



All Party Parliamentary Group on Sport, Modern Slavery & Human Rights
Call for written evidence: Sport, Modern Slavery and Human Rights

Response by British Telecommunications plc (BT plc)

Summary of evidence

- BT plc. has committed to implementing the UN Guiding Principles on Business and Human Rights
- As part of that commitment, BT has collaborated with others in the Mega Sporting Events (MSEs) Platform for Human Rights¹ (Platform) led by the Institute for Human Rights & Business (IHRB)
- BT continues to do as part of the Advisory Council for the Centre for Sport and Human Rights
- BT has been chairing the Broadcast Taskforce of that Platform, working alongside Sky, Discovery and ITV with the support of IHRB
- The Platform published White Papers in January 2017² of which the Broadcaster Taskforce contributed a paper on 'Broadcasters and Human Rights in the Sports Context'. A due diligence tool for Broadcasters has now been published³.

- Broadcasters pay fees for the rights to broadcast sports events to their audiences
- There are various broadcasting models which determine the level of editorial control a broadcaster has over the material that goes to air, either because the event is broadcast live, or because they receive it from another broadcaster and have less editorial control
- Broadcasting sporting events can involve risks to the rights of privacy, freedom of expression and freedom from discrimination
- Regulatory requirements in the country where the material is broadcast can help to mitigate some of these risks
- The teams required to broadcast an event can be very large and diverse (e.g. freelance broadcast production specialists, as well as catering and other staff) and may be convened at short notice, potentially involving risks to responsible recruitment
- Implementing human rights policies, processes and due diligence by all those involved in staging sports events is vital to good governance and making sport accessible and enjoyable for everyone.

Broadcasters Questions

1) *What is the role of broadcasters in MSEs? Why do they need to consider their linkage to human rights abuse in connection with MSEs?*

Most would agree that sport has the power to bring communities and nations together. As broadcasters we are the world's eyes on sporting events and there's a level of responsibility that comes with that. Broadcasters therefore play a very important role in MSEs.

¹ <https://www.ihrb.org/megasportingevents>

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https://www.ihrb.org/uploads/reports/MSE_Platform%2C_Broadcasters_and_Human_Rights_in_the_Sports_Context%2C_Jan_2017.pdf

³ <https://www.sporhumanrights.org/en/resources/sport-broadcasting-and-human-rights-guiding-questions2>

However, broadcasters rarely have control over where a sporting event will take place. This is fully managed by the sports' governing bodies through often very complex bidding processes. Broadcasters generally become involved with MSEs once a host country has been awarded the MSE, after which broadcast rights are offered.

The nature of the broadcast rights that are secured and broadcasting method deployed will have an effect on what role a broadcaster plays in an MSE:

- *Host broadcaster*: where broadcasters have full editorial control, including full control of the pictures, the location of presentation positions, the audio and the presenters
- *World feed with commentary*: where broadcasters take the full live programme from the host broadcaster including presentation and commentary
- *World feed without commentary*: where broadcasters receive the pictures and presentation from the host broadcaster but they provide their own commentary
- *Acquired & commissioned content*: where broadcasters either buy fully completed programmes or they commission original content (not necessarily applicable with MSEs).

Within this context of the various broadcasting models, the human rights issues that come into play include:

- Freedom of expression
- Protection from discrimination on the grounds of sex, race, language, religion etc.
- Children's right to protection
- Right to privacy
- Right to participation.

In addition, responsible recruitment and worker safeguards must be considered for production teams, which are often brought together on an ad hoc basis at short notice.

Many of the human rights risks associated with broadcasting material are already covered by regulatory frameworks with which broadcasters must comply. For example, in the UK, broadcasters must adhere to the core principles of the Ofcom Broadcasting Code⁴. This Code has been drawn up with the Human Rights Act 1998 and the European Convention of Human Rights factored in. Ofcom can investigate any broadcast issue which may be considered a potential breach of Code. When serious or repeated breaches occur, Ofcom can levy a fine or revoke a broadcaster's licence.

In the role of providing entertainment and information, broadcasters of MSE events must therefore consider the causal links to human rights risks (such as freedom of expression, privacy and discrimination). The payment of fees to broadcast events may also lead to linkage to human rights abuses if rights fees contribute to these events being able to take place. Many companies like BT already use the UN Guiding Principles for Business and Human Rights to guide their approach in addressing human rights risks when doing business. Whilst broadcasters have limited leverage over other bodies involved in staging an MSE, prior due diligence may help identify areas where leverage can be increased.

⁴ See 'Legislative Background to the Code', p2 - https://www.ofcom.org.uk/data/assets/pdf_file/0005/100103/broadcast-code-april-2017.pdf

2) *What risks can they face?*

See response to Q1.

In addition, as the world's eyes focus on a MSE, there is ample opportunity for events to become highly politicised.

For example, in 2011 the Bahrain Formula 1 Grand Prix became politicised due to clashes between pro-democracy protestors and government security forces. The UK National Contact Point noted that there was no linkage between the money generated by the event and the abuses concerned. However, it did recommend ongoing due diligence to anticipate potential impacts on human rights⁵.

With the 2018 FIFA World Cup currently underway in Russia, there were concerns in the lead up over potential racism and homophobia⁶ - particularly with regards to the rainbow flag (a signifier of solidarity for the LGBTI community). It was reported that those found displaying the flag could be seen by the authorities as 'promoting' gay propaganda and by broadcasting the rainbow flag (albeit inadvertently showing it in a crowd shot) could implicate the broadcasters themselves as 'promoting' gay propaganda from the Russian authorities' perspective, which contravenes local law.

A more prevalent risk is that of racist chanting at a live sporting event due to the immediacy of the risk and reactions required to prevent the offence from becoming more widespread. See Q7 for a further response on possible contingencies on how broadcasters can deal with such incidents.

For those broadcasters that do not have an associated news arm, it is difficult within the editorial of the sports coverage to address such issues which may be presented on screen, with sufficient context and impartiality. It is also important to acknowledge that sports presenters/commentators generally are not news journalists.

However, there would at the very least be an expectation for an incident to be acknowledged by the presentation team and to report on the facts. If there is advance knowledge of a potential human rights risk at an event e.g. rumours of a planned protest due to take place inside a stadium, they are given guidance on how to deal with situation in a live environment. If there is no advance notification of a potential issue, broadcasters need in any event to be mindful that issues are handled appropriately and sensitively. For example, in April 2017 Borussia Dortmund's football team bus was hit by a bomb attack when on their way to a UEFA Champions League quarter final match in Dortmund against Monaco. As the live incident was unfolding, the production team were notified by UEFA that official reports were coming through. They also referred to reputable news sources for information to keep up to date on the live incident so they could refer to it on-air with as high degree of accuracy and sensitivity as possible and avoid conjecture.

⁵ <http://www.ohchr.org/Documents/Issues/Business/letterOECD.pdf>

⁶ <https://www.theguardian.com/football/2017/nov/30/lgbt-rainbow-flags-world-cup-2018-russia> and <https://www.nbcnews.com/feature/nbc-out/danger-gay-fans-world-cup-russia-fifa-advisers-warn-n824886>

3) *What risks could a broadcaster be seen to cause? Contribute to? Be directly linked to? How can these be mitigated?*

See response to Q1

The UN Guiding Principles on Business and Human Rights have human rights due diligence as a core element in how businesses can address their responsibilities to respect human rights. Implementing due diligence measures as part of the broadcast can create awareness of what the human rights issues are likely to be at the location in question. It also helps to identify training required for production staff or other teams, appropriate reporting mechanisms and allows for a mitigation plan to be put in place.

Potential actions and mitigations could include:

- Referring to internal and sporting bodies guidelines
- Referring to broadcast regulations (Ofcom in UK for example)
- Using a news arm (where available) to cover the human rights issue
- Deploying alternative production techniques e.g. live feed only or use alternative camera angles
- Raising concerns directly with rights holders and LOCs
- Obtaining 'home' government support
- Collaborating with other stakeholders e.g. independent journalists
- Opportunities for advocacy.

As part of the work BT is doing with the Centre for Sport and Human Rights, we are currently trialling a human rights due diligence tool in our own broadcast operations. This involves assessing:

- the profile of a future sporting event and its location
- the broadcaster's role (e.g. are they the host broadcaster or are they taking a feed and, if so, what type of feed is it?)
- current information on human rights issues for the location and the potential risk linked to the event and the broadcast
- if the broadcaster's operations could be connected to any human rights issues
- if a further mitigation plan is required.

However, risks cannot be eliminated entirely because the very nature of broadcasting is that events often happen very quickly, in real-time, with limited ability to react or mitigate the impact.

4) *How much leverage can broadcasters have over sports bodies, LOCs and others when it comes to ensuring respect for human rights?*

Broadcasters have little individual influence. In reality the picture is very complex as they are not the sole stakeholder involved with MSEs.

Where the broadcaster has no identified leverage, an extreme response might be choosing not to show an event in a country linked with known human rights abuses. However, there is a strong argument that broadcasting MSEs allows local athletes to reach a global audience, enabling their human right to sporting activity and the audience's right to freedom of expression (which includes the right to receive information). There is a delicate balance to be

struck. Further, if one broadcaster chooses not to bid for broadcast rights, another (potentially less responsible) broadcaster may acquire the rights and take fewer measures to address human rights risks.

Working collaboratively with governing bodies, LOCs and others to introduce human rights assessments as part of the bidding process and when awarding contracts is important. In 2017 FIFA implemented a Human Rights Policy⁷ to help address these. The hope is that this policy should filter down to all stakeholders involved with organising a FIFA MSE.

- 5) *Can broadcasters effectively run grievance mechanisms and their remedies for all those affected by their activities?*

In the UK viewers may complain to Ofcom and broadcasters will have their own internal grievance mechanisms too, as well as adhering to the guidelines of the relevant sport governing body. There are also independent bodies such as the Committee to Protect Journalists who provide support to those on the ground, including reporting mechanisms and advocacy⁸. However, it is important that broadcasters do not work in silos. The Centre for Sport and Human Rights which will pool knowledge and resources on these issues. This Centre will be for all relevant stakeholders and especially affected parties.

- 6) *How are broadcasting rights affected /being reported on under the Modern Slavery Act, if at all?*

BT plc publishes an annual Modern Slavery Act Transparent Statement as required by the Modern Slavery Act 2015⁹. The statements made since the Act came into place collectively describe BT's processes to address risks of modern slavery in our own operations and in our supply chain. This includes the broadcast part of our business.

As noted in Q1, working with others in the Broadcast taskforce, we've identified that production teams are often brought together on an ad hoc basis at short notice. Responsible recruitment and worker safeguards must be considered a priority.

- 7) *How can broadcasters manage "live issues" (such as racial chanting, discriminatory remarks by media, protests around stadiums etc)? What types of issues are unique to broadcasting sport in the UK?*

Most broadcasters will have their own editorial guidelines that are used in conjunction with the Ofcom Broadcasting Code. In addition to this, sporting bodies also issue guidance on how to deal with these issues. For example UEFA provide briefings via a secure portal to all relevant stakeholders, updating them on current issues at an event and will advise on how to deal with an issue if it escalates¹⁰ e.g. protests within a stadium.

From an Ofcom perspective, there are no explicit guidelines on how to deal with these issues. However there are various methods deployed by broadcasters to manage live broadcasting risks such as audience chanting, which can be discriminatory. These may include lowering the volume of mics in the vicinity where offensive language can be heard. This is particularly an

⁷ <https://www.fifa.com/governance/news/y=2017/m=6/news=fifa-publishes-landmark-human-rights-policy-2893311.html>

⁸ <https://cpj.org/about/>

⁹ <https://www.btplc.com/Thegroup/Ourcompany/Ourvalues/ModernSlaveryAct/index.htm>

¹⁰ Source: UEFA Senior Production Manager

issue in smaller stadiums where pitch side mics are more likely to pick out lone voices causing the offence. Where appropriate, the presentation team will offer an on-air apology. If the presentation team are situated near a persistent 'offender' they may choose to move to an alternative presentation position to avoid lip-mics inadvertently picking up such language. In extreme cases, broadcasters can liaise with the authorities and have individuals removed from the stadium. This is particularly a challenge for Scottish football, where sectarian chanting is a very real issue and until recently was punishable by law¹¹.

It could be argued that in such a scenario, this presents issues of freedom of expression, as what may be deemed offensive to one may not be offensive to another. Moreover, broadcasters often receive viewer complaints about the sound quality because they have dipped audio levels to avoid broadcasting offensive language, so as not to fall foul of Ofcom regulations.

Some incidents may be a visual offence, for example banners with offensive language or scenes of bananas being thrown at black players. In such circumstances broadcasters may apologise or condemn what has taken place. If official consequences are to be issued via the governing body, broadcasters may also refer to this within the editorial of the programme. For example, disciplinary hearings held by the governing body in light of poorly behaved fans which could result in their team being sanctioned by way of a fine or being forced to play in empty stadiums.¹² Alternative camera angles may be utilised until an incident has been resolved. For future airings of a match (i.e. not live), the incident may be edited out so as not to repeat the offence.

Another significant challenge that broadcasters now face is social media. Viewers are able to comment and share clips on social media of an incident that has taken place within a live broadcast. This content can 'go viral' and subsequently the issue will quickly amplify. In those circumstances, broadcasters have no control over the lifespan of such content. Currently in the UK there is no Ofcom regulation over social media content. Regulations only apply if social media is embedded within a programme or if it features on a 'TV like service' such as an app or a video-on-demand service.

It could be argued that a benefit of social media coverage of an incident is that it is an extension of the audience's freedom of expression and right to receive information. It can highlight an issue in a non-traditional format via user generated content which is readily accessible and gives a platform to marginal voices. With the increasing change in viewing habits and social media engagement, this will have an impact on future broadcast operations of MSEs and further complicate how it intersects with human rights issues.

¹¹ In 2011, the Scottish government introduced the Offensive Behaviour at Football Act - <https://www.bbc.co.uk/news/uk-scotland-scotland-politics-43405134>

¹² UEFA sanctioned CSKA Moscow in 2014 and were ordered to play two home matches in an empty stadium due to a series of racist and violent behaviour at previous Champions League matches. They were also fined £156,900 <https://www.bbc.co.uk/sport/football/29484233>