The Olympic Games are a study in contrasts. Often thought to be a blessing for host cities—an opportunity to recreate themselves and welcome the world in the name of international cooperation and sport—it has also become something of a curse for both the city, its inhabitants, and the Olympic Movement in general. Unfortunately for human rights advocates, the Olympics have developed a dark side in which the powers at be, most specifically the International Olympic Committee, favor magnificent Games over the human rights violations that occur in creating that magnificence. Since the human rights situation has not improved from one Olympiad to the next, this Article argues that the international community must pressure the IOC to better take into account human rights issues when selecting host cities. Specifically, this article revisits and adds to previous scholarship by discussing ramifications of the Games on host city inhabitants. It also provides a roadmap for how the international community can pressure the IOC to better take into account human rights issues for future Olympiads.

Keywords: Olympic Games, Human Rights, Sports Law, International Law, the Law of Responsibility.

Note. Author would like to thank Professor Thomas Ginsburg for both his direction and advice throughout the process of writing this article.
A. INTRODUCTION

The Olympic Games, a biennial coming together of nations and their athletes, are the largest, and arguably the most globally unifying, sporting mega-event in the world.\(^1\) Indeed, in sheer scope alone, the games are the largest sporting “celebration in terms of the number of sports on the programme, the number of athletes present and the number of people from different nations gathered together at the same time in the same place.”\(^2\)

Hand-in-hand with the popularity of the Games is the undeniable effect of the Olympics on the host country, and more specifically, the host city.\(^3\) The host city, both during the build-up to the Olympic Games and especially during the sixteen days\(^4\) during which the Games are held, is under intense international scrutiny.\(^5\) The scrutiny can be both positive and negative. It is advantageous in that the host city is presented the opportunity to welcome the world, and show that it represents what has become a modernized and developed society.\(^6\) At the same time, the notable

1. Maximos Malfas, Eleni Theodoraki, & Barrie Houlihan, *Impacts of Olympic Games as meg-events*, 157 Mun. Eng’r 209, 210 (2004), available at http://epress.lib. uts.edu.au/research/ bitstream/handle/10453/19761/muen.157.3.209.49461. pdf?sequence=1 (stating that a “mega-event can be viewed in two main respects: first, with regard to its internal characteristics—that is, primarily its duration and its scale (i.e. number of participants and spectators, number of individual sessions, and levels of organizational complexity); and second, in respect of its external characteristics, which mainly take account of its media and tourism attractiveness, and its impact on the host city.”).


6. See Malfas, *supra* note 1, at 209 (stating: “The increasing number of cities bidding
media attention provides a window through which the international community can become keenly aware of the country’s shortcomings and the population’s unhappiness with the ruling government.7 Regardless of the balance that any specific host nation is able to strike in regards to positive versus negative international attention, there can be no question that the impact of hosting the Games is a significant, if not a watershed, moment in a country’s history.8

However, thanks in large part to the human rights backlash regarding the recent 2008 Beijing Olympic Games, segments of the international community have, more so than in times past, begun to focus on the human rights implications of the sporting spectacle on the host nation and its citizens.9 In the build-up to the Beijing Olympics, human rights advocates and agencies, along with segments of the international media, decried the IOC’s decision to award the Games to China despite the country’s dismal human rights record. For example, Human Rights Watch (“HRW”) extensively documented human rights violations that were perpetrated by the Chinese Government in relation to the country’s hosting the Games, focusing on the issues of media censorship, forced evictions of Chinese citizens, abuse of migrant construction workers, and the silencing of civil society and rights activists.10 Due to the human rights fallout of those Games, many entities are beginning to scrutinize to host the Olympics and the increasing funds invested in Olympic bids indicate that local leaders perceive the securing of such an event as an opportunity to improve economic and social aspects of a city or region through the accumulated investment triggered by staging the Games”).

7. See, e.g., Jenny Barchfield, Confederation Cup Protests Target Match in Rio, HuffPost World (June 30, 2013), available at http://www.huffingtonpost.com/2013/06/30/confederation-cup-protests_n_3526184.html (stating that over one million people, taking advantage of the international attention during the 2013 Confederations Cups, protested against the Brazilian government’s spending billions of dollars in the lead up to the 2014 FIFA World Cup, a sporting mega-event, instead of improving public works within the country).


10. Id. at 1-2.
upcoming sporting mega-events for both short-term and long-term human rights implications.¹¹

Despite the ever increasing cost¹² of and scrutiny related to hosting the Games, there has not been significant legal analysis of the effect of Olympic Games on host cities and their inhabitants. Thus far the bulk of the legal analysis has focused on the host government’s violations of individual citizens’ property rights.¹³ At the same time, the effect of the Olympic Games has been well documented in non-legal papers, usually as a matter of international news and public policy analysis. Even taking into account the publications previously listed, there has been even less analysis, especially from the legal perspective, on whether the IOC is taking steps to protect the human rights of individuals in future Games.

This paper looks to fill that void by focusing on two issues—first, it revisits and adds to previous publications by discussing the ramifications of the Games on the host cities’ inhabitants and visitors. Second, this paper discusses what the IOC has already done to combat the many human rights violations that have occurred while also providing a roadmap for how the international community can pressure the IOC to better take


¹². It is important to note that this paper does not discuss the economic implications of the Games on host cities. Hosting the Olympics is an extremely expensive undertaking, usually amounting to tens of billions of dollars being spent. While hosting the Games has been conventionally seen as a way to stimulate a host city and nation’s economy, experts and the media have now begun to question whether the Games do more harm than good for the host economy. For example, many economists have argued that the 2004 Athens Games were a major cause in the eventual failure of the Greek economy. See Nick Maloutzis, How the 2004 Olympics Triggered Greece’s Decline, Bloomberg Bus. Week (Aug. 2, 2012), available at http://www.businessweek.com/articles/2012-08-02/how-the-2004-olympics-triggered-greeces-decline; Mark McDonald, ‘Ruin Porn’ – the Aftermath of the Beijing Olympics, Int’l N.Y. Times: IHT Rendezvous (July 15, 2012), available at http://rendezvousblogs.nytimes.com/2012/07/15/ruin-porn-the-aftermath-of-the-beijing-olympics/?_r=0. It is likely that a decline in the host economy would lead to human rights violations of individuals within the host nation. This paper, while acknowledging that possibility, does not analyze that issue.

into account human rights issues for future Olympiads. Specifically, this note does the following: it (i) discusses the current process for choosing a host city and country; (ii) discusses the human rights ramifications of the Games on past host cities in the context of international human rights law; (iii) addresses why pressure from the international community has the potential to force the IOC to reconsider its policies and decision-making process to better address human rights concerns; and finally (iv) provides a roadmap of specific issues that the international community should pressure the IOC to address in order to improve the impact of the Games in the future. Ultimately, this paper argues that the international community, in the interest of human rights reform, must begin to pressure the IOC, an organization that has been susceptible to various pressures in the past, to begin to formally consider both the short-term and long-term effects of the Games on host countries.

II. THE CURRENT PROCESS FOR SELECTING A HOST CITY AND COUNTRY

Before entering into an in-depth discussion of international human rights law and the effect of the Olympic Games, it is important to understand the process through which a host city is selected. This section first discusses the relevant entities and guiding principles in the selection process, and then outlines the actual process itself.

A. Relevant Entities and Guiding Principles

The current process for choosing the host city includes four key players: the IOC, National Olympic Committees (“NOCs”), International Sports Federations (“IFs”), and finally Organizing Committees for the Olympic Games (“OCOGs”). The IOC, an international organization of unlimited duration headquartered in Lausanne, Switzerland, is the main organization in charge of the Olympic Games.
Fundamental Principles and essential values of Olympism, the IOC “governs the organisation, action and operation of the Olympic Movement and sets forth the conditions for the celebration of the Olympic Games.”

Under the Charter, the IOC has the final say in all decisions related to the Olympic Games, including the selection of potential host nations, determining which nations may participate, and significantly, how best to promote the Olympic ideals. Those ideals are best surmised by the six Fundamental Principles of Olympism listed in the Olympic Charter, though only the first two principles are relevant to human rights issues:

(1) Olympism is a philosophy of life, exalting and combining in a balanced whole the qualities of the body, will and mind. Blending sport with the culture of education, Olympism seeks to create a way of life based on the joy of effort, the educational value of good example and respect for universal fundamental ethical principles; and

(2) The goal of Olympism is to place sport at the service of the harmonious development of man, with a view to promoting a peaceful society concerned with the preservation of human dignity.

The IOC’s organizational goal, per the Principles, is to create an Olympic experience that best reflects international human rights principles. Given its primacy in regards to international sport, the IOC has gained quasi-legal authority based both on its adoption of a U.N. Draft Declaration in 1982, which “confirmed fundamental rules and principles of international sports law within the United Nations framework,” and also its more recently gained status as a U.N. Permanent Observer. Therefore, although the IOC may not compel governmental obedience due to its nongovernmental status and is not a source of public international law, it has gained a level of autonomy and influence over the realm of international sports due to its close relationship with the

15. Id., Introduction to the Olympic Games, at 8.
However, it is important to note that while the IOC is bound by the Principles, the Olympic Charter does not envisage any remedy for individuals whose human rights are affected by the Games.20

While the IOC is the most significant party in relation to the Games, the NOCs, as national constituents of the Olympic Movement, serve three goals: to promote the fundamental principles of Olympism at a national level, ensure that athletes from their respective nations actually attend the Games, and finally, to initiate the selection process.21 There are currently 204 NOCs that are split into five continental associations.22 The International Federations are international non-governmental organizations and are generally responsible “for the integrity of their sport on the international level.”23 Like the NOCs, the IFs do not have any legal power per se, but they may “formulate proposals addressed to


20. Although the Olympic Charter does not provide for any remedy for human rights violations, it is possible that an individual could bring a case before the Court of Arbitration for Sport. The Court was established by Article 61 of the Olympic Charter, which provides that “any dispute arising out on the occasion of, or in connection with, the Olympic Games shall be submitted exclusively to the Court of Arbitration...” At the same time, it is important to note that the Court has yet to hear a human rights case, as most disputes before that come before the court are usually commercial or disciplinary—usually related to doping—in nature. See Brendan Koerner, Where do Athletes go to Court?: Why, to the Court of Arbitration for Sport, of course., Slate (July 2, 2004), available at http://www.slate.com/articles/news_and_politics/explainer/2004/07/where_do_athletes_go_to_court.html. Moreover, given that both potential parties have to agree to arbitrate under the Court, it does not seem likely that a human rights case is forthcoming as the IOC would likely balk on subjecting itself to the Court for human rights claims.


22. Id. The five associations are as follow: Association of National Olympic Committees of Africa (ANOCA), Pan American Sports Organsiation (PASO), Olympic Council of Asia (OCA), European Olympic Committees (EOC), and Oceania National Olympic Committees (ONOC).

the IOC concerning the Olympic Charter and the Olympic Movement in general,” and are responsible for ensuring that nations which aim to host the Games meet certain requirements.24 Finally, the OCOG, whose prime responsibility is to organize the Games, are essentially subsidiaries of the host country’s NOC. Once the OCOG is formed, it communicates directly with the IOC and is subject to the Olympic Charter and any other contracts signed between the host country, host city, and the IOC.25

B. Selection Process

This section first addresses the formal selection process as laid out by the IOC and the Olympic Charter, and then focuses on extra-process influences, namely corruption. Finally, the section provides a brief case study concerning the IOC’s selection of Tokyo as the host of the 2020 Games, focusing on IOC’s rationale behind Tokyo’s victory.

1. Formal Selection Process

The selection process begins when a NOC, along with the national government that it represents, decides to bid to host an upcoming Olympic Games. If they decide to do so, the NOC files an application with the IOC, in which the NOC designates a single applicant city.26 In addition to the application, “[t]he National Government of the country of any applicant city must submit to the IOC a legally binding instrument by which the said government undertakes and guarantees that the country and its public authorities will comply with and respect the Olympic Charter.”27 As part of this initial application, the representatives of the bidding city complete a fifty-two question questionnaire that addresses “issues such as respect for the IOC rules, general and cultural information, organizational matters, and electronic media issues.”28 Once all of the NOCs have submitted applications, the IOC Executive Board votes and designates “Candidate Cities” from the original applicant

24. Id.
26. See Olympic Charter, supra note 4, r. 27(4).
27. Id., r. 33(3).
28. See Mastrocola, supra note 19, at 145.
Ankur Shingal

group.29 Notably, the Olympic Charter does not mandate that there be a certain number of candidate cities.30 The IOC President then appoints an Evaluation Commission for all of the candidate cities. The Commission is made up of IOC members and representatives from the IFs, NOCs, the Athletes’ Commission, and of the International Paralympics Committee.31 The Evaluation Commission inspects all of the potential stadia and other Olympic sites and then submits a written report to all of the IOC members. The IOC report, which does not rank the cities, compares each candidate city on fourteen different “themes,” including the “overall concept of the Olympic Games,” “environment,” and “training venues.”32 Notably, theme 4 titled “legal aspects,” includes 6 different guarantees that the candidate city must make to the IOC, although none of those guarantees are directly relate to the protection of human rights.33 From there, each candidate city must provide sizable “financial guarantees,” which are widely considered to be the most important aspect of the decision making process.34 Finally, the IOC Session conducts a final vote for the host city, and the chosen city, the IOC, and the other relevant parties enter into the Host City Contract.

29. See Olympic Charter, supra note 4, Bye-law to r. 33.
30. The number of applicant and candidate cities changes from Olympiad to Olympiad. For example, for the 2008 Olympics Games, 10 cities applied to host the Games, while 5—including Beijing, which went on to become the host city—were designated as candidate cities. In contrast, for the upcoming 2020 Tokyo Games, only six cities applied, and only three were chosen as candidate cities. See generally, All About the Bid Process, Olympic.org (2013), available at http://www.olympic.org/content/the-ioc/bidding-for-the-games/all-about-the-bid-process/.
31. Id.
32. All fourteen of the themes, in order, are as follows: Vision, legacy and communication; Overall concept of the Olympic Games; Political and public support; Legal aspects; Environment; Finance; Marketing; Sports and venues; Paralympic Games; Olympic Villages; Games Safety, Security and Medical Services; Accommodation; Transport; and Media Operations. See INT’L OLYMPIC COMM., 2020 CANDIDATURE PROCEDURE AND QUESTIONNAIRE: GAMES OF THE XXXII OLYMPIAD (2012), available at http://www.olympic.org/Documents/Host_city_elections/FINAL-2020-CPQ-May-2012x.pdf.
33. Id.
34. Olympics 2020 City Contest Becomes ‘Least-ugly Parade’, Voice of America (Sept. 6, 2013), available at http://www.voanews.com/content/reu-olympics-2020-host-city/1744998.html (stating that the cost of the Games is categorized in two ways—“the ‘Games budget’ which covers the cost of staging the 16-day event, and the ‘non-Games budget’ which includes venue construction, and indirect Olympic-related projects like access roads and transportation.”).
2. Corruption’s Effect on Host City Selection

Although the selection process is meant to be applied consistently, there have been allegations of corruption that have accompanied a number of Host City selections. For example, there were allegations surrounding the 1996 Games, where many members of the media reported that Atlanta won the right to host the Games only after the Atlanta-based Coca Cola, one of the largest Olympic sponsors, intervened on behalf of the city.\footnote{See Dan Fletcher, \textit{How is the Olympic Host City Chosen?}, \textit{Time World} (Oct. 1, 2009), available at http://content.time.com/time/world/article/0,8599,1927402,00.html.} BBC News reported on an investigation in relation to the 2000 Sydney Games, in which Tom Sheridan, the head of the independent inquiry, stated that “Sydney might not have won the bid if hospitality and red carpet treatment given to IOC delegates had been less extravagant.”\footnote{World: Asia-Pacific Sydney Olympics Bid “Broke Rules!,” \textit{BBC News} (Mar. 15, 1999), available at http://news.bbc.co.uk/2/hi/asia-pacific/296910.stm.} Notably, the report, while concluding that there was no bribery or corruption, stated that the Olympic Committee’s corruption guidelines were “unclear and ambiguous.”\footnote{Id.} Allegations of corruption were even worse in regards to the 2002 Salt Lake City Winter Olympics where ten members “of the IOC were thrown out after taking gifts from the Salt Lake Bid Committee prior to the vote.”\footnote{See Fletcher, supra note 35.; see also Sport Scandal-hit Olympic City Sweeps Clean, \textit{BBC News} (Feb. 11, 1999), available at http://news.bbc.co.uk/2/hi/sport/278035.stm.} Those allegations eventually led the U.S. Department of Justice to bring charges of bribery and fraud against two of those members, although the charges were eventually dropped.\footnote{Id.}

To be sure, while corruption seems to be a serious issue for the IOC—in fact, Mr. Marc Holder, an IOC member since 1963, has gone on record stating that “5 to 7% of the IOC’s 115 members were open bribery”\footnote{World: Europe Olympic Chief: We will Clean Up, \textit{BBC News} (Dec. 13, 1998), available at http://news.bbc.co.uk/2/hi/asia-pacific/234194.stm.} during the selection process, its overall effect on the IOC’s ultimate decision is difficult to measure. For example, it is possible, if not likely, that candidate cities that failed to win the Games also attempted to reach out to corrupt IOC members. Given that those host cities did not win, it
Ankur Shingal

is unclear whether corruption is an important, much less determinative factor, in host city selection.

3. Case Study: Tokyo’s Selection as the Host for the 2020 Olympic Games

Finally, the IOC, in recent times, seems to have begun to focus not on which potential host city presents the possibility for the most beautiful Games, but rather on which host city presents the least risk. Indeed, as one Olympic insider familiar with the selection process stated, “[w]hat is usually a celebration . . . a good news event, is now a contest of least-bad news . . . It is not a beauty contest, it is a least-ugly parade.”41 The recent selection of Tokyo as the host city for the 2020 Games presents a valuable case study to illustrate the point. In deciding between Tokyo, Istanbul, and Madrid, the IOC was presented with three candidate cities each of which was flawed in different, but substantial ways: “[f]or Istanbul, it was political instability, riots and a doping scandal. For Madrid, it was high debts ($9.8 billion) and staggering unemployment (27 percent). And for Tokyo, it was troubles at the tsunami-crippled Fukushima nuclear plant and the attendant radiation concerns.”42 The Tokyo NOC, along with the Japanese government, promised “[a] pair of safe hands,” arguing that they were the safest option of the three candidate cities. Notably, Tokyo’s presentation seemed to reverberate with the selection committee, with then IOC President Jacques Rogge, stating that “in the end it was Tokyo’s bid that resonated the most with the IOC membership, inviting us to ‘discover tomorrow’ by delivering a well-organized and safe Games that will reinforce the Olympic values while demonstrating the benefits of sport to a new generation.”43 Importantly, many analysts have argued that the IOC held Tokyo’s ability to present a safe and economically sound Olympic experience in even higher regard “given the current construction delays in building venues in Rio de Janeiro for 2016 and the controversy swirling around the 2014 Winter Games in Sochi, Russia, over human-

41. See Olympics 2020 City Contest, supra note 34.
43. Id.
III. RAMIFICATIONS OF THE GAMES ON HOST CITIES IN THE INTERNATIONAL HUMAN RIGHTS CONTEXT

The Olympics, as discussed, is a huge undertaking with international, national, and local consequences. Indeed, during the bidding process, candidate cities often attempt to show the IOC that the Olympic Games would leave the greatest “legacy” on their country.45 For example, the 1992 Games in Barcelona were meant to help the regional economy develop while the 2000 Sydney Games were meant to enhance the city’s “international position, tourism, and convention.”46 From the local perspective, however, “[t]he concern...is that there is a difference between the ‘bid’ and ‘reality.’”47 Indeed, the supposed relationship between hosting the Olympic Games and the urban renewal has come to be known as the “Catalytic approach.” The approach has three main characteristics: (1) the commitment to public expenditure for programs of commercial and social renewal; (2) the aim of facilitating transformation in the service and knowledge based economies of the host city/nation; and (3) the incorporation of the hosting of the Games into a social policy agenda to achieve social cohesion.48

Unfortunately, despite the good intentions of the host country and NOCs, the Olympic Games, considered to be a beacon of international cooperation, have had a well-documented history of human rights abuses during both the lead-up to the Games and during the Games themselves.

44. Id. (emphasis added).
46. Id. at 12.
47. Id. at 11.
48. Id. at 13 (internal citations omitted).
Ankur Shingal

Indeed, there are three human rights violations that are closely associated with the Olympic Games: the loss of property rights without adequate (if any) compensation, the forced displacement of “undesirables” from Olympic cities, and the abuse of migrant workers who build the Olympic venues. This section discusses these violations, first addressing relevant international human rights law and then providing examples of the violations during past Olympic Games. The section also highlights how future host cities are, despite the best efforts of human rights watchdogs, perpetrating the same violations with the same dire consequences.

A. Forced Evictions

1. International Law

There are a number of international human rights conventions and treaties

49. This paper’s focus on these three issues is not meant to imply that there are no other human rights violations that occur in relationship to the Olympic Games. The loss of media rights during the Beijing Games and the proposed Anti-LGBT discrimination in the Sochi Games are examples of other abuses that are equally heinous.

50. Given that the Olympics are held across the world, this paper focuses on conventions and declarations that are potentially binding to any country, regardless of its physical location on the globe. As such, although documents like the European Convention of Human Rights might indeed be very effective international human rights instruments, they will not be discussed here.

Another issue that is discussion-worthy is whether the IOC, as an international organization, is subject to jus cogens or international customary law, both of which are binding on all States. While the literature on this point is unclear, there does not seem to be a strong argument that the IOC is subject to international customary law. One could possibly rely on the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations as a basis for such an argument. Article 56 of that Convention provides that any treaty between a State and an international organization or between two international organizations is void, “if at the time of the conclusion, [the treaty] conflicts with a peremptory norm of general international law.” The Article goes on to define a peremptory norm as a “norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.” Vienna Convention on the Law of Treaties between States and International Organizations or Between International Organizations, 25 ILM 543 (1986), available at http://legal.un.org/ilc/texts/instruments/english/conventions/1_2_1986.pdf. Indeed, under this convention, it would seem that international organizations’ treaties would be
that protect individuals from being forcibly evicted from their place of residence. First, the Universal Declaration of Human Rights (“UDHR”), which was adopted by the U.N. General Assembly in 1948 guarantees that “everyone has the right to own property alone as well as in association with others” and that “[n]o one shall be arbitrarily deprived of his property.”\(^\text{51}\) The Declaration, through Article 12, also guarantees that “[n]o one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to protection of the law against such interference or attacks.”\(^\text{52}\) It is important to note that while U.N. Declarations are not per se international law, the UDHR is widely considered to be customary international law, and is therefore legally binding on all signatory nations.\(^\text{53}\) At the same time, because the Declaration was not originally meant to be binding, the UDHR lacks any enforcement mechanism, which limits its practical applicability.

Along with the UDHR, the International Covenant on Economic, Social and Cultural Rights (“ICESCR”) and the International Covenant on Civil and Political Rights (“ICCPR”), both legally binding instruments, expressly forbid forced evictions.\(^\text{54}\) Article 11 of the ICESCR, which was subject to jus cogens or other customary international law, including international customs regarding the protection of human rights. While such a position presents a possible argument for the application of jus cogens to the IOC and other international organizations, there are two major issues which such a contention. First, the 1986 Vienna Convention has not yet been ratified, and as such, does not provide a mechanism for applying international customary law to international organizations. Second, and perhaps more satisfyingly, even if the Convention was ratified, the IOC would likely not be subject to the treaty for two reasons: (1) the IOC, because it does not have branches in multiple States, is not an international organization under the auspices of the Convention, although one might be able to argue that the IOC, in spirit and in practice, is such an organization; and (2) the IOC does not maintain any treaties with any other State or international organization, and thus falls outside of the boundaries of the 1986 Convention. See generally Moshe Hirsch, The Responsibility of International Organizations Toward Third Parties: Some Basic Principles 30 (1995).

52. Id. art. 12 (emphasis added).
54. Notably, these two conventions (and their two optional protocols), along with the UDHR, are considered to be the “International Bill of Human Rights.” They
Ankur Shingal

passed into force in 1976 and currently boasts 70 signatories and 160 parties, provides that, “State Parties to the present Covenant recognize the right of everyone to adequate standard of living for himself and his family, including adequate food, clothing, and housing, and the continuous improvement of living conditions” and that “State Parties will take appropriate steps to ensure the realization of this right.” Article 17 of the ICCPR, effective in 1976, echoes Article 12 of the UDHR, while Article 12(1) of the Covenant provides that “[e]veryone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.” Article 12(3) restricts a state’s ability to restrict the guaranteed right, stating that the “above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.”

While forced evictions are generally outlawed under the UDHR, ICESCR, ICCPR, and any other regional or national laws which are relevant to the host city, evictions can be justified if they are necessary for a state interest and if they are “in accordance with general principles of reasonableness and proportionality.” According to a 2009 Human Rights Council Report by Raquel Rolnik, the U.N. Special Rapporteur on “adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context,” largely form the basis of international human rights as a whole. See Fact Sheet No. 2 (Rev. 1), The International Bill of Human Rights, United Nations (June 1996), available at http://www.ohchr.org/Documents/Publications/FactSheet2Rev.1en. pdf.

57. Id., art. 17(3). It is important to note, however, that the ICESCR and the ICCPR have not yet attained the status of customary international law, and remain binding over only those States which are signatories to the Conventions.
59. The context of the report was regarding sporting mega-events, specifically the Olympic Games and the FIFA World Cup.
an eviction is justified under international law if it is in accordance with the following procedural protections:

(a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice to be given to all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, Government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.\(^6\)

Even if all of these requirements are met and the evictions are justified, the evictions should not leave evicted individuals homeless. Therefore, the State “must take all appropriate measures” to ensure that there is adequate alternative housing.\(^6\) As discussed immediately below, in most cases, Olympic-related evictions rarely meet these requirements.

2. The effect of the Olympics and Forced Evictions

Due to the demanding reality of hosting the Olympic Games along with the fact that the Games are often hosted in marquee and therefore densely populated locales, many host city inhabitants have had their property rights violated without adequate compensation. Simply put, given that the IOC demands that the potential host cities be willing and able to build “26 simultaneous world championships [stadiums] in one place every four years,” along with the fact that the cities have to provide housing for thousands of athletes and potentially millions of tourists, it is no surprise the host cities often have to evict private owners to ensure that they have the requisite space to build the quintessential Olympic experience.\(^6\) As with most human rights violations, the poorest segments of Olympic societies are often the worst off.

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60. See Rolnik, supra note 58, at 11-12.
61. Id.
62. See McDonald, supra note 12. It is important to note that these requirements also pose huge financial problems for the hosting city and country. A stark example of this is what has happened in the aftermath of the 2004 Athens Games, where many of the former Olympic venues have become nothing more than ruins.
Due to the host city’s desire to present the “best” image possible, gentrification efforts often lead to a substantial reduction in the amount of social, or low-income, housing that is available in the host city. This is largely because in preparing for mega-events, the State often targets underdeveloped neighborhoods and public housing. At the same time, it is important to note that Olympic committees, again working with good intentions, may purposefully target more run-down locales in the hopes of using the Olympic Games as an opportunity to develop those areas. However, “[d]espite the language of emptiness and dereliction that occupies the planning rhetoric for the Games, there have been people living in, working in and using these ‘brownfield’ or ‘empty’ or ‘run down’ sites, who [have] suffered displacement as a result.”63 Indeed, according to the Rolnik Report:

Examples of decreased availability of social housing include (a) in Atlanta, 1,200 social housing units for the poor were destroyed in preparation for the Olympic Games; (b) in Sydney, reports suggest that around 6,000 people were made homeless in the run-up to the Olympics; (c) in Vancouver, more than 1,400 low-income housing units were lost in connection to real estate speculation generated by the 2010 Winter Olympic Games; (d) in South Africa, the Minister for Housing noted that plans to build hundreds of thousands of new low-cost homes could be affected by shifting budget demands in the run-up to the 2010 World Cup; (e) in London, the Clays Lane State, a historic social housing on the Olympic Park site where around 400 people lived, was demolished.64

Despite the attention that this issue has previously received, the situation is no different for the two upcoming mega-events in Brazil—the 2016 Olympic Summer Games as well as the 2014 FIFA World Cup—where it is being reported that “similar displacements are on the rise. Various blogs and citizen media sources are reporting on thousands of evictions in the city, both in the Olympic zone and in the city’s many slum areas.”65 The problem is not merely that individuals are being forcibly evicted, but also that they are not receiving fair compensation for their losses.

63. See Smith, supra note 45, at 54.
64. See Rolnik, supra note 58, at 8-9.
Forced evictions also occurred in the build-up to the 2014 Sochi Winter Olympic Games. According to Human Rights Watch, the Russian government is currently “ resettling some 2,000 families to make way for Olympic venues and infrastructure,” and in many cases, “homeowners were forced out with no compensation at all. Many resettled residents lost a portion of their livelihoods because they depended on agriculture or income from seasonal rents in their seaside homes.” In both Sochi and Rio, the Russian and Brazilian governments, in a minority of cases, are offering to pay the residents for their homes, and in others, are offering to give the evicted individuals replacement homes in a different location. However, the payment is often not enough to afford a home in the same area, which was previously low-income, due to the gentrification brought by the Olympic Games. In the case of the replacement homes, many of homes are “so far out of town that [the evicted individuals] would face an additional two hours of commute time to work.” Indeed, the issue seems to be that in comparison to the perceived good that the host city is set to gain from hosting the Games, “[h]ousing concerns and commitments . . . are often neglected in the planning and bidding process, which can lead to violations of human rights.”

B. Forced Displacement

1. International Law

Forced displacement, which is closely linked to forced evictions, is outlawed by a number of regional and national laws throughout the globe. On the international level, the UDHR and the ICCPR both

67. See Rolnik, supra note 58, at 9 (For example, during and following the Seoul Games, “apartment prices increased by 20.4 percent...and land prices soared by 27 per cent in 1988, the steepest rise since 1978.”) (internal citations omitted); see also Solomon J. Greene, Staged Cities: Mega-events, Slum Clearance, and Global Capital, 6 Yale Hum. Rts. & Dev. L.J. 161, 179 (2003).
68. Rolnik, supra note 58, at 9.
69. Id. at 17.
70. Protocol 4 of the European Convention on Human Rights (“ECHR”) is perhaps the regional instrument most worthy of discussion. Passed in January 2010, Protocol 4 expanded the rights of individuals under the ECHR. Article 2(1) of the Protocol provides that “[e]veryone lawfully within the territory of a State shall,
Ankur Shingal

recognize and protect the freedom of movement as a fundamental human right. Article 13 of the UDHR states that “[e]veryone has the right to freedom of movement and residence within the borders of each State.”71 Article 12(1) of the ICCPR, the same article that protects individuals from forced evictions, also provides protection from forced displacement, stating that “[e]veryone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement…”72 As noted above, Article 12(3) restricts any State’s ability to restrict an individual’s right to movement, except for certain purposes such as “to protect national security.”73

2. Effect of the Olympics and Forced Displacement

Forced displacement, like forced evictions, usually occur due to the host city’s desire to present the most enhanced version of the city to the world. Unfortunately, due to that desire, host governments have often found it necessary to forcibly remove individuals who do not fit their view of an idealized city. Indeed, as Joel John Roberts, publisher of www.PovertyInsights.com, wrote, “[w]hat do the Olympics, the Super Bowl, and political conventions have in common? Watched by millions of people all over the world, the cities hosting these enormous gatherings… literally ‘clean up’ their communities by sweeping out people who are homeless.”74 Perhaps most troubling of all, however, is the fact that the Olympic governments have routinely passed laws to enable their police force to legally to remove “undesirables,” effectively working around international human rights protections.

Yet again, examples of human rights abuses abound. During the 1988

within that territory, have the right to liberty of movement…” Article 2(3) and 2(4) restrict a State’s ability to limit the freedom of movement to situations in which the restrictions are “in accordance with law and are necessary in a democratic society in the interests of national security or public safety for the maintenance of ‘ordre public’, for the prevention of crime, for the protection of rights and freedoms of others.” Id., available at http://www.hri.org/docs/ECHR50.html#Protocols.

71. UDHR, supra note 51, art. 13(1).
72. ICCPR, supra note 56, art. 12(1) (emphasis added).
73. Id.
Seoul Winter Games, the South Korean government passed the Urban Redevelopment Law (Public Law #3646) which was “passed under the guise of city beautification.”\textsuperscript{75} Along with the fact that approximately 48,000 homes were destroyed to build high-rise apartments, many of which the previous homeowners could not afford to live in, “[c]loser to the Games, homeless people and street peddlers were also rounded up and removed from the city for ‘beautification.’”\textsuperscript{76} The 1996 Atlanta Summer Games, perhaps most famous for the racial tension between the police and many of Atlanta’s inhabitants, were preceded by “over 9,000 homeless people, predominantly African-American men” being arrested pursuant legislation that had been passed within a year of the Games. For example, homeless individuals were being arrested for sleeping in parks or on the street under Chapter 110, Article I, Sec 106-12, which had been passed in 1996, and entering a parking lot without owning a car parked there under Chapter 106 Article II, Sec. 106-57, which had also been passed in 1996.\textsuperscript{77} Even the 2000 Sydney Summer Games, which are widely considered to be the “best Olympics ever,”\textsuperscript{78} were preceded by the Homebush Bay Operations Act and Regulation and the Sydney Harbour Foreshore Authority Act, both of which were passed in 1999, that allowed police to remove individuals for “vague reasons such as causing ‘annoyance or inconvenience’ or using indecent language…or attempting to sleeping…overnight.”\textsuperscript{79}

\textsuperscript{75} Katie Hyslop, With Olympics Came New Laws to Sweep up Homeless: Four recent host cities criminalized and removed street dwellers leading up to the Games, The Tyee (Oct. 14, 2009), available at http://thetyee.ca/News/2009/10/14/OlympicsHomelessLaws/.

\textsuperscript{76} Id.

\textsuperscript{77} Id. Even more worrying was the fact that the Metro Atlanta Task Force for Homelessness “later uncovered pre-printed arrest citations that had ‘male, African American, homeless’ typed on them, with the name and crime left blank.”


\textsuperscript{79} Hyslop, supra note 75. Notably, thanks to police commander Donald Graham who believed that the homeless had every right to be on the streets, the Centre on Housing Rights and Evictions noted that the homeless were not significantly impacted by the Games.
Finally, it is important to note that the homeless, while perhaps being the most adversely affected, were not the only ones whose freedom of movement is restricted in the buildup to the Games. Russian President Vladimir Putin recently signed a decree “to tighten security in the Black Sea resort of Sochi during the 2014 Winter Olympics, imposing restrictions on freedom of movement and assembly that critics [say violates] human rights.”80 The decree has effectively created a “prohibited zone” which bars “travel in to Sochi by road without special permission and banning public gatherings.”81 The decree violates not only the international instruments previously discussed, but also Article 27 of the Russian Constitution which states that “[e]veryone who is lawfully within the territory of the Russian Federation has the right to freely move and choose a place of stay or living.”82 Although there are exceptions to the right to movement, as Nikolai Alexeyev, a gay rights activist notes, “[t]here has been no precedent in history in which peaceful demonstrations have been banned in a city where the Olympics were being held.”83

C. Migrant Worker Abuse

1. International Law

The international law regarding migrant workers is best captured under four international instruments: the UDHR, the ICESCR, the ICCPR, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (“ICRMW”), the latter of which was passed in 1990 but entered into force on July 1, 2003.84 The UDHR provides a broad scope of protection for workers, beginning with

81. Id.
83. Gutterman, supra note 80.
84. Id., available at http://www.osce.org/eea/19246. This is not to say that these are the only conventions that could be applied to migrant workers. Indeed, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) could be applied to a female migrant worker. However, this paper only addresses the four mentioned instruments due to their universality in the case of the first three and the direct applicability of the latter.
Article 4 which categorically prohibits slavery or involuntary servitude.85 Article 23 states:

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. (2) Everyone, without any discrimination, has the right to equal pay for equal work. (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. (4) Everyone has the right to form and to join trade unions for the protection of his interests.86

Finally, Article 24, perhaps the broadest protection of its kind, ensures that “[e]veryone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.”87

The ICESCR also enumerates a number of protections. Article 6 recognizes the right to work while also ensuring that everyone has the opportunity to gain his living by “work which he freely chooses or accepts.”88 Article 7, perhaps the most relevant to migrant workers, ensures that the working environments are “just and favourable” while also guaranteeing safe and healthy working conditions along with reasonable hours. Article 10 specifies that working mothers should be “accorded paid leave” during their pregnancy and also special measures should be created to protect working children.89 Article 8 of the ICCPR prohibits slavery and involuntary servitude, although forced labor is allowed under four circumstances: labor as a consequence of a court order, military service, service exacted in an emergency, and any work related to normal civil obligations.90

The ICRMW “seeks to establish minimum standards that States parties should apply to migrant workers and members of their families, irrespective of their migratory status.”91 The Convention defines a migrant

85. UDHR, supra note 51, art. 4.
86. Id., art. 23 (emphasis added).
87. Id., art. 24.
88. ICESCR, supra note 55, art. 6.
89. Id. art. 7, 10.
90. ICCPR., supra note 56, art. 8.
91. The International Convention on Migrant Workers and its Committee: Fact Sheet No. 24 (Rev. 1), Office of the United Nations High Commissioner for Human
worker as “a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.”

The convention consist of nine parts, which discuss non-discrimination with respect to rights of migrant workers (Article 7) and a number of other human rights which apply regardless of their migratory status.

Although the ICRMW is in forced—it has been ratified by 36 states—none of the migrant-receiving European or North American states, in addition to other receiving states such as Australia, India, South Africa, and most Arab states in the Middle East, have signed the Convention.

Given that most mega-events, including the Olympic Games, are usually hosted by countries which tend to be destination states for migrants, e.g. the United States or European nations, the ICRMW may have limited applicability to migrant workers who move to such states in the lead up to the Olympic Games.

2. Effect of the Olympics on Migrant Workers

Migrant worker abuse has a long history as a major human rights violation in the lead-up to the Olympic Games and other sporting mega-events.


92. Id.

93. This means that a migrant worker should not be discriminated against on the basis of “sex, race, colour, language, religion or conviction, political or other opinion, national, ethic or social origin, nationality, age, economic position, property, marital status, birth or other status.” Id. at 5.

94. Part III of the Convention, from Article 8 to Article 35, discusses a number of these human rights. The rights discussed include the right to life (art. 9), the right to just and favorable conditions of work and to the rest and leisure (art. 25), and the right to social security (art. 27).

95. Rather, the bulk of signatories are primarily countries of origin of the migrants.

96. The International Labour Organization (“ILO”) is a notable player in the labor-related human rights realm. The ILO is one of the chief organizations that work on behalf of laborers, including migrant workers, on the international stage. It has adopted nearly 190 international conventions, which upon adoption, are held to be international labor standards. The ILO boasts one of the widest memberships of any international organization, including nations from every region in the world. See Regions, International Labour Organization, available at http://www.ilo.org/global/regions/lang--en/index.htm. However, because the ILO promotes laborers rights by registering complaints against violating states, but is itself not a source of international human rights, this paper does not discuss the organization or its many conventions at length.
Indeed, Human Rights Watch published “One Year of My Blood,” a report that documented the exploitation of migrant construction workers prior to the 2008 Beijing Games. The report detailed a number of instances of exploitation, focusing on faulty or non-existent labor contracts, unpaid wages, substandard wages, inadequate food and housing, unsafe working conditions, lack of insurance, and the denial of basic services linked to China’s household registration system. Given that the ILO estimated that “some 90% of the workforce [was] composed of migrants” amounting to 150 million workers, the situation in the lead-up to the Games was dire. Indeed, according to HRW, “many of the estimated one million migrant workers who built the Olympic venues faced insufficient and sometimes unpaid wages as well as hazardous working conditions, with few means of redress.”

The situation surrounding the recently completed Sochi Games was no better. HRW, in February 2009, published “‘Are You Happy to Cheat Us?’: Exploitation of Migrant Construction Workers in Russia,” which like the Beijing publication, documented abuses of migrant workers. More recently, HRW published “Race to the Bottom: Exploitation of Migrant Workers of Russia’s 2014 Winter Olympic Games in Sochi,” a 67-page report that dealt specifically with the effect of the Games on migrant workers. According to the report:

Human Rights Watch has found that workers on these sites have been subjected to a range of abuses, including: non-payment of wages or excessive delays in payment of wages; illegal deductions in wages; withholding of identity documents, such as passports and work permits; non-provision of employment contracts or failure to respect terms of a contract; excessive working hours and working extra hours

98. Id. See section IV.
99. Id. at 8.
100. Submission to the 2009 Olympic Congress, supra note 9.
without payment of overtime; few days off and no paid days off; and overcrowded employer-provided housing and inadequate employer-provided meals. In addition, in several cases documented by Human Rights Watch, employers retaliated against migrant workers who protested against abuses by denouncing them to the authorities, resulting in the workers’ expulsion from Russia.\(^\text{103}\)

Given that Sochi is less than twenty miles away from the Georgian border and Chechnya, regions that have been problematic for Russia’s domestic and foreign policy alike, it is likely that the Russian government would suppress any form of dissent prior to Games very harshly.\(^\text{104}\)

Based on these statistics, it is abundantly clear that migrant workers, who usually enter the host nation in droves due to the related increase in job opportunities, are subjected to a number of violations. While the numbers are indeed worrying, the larger issue is the fact that the IOC, despite being presented with numerous past publications both from HRW and other human rights advocacy organizations, has failed to take meaningful steps to remedy the situation. As with the other human rights violations mentioned in this section, it seems that the IOC either does not know how to address the issue or is simply not interested in doing so. As the next section illustrates, however, the international community, which presumably has a stronger interest in protecting human rights, does have the capacity to force the IOC to move towards creating stronger mechanisms for human rights protection.

IV. WHY THE INTERNATIONAL COMMUNITY CAN PRESSURE THE IOC TO COMBAT THE GAMES’ NEGATIVE HUMAN RIGHTS LEGACY

It has become increasingly clear over the past few decades that the Olympics have had and continue to be the source of numerous human rights violations. The IOC, in its capacity as the governing body of the Olympics, has an obligation to ensure that the Games are conducted in a manner that respects and promotes human rights. However, in the case of the 2014 Sochi Winter Olympics, there is evidence that migrant workers who entered Russia for the purpose of working at the Games were subjected to various forms of exploitation and abuse.


104. Id.
rights violations in host cities. Thanks to the significant media focus and human rights advocacy on the issue, the Olympic Games’ dark side has become more exposed than ever. The increased exposure presents the logical questions of why has the IOC has not done more and, relatedly, how can the IOC be pressured to do more?

Although the evidence indicates that the IOC has not been effective in addressing human rights issues, the lack of evidence should not indicate that the IOC does not recognize the disturbing relationship between the Games and a decline in the host city’s inhabitants’ human rights. The IOC has spent significant resources and time attempting to both address and sidestep that problematic relationship. For example, the IOC endorsed “Agenda 21: Sport for Sustainable Development” during its Session in Seoul in June 1999.105 The Agenda, which is not enforceable as international law but acts as a declaratory document on behalf of the IOC, has three major objectives: improving socio-economic conditions, conservation and management of resources for sustainable development, and strengthening the role of major groups. At a more specific level, the Agenda states that at Olympic-type events, “the creation of living accommodation for athletes and other members of the sports movement must be designed to provide a boost to local housing strategies, not forgetting the poorest members of society.”106 At the same time, the IOC has been quick to address its “limited” ability to bring about substantial humanitarian change. For example, in response to a letter from Human Rights Watch regarding the anti-LGBT laws recently passed in Russia, the IOC stated “[w]hilst we clearly expect any Olympic Games…to take place without any form of discrimination, it is important to stress that the IOC’s remit is limited to the scope of the Games. For instance, the IOC cannot influence national legislation and has to respect the law of any host country.”107 Although the IOC’s power is indeed limited in that it cannot demand that a state change its laws to be in line with the Olympic

106. Id.
Charter, because the IOC is the governing body that has the final say on all matters related to the Olympic Games, including the selection of the host nation, the IOC wields considerable clout on the international field.

Given that the IOC, thanks to its high visibility and significance, can influence human rights reform in those countries interested in hosting the Games, along with the fact that thus far, the organization has not yielded that influence to affect reform, the international community must pressure the IOC to better take into account the human rights ramifications of the Games. Before addressing which issues the international community should pressure the IOC to consider and resolve, it is important to consider previous (and present) instances in which international sporting entities have altered their behavior in response to international pressure. In doing so, this section focuses on the two most global sporting institutions: the Fédération Internationale de Football Association (“FIFA”) and the IOC.

### A. FIFA

FIFA, the international governing body for soccer, futsal, and beach soccer, is among the most recognizable and influential international sporting organizations in the world. Over the past few months, however, FIFA has come under considerable pressure to remedy a number of different international concerns related to human rights violations.

FIFA, like the IOC, has received significant criticism for two issues: abuse of laborers who are building the infrastructure for the 2014 Brazil and 2022 Qatar World Cups and racism surrounding the “beautiful

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108. FIFA, although not under the IOC or subject to the Olympic Charter, is very similar to the IOC in terms of the international scrutiny and attention that it receives. As such, the similarities between the two largest sporting institutions, especially in the realm of international human rights, should not be overlooked.

109. Indeed, FIFA boasts 209 member nations and is among the most followed sporting entities in the world. For example, Joseph S. Blatter, the controversial FIFA President, was recently voted “sport’s most influential man” in a poll conducted by *Sportsbusiness International* magazine. According to the magazine, “[Blatter’s] personal influence is naturally bolstered by the fact that oversees the ‘Global Game’ and that the FIFA World Cup is undoubtedly the greatest single sport event in the world.” *Poll: Blatter sport’s ‘most influential man’, FIFA.com, The Organisation, (Dec. 10, 2009), available at http://www.fifa.com/aboutfifa/organisation/president/news/newsid=1146745/index.html.*
The abuse of laborers in the lead up to the Brazilian and Qatari World Cups has become well-documented in recent months. In Brazil’s case, with the World Cup set to begin in just over eight months and many of the venues far from being finished, numerous media and human rights watchdogs have begun to report that workers are working in “slave-like conditions” and are “living in unsuitable accommodation near the building site[s].” The situation is perhaps even worse in Qatar, where the media is reporting on the atrocious treatment of migrant workers, most of who hail from South Asia. Many media outlets are comparing the migrant workers, who are bound to their employers under the kafala system, to slaves in terms of the conditions that they are forced to work in. Even more disturbing is the fact that forty-four migrant workers have already died due to their working conditions, leading Sharan Burrow, the general secretary of the International Trade Union Confederation, to predict that “[m]ore workers will die building the [Qatari] World Cup infrastructure than players will take to the field.” In both instances, however, thanks in large part to the building media attention, a number of international organizations have begun to pressure both the host nations and FIFA itself to address the situation. Importantly, and as an illustration of the power international pressure, FIFA has responded to the criticism by pressuring the host cities to address worker abuse. For example, the FIFA Executive Committee recently publicly acknowledged considering a letter from a group of workers’ rights protestors in relationship to the Qatari World Cup. Notably, in light of the international pressure, Ali Al Khulaifi,
Ankur Shingal

an international relations adviser at Qatar’s Ministry of Labor and Social Affairs, stated that Qatar was going to take concrete steps to ensure that its labor rules were enforced.116

FIFA has also attracted negative attention for the rise of racism throughout the sport. Whether in relation to a league match in the Italian League117 or a World Cup qualifying match between two Eastern European nations,118 FIFA has come under siege by the international media and players themselves to better address the ugly issue. Given soccer’s checkered history with both racism and hooliganism119 and its own statutory prohibitions of racism,120 FIFA has been quick and relatively effective in its response. For example, FIFA President Sepp Blatter “created a racism task force after Ghana midfielder Kevin-Prince Boateng, then playing for AC Milan, led his teammates off the pitch after being abused by fans during a friendly against a fourth-tier Italian club.”121

In addition, FIFA has taken punitive action against teams and countries whose fans utter racist chants at specific players or teams122 while also publicly rating countries on the basis of racism and discrimination.

116. Id.


120. Article 3 of the FIFA Statutes states: “Discrimination of any kind against a Country, private person or group of people on account of race, skin colour, ethnic, national or social origin, gender, language, religion, political opinion or any other opinion, wealth, birth or any other status, sexual orientation or any other reason is strictly prohibited and punishable by suspension or expulsion.”


122. See, e.g., Drayton, supra note 118.
issues. Although it is still too early to tell whether FIFA’s recent efforts to combat racism are paying immediate dividends or not, FIFA’s quick and resolute reaction to international pressure presents two lessons: first, that international sporting organizations are susceptible to international pressure, and second, that such organizations can take meaningful and immediate action regarding human rights issues.

B. IOC

The IOC itself has been susceptible to international pressure in the past, relating to both human rights and non-human rights issues. From the human rights perspective, the IOC has been responsive to international scrutiny regarding Russia’s recently passed anti-gay legislation which bans propaganda on non-traditional sexual relationships. With many human rights organizations and UN representatives demanding that the IOC take action against the Russian law, including requesting that the IOC cancel the Sochi Games all together, the IOC required the Russian government to provide assurances that the new law would not affect Olympic athletes or tourists. Following the IOC’s request, the Russian government acquiesced, stating that “[t]he Olympic Games is a major international event. We need to be as polite and tolerant as possible. That is why a decision has been made not to raise [the anti-gay legislation] during the Olympics.” Although human rights organizations and advocates have called for more binding instruments rather than reliance on assurances, the Russian government’s assurances illustrate that the IOC, while being susceptible to international pressure itself, can inspire action from host nations.

123. See FIFA plans league table, supra note 121.
The IOC has also been responsive to international backlash on issues not pertaining to human rights. A notable and recent example was the IOC’s reconsideration of its decision to eliminate wrestling as a “core sport” for the Olympic Games. In early 2013, the IOC determined that wrestling, a sport with a rich history dating back to the Ancient Olympic Games, was to be dropped from the Olympic Games. However, based on its rich tradition, Olympic and wrestling enthusiasts, including the Fédération Internationale des Luttes Associées (FILA), otherwise known as the International Federation of Associated Wrestling Styles, began to petition the IOC to reverse its provisional decision to remove the sport. In response to losing its Olympic position, FILA made significant changes, such as simplifying the sport, to ensure that it would regain its position. After only seven months, wrestling regained its position in the Olympic program, thanks both to necessary changes to the sport itself, but also due to the notable international reaction associated with wrestling’s original removal.

V. ISSUES THAT THE INTERNATIONAL COMMUNITY SHOULD PRESSURE THE IOC TO RECONSIDER

As illustrated above, the international community can influence international sporting organizations, including the IOC, to take better account important international issues. Based on the fact that the Olympic Games continue to have negative human rights ramifications, the international community must pressure the IOC to begin substantial human rights reform.

In response to international outcry, the IOC, for its part, has routinely responded that while the IOC has authority on issues related to the Games, the organization’s “remit is limited to the scope of the


Games. For instance, the IOC cannot influence national legislation and has to respect the law of any host country.” Indeed, the IOC argues that it relies on “quiet diplomacy,” where it works with the host country behind closed doors, while public clarifying that it is “a sports organization, not a government or political body.” While the Olympic Charter does limit the IOC’s authority, the IOC’s position that it is unable to influence national legislation does not seem to be true, and in fact, seems to fly in the face of the IOC’s desire to be considered a leading international organization. Given that the international community is able to influence the IOC, there are a plethora of issues that international community could highlight. Rather than discuss each issue, this paper focuses on three issues that are significant, yet require only limited action from the IOC.

A. Ensure that Human Rights Issues are explicitly considered during the Selection Process

As previously discussed, the IOC does not consider human rights explicitly during the selection process. Indeed, while the IOC explicitly analyzes a number of themes in addition to other considerations (especially financial ones), human rights concerns are never overtly discussed. A change as simple as explicit consideration of a potential host country’s human rights record and assurances may be effective for two reasons. First, although there is reason to believe that human rights issues are considered despite not

129. See Olympics: Next IOC Leader, supra note 107.; see also Laura Mills, IOC satisfied Olympic Charter Respected for Sochi, Associated Press (Sept. 9, 2013), available at http://www.mercurynews.com/olympics/ ci_24179694/ioc-fully-satisfied-over-russias-anti-gay-law (reporting that Jean-Claude Killy, the chairman of the IOC Coordination Commission, stated: “the IOC doesn’t really have the right to discuss the laws in the country where the Olympic Games are organized. As long as the Olympic Charter is respected, we are satisfied, and that is the case.”).

130. Whiteside, supra note 128.

131. This position is best surmised by Rod McGeogh, one of the leaders of Sydney Olympic Games, who stated: “On one hand…[the IOC] speaks on the floor of the United Nations, it wants to be a respected international body. If you take that as the stand, then I just can’t see how you can ignore the human rights issues…and I can’t see how the IOC could say ‘Well look, that’s a domestic matter, it’s of no concern to us.” Andrew Chang, How an Olympic Host City Is Determined, ABC News, available at http://abcnews.go.com/International/ story?id=80796&page=1.
being listed, the more explicit consideration of human rights violations, both in the lead-up to the Games and during the Games themselves might ensure that the selection committee only chooses those states which are most able to meet international human rights laws’ requirements. For example, if the voting members were provided with presentations or pamphlets regarding human rights issues from each candidate city, they would be better able to consider all of the ramifications that the Games could have on the host city and city’s inhabitants. Second, by making it clear to potential candidate cities that human rights concerns are going to be considered explicitly, potential candidate cities will either decide not to host the Games, assuming that they do not want to be analyzed through the international human rights microscope, or they will have to develop meaningful solutions on how to ensure that human rights are protected. In either case, the IOC can ensure that human rights concerns, by being explicitly listed as a leading consideration during the selection process, will be given the attention that they deserve.

As the situation stands right now, the IOC is unwittingly sending the message that venue and financial considerations take precedence over human rights concerns. While the IOC may in fact see such a trade-off as nothing more than collateral damage—which seems to be the case given the lack of substantive reform—international pressure has the capacity to rebalance the scales. Even more, as illustrated by the Russian government’s about-face in relation to its anti-gay legislation, host and potential host nations are clearly willing to meet the IOC’s requirements when the right to host the Games is on the line.

B. Define Adequate Compensation

Adequate compensation, especially in regards to compensation for forcible eviction and displacement, is a requirement under international law. While there are many instances in which individuals were not compensated at all, in those cases where the state did compensate the individual, most of the compensation was, for practical purposes, inadequate to ensure that

132. See Mastrocola, supra note 19, at 145-46 (“[a]lthough the IOC report makes no reference to human rights issues, Anita DeFrantz, the American member of the IOC that chose the 2000 Olympiad site, has indicated that the committee seriously considers human rights arguments.”).

133. See, e.g., Whiteside, supra note 125.
the individual would be able to maintain his or her standard of living as it was prior to the Games. In the case of forced evictions, for example, such evictions, though generally considered to be a violation of the evicted individual’s human rights, can be legitimate if that individual is sufficiently compensated for his or her loss. However, because there is no standard for adequate compensation, governments often provide either cash values that do not adequately capture the value of the individual’s home or the replacement homes that are, due to distance from the original home or value of the land, fall far short of any possible notion of adequacy.

Given that governments, while projecting the outward appearance of respecting international law, are able to violate individuals’ property rights, the IOC should provide a clear standard that governments must abide by to ensure that individuals are compensated both consistently and adequately. Admittedly, the IOC itself is not a source of international law and cannot force individual states to change relevant legislation. However, the IOC, if it were to alter or interpret the Olympic Charter to provide for a minimum level of adequacy, could force potential host nations to take into account the cost of compensation, both when in both deciding when deciding whether to bid to host the Games and on how to finance the Games. As with the previous recommendation, the international community can pressure the IOC to take a small step—providing a definition of adequate compensation that is in line with international human law requirements—that can force potential host nations to change their calculus in deciding to host the Games.

C. Create a Permanent Human Rights Mechanism

Perhaps the highest hurdle that international human rights advocates have to traverse is that the IOC seems to be in favor of ensuring a magnificent experience to the rest of the world regardless of how that experience is created. Though the IOC has been responsive to international criticism in the past, the same human rights violations seem to occur in the lead-up to and during nearly every Olympiad. The recurring violations may be due to two issues. First, the IOC only requires that specific host nations provide assurances that they will respect and protect the human rights of their inhabitants. However, these assurances do not have any precedential or subsequent value, and therefore any assurance from the Chinese government regarding migrant workers would have no effect on violations
that the Qatari government may later perpetrate. Even more, given that these assurances are often not contractual or binding in nature, there does not seem to be any enforcement or punitive mechanism through which a state can be punished for violations of those assurances. Second, because there is no office or entity within the Olympic Movement whose sole duty is to monitor and address human rights violations, such concerns are often ignored by the IOC while it focuses on the more glamorous aspects of the Games.134

Given the huge amount of revenue that the Olympic Games create, the international community should pressure the IOC to create a permanent organization or mechanism within the Olympic movement, in a similar fashion to how NOCs or OCOGs exist, which would focus on both the integrating human rights into the Olympic process while also monitoring human rights violations by host nations. Human Rights Watch, citing to the First Fundamental Principle of Olympism and Theme 3.2, both of which refer to “good governance and ethics,” has already begun to petition the IOC to create an “IOC standing committee on human rights, which would set and monitor human rights benchmarks” that all host nations would be obligated to meet.135 While HRW’s proposal is one of many possible frameworks,136 the proposal illustrates the importance of a standing mechanism that will be solely concerned with the protection of human rights. Such an organization or committee would be able to focus on human rights violations, leaving the IOC and its subsidiary organizations, such as the NOCs, to work on other aspects of the Olympic Games. While this recommendation is the most financially demanding of the ones presented, a permanent mechanism may in fact be the most important reform that the IOC can undertake.

134. Perhaps a more generous story could be that the IOC, in having to manage nearly all major events prior to an Olympiad, simply does not have the manpower to also monitor human rights violations. Regardless of how one chooses to paint the IOC, human rights violations must be monitored.
136. Another could be that the IOC require that once a host city is chosen, the host government must create a temporary committee, ideally headed by a third party, to monitor and report on human rights violations. Under this framework, the IOC would be able to pass the buck onto the host nation without having to create a permanent mechanism itself.
VI. CONCLUSION

The Olympic Games are a study in contrasts. While it is thought to be a blessing for host cities, an opportunity to recreate themselves\(^{137}\) and welcome the world in the name of international cooperation and sport, it has also become a something of curse, for both the city and its inhabitants, but also for the Olympic Movement in general.

Unfortunately for human rights advocates, the Olympics have developed a dark-side in which the powers at be, most specifically the International Olympic Committee, seem to favor magnificent Games rather than the human rights violations that occur in the effort to create that magnificence. Given that the situation from Olympiad to Olympiad has not improved, the international community, in order to better address the human rights implications of the Games, must begin to pressure the IOC to better take into account human rights issues in its selection process. While this paper presents three issues that the international community should focus on—(1) force explicit consideration of human rights during the selection process; (2) define adequate compensation, especially in regards to forced evictions and displacement; and (3) create a permanent human rights mechanism—there are a number of other issues that the international community can champion. As this paper has illustrated, the IOC, as the main organ of the Olympic movement, is susceptible to international influence, especially from its key constituents. Indeed, for the betterment of future host cities, and for the Olympic Games to live up to the lofty ambitions of the Olympic Charter, the international community must act.

\(^{137}\) As Andrew Chang stated, “Olympic selection is a high-stakes game, with no medal for second or third place...the winner stands to pour in billions more for a chance at lucrative TV and sponsor revenues, as well as prestige on the world stage.” Chang, supra note 128.