



The Human Cost of Going for Gold

by Sydney Prince, J.D. Candidate 2021 | Queen's University

June 2021

This article is a light-weight version of the author's paper written in April 2021 for her "Introduction to International Sports Law" class at Queen's University.

The opinions expressed are those of the author. They do not necessarily correspond to the SDRCC position on any of the issues.

Every two years, for 16 days, global attention turns to one country hosting athletes of the world. In recent years, accompanying this celebration of decorated athletes at the Olympic games though, has come reports of labour abuses, repression of freedom of speech, resident evictions and much more. As a result, human rights issues and mega-sporting events like the Olympics have become synonymous. In recent years the International Olympic Committee ("IOC") has begun to take steps to address these issues, but the question is whether the steps they have taken will be effective in practice and what further steps should be taken to safeguard human rights in the relation to the Olympic Games.

History of Human Rights & the Olympics Games

The history of human rights abuses stemming from the Olympic games have been more prevalent in recent years due to increased media attention, but these issues have been long intertwined with the history of the games. These human rights abuses can be divided into two categories, (1) "political human rights issues", and (2) Human Rights in the Context of the Olympic games.

Political Human Rights Issues

The IOC has long been cautious in interfering with a host country's actions that are not directly related to hosting the games. Most recently media attention has turned to the Beijing 2022 games. Global concern has been raised over Uighurs (a Muslim minority group) that have been detained in camps, which the Chinese government have insisted are "vocational educational and training centres". Many are imploring the IOC to take action in response to these reports, but the IOC's statements have been that they can only protect human rights in the context of the games, and no further. This poses the question of when these "political human rights issues" become invariably linked to the Olympics, especially by supporting that country hosting the games, and broadcasting a positive image of that country to the world.

Human Rights in the Context of the Olympic Games

The IOC has recently committed to addressing human rights issues that arise in relation to the Olympic games. This is a step forward for the IOC and Olympics, as various human rights violations, specifically regarding violations of labour rights, forced evictions and repressions of civil rights have been reported over the last six Olympic games alone. Some examples include:



- Recently a Global Union Federation report, found employees in constructing the venues for the 2020 games (now 2021) in Japan have experienced dangerous working conditions, long working hours, and an inadequate complaint system;
- In Brazil a report by the activism group, Comit  Popular called “Rio 2016 Olympics: The Exclusion Games”, claimed that 4,120 families lost their homes to the construction of the venues for the Rio games, with complete communities being removed; and
- For the 2008 Olympic games, Beijing failed to deliver on its pledge to fully lift restrictions for foreign journalists, preventing journalists from entering some regions of China, and prohibiting them from reporting on certain topics.

And the above are only a few examples of many violations that have occurred in the context of the games.

Implementation of Human Rights Clauses in Host City Contracts

The Olympic Agenda 2020 made specific recommendations regarding protecting human rights in relation to the Olympics moving forward. In implementing this agenda two clauses were added to new Host City Contracts starting with the contract for 2024, both addressing protecting and addressing human rights in a manner consistent with international agreements, law and regulations applicable in the Host Country as well as with all international human rights standards and principles, applicable in the host country. An identical clause was also to the Candidature Questionnaire during the Host City bidding process, signed by the government of the Candidature Country providing a guarantee that all necessary measures will be taken so that all activities related to the organization of the games comply with the provision.

Effectiveness of Provisions

As they stand the new provisions are a step in the right direction forcing the parties involved to address Human Rights, but without further addressing gaps in the provisions and taking further steps in conjunction with the provisions, they are unlikely to have as large of an effect as intended.

Contractual Provisions

As various scholars have addressed the problem with these contractual provisions and guarantees is that the wording of the new clause limits the Human Rights obligations to those applicable in the host country, and not all Host Countries are bound by the same Human Rights obligations under National or International Laws. Further, the reporting mechanism currently proposed provides little oversight beyond what has already been the practice for previous games. Finally, while the new provisions seem to impose a positive obligation on the signing parties to protect human rights and remedy any violations, there is no remedy or enforcement mechanism for third parties under the contract or directions on creating one, just that the parties to the Host City Contract should remedy any violations. This leaves the parties to the contract a bit at loose ends, as to what their actual duties are.

Areas not Addressed

The addition of the human rights provisions also fail to implement a remedy mechanism for those who rights have been violated. The provisions focus on creating an obligation to help prevent human rights violations but are silent on providing remedies where individuals rights are violated. The new provisions are also silent on what the IOC has considered “political human rights issues”.



Scholar Recommendations

One of the most prevalent recommendations is that an independent human rights committee be set up with inherent authority over Olympic human rights issues. An independent body could help prevent any abuses by one of the HCC contracted or affiliated parties through “continued oversight of the games, providing effective procedures for fielding grievances, and ensuring victims have monetary and injunctive relief for their suffering.”

My Recommendation

I believe to truly address the issue of human rights in the context of the Olympics more extreme steps should be taken. The games should be viewed holistically in light of other issues regarding the inordinate cost of the games and their overall sustainability. To truly address human rights and the other issues surrounding the games, the Olympics in conjunction with other major global sporting events, should choose one winter and one summer venue location and build the required infrastructure needed for any mega-sporting event. This would eliminate human rights issues associated with evictions and labour violations as the infrastructure is only built once rather than for each mega-sporting event, and either through location selection or private governance it could be ensured that freedom of the press/speech would not be violated. While a contentious recommendation (and not a novel one), when weighed with the benefits to global human rights, reduced cost of putting on the games, and reduction of waste in relation to abandoned venues it better addresses the longevity and spirit of the Olympic Games.

*To read the full original version of this article,
with references:*

http://www.crdsc-sdrcc.ca/eng/documents/SydneyPrince_SportsPaper_Final.pdf