migration of workers without their families.

3.4. Undertake a baseline assessment of the candidate country's ability to prevent and remedy violations that may be caused by mega events. It is crucial for an impartial expert to carry out this assessment.

3.5. Include a basic assessment of the candidates' capabilities and determine whether countries will be able or not to meet the minimum standards set to protect human rights in the evaluation reports of the bidding process.

3.6. Exclude the countries that were considered incapable to protect human rights from the bidding process throughout the organization and hosting of the competition.

4. Require the implementation of the prevention and remedial plan of human rights violations in the contracts with the chosen host cities/countries, especially the rights of children and adolescents

4.1. Establish clauses in the contracts between the organizers and the chosen host city/country - Host City Contract (IOC) and Host City Agreement (FIFA) - that make the approval of the prevention and remedial plan drafted during the application phase compulsory. The plan should aim to protect human rights, especially the rights of children and adolescents, from the inception phase of the planning of construction works.

5. Include clauses affirming the respect for human rights based in international treaties and conventions for the protection of human rights in all contracts.

5.1. Include clauses affirming the respect for human rights in all contracts with partner-companies (sponsors, suppliers, etc.).

5.2. Include requirements in contracts - Host City Contract (IOC) and Host City Agreement (FIFA) - that the government introduces clauses for the respect of human rights in all contracts pertaining to the organization of the mega sporting event signed after the choice of the host city/country, both with contractors responsible for building stadiums and other infrastructure works, as well as with sponsors.

5.3. Include clauses imposing a ban on child labour in all contracts.

6. Create a monitoring body, preferably independent, to identify and assess impacts and violations of human rights, with special attention to children and adolescents, in the host city/country chosen until the end of the influence of the organizer in the city/country.

6.1. Hire independent experts to assess, monitor and control.

6.2. Organize visits to the applicant cities/countries and, after the final selection, visit the chosen ones in order to evaluate the actions taken to prevent and mitigate violations.

How to make the bidding process more participatory and transparent?

Four recommendations:

1. To ensure the transparency and accessibility of information

1.1. Ensure that contracts and documents related to the bidding process are made public and accessible.

- Make documents related to the bidding process available openly;

1.2. Remove clauses stipulating the confidentiality of agreements from the documents;

1.3. Require governments to simplify access to information.

2. Ensure an open and fair competition:

2.1. Ensure that the selection process is competitive and that every decision is justified publicly in order to prevent favouritism and corruption.

2.2. Establish indicators to measure the quality of the studies on human rights impact presented as well as on the plans regarding the protection of human rights, and the effective exclusion from the bidding process the candidates who do not comply with the required minimum standards.

3. Adopt participatory mechanism during the bidding process:

3.1. Engage and consult those potentially affected and the civil society of the host locality.

3.2. Establish mechanisms and procedures to institutionalize their participation throughout the event cycle.

4. Review clauses conflicting with human rights or which put their protection at risk: on the basis of the criticisms made by civil society to FIFA and IOC, it is recommended that organizers revise some clauses which may be regarded as infringing on third-party human rights (for example, the creation of exclusion zones and impediments to freedom of movement).

How and where to include human rights?

Although there are significant differences in the decision-making processes for choosing the host cities/countries by FIFA and the IOC, it is possible to identify macro phases common in both the processes:

- a) initial expression of interest by the candidates;
- b) filling in the application documents required by the organizers;**
- c) assessment and decision by the organizers;
- d) signing of the agreement between the parties.**

As per the common steps mentioned above, this study proposes that human rights issues should be included in phase “b” and then ratified in phase “d”.

Overall, the countries and cities candidates to host the event must fill in an application package guided by documents drafted by FIFA and the IOC, namely: the *Bidding Agreement* in the case of FIFA and the *Candidature Procedure and Questionnaire* in case the IOC (see more details on the analysis of the processes below). These documents are thematic chapters that require information and, in some circumstances, guarantees on the subject. These are topics ranging from the legacy of the games to technical issues such as marketing and sponsorship.

To follow the administrative rationality of the application process, this study recommends including a specific chapter on the protection of human rights, with a special inclusion of the rights of children and adolescents, in the *Candidature Procedure and Questionnaire* and the *Bidding Agreement*.

The inclusion of a specific chapter in the documents of the bidding process is important at this early stage because it will allow prevention measures to be prioritized more than remedial measures. If human rights were to be addressed only after the selection in the contract signed by the host city/country, despite the contract having binding legal character, it would not play a disqualifying and preventive role.

Subsequently, after the selection process and the actual choice of the host, it is essential that the contract signed between the parties includes and makes mandatory the commitment to human rights that had been required throughout the bidding process. Thus, the contracts - *Host City Contract* (IOC) and *Host City Agreement* (FIFA) – must be linked to the guarantees and studies requested in the previous phase.

Both FIFA and the IOC have basic documents that specify their organizational mission and goals, such as the FIFA Statute and the IOC Olympic Charter, although they are not part of the phases of the selection process. This study suggests the inclusion of human rights in these documents as desirable as it would be a step towards a public commitment for respecting human rights, present at the very core of the organizers’ activities.

What to demand at the moment of choosing the event host?

This study proposes that the human rights chapter would require the candidate cities or countries to conduct a study on the vulnerabilities and potential impacts pertaining to human rights that the mega sporting event may cause in the given locality, with special attention to the rights of children and adolescents.

For the IOC, this study notes that while there is already a requirement for a study of the impact of the Olympics, it does not include specific human rights indicators. Thus, apart from other types of impact assessment, an independently conducted impact assessment on human rights is recommended to be included as one of the prerequisites for future events.

This research suggests that the candidate cities and countries carry out a plan of prevention based on the impact assessment, to control and monitor impacts, and a remedial plan in case of violation.

What criteria should FIFA and the IOC use to assess candidates' human rights' standards?

As the following step, the event organizers, in their assessments of the applications, should take into account the seriousness and gravity of the impacts identified by the study, but above all they should consider the measures proposed to prevent, mitigate and remedy the impacts. FIFA and the IOC should assess the ability of the candidates to identify the potential impacts of the event and to effectively prevent and remedy them.

What are the minimum standards and requirements?

Also in terms of content and assessment, this research proposes another recommendation concerning the establishment of minimum standards. As the IOC uses the idea of benchmark for assessing the issues it proposes, this research suggests the establishment of a similar minimum standard on human rights for the consideration of applications' proposals, which are based on international human rights treaties on human rights, and also recognized by the UN Guiding Principles on Business and Human rights. Countries or cities that do not meet the minimum standards for the protection of human rights should not be eligible for hosting the event. Thus, the failure to meet the minimum standards should lead to elimination.

In the same strain, this research recommends that the documents signed at the time of choosing the event host, such as the Host City Contract, should include clauses that make it mandatory to carry out the action plan for mitigation and compensation of the human rights impacts discovered during the bidding process.

Who will be responsible for monitoring?

It is necessary to ensure the effectiveness of the protection of human rights. Therefore, this research finds it key to adopt a process for monitoring such protection, preferably in an independent manner, composed of members of the civil society, especially local organizations from the host country/city, governmental officials and the FIFA and IOC themselves. Such monitoring mechanisms should be capable of determining and identifying the human rights impacts and violations not predicted or not prevented, and account for the remedial and protective measures taken in all stages of preparation and hosting of the mega sporting events.

HUMAN RIGHTS INVISIBILITY IN THE DECISION-MAKING OF THE BIDDING PROCESS TO HOST THE GAMES

The bidding process to host the mega sporting events can be considered as the first opportunity to signal to government candidates the importance of protecting human rights in the construction works and projects resulting from the games.

However, from the analysis of the 14 documents that compose the bidding process to host the games, this research notes the lack of requirement for the protection and respect of human rights throughout the process as a whole. Additionally, children and adolescents have also been invisible in the decision-making process, although since 1959 the Declaration on the Rights of the Child, and since 1990 the Convention on the Rights of the Child provide that children and adolescents should be treated with priority⁶.

In the following paragraphs, this research presents the main features and the findings of the analysis of FIFA decision-making process for the selection of Brazil as the host country for the 2014 World Cup and of the IOC decision to select Rio de Janeiro as the host city for the 2016 Olympic Games⁷. The analysis of the invisibility of human rights in both cases was the basis for the recommendations detailed above.

A) The bidding process for the host country of the FIFA World Cup⁸

In general, the process for the host country of the World Cup lasts a little less than a year and begins with FIFA sending requests to its members asking for an expression of interest. After it, FIFA sends information about the bidding process and key documents such as the *Bidding Agreement* to those interested.

Those members actually interested in applying must submit the signed *Bidding Agreement*, confirming their compliance with the necessary requirements. Subsequently, they must submit their applications by presenting the *Bid Book*, a kind of dossier with the information and documentation required by FIFA. The *Bid Book* format is determined by the *Bidding Agreement*, which specifies all the issues that should be taken into account when filling the application.

⁶ According to the Convention on the Rights of the Child, in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration (Article 3).

⁷ It is worth noting that both in the bidding process of the IOC and the one before FIFA, there are already changes being incorporated for the next processes, integrating human rights into the process. However, the objective in this research is to analyse how those processes were conducted in the past in order to make appropriate recommendations for the changes already underway.

⁸ It must be emphasized that not all documents relating to the FIFA bidding process are public and accessible, especially because many of them are signed exclusively between FIFA and the Brazilian Football Confederation (In Portuguese, Confederação Brasileira de Futebol or CBF), both private entities. In order to overcome this barrier, these documents were complemented with the available documents relating to the bidding process for the World Cups of 2018 and 2022. However, the analysis may be compromised by the lack of information. Moreover, the lack of transparency in the FIFA bidding process reveals an important aspect that must be addressed to ensure the protection of human rights.



It would be recommendable to incorporate human rights:
1) FIFA Statutes; 2) FIFA Code of Ethics

E It is essential to incorporate human rights

Finally, FIFA assesses the applications - which includes not only the analysis of the documentation, but also visits to the candidate countries - and selects the country that will host the World Cup.

In the case of the 2014 World Cup™, the bidding process followed the timeline below. The timeline also shows the phases in which the inclusion of a human rights requirement would have had a larger impact, as suggested in the recommendations. In particular, it is important to note that the bidding process for the World Cup in 2014 was peculiar because, given the withdrawal of Colombia, Brazil became the only candidate, so that there was not much of a bidding process per se.

To better understand when and how measures aimed at protection of human rights, particularly of children and adolescents, should be a part of this process, the documents governing each of the phases mentioned were identified. The analysis is grouped in five relevant blocks of documents: a) Founding Documents; b) Invitation and Bid Registration; c) Bidding Agreement and Bid Book (and their respective guarantees); d) Host City Agreement; and e) Inspection Report for the 2014 FIFA World Cup.

Table 1 – Phases, documents and availability in the case of FIFA

Phase of the process	Related Document	Availability
FIFA requests its members to confirm whether they have interest in hosting the Cup.		
Associated members express their interest in applying		
FIFA sends to those interested the Bidding Registration to be returned signed	<i>Bid registration</i>	Not available
FIFA sends information about the bidding process	<i>Bidding Manual</i>	They are not available in the case of Brazil. For this analysis, a copy of the bidding agreement for Russia and Qatar was used.
	<i>Hosting Agreement</i>	
	<i>Bidding Agreement</i>	
	<i>Other Hosting documents</i>	
Associated members return the bidding agreement agreeing with its terms		
Members submit their applications	<i>Bid Book</i>	Not available
	Government Guarantees	Available
	<i>Host City Agreement</i>	Available
FIFA assesses the applications	<i>Inspection Report for the 2014 FIFA World Cup</i>	Available
FIFA announces who will be the host country.		

a) Founding Documents

In general, it can be said that the FIFA bidding process are based on two documents:

- **The Statute** which is one of the most pertinent documents to the whole organization's actions, since it stipulates the FIFA mission, namely, to develop the sport, to touch the whole world and to build a better future. Up to 2016, when FIFA included a clause affirming its commitment to human rights (how its concrete realization will take place is still unknown), the Statute did not contain any explicit commitments to human rights and the rights of children and adolescents. Till then, the only reference to human rights concerned the prohibition of all forms of discrimination, with special emphasis on racism.

- The **FIFA Code of Ethics** which is also an important document that serves as a basis for the bidding process. One of its most important clauses is the article that stipulates the importance of taking on "social and environmental responsibility".

b) Invitation and Bid Registration

The offer consists of an invitation letter sent to the associated members of FIFA asking for an expression of interest in hosting the World Cup. It has a general character and it is the first contact between FIFA and the countries concerned.

The Bid Registration serves as a guideline for the application and the bid of the hosts and contains all terms, conditions, procedures and requirements for the process⁹.

c) Bidding Agreement and Bid Book

The Bidding Agreement is the most fundamental document of the bidding process for hosting the FIFA World Cup™. The purpose of this document is to seal the commitment of the Bid Committee (created by the associated member country as a result of the process) to apply to host the games respecting the terms and conditions set forth in the Bid Registration and the document itself.

Moreover, the importance of the document lies in the fact that it guides the topics that should be included in the Bid Book, the application file which must be filled in by the candidate countries and that will be, at a later stage, assessed by FIFA to determine which country would be the host. Given that all the information and proposed plans in the Bid Book will be legally binding, the Bidding Agreement - as a guidebook - is one of the most effective documents for inclusion of the issue of human rights.

In the Bidding Agreement available for the World Cups of 2018 and 2022¹⁰, the candidate countries were asked to address 20 themes in their applications.

⁹ This information was extracted from the Bidding Agreement, since the document was not available.

¹⁰ In the Brazilian case, the document is confidential and therefore not accessible. In the case of the 2018 and 2022 World Cups there is a version circulating on the Internet published by the NGO Transparency in Sport. This is not an official version provided by FIFA.

Topics requested in the *Bid Book*

Ch. 01	Introduction to the bidding country and host cities
Ch. 02	<i>Hosting Concept</i>
Ch. 03	Football Development
Ch. 04	Sustainable social and human development
Ch. 05	Environmental Protection
Ch. 06	Stadium
Ch. 07	Venue-specific team hotels and venue-specific training sites
Ch. 08	Team base camp hotels and team base camp training sites
Ch. 09	Acommodation
Ch. 10	FIFA headquarters
Ch. 11	Transport
Ch. 12	Information technology and Communication Network
Ch. 13	Safety and security
Ch. 14	Health and medical services
Ch. 15	Competition-related events
Ch. 16	Media
Ch. 17	Marketing rights
Ch. 18	Finance and insurance
Ch. 19	Political System
Ch. 20	Existing contracts

Amongst the topics that come closest to the question of human rights, it is worth highlighting “social and human development” and “environmental protection”, which respectively require that the candidate countries: (i) submit proposals of contributions for social and human development in line with the social responsibility measures undertaken by FIFA and (ii) to outline its plan to reduce environmental impacts generated by activities related to the competition and to propose the development of an Environmental Protection Plan in consultation with stakeholders. However, it does not explicitly mention the protection of human rights, and is based on an approach that is closer to the language of corporate social responsibility, stressing positive behaviour without committing itself to binding obligations under international treaties for the protection of human rights.

It is also interesting to note that the Bidding Agreement requests guarantees from the government of the host country that it will support the realization of the mega sporting event, and it will commit itself to a series of issues related to the requested topics. Therefore, in this document, FIFA requests the bidding country’s government to give a declaration stating its commitment to support the realization of the games and an additional list of 11 specific guarantees. The responsible parties must sign the 11 guarantees, depending on the subject matter (ministries, local authorities and federal institutions). In addition to the government declaration, the guarantees cover the following topics: (i) entry and exit

procedures, regarding easing of visa; (ii) work permits for foreigners involved in the World Cup; (iii) tax exemption on import and export of goods related to the competition; (iv) tax exemption for the activities related to competition; (v) security measures; (vi) foreign exchange transactions; (vii) customs and immigration procedures; (viii) FIFA commercial rights and respect for copyright; (ix) performance of the national anthem of each team before the games; (x) compensation to FIFA in case of damages, lawsuits or complaints that might occur; (xi) provision of telecommunications infrastructure. Overall, it is possible to identify a complete absence of guarantees on human rights and related issues.

Finally, in relation to the Bidding Agreement and the Bid Book, it is worth highlighting that they provide for the **confidentiality** of their content, contrary to the principles of transparency. The document prohibits the Government from disclosing the content of the agreement.

d) Host City Agreement

Finally, the Host City Agreement confirms the country's interest in hosting the event and must be signed by all the interested cities of the chosen country at the time of the application submission. In the Host City Agreement of the 2014 World Cup, there are some clauses that are worth mentioning:

- The clause 4.1 stipulates that FIFA is entitled to amend, delete, or supplement the terms of any guidelines and other directives contained in the document and to add new requirements at any time at its sole discretion; this clause shows the power of FIFA's influence, given that it can, even after the signing of the contract, change its terms.
- The clause 22.2 stipulates that, upon FIFA request, the Host City shall shut down public access to various roads within the Host City during the period of the Competition.
- The clause 23, about environmental protection, provides for the commitment of the host cities to carry out its obligations and activities in a manner that embraces the concept of sustainable development. The concept of human rights could have been included in this umbrella clause.
- The clause 35 establishes an "Exclusion Zone" and affirms that the host city shall ensure that any entity that usually operates commercial activities within the Exclusion Zone refrains from doing so. This clause is important due to the controversy caused around the Exclusion Zones, considered by many respondents and members of civil society as violations of the rights of movement and the right to work.

The agreement, carrying on in a similar strain of restrictive language, prohibits convening any cultural event, unless approved by FIFA, and states that any construction work that is in progress at the start of the competition, both public and private, should be temporarily suspended.

There is no mention in the contract of issues that expressly deal with human rights. However, the clause 33.19, "Limitation of Liability", states that FIFA, its officers, agents, employees, licensees or sub-contractors shall not be liable to the Host City for death, personal injury or competition-related damage.

e) *Inspection Report for the 2014 FIFA World Cup*

The Inspection Report, i.e. the assessment of the FIFA inspection team on the bidding of Brazil, is addressed to the chairman and members of the FIFA executive committee. Overall, it is worth noting that there is a lack of concern about possible human rights violations resulting from hosting the World Cup in Brazil in the report in terms of selection and evaluation criteria. On the contrary, this document only praises Brazil's bid for the 2014 World Cup - recall that it was the only one - in relation to different features such as transport, telecommunications and public support. In this sense, this document serves more to convince the members of the executive committee that the country is ready rather than as an assessment of facts.

B) The bidding process for the host city of the Olympic Games of 2016

Although some sports take place in different locations, the organization of the Olympic Games is awarded to a single city. The IOC selection process begins nine years before the event and the selection of the host city is announced two years after the beginning of the bidding process.

The selection process is divided into two phases: the invitation phase and the candidature phase. Each of those phases lasts about a year¹¹ and is guided by a questionnaire with topics that provide guidance for the fulfilment of the necessary information and presentation of the required documentation.

In the invitation phase, the candidate cities submit the *Application File*, structured with answers to the first questionnaire, which will be subjected to assessment by a *multistakeholder* Working Group. This Working Group sends a report to the Executive Board of the IOC, so it can select the candidate cities approved in this first phase.

In the Candidature process, the cities that passed the previous phase must fill in a second questionnaire and submit a detailed plan for hosting the Olympic Games, and the results are combined in the Candidature File.

The Candidature File, which must include a considerable number of binding guarantees¹², is reviewed by the IOC Evaluation Commission Working Group. Visits to the candidate cities are also part of the evaluation process. Next, the Commission submits a report to the IOC members, so they can decide which city will be the host of the event. Once the city is chosen, it must sign the Host City Contract.

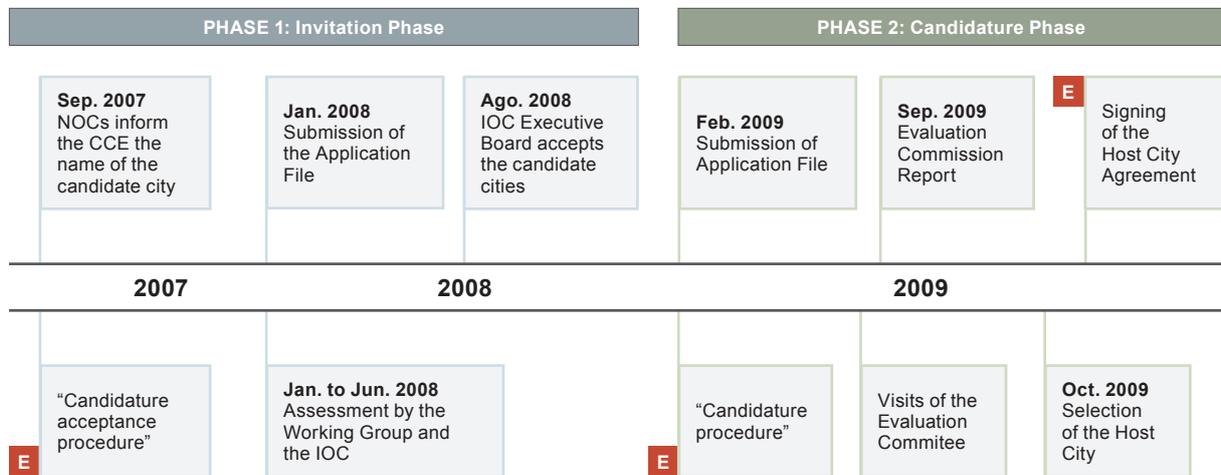
¹¹ Available at: <http://www.olympic.org/content/the-ioc/bidding-for-the-games/all-about-the-bid-process> Last accessed on: August 10th 2015

¹² Idem

Below, we show chronologically how the bidding process took place in the case of the 2016 Olympic Games. Furthermore, we highlight the moments that were included in the recommendations of this research as the most effective ones for the inclusion of issues relating to human rights.

Similar to FIFA bidding process, we identified the documents governing the development of each of the identified steps to better understand when and how measures aimed at protection of human rights are part of this process.

Recommendations: IOC



It would be recommendable to incorporate human rights:

1) Olympic Charter; 2) Code of Ethics; 3) Rule of conduct applicable to all cities wishing to organize Olympic Games

E It is essential to incorporate human rights

Table 2 – Phases, documents and their availability in the case of IOC

Phase of the process	Related Document	Availability
Basic documents	Olympic Charter	Available
	Code of Ethics	Available
	<i>Rule of conduct applicable to all cities wishing to organize Olympic Games</i>	Available
Invitation Phase	<i>Candidature Acceptance Procedure</i>	Available
	Report by the IOC Candidature Acceptance Working Group	Available
Candidature Phase	<i>Candidature Procedure and Questionnaire</i>	Available
	Report of the IOC Evaluation Commission for the Games of the XXXI Olympiad in 2016	Available
	<i>Host City Contract</i>	Available

The IOC process can be organized in four blocks of documents (similar documents of the two phases are grouped in this classification): (i) founding documents; (ii) questionnaires that guide how to fill in the application and the application documents; (iii) reports on the evaluation of the application; (iv) the Host City Contract.

a) Founding documents

In general, the IOC bidding process is governed by three founding documents:

1. **The Olympic Charter**, which contains the fundamental principles, rules and regulations of 'Olympism', the actions and the functioning of the Olympic Movement, and to establish the conditions for the celebration of the Olympic Games;

It is worth noting that this document defines the practice of sport as a human right. However, it does not indicate whether this right applies to all individuals or only to athletes.

Also mentionworthy is the principle of non-discrimination, similar to the campaign against racism conducted by FIFA, illustrating how anti-discrimination is more established in the context of sports'

organizers than the general protection of human rights. Beyond this, the document does not include any commitment to other human rights.

2. The **Code of Ethics**, presents the ethical principles to which all members of the Olympic Movement are subject, including the respect for human dignity and the rejection of discrimination of any kind. It is not clear which rights must be protected to safeguard human dignity, or the measures required for its realization.

3. **Rule of conduct applicable to all cities wishing to organize Olympic Games**, stipulates that the conduct of the host cities shall comply with the Olympic Charter and the Code of Ethics.

b) Candidature Procedure and Questionnaires

As mentioned above, the IOC bidding process includes two questionnaires composing the two phases of the process: a shorter one - 8 themes – for the Invitation Phase; and a longer one - with 17 topics - for the Candidature phase. The first questionnaire corresponding to the invitation phase, deals with 8 themes:

Topics proposed in the first questionnaire and that must be taken into account in the Application File

Ch. 01	Motivation, concept and legacy
Ch. 02	Political support
Ch. 03	Finance
Ch. 04	Infrastructure
Ch. 05	Acommodation
Ch. 06	Transport
Ch. 07	Security
Ch. 08	General Conditions, Public Opinion and Experience

It is worth noting that none of them refers to social or environmental issues in any way. The theme of legacy is the one that comes closest to showing some concern about the impact of the Olympic Games, because it requires the aspiring city to present a long-term legacy plan. However, it does not require any guarantee of protection for human rights and the environment.

In turn, the questionnaire of the Candidature Phase, in addition to containing 17 themes that ought to guide the Candidature File, directs the last phase of the bidding process, establishing the necessary procedures, rules and deadlines.

In the section preceding the questionnaire, the document includes some fundamental principles that should guide all the organization process of the games. Among them, sustainable development stands out as one of the main objectives of the Olympic Movement. The document makes reference to the environmental commitment of the Olympic Charter in which the IOC encourages the celebration of the Games in a way that promotes a positive legacy for the host cities and countries by promoting sustainable development.

Also, in the preamble of this document, the IOC recommends a study of the OGI (Olympic Games Impact), thus recognizing the impact of hosting the games. The scope of such a study should be broader in order to encompass economic, sociocultural and environmental issues. Overall, the OGI is an impact assessment based on a range of indicators. Its most interesting aspect is the monitoring of indicators over 12 years, covering the periods before, during and after the event. In this sense, **although the process includes social indicators, this research finds it advisable to include specific human rights indicators that could be monitored over time.**

After this preliminary section, the document presents the second questionnaire, consisting of 17 subjects. Among them, some are new, while others are derived from the themes already suggested in the first questionnaire. The table below compiles the 17 themes.

Topics proposed in the second questionnaire and that must be taken into account in the Candidature File

01	Vision, legacy and communication
02	Concept of the Olympic Games
03	Political and Economic structure
04	Legal Aspects
05	Visa formalities
06	Environment and meteorology
07	Finance
08	Marketing
09	Sports and venues
10	Paralympic Games
11	Olympic Village
12	Medical services and doping control
13	Security
14	Acommodation
15	Transport
16	Technology
17	Media operations

Substantially, the most important themes for this analysis are the themes 1 and 6, “Vision, legacy and communication” and “Environment and meteorology”, respectively. In fact, these chapters are the ones that come nearest to touching upon human rights issues.

- Theme 1, “Vision, legacy and communication,” guides the candidate city to present a vision for the Olympic Games, and explain how its various elements align to this vision. In addition, it directs cities to determine how the Olympic Games support the existing long-term city planning, and what legacies are being planned. The concern that the IOC raises regarding the possible legacy that the Games

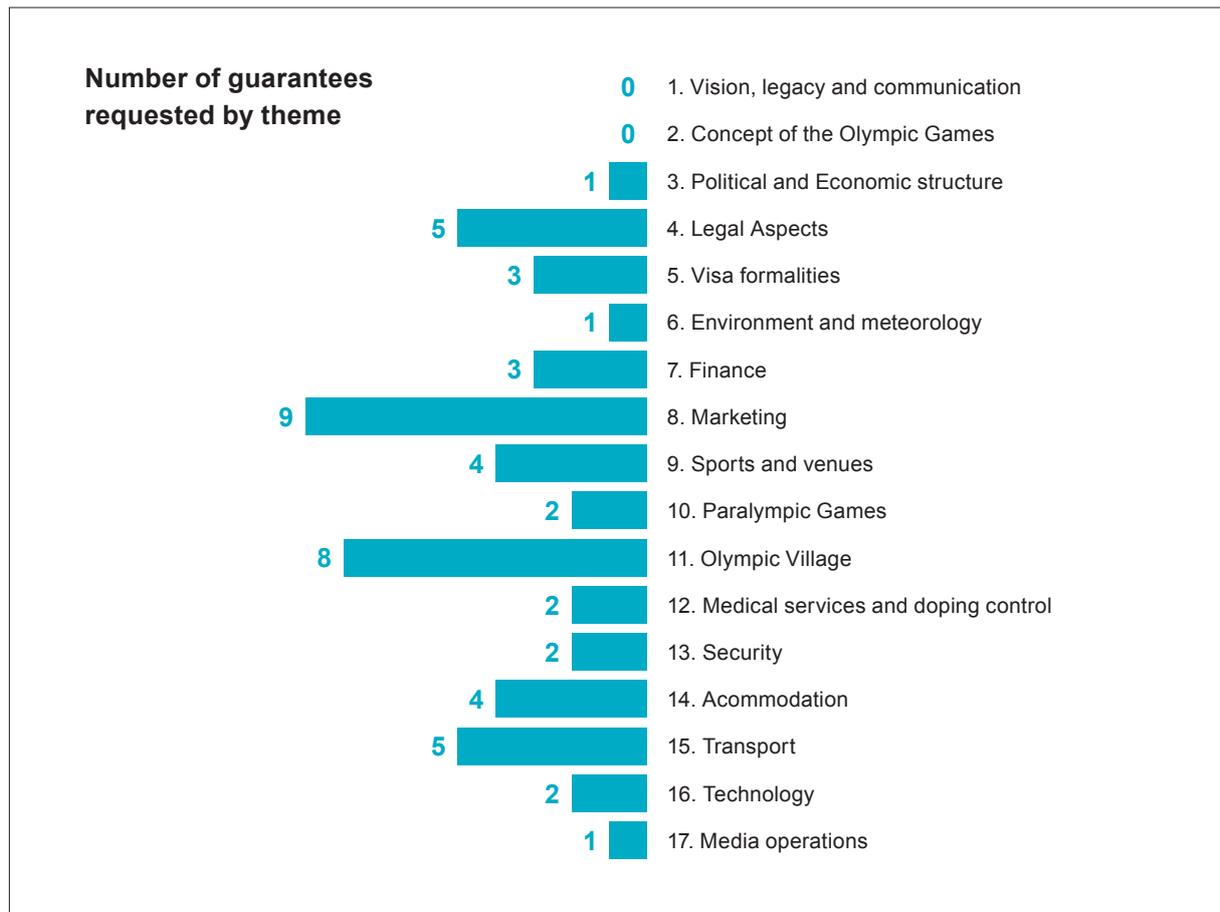
will leave in the host cities is an encouraging start of what could be the role of event-organizers as agents for local development. That said, the issue of legacy could have been better outlined, giving it greater weight in the final decision and requesting guarantees in return. In fact, as illustrated in the chart above, in the case of a legacy, no guarantee is demanded.

- Theme 6, “Environment and Meteorology,” aims at understanding what the environmental approach of the city in relation to the Games is. At this point, it is key to note that the IOC asks for guarantees that all construction work necessary for the organisation of the Olympic Games must comply with local, regional and national legislation. Furthermore, the theme requires cities to explain how the concept of sustainable development applies in the organization of the Games. In this sense, it requires cities to carry out impact assessment of the entire infrastructure for the event. In addition to the environmental impact, the document mentions socio-economic parameters that should be taken into consideration. Finally, the document asks how the environmental approach will be integrated into contracts with suppliers and sponsors.

Thus, it is clear that human rights and the protection of children and adolescents is only treated in a dispersed manner over the 17 themes of the second questionnaire, and the Olympic Games Impact serves as an opportunity for rights to be taken seriously.

The Candidature File, which is the compilation of the answers to the second questionnaire from the IOC by the candidate cities, is the most important document for the final assessment and the ultimate selection of the host city. In addition, the statements and commitments made in the Candidature File are binding. In this sense, it is noteworthy that some of the 17 issues require the candidate cities to offer guarantees. This element is interesting because – while reflecting on when the inclusion of human rights would have a larger impact – it is key to make sure that compliance with human rights is guaranteed. The request for “guarantees” could play this role.

In analytical terms, this study notes that as far as the themes of the questionnaire which are more related to human rights are concerned, such as theme 1 (legacy) and theme 6 (environment), the requirement of guarantees is much lighter than in the other areas, such as marketing. The graph below shows the number of guarantees required in each topic.



Thus, it is possible to detect how the theme “marketing” requires many more guarantees than social and environmental issues. In practical terms, this means that the statements and promises contained in themes demanding a higher number of guarantees tend to attract more attention of the candidate cities. In this sense, to boost the relevance of the issues related to human rights, it is imperative that, in the upcoming events, the requested guarantees to regulate the impacts on rights be more accurate and cover a larger number of topics, and that those guarantees are followed by a subsequent monitoring of the fulfilment of these requests.

c) Evaluation reports

The answers to the first questionnaire, compiled in the Application File, are submitted for the assessment of a Working Group. Meanwhile, the answers to the second questionnaire are compiled in the Candidature File. The Executive Board of the IOC itself assesses them.

The Working Group assesses the candidate cities using a benchmark system, i.e., with a grid of the minimum standards required by the IOC for each theme in the questionnaire in the Invitation Phase. The Executive Board of the IOC has decision-making autonomy in relation to the Working Group's decisions.

During the second phase, an Evaluation Committee is established including members of the NOCs (National Olympic Committees), athletes and IOC officials, among others. This committee is responsible for visiting the host cities. At the end of the visits, the Commission issues an evaluation report (called Report of the Evaluation Commission for the Games of the XXXI Olympiad in 2016). This is a technical report, which aims at assisting IOC members to choose of the host city. The evaluation is done taking into account the information contained in the Candidature File and the visits.

Interestingly, the report of the Evaluation Commission for the Games of the XXXI Olympiad in 2016 stated that Rio de Janeiro had an excellent legacy plan. In addition, the Commission stressed the importance of the Sustainability Management Plan of the city, which, in the eyes of the evaluators, would be innovative for integrating economic, environmental and social aspects.

c) Host City Contract

Finally, the last document identified is the Host City Contract, a contract governing the legal, commercial and financial rights of the parties involved in the celebration of the Olympic Games. The contract is signed by the host city, the Brazilian Olympic Committee (COB, in its original acronym), the Organising Committee of the Games and the IOC. This document is important because it effectively regulates the organization of the Games. Also, the contract prevails in case of conflict with the Olympic Charter. Moreover, the document declares binding all the phrases, declarations and promises made during the bidding process.

From this document, some aspects deserve to be highlighted, as they touch upon human rights issues. Amongst them, in the preamble, it stands out that it is agreed that all parties want the Games to leave behind a sustainable legacy for the Host City and the Host Country. Furthermore, it is worth mentioning that the preamble incorporates a commitment from the parties to agree that sustainable development is an important consideration in conducting activities related to the Games. In the same direction, but framed in general terms, the parties agree to carry out their activities in full compliance with universal fundamental ethical principles, including those contained in the IOC Code of Ethics.

As you can see, despite being a technical document, which regulates the relations between the parties involved in the celebration of the Games, this document covers environmental issues, sustainable development and ethics.

Both in the bidding process for choosing the host country of the FIFA World Cup and in the IOC Olympic Games, human rights are not among the selection criteria of the country/city that will host the event. The absence of such requirements at the time of the bidding process makes these processes a missed opportunity for human rights protection within the host countries and can make FIFA and IOC accomplices of violations that are committed in order to comply with the often tight schedule for the completion of the construction works for the competitions or in light of these countries' lack of necessary conditions to control the effects of a mega sporting event.

FINAL CONSIDERATIONS

This document sought to provide recommendations on where and how human rights can be included in the bidding process to host mega sporting events through a thorough analysis of the decision-making process applied to Brazil to host the 2014 FIFA World Cup and the 2016 Olympic Games. This research considered documents that, given the timing of their signing as well as their relevance and enforcement, are most appropriate to include human rights issues in future competitions.

The purpose is, therefore, to provide inputs for both event organizers and for civil society organizations engaged in negotiations with FIFA and the IOC, in order to improve the bidding process and, hence, manage the human rights impacts of mega sporting events. It is intended to further complement the recommendations of Ruggie to FIFA.

Thus, this research recognizes that the first step to control the human rights impacts of hosting mega sporting events is encouraging the adoption of mechanisms and procedures which enable to identify, prevent and mitigate potential impacts, since the initiation of the candidature.

One of the major innovations in relation to what FIFA and the IOC have already changed in their processes is the recommendation to include human rights not only as a clause in the final agreement contract but as one of the mandatory requirements for choosing the host itself. In this sense, the creation of a human rights chapter which requires a public commitment, an impact assessment and a plan of prevention and mitigation of impacts might be able to assign a preventive role in the bidding process and encourage the respect and protection of human rights from the early phases of organizing a mega sporting event,

Finally, this research confirms the need for mechanisms and rules able to hold the sports organizers themselves accountable in the case of violations arising from the organization of events promoted by them. The suggestions developed by Ruggie seek to remedy problems within FIFA's internal governance to make this possible.



Realization

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