

“FOR THE GAME.
FOR THE WORLD.”

FIFA
&
HUMAN
RIGHTS

John G. Ruggie
Harvard University

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**"FOR THE GAME.
FOR THE WORLD."**

FIFA and Human Rights

Written by John G. Ruggie

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John G. Ruggie is the Berthold Beitz Professor in Human Rights and International Affairs at Harvard's Kennedy School of Government and Affiliated Professor in International Legal Studies at Harvard Law School. An award-winning scholar, he is a Fellow of the American Academy of Arts and Sciences. In the policy world, he served as United Nations Assistant Secretary-General for Strategic Planning from 1997-2001, working with Secretary-General Kofi Annan to create the UN Global Compact, propose the Millennium Development Goals and lead Annan's UN reform initiatives. From 2005-2011 he was the Secretary-General's Special Representative for Business and Human Rights, in which capacity he developed the UN Guiding Principles on Business and Human Rights, endorsed unanimously by the UN Human Rights Council. His book reflecting on that experience, *Just Business: Multinational Corporations and Human Rights* (Norton, 2013), has been translated into Chinese, Japanese, Korean, Portuguese and Spanish.

Professor Ruggie is the Chair of the Harvard Kennedy School Corporate Responsibility Initiative and of Shift.

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Executive Summary

In December 2015, FIFA asked me to develop recommendations on what it means for FIFA to embed respect for human rights across its global operations. The authoritative standard for doing so is the United Nations Guiding Principles on Business and Human Rights (“UNGPs”), endorsed by the UN in June 2011, of which I was the author. This report first lays out the relevant human rights context for FIFA, and then presents 25 detailed recommendations for action. They fall broadly under three areas of necessary change:

● **From Constitution to Culture:** FIFA needs to translate its commitment to respect human rights, included in its new Statutes, into its daily actions and decisions. This includes:

- Setting clear expectations for the work of all parts of the administration and equipping and resourcing staff to deliver;
- Ensuring that these efforts are fully reflected in and supported by decision-making on the part of FIFA’s leadership and governing bodies.

● **From Reactive to Proactive:** FIFA needs stronger internal systems to address the increasingly predictable human rights risks associated with its business. This includes:

- Evaluating the severity of risks to people across both its activities and its relationships;
- Building and using its leverage to address these risks as determinedly as it does to pursue its commercial interests.

● **From Insular to Accountable:** FIFA needs to provide greater transparency in managing human rights risks and improve access to remedy. This includes:

- Routinely discussing key issues with external stakeholders, including those whose human rights are at risk, and disclosing its efforts and progress in addressing challenges;
- Ensuring that access to remedy for human rights harm associated with FIFA is available not only on paper but also in practice.

Background to This Report

FIFA has been beset by allegations about human rights abuses in connection with its events and relationships. Prominent among them have been reported deaths among migrant construction workers in Qatar, which was awarded the 2022 Men’s World Cup, and the country’s *kafala* system that often leaves migrant workers in situations of bonded labor. Other tournaments have raised concerns about forced evictions of poor communities to make way for stadiums and other infrastructure, and clamp-downs on freedom of expression among citizens and journalists. There has been less media attention on some other human rights risks, though plenty of concern among those who follow these issues. They include risks to workers’ rights in FIFA’s own supply chains, alleged trafficking of young players, and endemic discrimination against women in the world of association football.

The UNGPs set out the basic policies and processes that enterprises need to implement if they are to know and show they respect human rights in practice. While FIFA is established as an association, it conducts significant commercial activities on a global scale, making the UNGPs the appropriate reference standard.

FIFA and I agreed that I would identify and advise on gaps in its policies and processes, and also author an independent public report with recommendations on how to embed respect for human rights across everything FIFA does. I have retained full editorial control over this report.

What Comes After This Report?

My recommendations are intended to be practical. That does not mean they are all easy. Some recommendations can be acted on immediately; others will take time to implement. Short-term priorities must include addressing human rights risks in tournaments that are already scheduled, and using every opportunity to press host countries to support FIFA's new statutory human rights commitment. In addition, FIFA should finalize the integration of human rights requirements into the bidding documents for the 2026 Men's World Cup. Other immediate steps should include developing a human rights policy and implementation strategy, creating the necessary internal operational and accountability structures to drive this work across the organization, and instituting more robust engagement with external stakeholders who have human rights expertise.

I have appreciated the willingness of individuals inside and outside FIFA to speak frankly with me and my team from the non-profit organization Shift. This has been critical in giving us the necessary insights to produce practical analysis and recommendations, notwithstanding the considerable complexity of the issues and institutional networks involved. There are many dedicated professionals in the FIFA administration who grasp the significance of human rights for the organization, and who are committed and motivated to achieving progress. Moreover, there are areas where work is already underway in FIFA towards meeting its human rights objectives. The new political leadership of FIFA and its restructured governing bodies must now empower the staff to take this work forward, provide them with the necessary resources, and lead by example in making respect for human rights part of how FIFA does business. FIFA's own promise —“For the Game. For the World.”—demands nothing less.

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1 Introduction

Pele, one of the all-time greats, described football, or what Americans call soccer, as “the beautiful game.” Success requires finely-honed individual skills—quickness if not wizardry of the feet, speed, and extraordinary endurance—combined with precision teamwork. Its moves range from balletic elegance to irresistible force. It is played not only by professionals of the highest caliber, with big bank accounts and in the world’s most imposing stadiums, but also by kids in dirt patches using rolled up rags as a ball, random sticks as goal posts, and hope in their hearts.

The levels of emotional attachment displayed by fans may be without parallel in other sports. According to a survey of European fans, nearly 90 percent associate football with “passion and dedication.”¹ Over three-quarters said they had hugged or kissed complete strangers at matches. Two-thirds admitted to having cried at football games, both out of sheer happiness and bitter disappointment. And for nearly three-quarters of fans this release of emotion, what they describe as the “pure joy” of watching a match, “is seen as being as important as the match itself.”² Unlike many other sports, the “beautiful game” appears to have near universal appeal across our troubled world and its diverse cultures.

FIFA, the Fédération Internationale de Football Association (International Federation of Association Football), football’s global governing body, was established in 1904. FIFA is an association established under Swiss law.³ FIFA’s first World Cup took place in Uruguay in 1930 when association football was largely a European affair. Today, with 209 national member associations, FIFA has more members than the United Nations. Already a decade ago FIFA reported that there were 265 million male and female registered players, as well as five million referees.⁴ The global fan base is estimated at about 3.5 billion people.⁵ Although some critics claim the figures must be inflated, sources indicate that just the in-home television coverage of the 2010 Men’s World Cup hosted by South Africa reached 46.4 percent of the world’s population—nearly half of humanity.⁶ In recent years the allure has expanded beyond the men’s game. The 2015 Women’s World Cup final, held in Canada with the United States team facing Japan’s, shattered the previous global TV ratings record for a Women’s World Cup final by 41 percent. By nearly the same increase, in the United States it was the most watched “soccer” match ever played by either gender.⁷

Superior athleticism, the evocation of deep emotion, and a universalizing appeal that reaches a sense of common humanity: these are all part of “the beautiful game.” Small wonder, then, that FIFA’s tag line is “For the Game. For the World.”

Unlike many other sports, the “beautiful game” appears to have near universal appeal across our troubled world and its diverse cultures.

Just as football has become the world’s most popular sport, the men’s professional game has become the single richest. By one estimate, global professional football revenues add up to US\$33 billion a year, accounting for 40 percent of all sports revenue globally.⁸ FIFA’s events-related revenues for the 2011-2014 cycle (largely the 2014 Men’s World Cup in Brazil) were US\$5.137 billion, with an additional US\$271 million from associated marketing sources. In 2014 FIFA reported reserve funds of US\$1.5 billion.⁹

Yet despite these popular and financial achievements, “FIFA is currently going through the worst crisis of its history.” These are not the words of FIFA critics. It is the first sentence in the report of the “2016 FIFA Reform Committee” —produced by a group comprised of two representatives from each of the six regional confederations into which national football associations are clustered, and chaired by Swiss lawyer François Carrard, the International Olympic Committee’s former director-general.¹⁰ The report’s opening paragraph goes on to say that, “in order to restore confidence in FIFA, significant modifications to its institutional structure and operational processes are necessary to prevent corruption, fraud, self-dealing and to make the organization more transparent and accountable.”¹¹ In a section entitled “Candor,” it concedes that, “FIFA has a long road ahead.”¹²

Public discussion of corruption, which was not previously unknown, exploded in May 2015, starting with the early morning arrests of seven delegates to a FIFA Congress, including members of the Executive Committee, at a five-star hotel in Zurich.¹³ Even as legal processes continue to unfold and the number of indictments and arrests grows, FIFA’s independent Ethics Committee in December 2015 imposed a multi-year ban from football of FIFA’s long-term president, Joseph “Sepp” Blatter, and his presumptive heir apparent, Michel Platini, head of the Union of European of Football Associations. The ban was due to a payment by the former to the latter, “which had no legal basis.”¹⁴

But there is a bigger story to be told than individual acts of malfeasance. From the 1970s on, association football began a rapid process of globalization, like the world political economy of which it is a part. This resulted in significant geographical expansion beyond Europe and Latin America, vast increases in revenues from television broadcasting rights due to growing audiences, corresponding growth in merchandising and branding opportunities for sponsors and other suppliers of goods and services, further fueled by national competition for and pride in hosting major events. However, as the Carrard report makes clear, FIFA lacked adequate corporate governance and internal control systems to match its new global enterprise.

This institutional weakness enabled FIFA's political leadership to sustain the self-dealing and patronage practices that Carrard condemns in such blunt terms.¹⁵

Public discussion of significant adverse effects that major sporting events like the World Cup or the Olympics can have on individuals and communities has followed a similar trajectory. The reality of it was hardly unknown, but in FIFA's case public discussions went viral after the 2010 selection of Russia and, much more so, of Qatar for the 2018 and 2022 Men's World Cups respectively. Among the main issues regarding Russia are its recent homophobic legislation, enacted after it was awarded the Men's World Cup, as well as a feared repeat of the allegedly extensive abuse of migrant workers and methods of land acquisition in the build-up for the 2014 Sochi Olympics. The Men's World Cup in Qatar has triggered a widespread campaign by international labor federations and human rights groups. Even normally reticent FIFA sponsors felt the need to speak out.¹⁶ At issue is the so-called *kafala* system of controlling migrant workers in Qatar, widely depicted as a form of bonded if not forced labor, and deaths among migrant construction workers in the country that many fear will further escalate with the intensification of infrastructure projects for the World Cup.¹⁷

Focus of This Report

The Carrard report addressed major *internal* governance and accountability shortcomings of FIFA. It recommended a series of changes that the FIFA Executive Committee endorsed unanimously at its December 2015 meeting. An Extraordinary FIFA Congress convened in February 2016 and approved the changes, many of which involved amending the FIFA Statutes, in effect its constitution.¹⁸

This report focuses on a complementary *outward-looking* governance and accountability challenge: addressing the broad range of adverse human rights impacts that FIFA's activities and relationships can have on individuals and communities. Dealing with this challenge also requires significant changes in how FIFA operates, as this report lays out.

FIFA has taken important initial steps in response to human rights concerns. FIFA's decision to review the adequacy of its bidding requirements for the 2026 Men's World Cup apparently goes back to 2011, not long after the selection of Russia and Qatar. Amid other sources of external pressure, in June 2014 Mary Robinson, former President of Ireland and former United Nations High Commissioner for Human Rights, and I sent an open letter to then FIFA President Blatter. We recommended that FIFA incorporate the United Nations Guiding Principles on Business and Human Rights (UNGPs) into its policies, practices and relationships.¹⁹ In early 2015, FIFA staff sought technical support from the UN Office of the High Commissioner for Human Rights on the UNGPs in relation to bidding documents for the 2026 Men's World Cup. In July 2015, FIFA issued a press release stating that its Executive Committee had decided that, "future bids [for the

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Men's World Cup] will have to meet a number of important additional criteria. In particular, FIFA will recognise the provisions of the UN Guiding Principles on Business and Human Rights and will make it compulsory for both contractual partners and those within the supply chain to comply with these provisions.²⁰ Then in December 2015, FIFA announced that it had asked me, as the author of the UNGPs, to provide recommendations for "further embedding" them "into FIFA's policies and practices."²¹ In February 2016, the FIFA Congress adopted a new provision in the FIFA Statutes that states, "FIFA is committed to respecting all internationally recognised human rights and shall strive to promote the protection of these rights."²² And the bidding requirements for the 2026 Men's World Cup are expected to include human rights criteria for the first time, broadly in line with the UNGPs.

My own task has been two-fold. First, I was asked to provide advice on, among other things, human rights language planned for inclusion in the FIFA Statutes and the 2026 Men's World Cup bidding requirements, as well as identifying key gaps in current FIFA's policies and practices. Second, we agreed that I would publish a comprehensive and independent public report on what it means for FIFA to embed respect for human rights across the full range of its activities and relationships, using the UNGPs as the template. This is that report.

To support me in this massive undertaking, which had to be completed in a relatively short period of time determined by the FIFA calendar, I enlisted the support of the nonprofit organization Shift. It is the leading center of expertise on the UNGPs and I chair its Board of Trustees. In conducting our work, we were provided access to confidential materials and to key members of FIFA's administrative staff with the proviso that no confidential information be disclosed in this public report.

FIFA is to be commended for making this initial commitment to human rights. In doing so, it leapfrogs other major international sports organizations. The scale of FIFA's global activities and relationships means that acting on its commitments has the potential to be a landmark for advancing human dignity through sports around the world. But to borrow François Carrard's words again, in this effort too, "FIFA has a long road ahead."

I now outline the structure of this report. Section 2 provides a short primer on human rights and the UNGPs. Section 3 describes the overall features of FIFA's institutional architecture, which is necessary for understanding how FIFA might be involved in adverse human rights impacts and how it can address them. Section 4 enumerates some of the main human rights risks with which FIFA can be involved through its activities and relationships. Section 5 then recommends the key required measures for FIFA to address such risks and meet its commitment to respect human rights. Section 6 concludes with brief remarks on the road ahead for FIFA.

2 The UN Guiding Principles

Among major global sports organizations, FIFA has become a first-mover in recognizing the applicability of the UNGPs to help it manage the risk of being involved in harm to people's human rights. Beyond FIFA, the UNGPs' provisions on the responsibility to respect human rights are applicable to *any* comparable sports organization that has not yet undertaken such a commitment. The "key question," as the Swiss federal office implementing the OECD Guidelines for Multinational Enterprises affirmed in accepting a complaint against FIFA, is, "whether an entity is involved in commercial activities, independently of its legal form or sector of activity."²³ And the fact is that international sports associations like FIFA do conduct significant levels of commercial activity.

So What Are the UNGPs?

The idea of human rights is as simple as it is powerful: every person is endowed with inherent dignity and must be treated accordingly. Human rights, therefore, are not something granted by the grace or at the discretion of others. They are intrinsic to being human.

Internationally recognized human rights include rights to life and physical security, non-discrimination, rights to freedom of thought, expression and religion, freedom of assembly and of movement, rights to education and work, to family life and privacy, to food and water, freedoms from torture, slavery or forced labor, as well as rights to fair and decent working conditions, including freedom of association and the right to bargain collectively.

These and other human rights are set out in the Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948 following the human suffering of the Great Depression and the atrocities of World War II.²⁴ Since then, all states have expressed support for the Universal Declaration. The rights enumerated therein are further elaborated and codified in a range of international declarations, treaties and conventions agreed in the United Nations and the International Labour Organization, as well as in regional organizations.

States create international human rights law principally by negotiating and signing up to treaties and conventions, which then require them to adopt enforcement processes including, where relevant, in relation to business enterprises. States' duties include respecting human rights in what they do as states, protecting people from human rights abuse by others, and fulfilling human rights over time, for example in providing access to clean water or education.

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How Are Human Rights Relevant for Enterprises?

Business enterprises have positive impacts on human rights, including through the provision of decent jobs and by contributing to economic growth and development. Some industries advance human rights in specific ways, such as supporting health by making new medicines accessible, bringing new roads, electricity and water supplies to poor communities in or around which they operate, or by supporting freedom of expression through information and communication technologies.

In the case of international sports enterprises, positive contributions may include raising awareness around issues of racism and other forms of discrimination, and contributing to healthier lives and social inclusion.²⁵

All such outcomes surely merit recognition. But they neither substitute nor compensate for not respecting human rights. To respect human rights means to avoid adverse impacts on the rights of others and to address such impacts if they occur. Respecting human rights is the foundation of treating people with dignity and contributing, thereby, to the goal of sustainable economic and social development.

Where Do the UN Guiding Principles Come From?

The UNGPs were developed over the course of six years under my mandate as the UN Secretary-General's Special Representative for Business and Human Rights. They were built on extensive research and nearly 50 international consultations on every continent, and were unanimously endorsed by the United Nations Human Rights Council in 2011.

UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, describes the UNGPs as "the global authoritative standard, providing a blueprint for the steps all states and businesses should take to uphold human rights."²⁶ The *Economist* has referred to them as a "watershed event" in putting human rights more firmly on the business agenda.²⁷

What Is the Status of the UNGPs?

The UNGPs set the authoritative global standard on business and human rights. Enterprises do not sign up to them; they are an expectation of all enterprises, regardless of size, sector, location or ownership structure. Today, many other international, national and industry standards have incorporated or reference the UNGPs, in particular their formulation of the corporate responsibility to respect human rights.

What Do the UNGPs Cover?

The UNGPs are built on the three-pillar “Protect, Respect and Remedy” framework:

- States have a **duty to protect** human rights through policies, regulation, legislation and effective enforcement;
- Enterprises have a **responsibility to respect** human rights: that is, to avoid people’s human rights being harmed through their activities or business relationships, and to address harms that do occur;
- Where individuals’ human rights are harmed, they should have **access to effective remedy**: both states and enterprises have a role to play in enabling this.

What Does the Responsibility to Respect Human Rights Mean for Enterprises?

In order to “**know and show**” that it respect human rights, an enterprise should have in place:

- A public commitment to respect human rights that is embedded into its institutional culture;
- An ongoing process of human rights due diligence through which the enterprise assesses risks to human rights, integrates the findings into its decision-making and actions in order to mitigate the risks, tracks the effectiveness of these measures, and communicates its efforts internally and externally;
- Processes for helping provide remedy to anyone who is harmed as a result of the organization’s actions or decisions.

What Are the Ways in Which Enterprises Can Be Involved With Negative Human Rights Impacts?

- They may **cause negative impacts**, for example if employees are injured due to unsafe working conditions, or if they displace communities from their lands and livelihoods without due process and adequate compensation;
- They may **contribute to negative impacts**, for example if their purchasing practices incentivize suppliers to force workers into unpaid overtime to meet contractual requirements, or if multiple companies drain or pollute the water resources essential for local communities’ drinking supply;
- They may **be linked to negative impacts**, for example if forced labor or child labor is used to make their products, or if customer privacy is breached by a service provider or government, despite the company’s efforts to avoid these outcomes.

What Actions Are Expected of Enterprises Where They Are at Risk Of Being Involved With Negative Human Rights Impacts?

- Where they may cause harm, enterprises should take steps to avoid doing so, and should provide for or cooperate in remedy if harms occur;
- Where they may contribute to harm, enterprises should take steps to avoid doing so, use their influence to reduce the risk of other parties contributing to the harm, and help provide for or cooperate in remedy if harms occur;
- Where harm may be linked to their operations, products or services through business relationships, but without cause or contribution on their part, enterprises must still use their influence to seek to reduce the risks that the harm occurs.

Key Considerations for Enterprises to Bear in Mind:

- 1 The responsibility to respect human rights does not increase or decrease depending on whether states meet their own duty to protect human rights.** However, it is undoubtedly more challenging for enterprises to meet this responsibility when states do not have adequate standards and regulations in place or fail to enforce them effectively;
- 2 The responsibility to respect human rights extends across an enterprise's operations and value chains.** It is not just about enterprises' employees, nor just about problems "out there" in the supply chain. It encompasses all situations where harm to human rights can be linked directly to what the enterprise does or produces;
- 3 The responsibility extends to all internationally recognized human rights.** This encompasses the International Bill of Human Rights (the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights), and the International Labour Organization Declaration on Fundamental Principles and Rights at Work;
- 4 The primary focus must be on risk to human rights,** not only risk to the enterprise. If an enterprise needs to prioritize which human rights issues to address first, it should prioritize the most severe impacts. These typically converge strongly with risks to the enterprise itself;
- 5 Enterprises need insight into the perspectives of the people at risk of harm.** It is hard for any organization to know and show that it is respecting human rights if it is blind to how others perceive its actions and their effects. Engaging with the people who could be affected, with their representatives or, if neither is possible, with experts who have insight into their perspectives, is essential to assess and address human rights risks;

6 Enterprises do not have a greater responsibility to respect human rights where they have greater influence. Wherever harm to human rights is connected to what the enterprise does or produces, it has a responsibility to try to address that harm;

7 An enterprise’s influence (or “leverage” under the UNGPs) affects how quickly and effectively it can address risks to human rights. Where it has limited influence it is hardest to bring about change. The first question for enterprises in that situation is how they can increase their leverage as part of their efforts to reduce the risks;

8 It is important to think creatively about leverage and how to use it. Leverage can come through the terms of contracts and their enforcement; through commercial and other incentives, or through capacity-building of partners; through public advocacy or through joint action with other organizations, including governments as well as international or civil society organizations; and through personal relationships and quiet persuasion;

9 Legal compliance may not be enough. Human rights abuses often occur because relevant laws are absent, weak or not effectively enforced. This may be the case on specific human rights issues in industrialized and developing countries alike.

In sum, the UNGPs provide not only a standard but also a process template for how to embed respect for human rights throughout an enterprise’s activities and relationships.

3 FIFA Structures and Processes

To understand how FIFA might be involved in adverse human rights impacts and how it can address them, one first needs to have a grasp on what it does and how it works. No brief description can capture the full complexities of FIFA's legal and organizational constructs as a global sports enterprise. This section merely provides an overview of the main features.

As noted, FIFA is an association established under the laws of Switzerland. It is the global governing body of association football. FIFA includes 209 national football associations, which make up six continental confederations. Membership in a confederation is required for FIFA membership, but national member associations are FIFA's actual members. The Men's World Cup is FIFA's flagship tournament.

FIFA's "supreme and legislative body" is the Congress, made up of representatives of the national member associations, each having one vote. It meets at least once a year. The Congress adopts and amends the FIFA Statutes, which are, in effect, its constitution. It also elects FIFA's President, and it decides in which country the World Cup will be staged.

The FIFA Council is FIFA's strategic and oversight body. Under the new FIFA Statutes, members of the Council (which is replacing the Executive Committee) are elected by member associations at their confederation congresses. FIFA's President chairs the Council. The Congress and Council are known as FIFA's "political bodies." Several committees exist that are independent of them, including FIFA's "judicial bodies," which are discussed briefly below. A Zurich-based administration of approximately 400 staff is headed by the Secretary-General, who is now designated as FIFA's chief executive officer. He is appointed by the Council, and his responsibilities include day-to-day management and implementation functions.

FIFA also has a dispute resolution system. Disputes involving confederations, member associations, leagues, clubs, players, officials, licensed match agents or players' intermediaries must be submitted to arbitration and "recourse to ordinary courts of law is prohibited" except in specific circumstances.²⁸ Appeals against a final FIFA decision may be taken to the Court of Arbitration for Sport (CAS), an independent institution based in Lausanne, Switzerland.

FIFA's own independent "judicial bodies" are the Disciplinary Committee, Ethics Committee and Appeal Committee.²⁹ The Disciplinary Committee can impose sanctions under the FIFA Disciplinary Code, in particular in relation to "on-pitch"

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behavior by a range of individuals including officials, players, and spectators. It can also impose sanctions against legal persons, including member associations and clubs. Penalties can include warnings or fines (for both natural and legal persons), a ban on taking part in any football-related activity (for natural persons), and expulsion from a competition (for legal persons). The Ethics Committee oversees implementation of the Code of Ethics, covering certain conduct of officials, players, licensed match agents and intermediaries that has little or no connection to the field of play. Appeals of decisions by the Disciplinary and Ethics Committees may be heard first by the FIFA Appeal Committee and then by the CAS.

In addition to these judicial bodies, FIFA has established a system for addressing employment-related disputes between players and clubs that have an international dimension. This includes the Dispute Resolution Chamber, an arbitration tribunal based on the equal representation of players and clubs.

FIFA conducts its global operations through an extensive array of regulations and contractual relationships. It is largely through these that FIFA might be involved with a range of adverse human rights risks. Identifying any such risks requires scanning the full extent of its direct and indirect relationships.

Broadly speaking, FIFA encompasses two related but distinct sets of global networks. One connects the day-to-day world of association football, including the confederations, national associations and, through them, clubs and associated entities and actors. The second pertains to FIFA's international tournaments. Brand licensing, procurement and other functions are involved in both.

Confederations and Member Associations

FIFA requires the adoption of statutes by member associations that are aligned with certain fundamental principles in the FIFA Statutes and with the requirements of a FIFA template called the Standard Statutes. These lay out the basic principles of organization, governance and financial controls required of member associations. The FIFA Statutes also require the associations to adopt a statutory clause that provides for mandatory arbitration.³⁰

FIFA helps set, but does not unilaterally determine, the so-called laws of the game, which range from specifications of the physical attributes of the pitch and ball, to the rules for playing and refereeing.³¹ FIFA itself promulgates a host of other standards and regulations, ranging from club licensing and players' transfers, to prohibitions of doping and match fixing. Among the duties of FIFA's newly established Governance Committee, which advises the Council, is addressing social responsibility, human rights, environmental protection and gender equality in matters connected with FIFA and its activities.

In support of its mission, FIFA provides extensive financial and technical assistance to confederations and member associations. This includes general financial assistance, project funding, capacity building and mentoring. In the 2011-2014 financial cycle FIFA's development-related expenses totaled US\$1,052 million, which included a "World Cup bonus" that amounted to US\$1.05 million to each member association and US\$7 million to each confederation.³² In 2014, each of the 209 member associations received US\$250,000 in grants under the Financial Assistance Programme and each of the six confederations US\$5.5 million in support of the Confederations' Development Programmes, totaling more than US\$85 million. A further US\$33.6 million was provided to member associations under the "Goal Programme," funding development of facilities and pitches, improving technology, strengthening administration, developing youth and women's competitions, and professionalizing football. Some 2,000 courses and seminars were held for associations during the 2011-2014 period.

Prohibitions against racism and discrimination on a number of grounds are stipulated in the FIFA Statutes and other core policies and regulations, and have been prioritized with member associations. However, beyond that little is known at this time about other possible human rights risks in FIFA's relationship with member associations—whether as cause of, contributor to, or simply by being linked to adverse impacts resulting from member associations' conduct. Indeed, FIFA's Acting Secretary General, Markus Kattner, not long ago noted "major deficiencies" even in the most basic areas of financial accountability, reporting and legal compliance on the part of some recipients of development funds.³³

Tournaments

The second set of relationships that makes up FIFA's global football universe involves its international tournaments. The Men's World Cup is the flagship, followed by the Women's World Cup. There are an additional seven men's football tournaments and two women's football tournaments. This set of relationships encompasses member associations but reaches well beyond them. It also includes the various entities required to host and stage the tournaments, contractors, licensees, commercial sponsors, broadcasters, as well as host cities and other levels of government. This involves a mix of direct and indirect relationships.

FIFA sets out operational requirements for all tournaments. Below I lay out how it works for the Men's World Cup.³⁴

Interested and eligible bidders submit a "bid book," outlining their proposal and how they plan to meet FIFA's requirements for hosting and staging the Cup. The successful bidder typically is selected between six to eight years prior to the tournament.

The bid book and the hosting agreement form the basis of a legally binding contractual relationship between the winning bidder and FIFA.

Although one commonly thinks of countries and cities as “hosting” a World Cup, FIFA’s direct legal counterparty is the Local Organising Committee (LOC), incorporated by the member association whose bid has been selected, but legally separate from it. FIFA and the LOC have agreements with the relevant host cities and public as well as private authorities responsible for tournament-related stadiums, training sites and hotel arrangements. A FIFA commercial subsidiary is responsible for ticketing. Much of the operational activity related to the Cup is outsourced to contractors and through them to their supply chains.

Due to the magnitude of the World Cup, it cannot be organized without the broad support of various levels of government. Thus, the LOC is required to seek a general declaration and specific legal guarantees from the national government in each candidate country, agreeing that it will undertake certain measures in connection with the staging of the tournament. These may vary across different editions of the World Cup. In the past they have included providing security, expediting visa and customs procedures as well as work permit processes, ensuring adequate technical infrastructure for global broadcasting and telecommunications, and protecting FIFA’s commercial rights. These have been coupled with a variety of legal exemptions and facilitation of administrative services for the duration of staging the tournament. They have included full tax exemptions for FIFA and its subsidiaries; events-related tax exemptions for the LOC, FIFA confederations, member associations, the television production company appointed by FIFA, and FIFA service providers; and limited tax exemptions for FIFA contractors. They have also included exemptions from regulations limiting the import and export of currencies as well as currency exchange and conversion. And they have included exemptions from certain labor regulations during the staging of the World Cup. Typically such measures require legislative changes in the host country.

Critics argue that these guarantees are too extensive and intrusive, and therefore lend themselves to possible abuse.³⁵ For the 2026 Men’s World Cup, FIFA is expected to provide additional guidance on the requested government guarantees, and to include a tournament-related human rights declaration by candidate countries and cities.

Rounding out the picture are FIFA’s own direct commercial relationships: licensing merchandise and equipment that is branded with the FIFA name or marks, procurement of goods and services not branded by FIFA, sponsorships, broadcasting rights and various commercial subsidiaries. These activities and relationships pose human rights challenges for FIFA that differ little from those faced every day by multinational corporations.

At this time, FIFA does not yet have adequate systems in place enabling it to know and show that it respects human rights in practice.

FIFA's sustainability program currently undertakes various activities to promote awareness of human rights and to address some negative impacts, with a particular focus on non-discrimination and racism in connection with tournaments. For example, the recently launched Anti-Discrimination Monitoring System has led to several Latin American member associations being fined for homophobic chants by fans.³⁶ The sustainability strategies for Brazil (2014) and Russia (2018) include elements on preventing negative human rights impacts, but the strategies overall are weighted more towards the promotion of the positive effects that staging such tournaments can have.

In its own licensing and procurement relationships, FIFA has collaborated with the World Federation of the Sporting Goods Industry since the 1990s to put in place a code of conduct addressed to minimum labor standards for the production of FIFA-licensed footballs, which now extends to turf and technology used in games.³⁷ Prohibitions on child labor and forced labor are also included in some of FIFA's other supply chain relationships.

However, until its recent decisions to recognize the UNGPs and adopt a statutory human rights clause, FIFA lacked an explicit commitment to respect human rights—that is, to avoid harm to internationally recognized human rights in connection with its activities and relationships. At this time, FIFA does not yet have adequate systems in place enabling it to know and show that it respects human rights in practice.

4

Associated Sources of Human Rights Risks

At a February 2016 event addressing the value of global sports events, United Nations Secretary-General Ban Ki-moon made these observations:

Sport has a tremendous—and in many ways unique—power to unite. So-called ‘mega sports events’, such as the World Cup and the Olympic and Paralympic Games, can spread that spirit of unity in mega-ways... Their influence can also extend far beyond the world of sports. With planning and vision, mega sport events can advance social development, economic growth, educational opportunity and environmental protection... This will not happen on its own. Ample experience has shown that the benefits of mega sport events have not always been long-lasting, sustainable or widely shared. It is therefore crucially important that we learn the lessons of this history.³⁸

In addition to all the good that major international sports organizations and events can do, including for human rights, they invariably also pose human rights risks that need to be better identified and addressed.

One of the lessons that must be learned is that, in addition to all the good that major international sports organizations and events can do, including for human rights, they invariably also pose human rights risks that need to be better identified and addressed.

The term “risk” is generally understood to mean exposure to the chance of harm or loss. In the human rights context, it is necessary to consider an enterprise’s risks to people, not simply risks to the enterprise itself. The responsibility to respect human rights begins with identifying where such risks might exist in connection with the enterprise’s activities and relationships.

FIFA is not responsible for all human rights abuses by organizations it works with, or any country in which its events are staged. But it is responsible for its own involvement with such risks, whether the connection is through its events, commercial subsidiaries and business partners, member association or other parties. Moreover, as spelled out in Section 2 of this report, FIFA’s responsibility to mitigate or remedy harms varies with the nature of its involvement in them: whether FIFA causes or contributes to them, or is simply linked to them through its relationships without contribution on its part.

In some of these latter situations, FIFA’s leverage to address human rights risks may be highly constrained. However, the UNGPs make it clear that responsibility stems from being *linked* to the risk, not from the current degree of *leverage* to achieve change. Leverage is a tool to be employed once the responsibility to take action has been identified. In such circumstances, one of the most important lessons is about

FIFA is not responsible for all human rights abuses by organizations it works with, or any country in which its events are staged. But it is responsible for its own involvement with such risks.

how FIFA can use and increase its leverage to seek to reduce the risk that human rights abuses will occur.

In Section 5 of this report, I offer a series of recommendations on the systems and practices FIFA needs to fully assess and address human rights risks with which it may be involved. But first, I identify in broad terms below where and how some of the main risks may arise in and around the world of association football that FIFA governs. For the sake of simplicity, I differentiate between events-related and systemic sources of risk, and I conclude the section with a brief discussion of institutional capacity to address these risks.

Events-Related Sources of Risk

Much of the human rights-related attention FIFA has attracted from the media, advocacy groups, its sponsors and the public at large has focused on the Men's World Cup. A great deal of information is available in the public domain about alleged as well as documented cases of abuses.³⁹ Some of the same issues are raised in connection with other tournaments, and with FIFA's ongoing relationships. I focus here on the lifecycle of the Men's World Cup, with brief references to FIFA's member associations.

- **Bidding and Selection.** Two major issues have been raised around bidding for the Men's World Cup. One concerns bribery for the purposes of vote buying. The bidding processes for the 2006, 2010, 2018 and 2022 tournaments have drawn the attention of investigators.⁴⁰ How is this related to human rights? Bribery and corruption is not only about giving and taking money for private gain that has been intended for broader social purposes. It may also enable the parties involved to evade legal and contractual requirements, including those protecting human rights. Lack of financial integrity, therefore, is a foundational source of human rights risks. FIFA's recent reform measures are intended to address the issue of financial integrity in relation to the World Cup, member associations, and FIFA's own governing bodies.

The other issue is that FIFA's bidding and selection criteria for hosting and staging tournaments in the past have not included adequate provisions for addressing human rights risks. This has left individuals and communities vulnerable and FIFA's own reputation exposed. Consider FIFA's decision to stage the November/December 2016 U[nder]-20 Women's World Cup in Papua New Guinea. Papua New Guinea is known as one of the world's worst places for sexual violence against women—

and police are often among the perpetrators.⁴¹ This is precisely the kind of case that requires heightened human rights due diligence as part of the bid evaluation process. With the decision taken, it is imperative for FIFA now to demonstrate that adequate security arrangements are being made to address the risks.⁴²

As noted previously, the bidding requirements for the 2026 Men's World Cup are expected to include human rights criteria.

- **Land Acquisition.** The Men's World Cup and international sporting events of a similar scale often involve acquiring land for stadiums, training sites, transportation systems, housing for athletes, and additional hotel accommodations for fans. New developments of this sort are generally regarded as one of the main enduring benefits of hosting such events. But land acquisition often includes the displacement of individuals or entire communities. The same can happen, on a smaller scale, at the level of FIFA member association projects, for example in the development of local football facilities.

The main responsibility for this matter of course rests with governments. There are numerous documented cases of governments using force to take over land from communities and local businesses for the purposes of a tournament, without adequate consultation or compensation as required by international human rights standards. FIFA's responsibility for these and other harms arising from government action would stem from a failure to specifically address the issue in bidding and selection criteria, hosting agreements, and efforts to develop mitigation strategies with host governments.

- **Construction.** The tournament lifecycle is relatively short and the pressure to meet deadlines increases as the event approaches. That fact may heighten risks to workers' rights where major construction is required, including to workers' health and safety. Freedom of association and restrictions on excessive overtime may also be ignored. Migrant workers may be most at risk, whether they come from abroad or from other parts of the host country. Documented cases show instances of their being forced to work without contracts, having to surrender identity papers to their employers or obtain exit visas so that they cannot leave even the most abusive working conditions, being poorly paid, suffering delays in payment or being subjected to debt bondage. The employment of migrant workers also may involve unscrupulous recruitment and employment agents, who in the worst cases are human traffickers. FIFA and the LOC can be linked to such human rights risks and abuses through their networks of contracts and subcontracts for the delivery of projects. Once again, on a lesser scale these risks may also arise with regard to member associations' development projects.

- **Procurement and Licensee Supply Chains.** Working conditions in the supply chains of FIFA licensees have been a long-standing concern for stakeholders—and for FIFA. The initial focus was on the apparel and sporting goods industries, triggered by the emblematic photo on the cover of a leading magazine in the mid-1990s of a young boy hand-stitching a premium-brand football. FIFA and its partners now include certain workplace standards in contracts for those sectors, as noted in Section 3. Stakeholder scrutiny has extended to additional sectors including electronics, World Cup mascots and trinkets, as well as the agricultural supply chains of food and beverage providers at match venues. The impact of FIFA’s (and other sports organizations’) de facto “exclusion zones,” which reflect a combination of security and commercial considerations, on small businesses and vendors seeking to operate in the vicinity of tournament venues has also received considerable stakeholder attention.⁴³ FIFA has experimented with mitigation measures. Less well documented is the situation of countless other workers and volunteers producing goods and providing services in preparation for and during events.

FIFA may find itself linked to supply chain related workplace abuses connected to the licensees with which it has multi-event contracts, or to contractors involved in only a single event. The latter situation requires special vigilance because incentives for compliance with standards inevitably decline as the event draws nearer and the ability of FIFA to switch sources diminishes, while there is little prospect of repeat business.

- **Hospitality and Accommodations Sectors.** More than three million spectators have attended matches at several recent Men’s World Cups, many of them from abroad or different parts of the host country. Providing accommodations as well as food and beverage services requires a rapid ratcheting up of facilities and suppliers, including at event venues. This raises some of the same human rights-related risks discussed in the above categories. In addition, the influx of visitors makes the hotel industry a known target for traffickers of sex workers and the sexual exploitation of children. FIFA can seek to address its linkage to these risks in part through the “hotel agreements” to which it is a party, and more broadly by collaborating with other actors to raise awareness within the hotel industry of its responsibility to take action.
- **Security.** Providing security is of paramount concern at any large-scale event, including World Cups. Various levels of government in the host country are required to do so, including local and national police or armed forces where necessary. FIFA and LOCs also retain private security companies for their facilities and within venues.

Gender discrimination in the world of association football remains an endemic human rights challenge for FIFA.

It can be a delicate balancing act to guarantee people's safety without infringing on their fundamental rights, including freedom of expression and peaceful assembly in public places, when large and sometimes unruly crowds are present. This is even more so where a threat of terrorist attacks may exist. Nevertheless, excessive use of force by law enforcement personnel in dispersing demonstrations has been a recurrent issue in connection with large-scale sporting events. Some of this may be due to inadequate training. However, the outright prohibition and criminalization of peaceful protests is a deliberate act. So, too, are prohibitions or the imposition of punitive measures on journalists for reporting on what the authorities may regard as politically inconvenient or embarrassing facts. These are sensitive issues for FIFA as a sports organization. But nothing prevents it from including expectations for adequate training and appropriate use of force by law enforcement agencies in bidding requirements and in its subsequent agreements and dialogue with host governments.⁴⁴

This short summary has highlighted some of the sources of human rights risks associated with the lifecycle of the Men's World Cup, which the implementation of FIFA's human rights commitments will need to address. Other FIFA tournaments require far less extensive infrastructure and FIFA's leverage vis-à-vis hosts may be lower, but some level of the same risks nevertheless may exist and should be addressed.

Systemic Sources of Risk

In addition to tournament-related risks, there are also sources of human rights risk that are posed by more systemic factors. The following is intended as an illustrative and not exhaustive list.

- **Discrimination.** FIFA has long had statutory and regulatory prohibitions against racism and discrimination. The most recent Statutes are the most inclusive yet in enumerating forms of discrimination.⁴⁵ Action against homophobic chants in stadiums has already been mentioned. FIFA also insists on access to stadiums for people with disabilities. In addressing gender discrimination, FIFA now requires that each of the six confederations have no less than one voting FIFA Council seat reserved for women, and that confederations and member associations must be committed to promoting gender equality.⁴⁶ These are important developments in the struggle against discriminatory practices.

Yet gender discrimination in the world of association football remains an endemic human rights challenge for FIFA. Former Australian footballer and chairwoman of FIFA's Task Force for Women's Football, Moya Dodd, explains:

There are likely to be players in the FIFA-governed world of football who have been trafficked—and they include minors.

Less than half of FIFA's national federations have girls soccer programs. Those that do exist give a girl less access to facilities, less support, and poorer development pathways than her brother. She will play in competitions with less investment, minimal promotion, and consequently fewer fans than the all-important male versions. Media coverage will amplify this skew, battling age-old preconceptions and making her all but invisible in the mainstream. Administrators preoccupied with the men's game will struggle to meet her needs.⁴⁷

Changing this deep-seated pattern of gender discrimination will require additional standards and targeted measures, including through FIFA's financial and programmatic support for member associations, building on its current requirements.

- **Player Transfers and Trafficking.** FIFA has robust regulations governing the status and international transfer of players.⁴⁸ They include prohibitions of such transfers involving players under the age of 18, with limited exceptions. FIFA also owns a subsidiary company called FIFA Transfer Matching System, a mandatory online registry intended to increase the transparency of transactions and ensure that all international transfers comply with applicable FIFA regulations. Even so, the international players' association, FIFPro, has documented allegations by players of serious harm to their human rights. Cases often begin with players claiming that they are consistently not paid on time by their clubs. Filing a formal complaint can take time and money. And when they do file, some players report having faced harassment and beatings, as well as threats of being banned from football. While the immediate cause is typically clubs, players seeking transfers out of such abusive situations appear to have limited options in practice.⁴⁹

In addition, if large numbers of reports are to be believed, human trafficking in football continues at significant rates.⁵⁰ The sources of trafficked players are most likely to be in West Africa and parts of Latin America. Their typical destination is lower-tier European and Asian clubs, although many trafficked players end up in the streets rather than on pitches. The vast majority of trafficked players are said to be minors. FIFA has been proactive in establishing rules to combat trafficking through the legal transfer system. But neither the rules nor the available resources extend to cover rogue recruiters and agents, unsanctioned football academies, and the known trafficking routes by which players are sent to clubs on other continents operating within FIFA's ambit.⁵¹ This means that there are likely to be players in the FIFA-governed world of football who have been trafficked—and that they include minors.

- **Players' Access to Remedy.** As noted earlier, the FIFA Statutes generally prohibit recourse to "ordinary courts" for football-related disputes. This includes players, who are required to sign arbitration agreements generally precluding

If an arbitration system is going to deal effectively with human rights-related complaints, it needs certain procedural and substantive protections to be able to deliver on that promise.

their access to national public courts or tribunals. This is a common feature of international sports organizations.

While FIFA's regulations contain formal exceptions to the prohibition of legal claims, in practice the system seems more like a closed loop. For example, players from several countries participating in the 2015 Women's World Cup in Canada filed a complaint with the Human Rights Tribunal of Ontario on grounds of gender discrimination. Clearly, they were not *prevented* from accessing a public tribunal. But when they did so, they were allegedly threatened with suspension from their teams and from participating in the Cup.⁵²

This is a complex issue, especially as it relates to human rights—which include the right to effective remedy as well as the right to a fair trial. Leaving all disputes to be settled in the domestic courts of 209 member associations would wreak havoc on common standards and consistency of application, and quite possibly undermine the game itself. Moreover, an arbitration system may be able to resolve many issues more quickly than courts and may be preferable on other grounds as well, including for players victimized by their own clubs or national associations.

But if an arbitration system is going to deal effectively with human rights-related complaints, it needs certain procedural and substantive protections to be able to deliver on that promise. While the FIFA dispute resolution system and the CAS' 300-plus arbitrators who sit at the peak of the system may be well equipped to resolve a great variety of football-related disputes, they generally lack human rights expertise.

Finally there is the issue of the deference long shown by national courts to FIFA's dispute resolution system, including decisions of CAS, as a private regulatory regime. However, in cases that raise significant human rights issues, the ability for players to access effective remedy—including, where they so choose, through domestic courts or tribunals—must be a real and not merely a theoretical possibility.

Lack of Institutional Capacity as a Source of Risk

A core requirement of the UNGPs is that an enterprise be able to “know and show” the human rights risks with which it may be involved, and how they are being addressed. Human rights due diligence is the process through which it can do so.

- Institutionally, FIFA plays three related roles at one and the same time. It is the representative body of football associations around the world, it governs on-pitch and certain off-pitch conduct, and it engages in a significant level of commercial activity. All three roles involve standards and regulation. FIFA acts vigorously

FIFA acts vigorously to develop and enforce regulations related to its institutional and commercial interests. But when it comes to many other matters, even where the rules are robust, FIFA’s capacity to ensure their implementation is often lacking, and FIFA relies heavily on self-regulation by the parties to which the rules are addressed.

to develop and enforce regulations related to its institutional and commercial interests. But when it comes to many other matters, even where the rules are robust, FIFA’s capacity to ensure their implementation is often lacking, and FIFA relies heavily on self-regulation by the parties to which the rules are addressed. Reference has already been made to FIFA’s own recognition that its oversight of member associations’ use of FIFA funding falls well short and requires improvement.

Inadequate administrative support is bound to affect an enterprise’s ability to “know and show” that it is not involved in human rights harm and to address harms where they occur. Therefore, expanding FIFA’s institutional capacity at the political and administrative levels will be critical for it to meet its new human rights commitments.

This section of the report has been about potential and actual sources of human rights risks with which FIFA may be involved. Identifying such risks does not mean that the primary responsibility for them all sits with FIFA. Indeed, in many instances it may lie with another party. But it is necessary for FIFA to know where risks exist and to play its part in addressing them. The next section makes 25 recommendations for how to do so.

5 Recommendations

On February 26, 2016, the Extraordinary FIFA Congress elected a new president, Gianni Infantino of Switzerland, who had been Secretary General of the Union of European Football Associations. It also adopted a set of reform measures, much along the lines of the Carrard report referenced in this report's introduction.⁵³ Not long before the Congress met, *The Guardian* newspaper reported that key FIFA sponsors expressed their desire that human rights be "at the heart of" the entire reform process.⁵⁴ Indeed, the Congress adopted a new statutory provision committing FIFA to respecting all internationally recognized rights. It will be the task of the new President and Council to translate this new commitment into programs and actions. As Issa Hayatou, who had been FIFA's Acting President, stated at the end of the Congress, "The hard work of restoring trust and improving how we work begins now."⁵⁵

Having presented the overall context of FIFA and human rights in previous sections of this report, and most importantly FIFA's potential connections to significant human rights risks, I now turn to my recommendations for FIFA. Some can be acted on immediately, while in other cases more time will be required.

The recommendations are clustered under six headings, which lay out the continuum of necessary steps. Each of the six sets of recommendations is preceded by an explanatory sentence or short paragraph. Every individual recommendation is then elaborated in additional bullet points.

1 Adopt a Clear and Coherent Human Rights Policy

The first step for any organization on the path to respecting human rights is to develop and adopt a human rights policy. This is important because it communicates internally and externally what the organization expects regarding the conduct of its own leadership and staff, as well as that of partners and others it works with.

In order to set clear and coherent expectations for respecting human rights:

- 1.1. FIFA should adopt and make publicly available a human rights policy that applies to its leadership, staff, commercial subsidiaries, and to its relationships with member associations, business partners and other relevant parties.**
- The policy should spell out the implications of Article 3 of the FIFA Statutes for the entire organization and its business relationships;
 - Developing the policy should involve input from internal and external stakeholders. The final policy should be communicated to all staff and throughout FIFA's networks;
 - The policy should be explicit that FIFA is committed to the principles of internationally recognized human rights even where domestic laws provide fewer or weaker protections.
- 1.2. FIFA should align its several Codes with the organization's commitment to respect all internationally recognized human rights, as expressed in Article 3 of the FIFA Statutes and its human rights policy (once developed).**
- FIFA's Code of Conduct should be revised to make it clear that:
 - Its human rights responsibility is based on its involvement with negative impacts, not on its "sphere of influence;"
 - This responsibility covers the full range of internationally recognized human rights;
 - FIFA should similarly review its Disciplinary Code and the Code of Ethics.
- 1.3. FIFA should ensure that the human rights commitment in Article 3 of the FIFA Statutes is mirrored in the requirements of the Standard Statutes for member associations, and is also extended to the requirements for confederations' statutes at the earliest opportunity.**
- The Standard Statutes are the template for member associations' own governing documents. They were last updated in 2005;
 - FIFA can use its existing capacity building efforts to help member associations understand what FIFA's human rights commitment means in practice for their own activities;
 - FIFA adopted new requirements of the confederations' Statutes in Article 23 of the recently revised FIFA Statutes. However, Article 23 does not reflect FIFA's commitment to respect human rights in Article 3 of its revised Statutes.

2 Embed Respect for Human Rights

Even the best human rights policy is no more than words on paper without the necessary actions and incentives to make it part of everyday practice. Embedding the organization’s commitment to respect human rights requires proactive engagement by the top management and FIFA’s political levels where critical decisions are made.

In order to further embed respect for human rights:

2.1. FIFA should formally designate a member of top management with accountability for the organization’s human rights performance.

- The Secretary General is the chief executive officer of FIFA and reports to the Council through the office of the President. Given the significance of human rights risks for FIFA, the primary point of accountability for human rights should be a person who reports directly to the Secretary General. There are different options for locating this position, including the new Chief Compliance Officer.

2.2. FIFA should identify the appropriate department to hold day-to-day responsibility for coordinating, promoting and supporting implementation of FIFA’s human rights commitment.

- The department with day-to-day responsibility should report to the person with primary accountability for human rights (see 2.1). This department should not be considered as solely responsible for delivering on FIFA’s human rights commitment, but would have the leading role in driving and monitoring efforts across the organization.

2.3. FIFA should establish a cross-functional structure, involving those departments whose decisions and relationships most affect its human rights risks, to deliver on its human rights commitment.

- Within the FIFA administration, this would include departments that deal with commercial contracts (including licensing), competitions, compliance, development, governmental affairs, human resources, member associations, security and sustainability. They would need to have access to human rights expertise;
- An immediate-term role for this cross-functional group should be developing the human rights policy and a strategy for its implementation.

2.4. FIFA’s governing bodies should take full account of its human rights commitments in their decision-making.

- This encompasses the Congress, the Council, the Standing Committees, and the Independent Committees.

2.5. The independent members of FIFA’s new Governance Committee, which is mandated to address human rights in connection with FIFA and its activities, should include individuals with recognized human rights expertise.

- The Committee should be gender balanced and incorporate key stakeholder perspectives relevant to FIFA’s human rights risks, including risks to local communities and workers.

2.6. FIFA should ensure that the individuals with a significant role in implementing its human rights commitment have adequate training, capacity and resources to perform their roles.

- The mandatory compliance training for all Committee members should include FIFA’s human rights commitment and its implications for the organization’s activities and events;
- Staff with a lead or significant role in implementing the commitment will need training and clear objectives tailored to their particular functions.

2.7. FIFA should establish formal structures for regular engagement with key stakeholders about human rights risks across its activities and events.

- This should include ongoing dialogue with representatives of civil society, trade unions, academia and other experts with insight into FIFA’s human rights risks;
- FIFA has experience working with Local Organising Committees to engage stakeholders in the development of sustainability strategies for Men’s World Cup competitions. This model can be extended to other tournaments and should involve representatives of potentially affected stakeholder groups, with particular attention to impacts on the most vulnerable people, such as children;
- FIFA could encourage its better-resourced member associations to implement similar models of engagement, and over time support less well-resourced associations to do the same.

3 Identify and Evaluate Human Rights Risks

Traditional enterprise risk management systems focus on risks to the enterprise itself. When it comes to considering human rights risks, the essential starting point is risk to people. FIFA’s own history illustrates that where it is involved with significant risks to people, it often hurts its own reputation and bottom line, and can generate legal challenges.

In order to strengthen its ability to identify and evaluate human rights risks:

3.1. FIFA should include risks to people in its systems for identifying and assessing risks associated with its activities and business relationships.

- Risks to people should be incorporated into all levels of risk assessment, from project management to enterprise-wide systems. To keep the process manageable, FIFA should focus first on areas where risks to people are likely to be most severe;

- 3.1.**
- To fully understand risks to people, FIFA needs to engage meaningfully with those who may be affected by its activities or business relationships, or their legitimate representatives;
 - Direct engagement may not always be possible. In such cases, “credible proxies” to help identify risks, such as civil society organizations, international trade union federations or other human rights experts, including those in international organizations, are important resources.

3.2. FIFA should include human rights within its criteria for evaluating bids to host tournaments and should make them a substantive factor in host selection.

- This is about making decisions based on evidence of how effectively bidders intend to address human rights risks connected with a tournament. It is not about preemptorily excluding countries based on their general human rights context.

4 Address Human Rights Risks

The purpose of identifying human rights risks is to do something about them. FIFA is most likely to be involved with human rights risks through its various networks of relationships—whether in connection with events, licensing and procurement, or member associations. FIFA will need to build leverage to deal with any such risks. Leverage enables an organization to influence the behavior of those best placed to prevent human rights harm.

In order to strengthen its ability to address human rights risks:

4.1. FIFA should set explicit human rights requirements of Local Organising Committees in bidding documents for tournaments and provide guidance on them.

- Bidders may be unfamiliar with how negative human rights impacts can arise in connection with tournaments. If FIFA is going to evaluate bids based in part on how they address human rights risks, then it needs to explain to bidders what it will be looking for;
- FIFA’s leverage with LOCs and its willingness to use it are particularly important for incorporating respect for human rights into the hosting and staging of tournaments. The requirements for the LOC should set out the basic policies and processes the LOC will need to have in place to manage human rights risks, and provide for adequate monitoring. They should indicate what the LOC in turn should expect of its business partners, and seek information on how the LOC will address human rights risks associated with tournaments;
- The Men’s World Cup is the most complex of FIFA’s tournaments with the greatest number of entities involved, most extensive construction and procurement, and the largest volume of resources. Other tournaments are less complex and FIFA may not have the same leverage. Nevertheless, the risk of severe impacts on people must be identified and addressed from the earliest stages.

4.2. The government guarantees that FIFA requires the LOC to seek should reflect FIFA’s human rights commitment in Article 3 of its revised Statutes.

- FIFA should carefully review the exemptions it seeks from national laws to avoid their leading to human rights harm;
- In the area of security, FIFA and the LOC should request that law enforcement agencies provided by the government are, at a minimum, fully trained to act in accordance with the 1979 United Nations Code of Conduct for Law Enforcement Officials and the 1990 United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

4.3. FIFA should work with Local Organising Committees to engage their host governments throughout the tournament cycle in efforts to reduce human rights risks associated with tournaments.

- Host governments have a duty both to protect people from human rights abuses as well as to ensure that those acting in the government’s name respect human rights;
- Although FIFA’s relationships with host governments are not contractual, FIFA should seek every opportunity to exercise its leverage in order to reduce human rights risks connected to tournaments.

4.4. FIFA should build leverage into supply chain relationships from the earliest stage possible, in order to maximize its ability to prevent negative impacts on people.

- Setting the right terms in contracts is particularly important. FIFA should include provisions that are in line with internationally recognized human rights. It should utilize well-respected codes and principles on specific issues, such as the Ethical Trading Initiative’s Base Code with regard to supply chain labor rights, and the Voluntary Principles on Security and Human Rights with regard to private security providers.

4.5. FIFA should use its annual member associations’ conferences to raise awareness of member associations’ own human rights responsibilities, and should use its existing mentoring activities to help them understand and implement them.

- FIFA works with many member associations through its PERFORMANCE Programme to provide mentoring in relation to their governance and various activities. Human rights issues should be included as part of this support.

4.6. Where FIFA is unable to reduce severe human rights impacts by using its leverage, it should consider suspending or terminating the relationship. Where this is not possible FIFA should at a minimum explain its efforts to mitigate the impacts as transparently as possible.

- FIFA will often have opportunities to increase its leverage, for example through collaboration with local stakeholders, sponsors, international organizations, and others. It should use those sources of leverage to the greatest extent possible, especially where severe human rights impacts are involved;
- The option of ending a relationship itself is an important source of leverage and should be clearly communicated to bidders, suppliers, licensees and other relevant entities.

5 Track and Report on Implementation

FIFA has a significant human rights footprint. Tracking and communicating about human rights risks with which it is involved are essential to ensure accountability and learn from mistakes.

In order to increase its ability to know and show how effectively it is meeting its human rights commitments:

5.1. FIFA should include in its bidding documents for World Cups a requirement for adequate public reporting by Local Organising Committees on human rights risks and their management.

- Transparency and public accountability are particularly important for the larger tournaments because typically there will be a larger number of significant human rights risks associated with them.

5.2. In the context of its tournaments, FIFA should task its local staff and operational teams sent from headquarters with monitoring implementation of human rights risk mitigation measures.

- Local staff and operational teams currently have a largely commercial and technical remit. They could also be tasked to include labor and other human rights issues. Teams doing the monitoring would require adequate human rights expertise;
- Another valuable model to build on is joint monitoring with expert stakeholders, such as FIFA or the Local Organising Committee has undertaken with trade unions in a number of Men's World Cup stadium inspections.

5.3. FIFA should enhance its internal capacity to monitor the implementation of human rights provisions in its contracts with suppliers and licensees.

- Whether monitoring directly or through external auditors, FIFA needs sufficient capacity to be able to analyze the results, identify trends or patterns and integrate key findings into its decisions.

5.4. FIFA should provide more in-depth reporting about how it understands and addresses its human rights risks and actual impacts.

- FIFA should provide sufficient information on human rights in its annual Activity Report to explain its governance of, and general approach to, respect for human rights. This should include updates on its implementation of the recommendations made in this report;
- FIFA should supplement this with more extensive human rights information in its sustainability reporting on specific events;
- The Organising Committee for FIFA Competitions should include human rights information in the official reports that it is mandated to produce and publish on all competitions;
- FIFA should consider using the UN Guiding Principles Reporting Framework to strengthen its own human rights reporting, and to set clear requirements for human rights reporting by LOCs.

6 Enable Access to Remedy

The right to effective remedy is a foundational human rights principle. Remedy is about redressing human rights harms that have occurred. It is the duty of states to ensure that judicial remedy exists and is accessible. Non-judicial means of providing remedy can complement judicial means. In the event that FIFA causes or contributes to negative human rights impacts, it should take an active role in providing remedy, by itself or in cooperation with others. Where it is linked to human rights impacts through its business relationships, it still has a role to play in supporting and incentivizing access to remedy.

In order to enable access to remedy:

- 6.1. In the context of hosting and staging tournaments, FIFA should require Local Organising Committees to establish effective grievance mechanisms for human rights-related complaints, with appropriate thresholds for complaints to be escalated to FIFA itself.**
- These mechanisms should be developed and overseen in collaboration with local experts and representatives of potentially affected stakeholders;
 - They should meet the effectiveness criteria laid out in Principle 31 of the UNGPs.
- 6.2. FIFA should review its existing dispute resolution system for football-related issues to ensure that it does not lead in practice to a lack of access to effective remedy for human rights harms.**
- FIFA should ensure that its own dispute resolution bodies have adequate human rights expertise and procedures to address human rights claims, and urge member associations, confederations and the Court of Arbitration for Sport to do the same;
 - The review should involve independent experts as well as representatives of players and other users of the system.
- 6.3. FIFA should review the expectations it sets of procurement and licensing suppliers as well as member associations with regard to their own processes to identify and address human rights-related complaints, and should promote and support improvements where needed.**
- FIFA can use existing means such as contract provisions, audits of suppliers and its mentoring program with member associations to support improvements in their respective grievance handling processes;
 - FIFA should use the effectiveness criteria in Principle 31 of the UNGPs as benchmarks for improvement.

6

Conclusion

What is required is a cultural shift that must affect everything FIFA does and how it does it.

FIFA has made an important start. Now comes implementation. Some of the steps outlined in the previous section can be enacted immediately, while others will take time to develop and take root. The appropriate test to apply along the way is evidence that human rights are being factored into key decisions, that FIFA is using its leverage to influence the decisions and conduct of those with whom it has business relationships, and that the number and severity of impacts are significantly reduced. The recommendations in this report should help speed this up by providing a roadmap for FIFA as well as benchmarks by which stakeholders can assess FIFA's progress.

At the risk of stating the obvious, governments have the primary obligation to respect, protect, and fulfill human rights. This includes the governments hosting international sports events as well as national sports bodies. It also includes the governments of countries in which global sports organizations such as FIFA are registered. But the responsibility of those organizations to address human rights risks with which they are involved exists independently of any government's abilities or willingness to act on its obligations.

The same holds for corporate sponsors, a major revenue source for FIFA. Their own responsibility to respect human rights means that they too should contribute actively to ensuring that FIFA meets its new human rights commitment going forward.

The foundational challenge for FIFA now is to go beyond putting words on paper and adding new administrative functions. What is required is a cultural shift that must affect everything FIFA does and how it does it. The result must be "good governance," not merely "good-looking governance."⁵⁶ To put it in the simplest terms, FIFA, the global football enterprise, must transform itself into a modern organization. In the past, writes Simon Kuper in the *Financial Times*:

Happily for sports officials, they were free to ignore the world. Most global sports federations were based in discreet Switzerland, where they enjoyed a degree of 'self-regulation' that bankers just dreamt of. And so the [sports] officials dismissed criticism.⁵⁷

That world no longer exists. The prevailing social expectations of organizations with a footprint as large as FIFA's, which wield great economic power and exert significant political influence, is that they must become more transparent and more accountable. Nowhere is this more pressing than in relation to human rights—which, quite apart

from hard and soft law standards, have become the vernacular spoken by people everywhere to affirm and assert their human dignity. The social legitimacy of FIFA and similar organizations, and therefore their business model, hinges on their embracing this new world, and incorporating its rules into their own.

FIFA's mission statement has it right: "The world is a place rich in natural beauty and cultural diversity, but also one where many are still deprived of their basic rights. FIFA now has an even greater responsibility to reach out and touch the world, using football as a symbol of hope and integration."⁵⁸

Endnotes

- 1 “Football Passions,” The Social Issues Research Centre, Oxford, UK, 2008, p. 9; available at http://www.sirc.org/football/football_passions.pdf.
- 2 *Ibid.*, p. 11.
- 3 Specifically, FIFA is registered in the Commercial Register in accordance with article 60ff. of the Swiss Civil Code.
- 4 See <http://www.fifa.com/worldfootball/bigcount/registeredplayers.html>.
- 5 See Kelly Phillips Erb, “World Cup Mania: Figuring Out FIFA, Soccer & Tax,” *Forbes*, June 16, 2014, available at <http://www.forbes.com/sites/kellyphillipserb/2014/06/16/world-cup-mania-figuring-out-fifa-soccer-tax/#7b199c3171b1>.
- 6 “2010 FIFA World Cup South Africa: Television Audience Report,” p. 8, available at <http://www.fifa.com/mm/document/affederation/tv/01/47/32/73/2010fifaworldcupsouthafricatvaudiencereport.pdf>.
- 7 See <http://tvbythenumbers.zap2it.com/2015/07/06/25-4-million-viewers-watch-fifa-womens-world-cup-2015-on-fox/>. Note that when FIFA refers to the FIFA World Cup it means the men’s tournament. In this report, I preface World Cup depending on which it is.
- 8 See Matt Andrews and Peter Harrington, “Off Pitch: Football’s integrity weaknesses, and how to strengthen them,” Center for International Development, Harvard University, Working Paper 311 (January 2016). Chapter 2 explains how they calculated the estimate. Available at <http://www.hks.harvard.edu/centers/cid/publications/faculty-working-papers/footballs-financial-integrity>.
- 9 See http://www.fifa.com/mm/document/affederation/administration/02/56/80/39/fr2014weben_neutral.pdf.
- 10 “2016 FIFA Reform Committee Report,” December 2, 2015, available at <http://www.fifa.com/governance/news/y=2015/m=12/news=2016-fifa-reform-committee-report-presented-to-the-executive-committee-2741751.html>. The six confederations cover Africa, Asia, Europe, North and Central America as well as the Caribbean, Oceania, and South America. The so-called intercontinental nations of Azerbaijan, Georgia, Kazakhstan, Russia and Turkey are part of UEFA, the European group, as are Armenia and Israel.
- 11 *Ibid.*, p. 1.
- 12 *Ibid.*, p. 4.
- 13 As elaborated further in Section 3, FIFA is a membership organization. Those arrested, including Executive Committee members, were representatives of national football associations or regional confederations who abused their official positions for personal gain. A majority of the funds in question, which the US Department of Justice estimated to be “well over” US\$150 million as of May 2015, came from the selling of media and marketing rights associated with matches and tournaments. Some also came from alleged vote buying for the right to host tournaments. See <https://www.justice.gov/opa/pr/nine-fifa-officials-and-five-corporate-executives-indicted-racketeering-conspiracy-and>, May 27, 2015.
- 14 See “Independent Ethics Committee bans Joseph S. Blatter and Michel Platini,” available at <http://www.fifa.com/governance/news/y=2015/m=12/news=independent-ethics-committee-bans-joseph-s-blatter-and-michel-platini-2747411.html>.
- 15 In addition to the President, under the term “political leadership” I include members of FIFA’s Executive Committee (now Council), representing the six regional confederations. Both are elected by the FIFA Congress, comprising all 209 national associations. The “corruption, fraud, self-dealing” to which the Carrard report refers has involved largely this leadership cadre and its electoral politics, and with only rare exceptions the FIFA administration whose job is to run FIFA’s day-to-day operations. One exception is Jérôme Valcke, the FIFA Secretary General who was suspended amid allegations that he had profited from the sale of black market tickets. Valcke denies the allegations.
- 16 For a statement by three of the sponsors, see Matt Wilson, “Coca Cola, Visa, Adidas, release statements on Qatar World Cup,” *PR Daily*, May 22, 2015, http://www.prdaily.com/Main/Articles/CocaCola_Visa_Adidas_release_statements_on_Qatar_W_18706.aspx.
- 17 DLA Piper, a law firm commissioned by Qatar to investigate allegations and make recommendations, concluded, “Our review confirms that the *kafala* sponsorship system, in its existing form, is no longer the appropriate tool for the effective control of migration in Qatar. There are plainly circumstances in which the *kafala* system could be abused, with potential detrimental effect.” See DLA Piper, “Migrant Labour in the Construction Sector in the State of Qatar,” available at <http://www.engineersagainstopoverty.org/documentdownload.axd?documentresourceid=58>. Qatar has legislated certain changes to the *kafala* system that are expected to come into effect by December 2016. For the most recent evaluation, see the report of the International Labour Organization’s high-level tripartite visit to Qatar in March 2016, in ILO, *Complaint Concerning non-observance by Qatar of the Forced Labor Convention 1930 (No 29) and the Labour Inspection Convention, 1947 (No 81), made by delegates to the 103rd Session (2014) of the International Labour Conference under article 26 of the ILO Constitution*, UN Doc No GB.326/INS/8(Rev), 17 March 2016, Appendix II, http://www.ilo.org/gb/GBSessions/GB326/WCMS_459148/lang--en/index.htm.

- 18 For a summary of the measures adopted by the FIFA Congress, see <http://www.fifa.com/about-fifa/news/y=2016/m=2/news=fifa-congress-approves-landmark-reforms-2767108.html>. The measures include creating a clearer separation between FIFA's political bodies (Congress and the Council, which is an expanded and reconfigured Executive Committee), and the FIFA administration. The Congress will continue to be chaired by the President, while the Secretary General is now described as the Chief Executive Officer. Other measures adopted include integrity checks, terms limits and disclosure of compensation for senior officials, a minimum of one female Council member from each of the six confederations, independent members on the Finance, Development, and Member Associations Committees, a compulsory annual independent audits of all FIFA members, and the creation of a Football Stakeholders Committee.
- 19 Mary Robinson and I sent the letter on behalf of the Institute for Human Rights and Business, of which she is the Patron and I chair the International Advisory Board. The letter is available at <http://www.ihrb.org/pdf/2014-06-11-Open-Letter-FIFA.pdf>. We attached a recent Institute report, "Striving for Excellence: Mega-Sporting Events and Human Rights," available at http://www.ihrb.org/pdf/2013-10-21_IHRB_Mega-Sporting-Events-Paper_Web.pdf.
- 20 See <http://www.fifa.com/about-fifa/news/y=2015/m=7/news=fifa-executive-committee-sets-presidential-election-for-26-february-20-2666448.html>. I had developed the UN Guiding Principles when I served as the United Nations Special Representative of the Secretary-General for Business and Human Rights from 2005-2011. The UN Guiding Principles were unanimously endorsed by the UN Human Rights Council in 2011. For the full text, see http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf.
- 21 See <http://www.fifa.com/governance/news/y=2015/m=12/news=fifa-to-further-develop-its-human-rights-approach-with-international-e-2744747.html>.
- 22 See http://resources.fifa.com/mm/document/affederation/bodies/02/74/76/37/draftfifastatutesextraordinarycongress2016en_neutral.pdf, Article 3.
- 23 "Initial Assessment of FIFA, 2015." http://business-humanrights.org/sites/default/files/documents/Swiss_NCP_-_Initial_Assessment_FIFA_13-10-2015.pdf. This concerns a complaint brought by Building and Wood Workers' International against FIFA in connection with Qatar. The human rights chapter of the OECD Guidelines is drawn nearly verbatim from the UNGPs.
- 24 See <http://www.un.org/en/universal-declaration-human-rights/index.html>.
- 25 When using the term "enterprise" in relation to FIFA and similar international sports associations, I mean it in a generic sense of a group of legal entities constituting an ongoing organization whose members pursue a common objective, which in FIFA's case is to regulate and promote the sport of football worldwide. FIFA's sizable commercial activities including its ownership of commercial subsidiaries are layered onto this underlying purpose.
- 26 Z. Ra'ad Al Hussein, "Ethical pursuit of prosperity," *The Law Society Gazette*, March 23, 2015, available at <http://www.lawgazette.co.uk/analysis/comment-and-opinion/ethical-pursuit-of-prosperity/5047796.fullarticle>.
- 27 The Economist Intelligence Unit, "The Road from Principles to Practices: Today's Challenges for Business in Respecting Human Rights," as reported in *The Economist*, March 16, 2015, available at <http://www.economistinsights.com/business-strategy/analysis/road-principles-practice>.
- 28 Article 59 of the FIFA Statutes. Exceptions include employment-related disputes between players and clubs. See http://resources.fifa.com/mm/document/affederation/bodies/02/74/76/37/draftfifastatutesextraordinarycongress2016en_neutral.pdf.
- 29 To be independent, members must meet certain criteria set out in Article 5 of the FIFA Governance Regulations. They are elected by Congress for four-year terms and can only be removed by the Congress.
- 30 Article 59(3) of the FIFA Statutes.
- 31 These "laws" are set by the International Football Association Board, on which FIFA holds four of the eight seats, with at least six of the eight seats required to accept a rule change.
- 32 These figures are taken from the "FIFA Financial Report 2014," pp. 19 and 45, available at http://www.fifa.com/mm/document/affederation/administration/02/56/80/39/fr2014weben_neutral.pdf. The figures for 2014 are taken from the "FIFA Activity Report 2014," p. 42, available at https://issuu.com/fifa/docs/fifa_activity_report_2014_en.
- 33 Kattner listed seven such deficiencies. See [http://resources.fifa.com/mm/document/affederation/administration/02/74/15/21/circularno.1512-fifafinancialassistanceprogramme2016\(fap\)regulationsandadministrativeguidelinesfor2016_neutral.pdf](http://resources.fifa.com/mm/document/affederation/administration/02/74/15/21/circularno.1512-fifafinancialassistanceprogramme2016(fap)regulationsandadministrativeguidelinesfor2016_neutral.pdf).

- 34 The level of complexity of the bidding and hosting requirements vary depending on the tournament, with the Men's World Cup having the most complex requirements.
- 35 See, for example, Andre M. Louw, *Ambush Marketing and the Mega-Event Monopoly*, The Hague: ASSER International Sports Law Series, 2012, chapters 2 and 4. According to a *Guardian* report, in the case of the UK's unsuccessful bid for the 2018 World Cup, the currency exemptions would have required a carve-out from the Proceeds of Crime Act (2002), and would have applied to "hundreds of individuals ranging from the delegates and staff of Fifa, its confederations and member associations, match officials, as well as an unspecified number of unnamed 'Fifa Listed Individuals.'" Matt Scott, "Fifa's demand to be exempt of UK money-laundering legislation," *The Guardian*, November 30, 2010, available at <http://www.theguardian.com/football/2010/dec/01/fifa-government-government-exemptions>.
- 36 The system uses match observers to identify and report instances of discrimination in qualifiers for the 2018 Men's World Cup: see http://resources.fifa.com/mm/document/afsocial/anti-racism/02/60/42/16/fifaanti-discriminationmonitoringsystem_summary_may2015_neutral.pdf. On the sanctions, see <http://www.fifa.com/worldcup/news/y=2016/m=1/news=fifa-sanctions-several-football-associations-after-discriminatory-chan-2755350.html>.
- 37 See <http://www.wfsgi.org/services/wfsgi-pledge-for-fifa>. For the FIFA Quality Programme, see <http://quality.fifa.com>.
- 38 "Secretary-General's remarks on value of Hosting Mega Sport Events as a Social, Economic and Environmental Sustainable Development Tool," February 16, 2016, available at <http://www.un.org/sg/statements/index.asp?nid=9468>.
- 39 The Institute for Human Rights and Business supports a website that provides synopses of cases for mega-sporting events including the World Cup and Olympics and Paralympics. See <http://www.megasportingevents.org/>. Also see Lucy Amis, "Striving for Excellence: Mega-Sporting Events and Human Rights," http://www.ihrb.org/pdf/2013-10-21_IHRB_Mega-Sporting-Events-Paper_Web.pdf.
- 40 See Andrew Das, "FIFA Opens Ethics Case Against German Officials," *New York Times*, March 23, 2016, available at http://www.nytimes.com/2016/03/23/sports/soccer/fifa-opens-ethics-case-against-german-soccer-officials-including-beckenbauer.html?_r=0, and Owen Gibson, "Fifa corruption crisis: FBI inquiry now includes 2014 Brazil World Cup," *The Guardian*, June 4, 2015, available at <http://www.theguardian.com/football/2015/jun/04/fifa-corruption-crisis-fbi-inquiry-now-includes-2014-world-cup-in-brazil>.
- 41 See Human Rights Watch, *World Report 2015: Papua New Guinea*, available at <https://www.hrw.org/world-report/2015/country-chapters/papua-new-guinea>. Cases include where the police are assigned to protect the assets and personnel of multinational corporations.
- 42 The publicly available FIFA regulations for the tournament make no reference to this particular risk. See http://resources.fifa.com/mm/document/tournament/competition/02/73/21/66/fu20wwcpng2016weben_neutral.pdf.
- 43 For examples, see Louw (referenced in endnote 35, above); and the mega-sporting events website, referenced in endnote 39.
- 44 Multinational corporations in the extractive industries and some in the infrastructure and agriculture business typically align their security practices with the Voluntary Principles on Security and Human Rights (VPs), which include guidance for interacting with public security forces. See <http://www.voluntaryprinciples.org/>. The VPs incorporate the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and the UN Code of Conduct for Law Enforcement Officials.
- 45 "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, disability, 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." See http://resources.fifa.com/mm/document/affederation/bodies/02/74/76/37/draftfifastatutesextraordinarycongress2016en_neutral.pdf.
- 46 "2016 FIFA Reform Committee Report," p. 9, referenced in endnote 10.
- 47 Moya Dodd, "FIFA Needs More Women," *New York Times*, November 19, 2015, available at <http://www.nytimes.com/2015/11/20/opinion/fifa-needs-more-women.html>. Also see "Chair of the FIFA Task Force for Women's Football submits proposals to the 2016 FIFA Reform Committee," available at <http://www.fifa.com/about-fifa/news/y=2015/m=10/news=chair-of-the-fifa-task-force-for-women-s-football-submits-proposals-to-2722358.html>.
- 48 See http://www.fifa.com/mm/document/affederation/administration/regulations_on_the_status_and_transfer_of_players_en_33410.pdf.
- 49 A 2012 study of Eastern European clubs by FIFPro reports that 42 percent of more than 3,000 players in 12 countries stated that they were consistently not paid on time. Almost 12 percent of those surveyed said they were victims of violent acts, and 10 percent said they were subject to bullying and harassment. See FIFPro, *Black Book Eastern*

- Europe, 2012, available at: <https://www.fifpro.org/images/documents-pdf/BLACK-BOOK.pdf>, and Gabriele Marcotti, “Why FIFPro are filing a legal complaint against FIFA over the transfer market,” available at <http://www.espnfc.us/blog/marcotti-musings/62/post/2618075/explaining-fifpro-legal-complaint-against-fifa>.
- 50 For extensive references to news reports, see Anderson and Harrington (endnote 8, above), pp. 58-59 and 180-182. Also see Ed Hawkins, *The Lost Boys: Inside Football's Slave Trade*, London: Bloomsbury, 2015, and <http://www.footsolidaire.org/images/pdf/foot-solidaire-3eme-conference-internationale-jeune-footballeur-africain.pdf>.
- 51 See the sources in endnote 50, and Alex C. Najarian, “The Lost Boys’: FIFA’s Insufficient Efforts to Stop Trafficking of Youth Footballers,” *Sports Lawyers Journal*, 22 (Spring 2015).
- 52 For a letter to the Tribunal from the attorney representing some 60 players from 13 different teams alleging reprisals by FIFA and the respective national associations, as well as petitioning for an interim order enjoining the reprisals, see “Amended Application, Declaration in Support of Request for Interim Remedy by Hampton Dellinger, 27 October 2014,” available at http://equalizersoccer.com/wp-content/uploads/2014/10/141027_retaliation_claim.pdf. For a study of this particular case in relation to international human rights law, see Gigi Alford, “No Contest: The Human Right of Access to Effective Remedy Supersedes FIFA’s Ban on ‘Recourse to Ordinary Courts’,” Dissertation Submitted for the Master of Studies Degree in International Human Rights Law, University of Oxford, 2015.
- 53 See <http://www.fifa.com/about-fifa/news/y=2016/m=2/news=fifa-congress-approves-landmark-reforms-2767108.html>.
- 54 Owen Gibson, “Fifa sponsors want human rights at heart of reform process,” *The Guardian*, February 5, 2016, available at <http://www.theguardian.com/football/2016/feb/05/fifa-sponsors-human-rights-reform-process>.
- 55 See <http://www.fifa.com/about-fifa/news/y=2016/m=2/news=fifa-congress-approves-landmark-reforms-2767108.html>.
- 56 I owe this phrase to Andrews and Harrington (referenced in endnote 8).
- 57 Simon Kuper, “What’s wrong with sports officials?” *Financial Times*, February 19, 2016, available at <http://www.ft.com/intl/cms/s/0/cbfbcae-d4fd-11e5-8887-98e7feb46f27.html>.
- 58 FIFA, “Our Commitment,” available at http://www.fifa.com/mm/document/footballdevelopment/education/55/95/17/fifa_brandbroschuere_23x23_e_13324%5B1%5D.pdf.

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“FOR THE GAME. FOR THE WORLD.” FIFA and Human Rights
John G. Ruggie, April 2016

