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# REPORT BY THE FIFA HUMAN RIGHTS ADVISORY BOARD

*FIRST REPORT WITH THE ADVISORY BOARD'S  
RECOMMENDATIONS AND AN UPDATE BY FIFA*

*SEPTEMBER 2017*

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# INTRODUCTION

The FIFA Human Rights Advisory Board was established by FIFA in early 2017 to help strengthen its efforts to ensure respect for human rights. The Board is composed of eight international experts in human rights, including labour rights and anti-corruption issues, from the United Nations, trade unions, civil society and business who have been appointed for an initial term of two years (see Annex 1 for profiles of the Board members). The Board provides FIFA with advice and recommendations on all issues that it considers relevant to the implementation of FIFA's human rights responsibilities under article 3 of the FIFA Statutes, including with regard to its policy commitments, human rights due diligence processes, and processes for remediation.

The Board was established on the initiative of FIFA's President and members of the Board are appointed by FIFA's Secretary General. The public terms of reference (TOR) for the Board were developed by FIFA in consultation with a range of stakeholders, including representatives of international organisations, trade unions, civil society and FIFA's commercial partners.<sup>1</sup>

The eight members of the Board provide advice on an independent basis and receive no financial or other compensation for their time. To guide its work, the Board adopted a set of operating principles at its first meeting in March 2017. Those principles are set out in Annex 2.

The Board meets in person at FIFA's headquarters in Zurich twice a year. In practice, the Board meets virtually on a regular basis, both independently and together with the secretariat.<sup>2</sup> Also, twice yearly, the Board produces a public report on its work in general. This is the Board's first such report.

Part A of this report contains the Board's recommendations to FIFA. The Board had sole editorial control of Part A.

In Part B, FIFA provides initial reactions to the Board's recommendations and an update on the action the organisation has taken in recent months with regard to the Board's priority areas and on certain of the Board's recommendations.

Both the Board and FIFA recognise that, since this is the Board's first report, FIFA can only give a general update on progress against the Board's recommendations and that, in

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<sup>1</sup> Available at [http://resources.fifa.com/mm/Document/AFFederation/FootballGovernance/02/87/54/89/AdvisoryBoard\\_ToR\\_final\\_Neutral.pdf](http://resources.fifa.com/mm/Document/AFFederation/FootballGovernance/02/87/54/89/AdvisoryBoard_ToR_final_Neutral.pdf).

<sup>2</sup> In this report, the "secretariat" refers to the members of FIFA's Sustainability and Diversity Department that have responsibility for human rights and act as the secretariat to the Advisory Board under the Board's TOR.

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future reports, FIFA will provide more detailed responses about its efforts to address open recommendations.

The Board and FIFA will introduce a formal tracking system for progress on the Board's recommendations in the next round of reporting.<sup>3</sup>

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<sup>3</sup> To date, the Board and FIFA have agreed that the status of each of the Board's recommendations will be classified along a scale from 1-4. 1 means implementation has not yet started; 2 means implementation is ongoing; 3 means implementation is in advanced stages; and 4 means it has been fully implemented (or closed out). The final (closed) status will be determined by the Board based primarily on information provided by FIFA but also from external stakeholders where they have particular insight into an issue. Given that the Board's role is advisory, FIFA may decide to reject a specific recommendation or adopt a different approach. However, if this happens it should be accompanied by an explanation of FIFA's reasons and an analysis of why an alternative approach is being adopted.

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# PART A – ADVISORY BOARD'S RECOMMENDATIONS

## Introduction

This is the Advisory Board's first report reflecting our first five months of work. The substantive sections of the report follow the structure of the 2016 independent report that FIFA commissioned by Professor John Ruggie, "*For the Game. For the World.*": *FIFA and Human Rights*.<sup>4</sup> Prof. Ruggie's report set out 25 overarching recommendations on how FIFA should meet its responsibilities under the United Nations Guiding Principles on Business and Human Rights ("UN Guiding Principles").

The Advisory Board has used Prof. Ruggie's report as an anchor in its deliberations. Thus, Part A of this report is divided into six sections corresponding to the six core components of FIFA's responsibility to respect human rights under the UN Guiding Principles, namely:<sup>5</sup>

1. Adopt a clear and coherent human rights policy;
2. Embed respect for human rights;
3. Identify and evaluate human rights risks;
4. Address human rights risks;
5. Track and report on implementation;
6. Enable access to remedy.

The Board has organised its views in this report using four main categories:

- **Discussion**, summarising the main points that were explored during the Board's first meeting in March 2017 in discussion with the responsible members of the FIFA administration and any further significant discussions or developments on those topics up until early July when the draft report was finalised;<sup>6</sup>
- **Observations** that the Board offers to encourage FIFA to reflect on ways of improving specific processes or its broader approach to human rights, or where the Board welcomes a particular step by FIFA;
- **Recommendations** where the Board believes concrete action by FIFA is required, for example, on a human rights issue of particular concern. A number of these recommendations were communicated to FIFA directly during the Board's first meeting while others have been developed or refined based on the Board's subsequent interactions with FIFA and with external stakeholders;

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<sup>4</sup> Available at <https://www.hks.harvard.edu/centers/mrcbg/programs/cri/research/reports/report68>.

<sup>5</sup> This report uses the same headings and descriptions *in italics* of those core components as used by Ruggie in his report.

<sup>6</sup> In this report, the "administration" refers to the 500-strong Zurich-based organisation headed by the Secretary General.

- **Requests** where the Board has asked the secretariat for further information or clarification which will inform follow-up actions by the Board and potential future recommendations.

This report is focused on the topics covered during the Board's inaugural meeting on 13-14 March 2017; however, it indicates where the Board intends to work further on specific or additional topics. That meeting was a level-setting exercise, enabling the members of the Board to be brought up to speed on FIFA's human rights efforts since the publication of Prof. Ruggie's report in April 2016.

Part A also takes account, wherever possible, of significant developments in the Board's work between its March meeting and the time that the Board finalised its recommendations in July 2017, including through the Board's regular engagement with key administration staff over this period. The numbers in square parentheses in the text refer to the relevant overarching recommendations in Prof. Ruggie's 2016 report. Note that not every recommendation is addressed in this report.

As noted in the general introduction, the Advisory Board had sole editorial control of Part A of this report. FIFA was entitled, under the Board's TOR, to request the removal of confidential information or errors of fact. The Board reviewed a draft of FIFA's responses in Part B and agrees with FIFA's assessment of the organisation's progress so far on some of the Board's priority recommendations.

We, the members of the Advisory Board, are committed to seeing FIFA strengthen its efforts to respect human rights. We hope that this report will be useful to FIFA as well as to its various stakeholders that are interested in or concerned about the organisation's human rights performance or directly affected by its activities. The Board welcomes feedback on this report, as well as broader information about issues falling within its scope of work.

The remainder of Part A now turns to addressing FIFA's human rights efforts in detail.

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## 1. ADOPT A CLEAR AND COHERENT HUMAN RIGHTS POLICY

*The first step for any organisation 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 organisation expects regarding the conduct of its own leadership and staff, as well as that of partners and others it works with.*

### **Discussion:**

At the time of the Board's first meeting in March 2017, FIFA had already taken important steps towards an organisation-wide human rights policy [Ruggie 1.1]. The Board commented on an initial draft of the policy and on ways to strengthen its content, including with regard to safety and security of persons during events, how issues are escalated within available grievance systems, the provision of remedy and who constitutes a "human rights defender" for the purposes of the policy. The Board also provided input to FIFA's planned consultation process to gather feedback from key stakeholders to inform the finalisation of the policy.

Input from the Board and from other stakeholders was integrated into the policy and a final version was adopted by the FIFA Council during FIFA's May 2017 Congress.<sup>7</sup>

### **Observations:**

- The Board welcomed the adoption of FIFA's new Human Rights Policy, which is a first for an international sports organisation. Importantly, the policy includes specific language on how FIFA understands its responsibility to use its leverage in its business relationships to seek to ensure respect for human rights, identifies FIFA's salient human rights issues (meaning the human rights at risk of the most severe negative impacts from FIFA's activities and business relationships), and clarifies that FIFA's human rights commitments are binding on all FIFA bodies and officials when they are carrying out their duties. The content of the policy closely mirrors the requirements and language of the UN Guiding Principles.

**Note:** The recommendations below were all delivered during the process of drafting the policy.

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<sup>7</sup> Available at [http://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/12/fifashumanrightspolicy\\_neutral.pdf](http://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/12/fifashumanrightspolicy_neutral.pdf).

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**Recommendations:**

- 1(a)** That FIFA strengthen the draft policy's language regarding the organisation's expectations of governments that are hosting FIFA tournaments with regard to handling all security connected with the hosting of the event in line with international human rights standards, including by drawing on practical experience among governments and companies in implementing the Voluntary Principles on Security and Human Rights.<sup>8</sup>
- 1(b)** That FIFA reach out to additional stakeholders in the consultation process, in particular to relevant international trade union federations and individual member associations, in the latter case in order to build greater understanding of, and grass roots input to, FIFA's human rights commitments.
- 1(c)** That the administration align the policy's definition of human rights defenders with international standards and consider the range and type of defenders that could be adversely affected as FIFA works to implement the policy once adopted (see the Board's recommendation 3(d) below under "Identifying risks").

**Requests:**

- The Board asked FIFA to update it on plans to integrate FIFA's human rights commitments into the organisation's core codes (the Code of Conduct, Code of Ethics and Disciplinary Code) in a future meeting [Ruggie 1.2].

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<sup>8</sup> Available at [http://www.voluntaryprinciples.org/files/voluntary\\_principles\\_english.pdf](http://www.voluntaryprinciples.org/files/voluntary_principles_english.pdf).

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## 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 organisation's commitment to respect human rights requires proactive engagement by the top management and FIFA's political levels where critical decisions are made.*

### **Discussion:**

The secretariat explained that day-to-day responsibility for human rights now rests with the head of the Sustainability and Diversity Department [Ruggie 2.2], who reports directly to the Secretary General [Ruggie 2.1]. Within the administration, regular cross-departmental meetings on human rights have been established, coordinated by the Human Rights Manager who sits in the Sustainability and Diversity Department [Ruggie 2.3].

Representatives from around a dozen different divisions and departments are invited to these meetings. They include staff responsible for member associations, compliance, legal affairs, football development, public affairs, security, competitions, players' status, retail and merchandising, and human resources. The meetings are held approximately every second month and the secretariat reported that they are helpful in raising internal awareness and discussing human rights-related issues and projects of common interest across the organisation. In addition, a series of working groups have been established to tackle specific issues, for example, on integrating respect for human rights into contractual provisions, FIFA's anti-discrimination efforts and improving FIFA's communications about its human rights work.

The secretariat described the efforts being made to sensitise staff to human rights issues, processes and practices. All new staff joining the FIFA administration go through a formal induction process, which includes a briefing on FIFA's sustainability efforts, including its human rights commitments and work [Ruggie 2.6].

Prof. Ruggie's 2016 report highlighted the need for FIFA's governing bodies, including the Council, "to take full account of its human rights commitments in their decision-making" [Ruggie 2.4]. Members of FIFA's standing committees and independent committees as well as FIFA's Council must currently complete an e-learning course that includes a section on human rights.

The Governance Committee's mandate explicitly includes advising and assisting the FIFA Council on human rights in connection with FIFA and its activities. In early 2017, under the leadership of the former chair of the committee, Miguel Maduro (former Advocate General of the European Court of Justice), the committee established a Working Group on Human Rights composed of Navi Pillay (a South African jurist and former UN High Commissioner for

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Human Rights) and Ron Popper (former Head of Corporate Responsibility for ABB). Mr Popper attended the first day of the Human Rights Advisory Board's March meeting and there was a joint discussion about how the work of the Advisory Board and that of the Governance Committee on human rights could be mutually supportive. The Board engaged with the committee's members on advancing various human rights issues internally with FIFA in the period between March and May.

However, following the May 2017 Congress, when Miguel Maduro was not reappointed as chair, Navi Pillay and Ron Popper both resigned from their seats. The Board wrote to the Secretary General expressing our concern about these developments and noting the critical importance of human rights expertise if the Committee is to be able to fulfil its mandated role [Ruggie 2.5].

At the time of finalising this report, FIFA was in the process of identifying new candidates to fill the vacant positions in the Governance Committee. The Board has shared with FIFA the names of a number of qualified individuals for its consideration.

Also on the topic of FIFA's efforts to improve internal governance, at its March meeting, the Advisory Board noted the importance of understanding the impact that corruption can have on ensuring respect for human rights and the close relationship between FIFA's efforts to address corruption and the organisation's human rights commitments. The Board requested further information on this topic (see below under 'Requests').

Also at its March meeting, the Advisory Board welcomed the opportunity to meet with FIFA's Secretary General, Fatma Samoura, to understand her vision for the organisation and to discuss some of the priority human rights challenges facing FIFA. Now that FIFA has taken, in the Secretary General's words, the "bold step" of establishing the Human Rights Advisory Board, the Board appreciated her commitment to support its work and to strive to address its recommendations to help strengthen FIFA's human rights efforts.

#### **Observations:**

- The Board stressed how important it is for external audiences and concerned stakeholders to better understand how roles have been assigned within FIFA with regard to meeting the organisation's human rights responsibilities. The Board subsequently welcomed FIFA's clear statement of this in its Activity Update on its human rights work in June 2017.<sup>9</sup>

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<sup>9</sup> Available at [http://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/21/activityupdate\\_humanrights\\_may2017\\_neutral.pdf](http://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/21/activityupdate_humanrights_may2017_neutral.pdf).

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- The Board highlighted areas where the Secretary General’s strong leadership would be particularly helpful, for example, in continuing to drive greater transparency about FIFA’s human rights efforts and challenges and to develop leading practices on human rights for the football community as a whole. The Board counts on its continued direct engagement with the Secretary General as its work progresses.
- The Board stressed the value of collective action to share lessons and find solutions to the human rights challenges connected to significant sporting events, particularly the potential role of the Mega-Sporting Events Platform for Human Rights.<sup>10</sup> The MSE Platform is an emerging multistakeholder coalition that has the backing of a range of key organisations as well as the Swiss and US governments. The Board therefore welcomed FIFA’s decision in April 2017 to accept an invitation to join the Platform’s steering committee.
- The Board will continue to explore ways in its future work in which FIFA can further strengthen its formal structures for stakeholder engagement across its activities, including with civil society organisations and trade unions [Ruggie 2.7].

**Recommendations:**

- 2(a)** That FIFA continue developing a more strategic approach to embedding respect for human rights across the administration, in particular by focusing on key staff that need specialised training or support in order to integrate human rights into their daily work, and developing indicators to measure the effectiveness of the training that staff receive [Ruggie 2.6].
- 2(b)** That FIFA review how it informs members of the various standing committees and the Council about FIFA’s human rights responsibilities to ensure it includes appropriate information about Prof. Ruggie’s report and recommendations [Ruggie 2.6]. The process should be fully reflective of FIFA’s emerging policies and processes on human rights.
- 2(c)** That FIFA expand its current pool of stakeholders with insights into human and labour rights risks and establish more regular engagement with them [Ruggie 2.7].
- 2(d)** That FIFA develop a strategy to drive deeper engagement with and outreach to its member associations on this topic, which have their own unique challenges in respecting human rights [Ruggie 2.7].

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<sup>10</sup> See [www.megasportingevents.org](http://www.megasportingevents.org).

**Requests:**

- That the secretariat share copies with the Advisory Board of the outcomes of the regular cross-departmental meetings on human rights so that the Board can better understand the scope and nature of these internal activities.
  - That the secretariat share more information on the content of the induction processes for staff and members of the standing committees, as well as any ongoing training, with regard to human rights.
  - That the administration brief the Board in detail on the broader steps FIFA is taking to tackle corruption and strengthen its internal compliance systems, given the close connections with meeting its human rights responsibilities.
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### 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.*

**Note:** Given the range of issues involved, this section is divided by subject matter. It begins with FIFA's overall approach to human rights risk identification and its efforts to tackle discrimination, where FIFA has taken some major steps. It then considers some of the specific risks arising in the context of preparations for the 2018 and 2022 FIFA World Cups in Russia and Qatar, focusing on risks to construction workers' human rights.

#### **FIFA'S OVERALL APPROACH TO RISK IDENTIFICATION AND INITIATIVES ON NON-DISCRIMINATION:**

##### **Discussion:**

At the Board's March meeting, the secretariat presented the results of a cross-departmental effort to identify FIFA's salient human rights issues that helped to inform the organisation's new human rights policy as well as its overall strategy on human rights. Salient human rights issues are the human rights at risk of the most severe negative impacts through an organisation's activities or business relationships. The Advisory Board welcomed the work and, in some preliminary comments, highlighted areas that need further consideration, such as displacement of people during the construction of football stadiums and related infrastructure, gender discrimination and sexual harassment, and child protection issues among others.

The Head of Commercial Legal provided an overview of the extensive work underway to integrate respect for human rights into the bidding documentation, criteria and decision-making for future FIFA World Cup tournaments starting in 2026 [Ruggie 3.2]. The Advisory Board provided detailed input to the administration's development of the bidding documentation through two rounds of verbal and written feedback in May and early June, including regarding its plans to consult with a wider group of stakeholders on the draft changes.

FIFA's Diversity and Anti-Discrimination Manager provided the Board with a detailed explanation of FIFA's anti-discrimination efforts, including how non-discrimination is embedded in FIFA's Statutes and regulations, the operation of the Anti-Discrimination Monitoring System (ADMOS) in connection with matches,<sup>11</sup> the application of fines or sanctions against individual players,

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<sup>11</sup> For more information, see [http://resources.fifa.com/mm/document/afsocial/anti-racism/02/60/42/16/fifaanti-discriminationmonitoringsystem\\_summary\\_may2015\\_neutral.pdf](http://resources.fifa.com/mm/document/afsocial/anti-racism/02/60/42/16/fifaanti-discriminationmonitoringsystem_summary_may2015_neutral.pdf).

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fans or member associations that violate the prohibition on discrimination, and FIFA's broader awareness raising campaigns on the topic.

With regard to identifying risks of discrimination in connection with matches, the ADMOS is intended to identify both the risk that fans or others will engage in racist, xenophobic, homophobic, sexist or other kinds of discriminatory behaviour, whether through violence or other forms of physical or verbal intimidation, as well as actual instances of such discrimination. Under the ADMOS, a risk assessment is conducted for every match (871 will be conducted for the qualifying rounds of the 2018 FIFA World Cup), and stadium-based monitoring is then prioritised based on those matches that pose the highest risk of discriminatory incidents. The robust system includes clear criteria for monitors, rapid internal assessments of reported instances of discrimination, activation of FIFA's Disciplinary Committee within a set timeframe (which is accelerated during major competitions), and close liaison between FIFA and the relevant Local Organising Committee to ensure follow-up action is taken. The question of follow-up is further discussed under section 4 below.

The Advisory Board asked about the role of the police in the ADMOS, the confidentiality of materials gathered by FIFA as part of its monitoring activities (such as video footage of fan violence), and how protests or demonstrations which are of a political nature, rather than driven by prejudice or discriminatory views, are handled by FIFA and the security personnel within the football stadiums.

The Head of the new Women's Football Division presented her strategy for the development of women's football globally, including supporting the development of women in key leadership positions throughout global football and identifying opportunities to build on FIFA's existing relationships with member associations to strengthen the women's game. She stressed the obligations in the FIFA Statutes and the new organisational strategy "FIFA 2.0" to develop women's football, as well as the strong support she has within FIFA for the work of the new division. She also noted the challenges the division will inevitably face in meeting ambitious participation targets and in changing attitudes and perceptions.

**Observations:**

- FIFA has made progress in identifying both its overarching human rights risks as well as instances of specific risks, particularly match-related discrimination. However, FIFA has significant work to do to embed human rights risk assessment (including processes for engaging with affected stakeholders) into its operations across the board [Ruggie 3.1]. This is a long-term effort that will require real changes to existing systems.
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- The ADMOS appears to be a robust and well-developed system for tackling a specific set of human rights risks connected to tournaments. FIFA can build on its initiative in this area as it seeks to strengthen its broader efforts to identify and evaluate human rights risks in connection with tournaments.
- The Advisory Board welcomed the establishment of a dedicated division for women's football as an important structural response to tackling discrimination against women at all levels of the game and within FIFA itself. The Board offered its close engagement, support and advice on gender and equality issues as the work of the new division moves ahead.

**Recommendations:**

- 3(a)** That FIFA prioritise its efforts to develop systems to more consistently identify the greatest risks to people affected by FIFA's activities and business relationships, especially where actual harm has occurred or may be imminent or where access to remedy is needed.
- 3(b)** That the administration's comprehensive mapping exercise to identify salient human rights issues should be tested with informed stakeholders who can validate and/or challenge the findings. The Advisory Board intends to provide more specific comments as the process moves forward.
- 3(c)** That FIFA identify predictable risks to the exercise of fundamental civil and political rights (such as freedom of expression, association and peaceful assembly) in connection with FIFA's tournaments and other events, including in connection with smaller tournaments and one-off meetings such as the Congress. FIFA should communicate its expectations to host governments in advance since this is likely to be a sensitive topic.
- 3(d)** That the administration give urgent attention to the need to have clear channels in place through which human rights defenders, journalists and others who are at risk of severe harm (such as arbitrary detention or arrest) in connection with FIFA's tournaments or other events can safely raise concerns, in line with its commitment in its new Human Rights Policy. Prompt responses to such risks are necessary to prevent an escalation of harm to those affected. There is a particular urgency to ensure such systems are in place in the lead up to the 2018 FIFA World Cup as this will be the first major test of FIFA's new policy commitment.

**Requests:**

- The Board asked the secretariat to keep it informed about the results of the stakeholder consultation on the human rights content of the 2026 bidding documents in advance of their finalisation.
- The Board asked the secretariat to develop and share with it a calendar of major tournaments and events over the coming year against which it can review and discuss with FIFA any predictable human rights risks, and FIFA's proposed response to these.
- The Board intends to explore a number of areas in more detail in its future meetings and will seek the secretariat's support in arranging appropriate briefings. These areas include: FIFA's connection to impacts on children's rights and the measures it has taken in response; the human rights of players, in particular regarding their employment, transfer and access to remedy; the matter of anti-doping (which touches on issues of legal personality and data protection, the right to due process, as well as the health of individual players); and issues of match-fixing and manipulation of competitions (which also raise due process concerns).

***CONSTRUCTION-RELATED RISKS CONNECTED TO THE UPCOMING FIFA WORLD CUPS IN RUSSIA AND QATAR:*****Discussion:**

Impacts on construction workers have been the focus of efforts to date by FIFA and its partners in connection with the preparations for both the 2018 FIFA World Cup in Russia and the 2022 FIFA World Cup in Qatar. This is understandable, given the predictable – and sometimes very severe – risks to workers' health and safety in construction projects generally.

Moreover, the construction underway in both countries is reliant on significant numbers of migrant workers. There are particular risks for such workers globally due to their status as migrants. These are connected to factors such as language barriers, their immigration status being dependent on employment (often by a specific employer), and the potential for indebtedness prior to their arrival in a country due to abusive recruitment practices by third-party recruiters in their country of origin. Migrant workers are less likely to be able, or feel confident, to use formal state-based complaint mechanisms and are usually not represented by trade unions. They are known to be a particularly vulnerable group of workers in the construction sector and are often exposed to lower wages than non-migrants, delays in or non-payment of their wages or bonuses, and the lack of a formal employment contract.

There have been documented instances of all these impacts, as well as severe health and safety issues, including fatalities and deaths, on workers involved in FIFA World Cup construction in



both countries. Labour rights monitoring systems have been put in place by the responsible local organisations in both countries, with FIFA's support, aimed at preventing and addressing these risks to construction workers. Significant effort has gone into strengthening these systems, including, critically, through formal collaborations with Building and Woodworkers' International (BWI), the global trade union federation for the construction sector.

The level of information that is made publicly and regularly available about the functioning of these labour rights monitoring systems is markedly different, with very little currently published in relation to Russia. This has made discussion of progress and remaining challenges much more complicated.

The following summarises the Board's discussions to date about the efforts being made in regard to each tournament.

**2018 FIFA WORLD CUP:**

There are currently about 12,000 workers involved in construction in connection with the 2018 FIFA World Cup. Of those covered under the labour rights monitoring system, it is estimated that around 50% are migrant workers.

In April 2016, FIFA and the Local Organising Committee ("LOC") for the 2018 FIFA World Cup began inspections of stadiums under the Decent Work Monitoring System. Inspections are carried out by the independent Klinsky Institute of Labour Protection and Working Conditions to monitor working conditions in the ten stadiums that are undergoing construction or major renovation in preparation for the tournament.<sup>12</sup> Representatives from FIFA and the LOC regularly accompany the visits.<sup>13</sup> In some cases where particularly severe or recurring issues are identified, FIFA and the LOC are involved in deciding on an appropriate course of action which may include notifying the state regulator, the Federal Service for Labour and Employment (Rostrud).

In August 2016, a Memorandum of Understanding was agreed between FIFA, the LOC, BWI and the Russian Building Workers Union (RBWU).<sup>14</sup> Under the MoU, trade union representatives join a number of the monitoring visits and then review and verify the report prepared by the Klinsky Institute, which is sent to the companies being inspected (that is, the sub-contractors

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<sup>12</sup> See <http://www.fifa.com/worldcup/news/y=2016/m=5/news=working-conditions-monitoring-system-launched-at-world-cup-stadiums-2790536.html>.

<sup>13</sup> FIFA has a dedicated sustainability staff member based in Russia who participates in most of the monitoring visits and collaborates closely with counterparts at the LOC. Zurich-based FIFA staff have also joined the visits.

<sup>14</sup> See <http://www.fifa.com/worldcup/news/y=2016/m=8/news=working-conditions-fifa-and-trade-unions-sign-cooperation-agreement-fo-2823712.html>.

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operating on site) and to the developer or owner of the stadium (that is, the company with which the LOC has a contractual relationship). BWI's role includes reviewing the methodology for the inspections, flagging issues that are not adequately covered, and playing a specific role in worker interviews during the visits that BWI representatives join.

The Board was informed by both FIFA and BWI that the monitoring system has led to some clear improvements in the extent of protections for workers on construction sites and has helped sensitise the companies involved to the importance of health and safety protections for workers. However, both also recognised continuing challenges. At the moment, there are no publicly available figures on the overall effectiveness of the monitoring system that have been agreed on by all the parties to the MoU.<sup>15</sup> Nor is there agreement on the system's effectiveness in addressing the root causes of incidents, as opposed to individual breaches. The Board understands that FIFA and the LOC are now working to make information about the functioning of the system publicly available.

The November 2016 joint inspection of the St. Petersburg Stadium identified evidence of the presence of North Korean construction workers on the site.<sup>16</sup> (North Koreans working abroad are some of the most vulnerable migrant workers.) It was reported that such workers had previously been employed by a sub-contractor at the stadium site and had been relocated to another construction site. This issue was discussed with the main contractor and the sub-contractor during the visit. In a subsequent inspection in early 2017 it was confirmed that no North Koreans were working on the stadium site. FIFA and the LOC have now added specific checks on the presence of North Korean workers to the Monitoring System.

#### **Observations:**

- The Board welcomes the efforts by FIFA and the LOC to start providing transparent information about the functioning of the monitoring system in Russia. From a human rights perspective, any evaluation of the results of the system needs to consider the severity of the issues that remain unresolved or that recur, for example, if they involve severe harm such as death or serious injury, or if they affect large numbers of workers as in the case of labour disputes or strikes. It should also evaluate the extent to which the close-out rate reflects effective remedy for the individual workers involved where harm has occurred. The Board understands

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<sup>15</sup> From FIFA's perspective, see [http://resources.fifa.com/mm/document/afsocial/general/02/89/49/75/response\\_humanrightswatch\\_june2017\\_neutral.pdf](http://resources.fifa.com/mm/document/afsocial/general/02/89/49/75/response_humanrightswatch_june2017_neutral.pdf).  
From BWI's perspective, see <http://www.childrenwin.org/implementation-of-human-rights-commitments-poses-tough-task-for-fifa/>.

<sup>16</sup> See [http://resources.fifa.com/mm/document/afsocial/general/02/89/49/75/response\\_humanrightswatch\\_june2017\\_neutral.pdf](http://resources.fifa.com/mm/document/afsocial/general/02/89/49/75/response_humanrightswatch_june2017_neutral.pdf).

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that the inspection reports generally do not capture whether affected workers are migrants or not, and thus it is very difficult to evaluate patterns for this specific group.

- While the Klinsky Institute has been diligent in identifying and reporting more severe issues to FIFA and the LOC, the system is heavily dependent on the cooperation of the main stadium contractor, and especially the regulator Rostrud, to support effective and timely remediation by the sub-contractors involved. The critical role of the Russian government in enabling effective prevention and remedy has been highlighted in recent external reports on the situation.<sup>17</sup>
- In the Board's view, when severe harm to workers occurs, and whenever there is a death or serious injury, there is a critical role for BWI to play in bringing an expert, international trade union perspective to the process of identifying and recommending ways to address the root causes of such incidents in order to help prevent and mitigate risks to other workers.

**Recommendations:**

- 3(e)** That, as a priority, FIFA support a thorough examination of the root causes of all fatalities and other serious injuries to date, as well as an analysis of health and safety risks in the final phases of construction through the end of 2017 (and potentially into early 2018) in order to help prevent the most severe risks to workers. Assessments of root causes, and of the monitoring system's overall effectiveness in addressing the most severe risks to workers, should involve all the parties to the MoU.
- 3(f)** That FIFA proactively engage with the LOC whenever severe impacts on workers occur on how leverage can best be used, including with the relevant stadium developers, to ensure appropriate follow-up measures. Such measures should include the application of appropriate sanctions on the responsible parties as well as forward-looking steps to prevent the impacts from recurring.
- 3(g)** That FIFA collaborate closely in all instances where death or serious injury have occurred not only with the LOC but also with BWI (and RBWU as appropriate) on follow-up measures.
- 3(h)** That FIFA engage with the LOC, BWI and RBWU to make at least summary observations from the monitoring system public, including follow-up actions to address non-compliance, and to ensure that the monitoring system is capturing

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<sup>17</sup> See in particular Human Rights Watch, "Red Card: Exploitation of Construction Workers on World Cup Sites in Russia", June 14, 2017, available at <https://www.hrw.org/report/2017/06/14/red-card/exploitation-construction-workers-world-cup-sites-russia>, p 6 . See also FIFA's response, note 16 above.

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disaggregated data about impacts on migrant workers going forward. That FIFA raise with the LOC the need to ensure that the main contractors have appropriate health and safety plans and training programmes in place when workers are operating at heights as construction advances to the final stages and the nature of the risks to workers changes.

- 3(i)** That FIFA raise with the LOC the need to ensure that the main contractors ensure that all workers in the stadiums are provided with adequate health care as well as timely compensation in the event of any injuries.

**Requests:**

- The Board sought further information from the secretariat about the situation of North Korean workers that could be connected to 2018 FIFA World Cup construction sites, and specifically about any action taken to follow-up on the conditions of the workers that had previously been on the St. Petersburg site. The Board intends to discuss this topic further in its upcoming meetings.
- The Board will continue to focus on the issue of significant risks to workers' rights in the final phases of the construction in Russia, and the efforts being made to address them, and will request that the secretariat keep it updated as a priority about action on the recommendations above.
- In addition, in the lead up to its next in-person meeting, the Board will request further information on other human rights risks connected to the 2018 FIFA World Cup, focusing on FIFA's new commitment regarding the protection of human rights defenders in connection with FIFA events. This will include information on the situation of lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals, as well as journalists and representatives of civil society organisations.

**2022 FIFA WORLD CUP:**

**Discussion:**

The number of workers involved in construction of the eight stadiums in Qatar is expected to rise from 12,000 to 36,000 in the next 12 months. (The issue of broader construction linked to the tournament is discussed below.)

The Supreme Committee for Delivery and Legacy (SC) is the government agency responsible for the delivery of the 2022 FIFA World Cup. In its role as the developer of the stadiums, it oversees a four-tier monitoring system for working conditions on site as well as in the workers' accommodation that evaluates contractors' and sub-contractors' compliance with a set of "Workers' Welfare Standards" developed by the SC. The four tiers are: (i) self-assessments by the SC's main contractors, (ii) inspections by the SC itself, (iii) inspections by

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an expert independent External Monitor – Impactt Limited – to continuously review the SC’s own monitoring efforts,<sup>18</sup> and (iv) inspections by the relevant government ministry.

The SC publishes information on the results of its monitoring as part of its broader Workers’ Welfare programme.<sup>19</sup> The findings from the External Monitor’s initial reviews were published in April 2017.<sup>20</sup> Impactt found a good degree of compliance with the SC’s Workers’ Welfare Standards for accommodation and construction sites while noting a number of priority areas for further attention including: recruitment fees, personal documents, provision of contracts, working hours, wages, health and safety, food, and a cluster of issues connected to grievance mechanisms, worker representation and disciplinary procedures. According to Impactt: “Further progress is needed on some of the more complex challenges, such as promoting the effective functioning of robust dialogue mechanisms (Workers’ Welfare Forums), providing workers with adequate residence permits and reimbursing recruitment fees to workers who provide evidence of payment.”<sup>21</sup>

According to the SC, there have been two “work-related” deaths to date on FIFA World Cup stadium construction sites – at Al Wakrah Stadium and Khalifa International Stadium. The most recent reporting by the SC contains information about both, including an acknowledgement of underlying health and safety issues.<sup>22</sup> The SC has also instituted root cause analysis as part of its Incident Investigation Procedure introduced after the fatality at Al Wakrah.

The SC’s most recent report also identified five “non-work-related” deaths of workers involved in stadium construction during the reporting period, with the immediate cause of death being either a heart attack or acute respiratory failure. Other stakeholders who have looked at the number of migrant worker deaths in connection with broader construction in Qatar have publicly raised concerns about the potential for heightened health risks to construction workers generally arising from the physical environment. There have been a growing number of calls for a deeper exploration of the connections between workers’ health and “non-work-related” fatalities connected to FIFA World Cup construction. As a first step, the Board notes

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<sup>18</sup> See <http://www.fifa.com/worldcup/news/y=2016/m=4/news=independent-workers-welfare-monitor-appointed-as-edition-two-of-sc-sta-2779499.html>.

<sup>19</sup> See <http://www.sc.qa/en/opportunities/workers-welfare/workers-welfare-compliance>. The most recent report was published in June 2017 and covers the period January 2016-February 2017: <http://d2u1rmkncwog70.cloudfront.net/Vault/VaultOutput?ID=12748&ts=1489601739>.

<sup>20</sup> Available at <http://d2u1rmkncwog70.cloudfront.net/Vault/VaultOutput?ID=12342&ts=1489601739>.

<sup>21</sup> Ibid, p 4.

<sup>22</sup> Note 19 above.

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that the SC has committed to partner Weill Cornell Medicine-Qatar to examine the health, nutrition and diet of workers involved in stadium construction.<sup>23</sup>

In November 2016, in a notable step, BWI and the SC entered into a Memorandum of Understanding to conduct joint inspections on health and safety issues on site as well as training for SC staff on health and safety issues and specific review of current grievance mechanisms for workers (discussed in Section 6 below).<sup>24</sup> The joint inspections cover all stadium workers but initially focus on projects that are being built by multinational companies that are headquartered in countries where BWI currently has representation. To date, the companies that fall under the agreement are from Austria, Belgium, Italy, India, and Cyprus. The first two inspections were conducted in February and April 2017 by an SC-BWI Joint Working Group and the Board was informed that the engagement had been open and constructive. FIFA participated as an observer in the June 2017 joint inspection.

According to BWI, the joint inspections highlighted key findings and recommendations in the areas of safety for work conducted at heights, occupational health risks, and further improvement of accommodation facilities. In BWI's view, the SC has taken important steps to address risks arising from working at heights since the fatality in Khalifa International Stadium in January 2017 and to sanction sub-contractors (for example, black-listing three that were involved in repeat non-compliance and requiring the demobilisation of nine others in the most recent reporting period).<sup>25</sup> BWI reports that it is working closely with the SC to seek to ensure that the contractors and sub-contractors fulfil the recommendations within an agreed timeframe.

BWI noted reports that workers complained of muscle pains and aches but were not aware of the health hazards in various aspects of construction work, such as working with vibrating tools, electrical work or manual work that requires repetitive motion. The joint inspections stressed the need for workers' effective participation in technical health and safety forums that should be established for each site.

FIFA has worked to understand its connection to construction-related human rights impacts in Qatar in three broad categories: (i) impacts arising from the construction of 2022 FIFA World Cup facilities that are under the SC's control; (ii) impacts arising from construction that is linked to the delivery of the tournament; and (iii) impacts arising from broader construction

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<sup>23</sup> Ibid, p 34.

<sup>24</sup> See <http://www.fifa.com/worldcup/news/y=2016/m=11/news=supreme-committee-for-delivery-legacy-and-bwi-sign-mou-for-joint-in-spe-2850955.html>.

<sup>25</sup> Note 19 above.

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that is ongoing in the country. In 2017, FIFA will build its on-the-ground team in Qatar, beginning already with the appointment of an LOC Sustainability Senior Manager in April, and extend its direct engagement with local organisations beyond construction of the 2022 FIFA World Cup stadiums to other World Cup-related construction activities.

The ILO Governing Body continues to debate the complaint concerning non-observance by Qatar of the Forced Labour Convention, 1930 (No. 29) and the Labour Inspection Convention, 1947 (No. 81), including the continued effects of the “kafala system” which requires migrant workers to obtain the consent of their employers to terminate their employment contracts. The Qatari government has taken some steps to address concerns through the enactment of Law 21 of 2015 relating to the entry, exit and residence of migrant workers. Shortly after the Board met in March, the ILO decided to defer the decision on the appointment of a Commission of Inquiry until its 331<sup>st</sup> Session in November 2017.

**Observations:**

- The Board understands that the SC and BWI are working on a public report from the joint inspections, due to be published in late 2017, and looks forward to discussing these findings with the parties.
- FIFA has sought the Board’s ongoing advice on its connection to impacts on workers beyond the construction of the stadiums but still linked to the 2022 FIFA World Cup, in line with its responsibility under the UN Guiding Principles. The Board encouraged FIFA to take a broad view of the construction that could be considered as linked to the tournament (and thus to its own operations) and will explore this issue in more depth in its next meeting. The Board also encouraged FIFA to consider the role it can play to set a positive example, even in situations where its operations are not directly linked to negative impacts, for example, by encouraging other commercial entities operating in the country to also take international human rights standards seriously.
- Irrespective of any decision taken by the ILO, the Board noted that it is incumbent on FIFA – with its direct connection to the 2022 FIFA World Cup construction underway in the country – to have a clear position on the rights of migrant workers in Qatar and the need to ensure that the legal protections they are afforded are in line with international labour rights standards. Beyond its brief reactive statement in December 2016,<sup>26</sup> the Advisory Board encouraged FIFA to prepare and share its position proactively.

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<sup>26</sup> See <http://edition.cnn.com/2016/12/12/football/qatar-world-cup-2022-migrant-rights-crisis-amnesty-international/index.html>.

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**Recommendations:**

- 3(j)** That FIFA support the SC and BWI's discussions on the potential for greater synergies between the various parts of the labour inspection system and the extent to which they ensure appropriate consideration of the overall health of workers – i.e., both on site and in accommodations in a connected way – given the extremely challenging physical environment for workers.
- 3(k)** That FIFA engage with the SC to ensure that the Workers' Welfare Standards continue to be reviewed periodically and further updated to reflect feedback from stakeholders consulted as part of that process.
- 3(l)** That FIFA engage with the SC to encourage the renewal of the SC's current agreement with BWI in December 2017 and the potential to extend the scope of the joint inspections to cover sub-contractors directly. FIFA should also explore with the SC the progressive expansion of the coverage of the joint inspections to look at other risks to workers' human rights in a way that could add value to the existing four-tier system.
- 3(m)** That FIFA engage with the SC, together with BWI, on the importance of consulting and involving workers directly in health and safety on the worksite beyond current efforts to strengthen health and safety reporting, including through mechanisms such as worker-management health and safety committees and, given the absence of local trade unions, through worker-elected representatives.
- 3(n)** That FIFA actively explore ways to use its leverage to engage with the host government about the impact of the kafala system on migrant workers involved in World Cup-related construction.

And, as an overarching recommendation:

- 3(o)** That, given the importance and value of joint inspections between FIFA, the relevant LOC, and international and (where they exist) local trade unions, such inspection programmes should be adopted as the norm for all future FIFA World Cup construction.

**Requests:**

- The Board requested further information on the work that has been done by the SC and/or FIFA to understand the category and scope of inquiry regarding "non-work related deaths" and will discuss this issue in more depth in future meetings.
  - FIFA has an important opportunity to embed its human rights commitments beyond stadium construction in the upcoming development of the Sustainability Strategy for the 2022 FIFA World Cup. The Board has requested a detailed briefing from the secretariat on the plans in this regard and intends to explore other salient human rights risks connected to the tournament in future meetings.
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## 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 organisation to influence the behaviour of those best placed to prevent human rights harm.*

### **Discussion:**

#### **ADDRESSING RISKS RELATED TO FIFA WORLD CUPS**

As described in section 3 above, there is substantial work underway to strengthen the existing systems for identifying risks to construction workers' human rights in both Russia and Qatar. Efforts to address the risks identified are an essential part of those systems and a number of the Board's recommendations in Section 3 go to the issue of how FIFA can work with the LOC in Russia and the SC in Qatar, as well as with BWI, to use its leverage to better ensure those risks are effectively addressed. There will be important learning from these experiences to build on in future FIFA World Cups [Ruggie 4.3 and 4.6].

At the Board's March meeting, there was a discussion of the exploitative recruitment practices used by many smaller recruitment agencies and middlemen with regard to the large numbers of migrant workers often involved in FIFA World Cup-related construction, as is the case for many major construction projects globally. The Board's recommendations below address the kinds of influence that the Board believes FIFA can bring to bear to help curb this broader risk, wherever it occurs in connection with FIFA's operations.

As noted above in section 3, FIFA is undertaking significant work to incorporate human rights expectations into the 2026 FIFA World Cup bidding process which should provide a more robust basis for addressing human rights risks in future tournaments [Ruggie 4.1 and 4.2].

#### **ADDRESSING DISCRIMINATION-RELATED RISKS**

With regard to addressing instances of match-related discrimination, the secretariat gave a detailed explanation of the mechanisms in place to discipline member associations. The Board was informed that the Task Force on Racism and Anti-Discrimination, formed in 2013, had fulfilled its mandate. Its work had been transferred and internalised within FIFA. FIFA has issued a good practice guide for member associations,<sup>27</sup> and has called on all member associations to develop detailed action plans. FIFA is prioritising follow-up on these plans with member associations that have been sanctioned for discriminatory behaviour under the

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<sup>27</sup> See [http://resources.fifa.com/mm/Document/AFSocial/Anti-Racism/02/70/94/34/goodpracticeguide\\_Neutral.pdf](http://resources.fifa.com/mm/Document/AFSocial/Anti-Racism/02/70/94/34/goodpracticeguide_Neutral.pdf).

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ADMOS – a good example of engagement with member associations on addressing human rights impacts [Ruggie 4.5].

The secretariat explained FIFA's efforts to promote diversity and accessibility, for example, through its work on access for persons with disabilities to tournaments, and through such programmes as Football for Hope, which includes partnerships with a diverse range of civil society groups.

The secretariat also noted the recent adaptation by FIFA to the application of its regulations that are intended to protect minors from trafficking risks. The adaptation is in response to the challenge posed by the increase in migrant and refugee children entering foreign countries and wishing to play football. The change is intended to more easily enable minors who migrate to another country for humanitarian reasons to register to play organised football. The adaptation of the regulations involves recognising migration of unaccompanied minors for humanitarian reasons as an exception to the general prohibition on transfers of minors and taking steps to help facilitate the necessary proceedings.

#### ***ADDRESSING RISKS CONNECTED TO PROCUREMENT***

The secretariat explained that FIFA is closely examining its procurement practices with the aim of incorporating human rights due diligence into its procurement guidelines [Ruggie 4.4]. FIFA already has a programme in place with the World Federation of the Sporting Goods Industry (WFSGI) with regard to labour standards in the supply of FIFA-licensed football products.<sup>28</sup> FIFA now plans to engage with the WFSGI to further strengthen human rights due diligence in the programme. FIFA is also examining its licensing arrangements to understand how it can better integrate its expectations about respect for human rights into the terms of a broader range of its business relationships.

#### ***WORK OF THE MONITORING COMMITTEE ISRAEL-PALESTINE***

At its March meeting, the secretariat briefed the Board on the activities of the Monitoring Committee Israel-Palestine and has kept the Board updated since then.

In June 2015, FIFA's Congress appointed a former South African government minister, Tokyo Sexwale, to lead an independent monitoring committee to "identify solutions to issues hindering the development of football in the region". According to the secretariat, the Committee has had some success in facilitating the movement of goods and persons in and out of the

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<sup>28</sup> See <http://www.wfsgi.org/news/fifa-quality-programme>.

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Occupied Palestinian Territory in the West Bank and Gaza through the development of an IT platform allowing the rapid processing of requests from the Palestinian Football Association. However, a second and critical issue, the status of clubs based in Israeli settlements in the West Bank and playing in the league system of the Israeli Football Association, remains unresolved.

Mr Sexwale presented his draft report containing recommendations on this remaining issue to the Monitoring Committee at its meeting in March 2017. The outcome of discussions at the FIFA Congress in May was that the FIFA Council was asked to take a final decision on the issue by the end of March 2018, if not before. The Monitoring Committee is expected to finalise its report ahead of the October 2017 FIFA Council meeting.

**Observations:**

- FIFA has for many years offered support and guidance on anti-discrimination efforts to its member associations and there is much for FIFA to build on in this regard. The Advisory Board recognises the challenges in socialising and sensitising 211 very diverse member associations across each continent such that they begin to mirror FIFA's own commitment and efforts to respect human rights. The Board intends to work closely with the secretariat and other key parts of the administration to support their efforts in this area.
- The Advisory Board offered to use its existing networks to identify good practices and models that may be of assistance to FIFA in integrating human rights expectations into its licensing programme.
- At its March meeting, the Advisory Board observed that the process of resolving the dispute between the Israeli and Palestinian football associations is extremely challenging and that the independent process underway must be allowed to run its course. The Board also emphasised that the process, and any final decision by the Council, must fully consider international human rights and humanitarian law standards. The Board is satisfied that these standards have been clearly and appropriately raised by the secretariat with the responsible staff in the administration, including the Secretary General, for consideration as part of the process. However, what matters now is active consideration of these standards in FIFA's final decision-making.

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**Recommendations:**

- 4(a)** That, in order to strengthen FIFA's leverage in future tournaments and ensure better protection of workers' rights, FIFA should include respect for international labour rights standards, including specific occupational health and safety requirements for the construction phase, in the Stadium Agreement for host countries in the bidding documentation. This should include incorporating references to accepted standards such as the FIDIC's Standard Bidding Documents for Procurement of Construction Works and General Conditions of Contract for Construction,<sup>29</sup> and the ILO Code of Practice on Safety and Health in Construction.<sup>30</sup>
- 4(b)** That, building on the experience of implementing the Workers' Welfare Standards in Qatar, FIFA should make clear with respect to all its events that it is unacceptable for migrant workers to be burdened with recruitment fees and should engage with the relevant local actors to promote responsible recruitment and employment practices by all contractors and sub-contractors in line with leading international practice.<sup>31</sup>
- 4(c)** That FIFA promote a policy with host countries of direct employment of a majority of construction workers by the main contractors on FIFA World Cup-related sites. This should help reduce excessive reliance on sub-contractors and the associated risks to workers', particularly migrant workers', human rights. The Board encouraged FIFA to engage with BWI to understand and explore ways to support BWI's efforts with various construction companies in Qatar to sign agreements to this effect as an example of good practice.
- 4(d)** That FIFA should be actively encouraging other companies linked to FIFA World Cup-related construction in host countries, such as major hotel companies, to support respect for international labour rights standards, as well as the adoption of independent labour monitoring practices, in connection with their operations. Good practices developed by FIFA and its local partners in specific contexts should be shared with a wider audience in the long-term interests of workers and the FIFA World Cup brand.
- 4(e)** That FIFA consider how best to use its leverage with regard to security arrangements associated with the hosting of football events, including in relation to police action

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<sup>29</sup> See

[http://siteresources.worldbank.org/INTPROCUREMENT/Resources/Works-4-07-ev2\\_May2010\\_v4.pdf](http://siteresources.worldbank.org/INTPROCUREMENT/Resources/Works-4-07-ev2_May2010_v4.pdf) and  
[http://fidic.org/MDB\\_Harmonised\\_Construction\\_Contract](http://fidic.org/MDB_Harmonised_Construction_Contract).

These standard documents were adopted by the World Bank and all Regional Development Banks and published by FIDIC in 2010.

<sup>30</sup> See

[http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---safework/documents/normativeinstrument/wcms\\_107826.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---safework/documents/normativeinstrument/wcms_107826.pdf).

<sup>31</sup> See, for example, the work of the Leadership Group for Responsible Recruitment:  
<https://www.ihrb.org/employerpays/leadership-group-for-responsible-recruitment>.

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that takes place away from the stadiums, by seeking to promote and encourage implementation by host governments of appropriate standards in line with its new commitment in its Human Rights Policy.

- 4(f)** That the administration review the Procurement White Paper published by the Mega Sporting Events Human Rights Platform which captures common issues and concerns related to procurement activities associated with major sporting events with a view to identifying relevant steps for FIFA to incorporate.<sup>32</sup>

**Requests:**

- As noted above, the Advisory Board has already worked closely with the administration on the revised 2026 bidding documents to support FIFA's efforts to create the foundations for effective leverage with regard to human rights in future tournaments. There will then be further work to do to explore how these new expectations can best be communicated to potential bidders, and integrated into the final decision-making process, and the Board has requested further discussion on this once the bidding documentation is finalised.
- FIFA has already started adapting these new expectations to address human rights risks connected to FIFA's smaller tournaments. The Board has asked the secretariat for further information on these efforts.
- The Board requested further discussion with the relevant parts of the administration about FIFA's efforts to strengthen its human rights due diligence in relation to procurement and licensing.
- The Board has requested that the secretariat continue to keep the Board briefed on the work of the Monitoring Committee Israel-Palestine as the process moves forward.

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<sup>32</sup> Available at <https://www.ihrb.org/focus-areas/mega-sporting-events/white-paper-2.2-procurement>.

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## 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.*

### **Discussion:**

A number of aspects of FIFA's efforts to strengthen its systems to track the effectiveness of its human rights risk identification and mitigation approaches were discussed and addressed in Sections 3 and 4 above, particularly in relation to: the ADMOS; the evolving models of joint inspections of construction sites for the 2018 and 2022 FIFA World Cups in Russia and Qatar, including the involvement of local and Zurich-based FIFA staff in monitoring efforts [Ruggie 5.2]; and the plans to enhance the administration's internal capacity to monitor its own suppliers on human rights issues as part of its procurement approach [Ruggie 5.3].

### **Observations:**

- It is to be expected that FIFA's tracking systems will evolve as its risk identification and mitigation approaches are further developed, and the Board expects this to be an area of greater focus in its future work.
  - The Advisory Board welcomed FIFA's proposal to develop a formal Human Rights Report to share its efforts and progress in developing and embedding respect for human rights and associated due diligence mechanisms [Ruggie 5.4]. It cautioned, however, that given the extensive amount of work needed on embedding policies and procedures, and the importance of FIFA being better prepared to identify and address high-risk situations, a formal stand-alone report should not be FIFA's top priority for 2017.
  - That said, the Board strongly welcomed the Activity Update that FIFA released in early June 2017 – its first comprehensive communication to external stakeholders on its human rights efforts – and specifically the inclusion of information tracking the organisation's work to implement the recommendations from Prof. Ruggie's April 2016 report. The Board anticipates that the feedback mechanism created through the Board's own biannual reports with recommendations, and FIFA's responses to them, can form part of FIFA's strengthened efforts to track and transparently share information about its efforts.
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**Recommendations:**

- 5(a)** That FIFA publish more information on its anti-discrimination approach in order to both share the positive outcomes it has achieved through engagement with member associations, as well as ongoing challenges.
- 5(b)** That FIFA work with the relevant parties to make public further information on the design, operation and particularly the results of the construction site labour monitoring systems, including the joint inspections with trade unions, being conducted in Russia and Qatar in line with the Board's recommendations in Section 3 above. This is essential to build greater stakeholder trust in the work that is already being done, as well as plans to address remaining gaps and challenges.
- 5(c)** That where critical human rights issues arise in connection with its operations, it is important for FIFA to make prompt factual statements about its knowledge of the situation that can be shared with relevant expert and/or directly involved stakeholders, as well as with the wider public, in order to enable more effective responses and collaborative action where possible.

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## 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 incentivising access to remedy.*

### **Discussion:**

Work on the 2026 bidding documents will include the question of FIFA's expectations of LOCs with regard to effective grievance mechanisms [Ruggie 6.1] and the Board plans to discuss the issue further as part of its feedback and support to the administration.

With respect to current tournaments, in both Russia and Qatar there are heightened risks for migrant workers who have limited access to the state-based system for remedying grievances or other dispute-settlement mechanisms when they do suffer harm and an urgent need to strengthen their ability to access effective grievance mechanisms. In Russia, under the MoU with BWI, BWI is intended to play a role in mediating workers' grievances regarding serious violations of decent working conditions within the monitoring system. The Board understands that there is ongoing discussion about how to implement this in practice and where it can help to address the vulnerability of migrant workers in particular.

In Qatar, the secretariat reported that the SC continues to build the efficacy of grievance channels for workers. Monthly Workers' Welfare Forums (WWFs) have been established at the construction sites and at each accommodation site. The WWFs are intended to be a forum in which workers can raise, through representatives, grievances on welfare issues within the categories of: accommodation conditions, working conditions on site, food, health and safety, salaries and social activities. The WWFs have shown some progress in identifying relevant issues for workers. The SC has also launched an independent, multi-lingual grievance hotline.

In BWI's view, for the WWFs to function more effectively, workers' representatives need to improve their skills and capacity to listen to workers' complaints and to negotiate with the companies involved. The SC's most recent report states that it is moving forward with training for workers' representatives, including to build their capacity to establish better communication and trust among the workers. It notes that these efforts should be strengthened by BWI's role under the MoU between BWI and the SC as the joint inspections will seek to identify further

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areas for improvement. The issue of grievance mechanisms was also highlighted in Impactt's independent report as a complex and critical one in an environment where trade unions are prohibited.

The question of how FIFA can improve grievance processes at the grass roots level through its member associations is starting to be explored. FIFA, in cooperation with professional football stakeholders, including FIFPro, recently launched a pilot programme with four of the member associations to promote the development of national dispute resolution chambers for football employment-related matters. The Board will follow the progress of these pilots closely.

The issue of how FIFA can strengthen grievance mechanisms and remedy at the level of its own suppliers through its procurement system [Ruggie 6.3] should form part of the administration's further work on this topic, as noted in section 4 above.

With respect to its own staff, the secretariat outlined FIFA's internal systems to receive and address complaints by its employees, for example, in the event of an allegation of sexual harassment, including the recent appointment of two external ombudspersons. There are systems for handling complaints against FIFA officials, however, further information is needed by the Board to understand how these work in practice.

**Observations:**

- The Advisory Board recognises that remedy is a critical issue for FIFA and will make this a priority area of work going forward. There is much to be done to unpack what it means for FIFA to have an appropriate "grievance architecture" in place across its activities that can serve the dual purposes of (a) helping ensure the provision of remedy where FIFA has caused or contributed to harm, and (b) serving as an early warning mechanism as part of the organisation's broader human rights due diligence approach to alert FIFA to issues or trends and enable earlier action.
- As noted above in the discussion on risk identification, the Board has identified particular urgency around putting in place mechanisms to enable grievances to be raised by human rights defenders, journalists and others who are at risk of severe harm in connection with FIFA's tournaments or other events. FIFA will need to draw on particular expertise from stakeholders with direct experience of establishing and running such mechanisms, which the Board intends to help support. That discussion should also consider how remedy will be provided to any individuals that are harmed and FIFA's appropriate role in that.

- The Board recognises the complexity and also importance of the questions about players' access to effective remedy [Ruggie 6.2] and intends to explore these in future meetings with appropriate briefings from the responsible parts of the administration and from FIFPro, which is actively involved in these discussions.

**Recommendations:**

- 6(a)** That FIFA prioritise those elements of the Board's recommendations above regarding the 2018 and 2022 FIFA World Cups in Russia and Qatar that involve using its leverage to seek to ensure effective remedy is provided by the responsible parties to construction workers harmed in connection with the construction or upgrading of the various stadiums and other World Cup facilities.
- 6(b)** That FIFA continue to engage directly with BWI regarding efforts in both Russia and Qatar to strengthen the effectiveness of existing grievance mechanisms for workers, and seek BWI's views on new mechanisms where relevant, in order to benefit from BWI's expertise.

**Requests:**

- The Advisory Board has asked the secretariat to support a discussion on FIFA's approach to remedy and to building an appropriate grievance architecture across its activities and events at the Board's next in-person meeting.
  - The Board has sought further information on the specific situation with regard to the handling of complaints alleging sexual harassment in connection with the behaviour of officials, and will discuss this topic in future meetings.
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## CONCLUSION

In 2016, under the heading “What comes after this report?”, Prof. Ruggie underlined that while his recommendations were intended to be practical, they would not all be easy. He said:

“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 finalise 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 organisation, and instituting more robust engagement with external stakeholders who have human rights expertise.”

In using Prof. Ruggie’s report as an anchor, the Advisory Board decided to follow a similar approach to prioritising our initial engagement with, and advice to, FIFA. Accordingly, we have begun with a focus on:

- The human rights connected to preparations for the 2018 and 2022 FIFA World Cups in Russia and Qatar;
- Preparation of the bidding documents for the 2026 FIFA World Cup;
- Development of FIFA’s human rights policy;
- Efforts to integrate human rights issues into the daily work of key departments in the FIFA administration; and
- Strengthened engagement with external stakeholders.

As our work has progressed, the scale of the expectations confronting FIFA as it seeks to translate its human rights commitments into practical action has become clear. While not everything can be done at once, or done overnight, we are encouraged by the personal commitment of many within the administration to work meaningfully on this agenda, and by the formal recognition of the importance of human rights at the political and strategic level of FIFA through the recent adoption of the Human Rights Policy. What matters now is that FIFA demonstrate meaningful steps on the most urgent priorities – meaning those that can have the most severe impacts on people – as it continues to move forward on the long-term process of meeting its responsibility to respect human rights.

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## PART B – CONSIDERATIONS AND UPDATE BY FIFA

In this section, FIFA provides an update on its human rights work in light of the recommendations outlined by the Human Rights Advisory Board. It includes (1) general considerations on the collaboration with the Board and on its recommendations, (2) an update on areas the Board has identified as its priority areas, and (3) a brief outlook summarising FIFA's priorities for its human rights work for the coming six months.

### 1. GENERAL CONSIDERATIONS BY FIFA

Over the past year, FIFA has engaged in a dedicated effort to systematise and further strengthen its work on human rights. This effort is based on FIFA's statutory human rights commitment adopted by the FIFA Congress in February 2016. In that statutory human rights commitment, enshrined in article 3 of its Statutes, FIFA commits itself to respecting all internationally recognised human rights and to strive to promote the protection of these rights. This commitment has been further elaborated on in the organisational strategy "FIFA 2.0: The Vision for the Future",<sup>33</sup> and in its landmark Human Rights Policy<sup>34</sup> that was adopted by the FIFA Council on 9 May 2017.

The Human Rights Advisory Board was created by FIFA to provide the organisation with expert and independent advice in its work to implement its far-reaching human rights commitments. FIFA is very grateful for the constructive collaboration with the members of the Board over the past months. FIFA values the expert contributions of all members of the Board and acknowledges their commitment and dedication to supporting FIFA. As stated in the recently published FIFA Activity Update on Human Rights,<sup>35</sup> FIFA is conscious that the implementation of its human rights commitments requires continued and enhanced efforts.

With regard to the deliberations of the Board in this report, FIFA would like to highlight three general observations:

- Firstly, FIFA considers the description of its work by the Advisory Board to be a factually correct and balanced reflection of its activities on the topics the Board chose to focus on.
- Secondly, FIFA welcomes the recommendations of the Advisory Board formulated in this report and sees them as helpful guidance for its efforts to further strengthen its systems towards ensuring respect for human rights. FIFA is committed to working

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<sup>33</sup> See

[http://resources.fifa.com/mm/document/affederation/generic/02/84/35/01/fifa\\_2.0\\_vision\\_low\\_neu.17102016\\_neutral.pdf](http://resources.fifa.com/mm/document/affederation/generic/02/84/35/01/fifa_2.0_vision_low_neu.17102016_neutral.pdf)

<sup>34</sup> [http://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/12/fifashumanrightspolicy\\_neutral.pdf](http://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/12/fifashumanrightspolicy_neutral.pdf)

<sup>35</sup> [http://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/21/activityupdate\\_humanrights\\_may2017\\_neutral.pdf](http://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/21/activityupdate_humanrights_may2017_neutral.pdf)

on their implementation in the coming months and to report on progress in the second and subsequent reports of the Board.

- Thirdly, due to the necessity to set priorities, the deliberations of the Board presented in the present report do not cover all relevant areas of FIFA's human rights work. Some of the areas where notable work is being done by FIFA and is not reflected in this report include issues around players' rights, licensing supply chains and labour rights of FIFA staff. For a more comprehensive overview on FIFA's human rights work and underlying conceptual considerations, please refer to the recently published FIFA Activity Update on Human Rights.<sup>36</sup>

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<sup>36</sup> See

[http://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/21/activityupdate\\_humanrights\\_may2017\\_neutral.pdf](http://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/21/activityupdate_humanrights_may2017_neutral.pdf)

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## 2. UPDATE ON THE BOARD'S PRIORITY AREAS

In the present report, the Advisory Board outlined its initial set of recommendations to FIFA. FIFA will provide a comprehensive update on progress and challenges in implementing these recommendations in the second and subsequent reports of the Human Rights Advisory Board. The details of the formal tracking system will be introduced in the next round of reporting.<sup>37</sup>

For the purpose of this first report, FIFA and the members of the Advisory Board agreed that it would be most appropriate for FIFA to provide a summary update on the activities with regard to issues highlighted as priority areas by the Board. These include FIFA's Human Rights Policy, the bidding and hosting requirements for the 2026 FIFA World Cup and other future tournaments, labour issues linked to the 2018 and 2022 FIFA World Cups, the protection of human rights defenders, and stakeholder engagement.

### **FIFA'S HUMAN RIGHTS POLICY**

The Board considered advising FIFA on the development of its human rights policy as one of its priorities in its initial engagement with FIFA. This is in keeping with the report on FIFA and Human Rights published by Professor John Ruggie in March 2016, according to which FIFA should develop a "clear and coherent" human rights policy as one of its short-term priorities. The Board's considerations and recommendations in that regard can be found in section 1 of the present report (pp. 6-7).

The development and publication of a human rights policy was one of the priorities in FIFA's work on human rights over recent months. It led to the adoption of FIFA's Human Rights Policy by the FIFA Council on 9 May 2017.<sup>38</sup> The policy specifies the commitment enshrined in article 3 of the FIFA Statutes, according to which FIFA is committed to "respecting all internationally recognised human rights and shall strive to promote the protection of these rights." Crucially, the policy maintains that FIFA strives to implement its human rights commitment in accordance with the UN Guiding Principles on Business and Human Rights, and outlines areas of salient human rights risks and related specific commitments.<sup>39</sup> As mentioned by the Board in its description of the policy, the human rights commitments are binding on all FIFA bodies and officials when exercising their respective powers and competences.<sup>40</sup>

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<sup>37</sup> For the general lines of the system, see the explanation in footnote 3 in the general introduction to this report.

<sup>38</sup> See [http://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/12/fifashumanrightspolicy\\_neutral.pdf](http://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/12/fifashumanrightspolicy_neutral.pdf)

<sup>39</sup> See FIFA's Human Rights Policy, paragraph 1 and 5.

<sup>40</sup> See FIFA's Human Rights Policy, paragraph 13.

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The policy also includes an introduction to the four-pillar strategic approach through which FIFA implements its human rights commitment.<sup>41</sup> The four pillars, which are further elaborated on in the FIFA Activity Update on Human Rights,<sup>42</sup> include the eight working areas of “commit and embed”, “identify and address”, “protect and remedy”, and “engage and communicate”. The approach is based on the operational principles of the corporate responsibility to respect human rights under the UN Guiding Principles and closely mirrors the key areas highlighted by Professor Ruggie in his report on FIFA and human rights that are used by the Board to structure its elaborations and recommendations in the present report. The policy outlines specific commitments in all of the eight working areas.

The development of the Human Rights Policy included broad-based external stakeholder consultation. The members of the Advisory Board discussed a draft version at their meeting in March 2017, provided written feedback to the document in the subsequent weeks and then discussed the final draft version in a conference call in late April 2017 after FIFA had consulted a broader range of external stakeholders from international organisations, government, trade unions, civil society, business and academia (see also the below section on stakeholder engagement). In that process, FIFA has taken into account the recommendations of the Advisory Board, including regarding the language on security-related human rights risks, the recommendations concerning additional business and human rights stakeholders to be included in the external stakeholder consultation, and on the language regarding human rights defenders.<sup>43</sup>

Since the adoption of FIFA’s Human Rights Policy by the FIFA Council, FIFA has shared the document with the public<sup>44</sup> and a large number of entities with which it has relationships. These include, for instance, the local organising committees of future FIFA tournaments, all member associations of FIFA, and the main FIFA sponsors and licensees. The Human Rights Policy has further been serving as an important reference for FIFA’s ongoing efforts to strengthen measures towards ensuring respect for human rights in the activities of various relevant FIFA departments.

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<sup>41</sup> See FIFA’s Human Rights Policy, paragraphs 8-12.

<sup>42</sup> See [http://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/21/activityupdate\\_humanrights\\_may2017\\_neutral.pdf](http://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/21/activityupdate_humanrights_may2017_neutral.pdf)

<sup>43</sup> See recommendations 1a – 1c, p. 7

<sup>44</sup> See <http://www.fifa.com/governance/news/y=2017/m=6/news=fifa-publishes-landmark-human-rights-policy-2893311.html>

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## **BIDDING AND HOSTING REQUIREMENTS FOR THE 2026 FIFA WORLD CUP AND OTHER FUTURE TOURNAMENTS**

Another priority area identified by the Board is to advise FIFA in finalising the integration of human rights requirements into the bidding and hosting for future tournaments and, in particular, the 2026 FIFA World Cup. The Advisory Board has made reference to this process in various sections of the present report, including in sections 3 on risk identification (pp. 12-23), 4 on addressing human rights risks (pp. 24-28), and 6 on enabling access to remedy (pp. 31-33).

Over recent months, FIFA has taken significant steps in that area. On 9 May 2017, the FIFA Council confirmed the inclusion of detailed human rights requirements in the bidding and host selection of the 2026 FIFA World Cup. This followed several earlier decisions and statements of intent by the FIFA Council in that regard and a nearly two-year process led by the FIFA administration to develop such requirements based on the UN Guiding Principles on Business and Human Rights. In the initial drafting of these requirements in 2015 and 2016, FIFA sought technical guidance and assistance from the Office of the United Nations High Commissioner for Human Rights as well as from Professor John Ruggie.<sup>45</sup>

The members of the Advisory Board discussed the draft requirements at their March 2017 meeting and provided further input in writing in June 2017. As mentioned by the Board in this report, its written comments were geared towards refining the language of some of the requirements, in particular regarding remedy and the explicit mention of specific international standards. FIFA has integrated these suggestions and has also taken into consideration the Board's recommendations regarding consultation with its consultation of an additional range of external stakeholders in July 2017 (see also the below section on stakeholder engagement).

The new requirements are expected to significantly enhance FIFA's leverage towards ensuring respect for human rights in relation to its future tournaments. FIFA will communicate in more detail about the requirements for both the bidding for and hosting of the 2026 FIFA World Cup in the coming months once the final detailed requirements have been communicated to those member associations interested in participating in the bidding. That said, the following are key aspects concerning the three areas referred to by the Board in this report: identifying risks, addressing risks and remedying adverse human rights impacts.

Firstly, with regard to risk identification, the new requirements on the bidding process mandate bidding member associations to develop and submit to FIFA an assessment of human rights

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<sup>45</sup> See FIFA Activity Update on Human Rights, box 5, p. 13.

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risks associated with the event as part of the bid documentation. This risk assessment needs to be based on a study carried out by an independent expert institution that evaluates how the national context enables or inhibits the member association and FIFA to organise the tournament in keeping with internationally recognised human rights. Furthermore, it needs to draw on external expertise and consultations with potentially affected groups and other relevant stakeholders. After the host has been selected, this initial risk assessment provided by the member association(s) during the bidding phase serves as the basis for the development of the detailed human rights strategy and implementation plan to be developed by the selected member association(s) in collaboration with FIFA.

Secondly, on addressing human rights risks, the new hosting requirements include a binding obligation for the host member association(s) to respect human rights in accordance with the UN Guiding Principles on Business and Human Rights. Member associations are also required to provide FIFA with detailed information on how they plan to address human rights risks as part of the bid and then, if selected, to collaborate with FIFA to develop a detailed human rights strategy and implementation plan. The new bidding and hosting requirements will also include obligations for third parties involved in the delivery of the event to respect human rights in accordance with the UN Guiding Principles. These include governments, host cities, and the entities responsible for the delivery of stadium, training site, airport and hotel infrastructure. The new requirements will also set the foundations to address challenges that may arise throughout the preparation and hosting of the event, including through a tripartite exchange mechanism between FIFA, the host member association and the government, as well as through a multi-stakeholder forum.

Thirdly, with regard to remedy, the hosting requirements mandate all actors involved in the organisation of the event to implement their responsibility in accordance to the UN Guiding Principles. In the first instance, governments are required to commit themselves to ensure that access to effective remedies is available where adverse impacts do occur, including judicial and non-judicial complaint mechanisms. Moreover, the other entities involved in the organisation of the tournament, such as the host member association and the stadium, training site, airport and hotel authorities are required to have in place effective grievance mechanisms in view of complementing state-based avenues to remediation.

In parallel to these efforts in relation to the 2026 FIFA World Cup, FIFA has also started to integrate human rights requirements in the bidding and hosting for all of its other tournaments. These requirements follow the same approach as those for the 2026 FIFA World Cup. Given

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the considerably smaller physical footprint to be expected from these events, particularly regarding new construction, the human rights risk profile is likely to be different than the men's FIFA World Cup. To date, FIFA has included human rights requirements in the bid processes for the FIFA U-17 World Cup 2019 and the FIFA U-20 World Cup 2019 that were launched in August 2017. Furthermore, FIFA is in the process of assessing the bids for the FIFA Futsal World Cup 2020, including in light of human rights considerations.

### **LABOUR RIGHTS RISKS RELATED TO THE 2018 AND 2022 FIFA WORLD CUPS**

Another area the Board chose to focus its attention on are labour rights risks related to the 2018 FIFA World Cup in Russia and the 2022 FIFA World Cup in Qatar. It does so in particular in sections 3 on identifying risks (pp. 12-23) and 4 on addressing risks (pp. 24-28). FIFA will provide an update on the many detailed recommendations of the Board related to the two upcoming FIFA World Cups in the Board's second report. For the purpose of this first report, a summary update on recent key developments is provided below.

#### ***2018 FIFA World Cup Russia***

The labour rights-related work in the preparation for the 2018 FIFA World Cup in Russia is part of the implementation of the Sustainability Strategy<sup>46</sup> for the tournament and the respective detailed action plan. The Sustainability Strategy, which was launched in July 2015, was developed in collaboration with the Local Organising Committee and includes input of a range of international and local stakeholders.

The main instrument to identify and address labour rights risks in relation to the 2018 FIFA World Cup is the Decent Work Monitoring System, which FIFA has put in place together with the Local Organising Committee.<sup>47</sup> As part of the monitoring system, representatives of an independent expert organisation – the Klinsky Institute of Labour Protection and Working Conditions – have been carrying out quarterly two-day inspections of all 2018 FIFA World Cup stadium construction sites since March 2016. Following the signing of a Memorandum of Understanding with international and local trade unions (BWI and RBWU) in August 2016, trade union representatives have been invited to participate in these inspections (for the period between the start of the collaboration and June 2017, the trade unions chose to participate in 16 out of 29 inspections). The trade union representatives validate the initial monitoring reports of the inspections that they join.

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<sup>46</sup> See [http://resources.fifa.com/mm/document/tournament/competition/02/66/69/50/sustainabilitystrategyfor2018fifaworldcup\\_neutral.pdf](http://resources.fifa.com/mm/document/tournament/competition/02/66/69/50/sustainabilitystrategyfor2018fifaworldcup_neutral.pdf)

<sup>47</sup> For an overview on the Monitoring System, see [http://resources.fifa.com/mm/document/afsocial/general/02/85/41/05/factsheet2018fwcdecentworkmonitoringsystem\\_june2017\\_neutral.pdf](http://resources.fifa.com/mm/document/afsocial/general/02/85/41/05/factsheet2018fwcdecentworkmonitoringsystem_june2017_neutral.pdf)

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The Board recommends that FIFA, as a priority, engages in an assessment of root causes of serious accidents and of the overall effectiveness of the monitoring system. In recent months, FIFA has taken a number of steps in that regard. For instance, the discussion of serious accidents and their causes are integral parts of the monitoring visits and additional engagements between FIFA and relevant companies. Moreover, FIFA has published figures on the effectiveness of the system based on the detailed inspection reports produced by the Klinsky Institute.<sup>48</sup> At the same time, FIFA recognises that ongoing and enhanced efforts are required in the coming months. This is particularly true given the fact that a number of the newly built stadiums are entering the final stages of construction, when an increasing amount of work is done at height and when time pressure could become a risk factor. In line with the Board's recommendations, FIFA is currently discussing measures to further assess these risks and to strengthen respective responses.

### **2022 FIFA World Cup Qatar**

In relation to labour rights issues concerning the 2022 FIFA World Cup in Qatar, FIFA has been collaborating closely with the Supreme Committee for Delivery and Legacy (SC), which is responsible for delivering the tournament infrastructure. The main format for this exchange is the joint Sustainability Working Group, which involves the Sustainability & Diversity Department at FIFA and different related departments at the SC.

FIFA and the SC held the fourth bi-annual working group meeting in Doha in May 2017. These in-person meetings are complemented by regular update calls. A FIFA representative has also participated in the joint SC-BWI inspections carried out under the Memorandum of Understanding between these two entities. FIFA is positive about the growing recognition of the good work done by the SC in the area of labour rights, including by the independent monitoring conducted by the British expert company Impactt Ltd,<sup>49</sup> in its May 2017 report and by the Advisory Board in the present report. At the same time, FIFA recognises the ongoing challenges in ensuring the implementation of international labour standards in Qatar, such as described also in the Impactt. Ltd report and continues to engage with the SC in that regard.

An important development during the past months is also the hiring of a senior sustainability manager at the Local Organising Committee for the 2022 FIFA World Cup in Qatar who is about to start the development of the comprehensive Sustainability Strategy for the tournament. This will be the first time that a Sustainability Strategy for a FIFA World Cup will

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<sup>48</sup> According to these figures, the number of issues found by the experts of the Klinsky Institute has been reduced by 72 percent since the introduction of the monitoring system. Moreover, the numbers of the fourth and fifth series of inspection visits show that companies have rectified around 80 percent of the issues found in the previous visits. See: [http://resources.fifa.com/mm/document/afsocial/general/02/89/49/75/response\\_humanrightswatch\\_june2017\\_neutral.pdf](http://resources.fifa.com/mm/document/afsocial/general/02/89/49/75/response_humanrightswatch_june2017_neutral.pdf).

<sup>49</sup> See <https://impacttlimited.com/wp-content/uploads/2017/01/SC-Annual-Report-Issue-3.2.pdf>

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include a systematic approach to identifying and addressing human rights risks. The strategy is developed in collaboration with the Sustainability & Diversity Department at FIFA and will build on consultations with international and local experts and stakeholders.

### **HUMAN RIGHTS DEFENDERS**

The Board considers the area of human rights defenders one that requires FIFA's special attention. It expresses this opinion in particular in section 3 on risk identification (pp. 12-23) and section 6 on remedy (pp. 31-33). The Board has also referenced a recommendation on that topic in section 1. It made that recommendation in March 2016 in the context of its feedback to the (then) draft human rights policy.

The recommendations of the Board in regard to FIFA's role in helping to protect the freedoms of human rights defenders and media representatives feed into FIFA's enhanced efforts in this field. In late 2016, as part of the internal consultations on the drafting for the human rights policy, FIFA decided to make its commitment in this field more explicit. Paragraph 11 of FIFA's Human Rights Policy states that "FIFA helps to protect those who advocate respect for human rights associated with its activities" and "will respect and not interfere with the work of both human rights defenders who voice concerns about adverse human rights impacts relating to FIFA and media representatives covering FIFA's events and activities." The policy goes on to say that, "(w)here the freedoms of human rights defenders and media representatives are at risk, FIFA will take adequate measures for their protection, including by using its leverage with the relevant authorities."<sup>50</sup> The recommendations of the Advisory Board have informed the revision of earlier versions of that paragraph.

FIFA is currently engaging with the relevant experts and stakeholders to discuss a set of additional measures to implement its commitment regarding human rights defenders and media representatives. Measures under discussion include developing a specific policy on that topic, taking additional steps to communicate respective expectations to entities engaged by FIFA, setting up a complaints mechanism for human rights defenders and media representatives, and ensuring appropriate follow-up measures to complaints, including by using leverage with those responsible for the infringement of rights of human rights defenders and media representatives.

### **STAKEHOLDER ENGAGEMENT**

A further area the Advisory Board has identified as one of its priorities in engaging with FIFA is strengthened engagement with external stakeholders. While this is treated as a cross-cutting

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<sup>50</sup> See [http://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/12/fifashumanrightspolicy\\_neutral.pdf](http://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/12/fifashumanrightspolicy_neutral.pdf)

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issue by the Advisory Board, it has included respective comments and recommendations, in particular in sections 2 on embedding respect for human rights (pp. 8-11) and 5 on tracking and reporting (pp. 29-30).

Over the past few months, FIFA has taken significant steps to expand and systematise its engagement with external stakeholders. The overall objectives of FIFA's work to engage with stakeholders are to solicit and draw on external expertise in embedding respect for human rights throughout the organisation and to learn about and take into account the perspectives of potentially affected individuals and groups and their legitimate representatives.

FIFA's approach to stakeholder engagement comprises five dimensions. First is the engagement with the members of the Human Rights Advisory Board who represent international organisations, trade unions, civil society and FIFA sponsors. This collaboration allows FIFA to benefit from the Board members' expertise with respect to all aspects of its human rights work. Moreover, the tracking system on the Board's recommendations included in its bi-annual reports shall further increase the transparency and accountability of FIFA's human rights work. In addition to two official meetings a year, FIFA regularly engages with the group and individual members on specific issues on which they have particular expertise and shares information about its human rights work with the members of the board.

The second dimension of FIFA's approach to stakeholder engagement includes written or spoken consultations with a broader range of stakeholders in the field of business and human rights and the world of football on specific issues or projects. In recent past months, this has included consultations in the writing of draft versions of FIFA's Human Rights Policy and the human rights-related requirements for the bidding for and hosting of the 2026 FIFA World Cup.<sup>51</sup> Another example is engagement with a group of civil society organisations and experts on FIFA's activities to help protect the rights of human rights defenders and media representatives (see respective section above). The recommendations of the Advisory Board members have been helpful in identifying the most relevant stakeholders for these consultations.

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<sup>51</sup> FIFA invited the following 22 institutions to provide written feedback to the draft of FIFA's Human Rights Policy: Amnesty International, Anheuser-Busch InBev, Business and Human Rights Resource Centre, Discover Football, FARE Network, Swiss Federal Department of Foreign Affairs, Football Supporters Europe, Harvard University, Human Rights Watch, Institute for Human Rights and Business, International Labour Organisation, International Service for Human Rights, International Trade Union Confederation, McDonalds, Swiss Center of Competence on Human Rights, Solidar Suisse, UN Women, UN Working Group on Business and Human Rights, UNI World Athletes, UNICEF, Visa and the World Federation of the Sporting Goods Industry. The bidding requirements were consulted with a slightly smaller group of 16 stakeholders.

The third dimension includes formalised and sustained collaborations with external stakeholders, which often involve collaboration at project level. Examples include the collaborations with the Building and Woodworkers' International (BWI) and the Russian Trade Union for Construction Workers (RBWU) as part of its Decent Work Monitoring System for the 2018 FIFA World Cup in Russia. Other examples are the collaborations with FARE Network concerning FIFA's Anti-Discrimination Monitoring System or the close collaboration with the main union for professional football players, FIFPro, on issues surrounding players' rights. Other regular exchanges with specific groups of external stakeholders are the quarterly calls to discuss FIFA's work on human rights with a group of FIFA sponsors.

The fourth dimension comprises FIFA's participation in international platforms and forums for exchange. The intention of these activities is to contribute to the broader debate on human rights in sports, to share lessons learned and learn from the experiences and knowledge of other stakeholders. For instance, in April 2017, FIFA became a steering committee member of the multi-stakeholder platform on Mega-Sporting Events and Human Rights. FIFA has since actively participated in the platform's discussions, including by proposing a set of concrete ideas on the potential future institutionalisation of the platform.

The fifth and final dimension of FIFA's approach to stakeholder engagement includes steps taken towards ensuring that entities FIFA has relationships with engage themselves with relevant stakeholders. In that regard, FIFA has recently included respective requirements in the bidding and hosting of all of its future tournaments. FIFA has also encouraged the Supreme Committee for Delivery and Legacy of the 2022 FIFA World Cup in Qatar to engage in a collaboration with BWI and has an observer role in the joint inspections under the Supreme Committee-BWI collaboration.

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### 3. OUTLOOK

FIFA has outlined a set of ambitious commitments in its Human Rights Policy, which was adopted by the FIFA Council on 9 May 2017.<sup>52</sup> FIFA is aware that the implementation of these commitments will be a challenging process that requires time as well as continued and enhanced efforts. The recommendations of the Board have already proved to be of value and are foreseen to become even more helpful as FIFA continues to step up its work to implement the commitments formulated in the policy and as the Board becomes even better acquainted with FIFA's ongoing work.

The recommendations of the Board fit well with FIFA's work plan and prioritisation for the coming six-month period. These priorities include:

- Developing separate work streams on FIFA's salient human rights issues,<sup>53</sup> including capacity-building of relevant staff, assessments of respective human rights risks, evaluation of measures currently taken, and the development of action plans to address existing gaps;
- Engaging with bidders for the 2026 FIFA World Cup in the early phase of the bid process to specify expectations and build capacity;
- Continuing to strengthen the work to address human rights risks in relation to the 2018 FIFA World Cup in Russia, including labour conditions;
- Collaborating with the other entities responsible for the organisation and delivery of the 2022 FIFA World Cup in Qatar on the development of a joint Sustainability Policy and Strategy and continuing to engage with the Supreme Committee for Delivery and Legacy on their ongoing work to ensure decent working conditions on FIFA World Cup-related construction sites;
- Developing a set of measures to strengthen FIFA's role to help protect the freedoms of human rights defenders and media representatives;
- Developing systematic outreach channels to FIFA's member associations to help foster the embedding of respect for human rights in their regulations and operations; and
- Intensifying the collaboration with organisations representing the rights of professional football players to strengthen systems to protect players' rights.

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<sup>52</sup> See [http://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/12/fifashumanrightspolicy\\_neutral.pdf](http://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/12/fifashumanrightspolicy_neutral.pdf)

<sup>53</sup> For an overview of the salient issues, see the Activity Update on Human Rights, p.10 at [https://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/21/activityupdate\\_humanrights\\_may2017\\_neutral.pdf](https://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/21/activityupdate_humanrights_may2017_neutral.pdf)

FIFA looks forward to continuing its collaboration with the members of the Board in the coming months. It is convinced that this process contributes in significant ways to the enhanced respect and protection of the rights of people involved in or affected by the operations of FIFA or entities with which FIFA has a business relationship.

For any questions related to FIFA's work on human rights, please contact FIFA's Human Rights Manager, Andreas Graf ([andreas.graf@fifa.org](mailto:andreas.graf@fifa.org)).

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## ANNEX 1: BOARD MEMBERS

**The members are (in alphabetical order):**

**Bill Anderson** is Vice President of Social & Environmental Affairs for adidas; a position he has held for the past 17 years. As a human rights lawyer and environmental management expert, he has 35 years' experience in addressing social and environmental issues in Europe, the Middle East and Asia Pacific regions. Over the past 20 years, he has been deeply involved in the development of labour and occupational health & safety compliance programmes, sustainable development initiatives, business & human rights due diligence and stakeholder engagement processes. He sits on a number of advisory panels for inter-governmental and non-governmental organisations, with a focus on sports, labour and human rights and environmental health and safety.

**Rachel Davis** is Managing Director and Co-founder of the non-profit organisation Shift, the leading center of expertise on the UN Guiding Principles on Business and Human Rights. Rachel has over a decade of experience in business and human rights, having served as senior legal advisor to Professor John Ruggie, the former Special Representative of the UN Secretary-General, in which role she helped to develop the UN Guiding Principles. She led the Shift team that supported Prof. Ruggie in developing his independent report on FIFA and the UN Guiding Principles published in April 2016. Rachel is also a Senior Program Fellow with the Corporate Responsibility Initiative at Harvard Kennedy School. She is an Australian lawyer by training with extensive international legal experience, including having clerked at the UN International Criminal Tribunal for the former Yugoslavia in The Hague and at the High Court of Australia, and served in the Australian Attorney-General's Department.

**Ignacio Packer** is an international expert on child rights and social issues. He served as Secretary General of the Terre Des Hommes International Federation for six years until 30 June 2017. Terre Des Hommes is a child rights organisation working in 69 countries. Ignacio retains a Terre des Hommes affiliation as a volunteer expert in his role on the Advisory Board. Ignacio has strategically guided several campaigns including "Destination Unknown" on the rights of children in the context of migration and "Children Win" on the rights of children and Mega Sporting Events. With 30 years of experience in the area of humanitarian work and development issues, Ignacio has built a sound field experience with several resident assignments. He was previously programme director at the Terre des Hommes Foundation. He also worked for the European Bank for Latin America, KPMG, Médecins Sans Frontières, the European Association for Development and Health and for the Swiss Tropical Institute.

**Sylvia Schenk** is a lawyer in Frankfurt on Main, Germany. She worked as a judge at a labour court (1979-1989) and as City Councilor in Frankfurt (1989-2001). She has been German champion running 800m in the 1972 Olympics and served as a volunteer in national and international sport since 1975. From 2001 to 2004 she was president of German Cycling and from 2000 to 2005 a member of the Management Committee of the International Cycling Union. From 2006 to 2014 she was Senior Advisor for Sport at Transparency International and from 2007 to 2010 she was Chair of Transparency International Germany, now chairing its Working Group on Sport. She is a board member of the German Olympic Academy, an arbitrator at the Court of Arbitration for Sports (CAS) in Lausanne and member of the INTERPOL Standing Committee on Ethical Matters.

**Theo van Seggelen** is Secretary General of FIFPro, the world's professional footballer association which represents approximately 75,000 male and female players in more than 60 countries. A former professional footballer himself at Telstar, the Netherlands, he became involved with the local player union, VVCS. He began as a board member in 1980, then was its chairman from 1991 until 2005. In 1992, he was named Secretary General of FIFPro. As FIFPro representative, Theo sits on various committees including the UEFA Professional Football Strategy Council. He is a judge for FIFA's Dispute Resolution Chamber and for FIFA TMS, which checks international transfers of minor players.

**Lene Wendland** is Chief of the Human Rights and Economic and Social Issues Section in the Office of the UN High Commissioner for Human Rights (OHCHR) and heads OHCHR's work on Business and Human Rights. She was part of the team of the former Special Representative of the UN Secretary-General on Business and Human Rights, Professor John Ruggie, and contributed to the drafting of the UN Guiding Principles. Lene leads OHCHR's efforts to support effective implementation of the UN Guiding Principles and directs OHCHR's Corporate Accountability and Remedy Project which aims to enhance accountability and access to remedy in cases of business involvement in human rights abuse. She also oversees the secretariat to the inter-governmental working group drafting a legally binding instrument on human rights and transnational corporations and other business enterprises.

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**Brent Wilton** is Director of Global Workplace Rights for The Coca-Cola Company. A lawyer by training, Brent has spent the last 30 years representing companies and their representative organisations across a range of labour and human rights issues in countries around the world. Prior to joining Coca-Cola in April of 2015, Brent spent the previous 16 years with the International Organisation of Employers (IOE) representing the interests of business in 150 countries on global labour and social policy matters within the International Labour Organisation, across the UN and multilateral system. Brent was engaged from the outset in the stakeholder discussions that led to the creation of the UN Guiding Principles, and with the UN Human Rights Working Group on the follow-up to the implementation of the Principles. Brent also served on the Board of the UN Global Compact in his last role as IOE Secretary General and was co-chair of the multistakeholder Labour and Human Rights Working Group.

**Ambet Yuson** is the General Secretary of the Building and Wood Workers' International (BWI), a global union federation headquartered in Geneva, Switzerland, representing 12 million construction, cement, wood and forestry workers in 135 countries. Ambet led the BWI Global Campaign on Decent Work in the preparation for the FIFA World Cups in South Africa (2010) and Brazil (2014) and the UEFA Euro in Ukraine-Poland (2012). He is also the Chair of the Council of Global Unions Working Group on Migration and the Co-Chair of the Workers Group in the General Assembly of Partners (GAP) to the UN-HABITAT programme. Ambet has held several posts in BWI, including as Regional Director for the Asia Pacific Region and Educational Director at BWI Geneva HQ. Before joining BWI in 1997, he served in various capacities as organiser and educator for trade unions and civil society organisations in the Philippines to support the struggles of marginalised communities.

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## ANNEX 2: FIFA HUMAN RIGHTS ADVISORY BOARD OPERATING PRINCIPLES

At its first meeting on 13-14 March 2017, the Advisory Board adopted by consensus the following set of principles and practices to guide its work and ensure its independence and responsiveness to critical human rights concerns of stakeholders:

1. In offering guidance to FIFA, the Advisory Board will prioritise feedback and recommendations on issues that have the potential to involve the most severe human rights impacts. It will also provide views and recommendations to support the long-term effectiveness of the human rights policies and approaches within FIFA, and the importance of wider adoption of respect for human rights in each of FIFA's member associations.
  2. The Advisory Board acknowledges the value and importance of the work previously done by Professor John Ruggie and the guidance contained in his 2016 report, *"For the Game. For the World.": FIFA and Human Rights*. The Advisory Board will use the report as an anchor in its deliberations and consideration of FIFA's efforts to embed human rights into its global operations.
  3. The Board values the diversity and breadth of experience of its members, as well as their extensive networks with concerned stakeholder groups, including from international organisations, national governments, business, players, sports organisations and civil society.
  4. Members will share their views and opinions based on their individual expertise and knowledge, rather than their specific stakeholder affiliation.
  5. All members provide their time and expertise on a pro bono basis and none have a paid employment or consulting relationship with FIFA or any other football entity.
  6. To further preserve the independence of the Board, the members who are employed by FIFA corporate sponsors will recuse themselves from any discussions on topics that may touch on matters of commercial importance to their current employers, or issues that relate directly to their companies' operations.
  7. The Board Chair and Deputy Chair will be elected for an initial one-year term from members affiliated to independent or civil society organisations; members from FIFA corporate sponsors have chosen not to be considered for these roles.
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- 8.** The Board is open to and encourages stakeholders to share relevant information, views and concerns to inform its work, but it will not replace FIFA's own obligations to actively seek stakeholder feedback through formal stakeholder engagement processes, as FIFA further embeds respect for human rights into its organisation.
- 9.** The Advisory Board will not act as a formal grievance channel for FIFA-related complaints. All complaints received by the Advisory Board, or its members, will be passed directly to FIFA's Sustainability and Diversity team for appropriate action. The Advisory Board, however, will be cognisant of FIFA's handling of complaints and the design and effectiveness of FIFA's grievance mechanisms fall within the scope of the work to be reviewed and commented on by the Advisory Board.
- 10.** The Advisory Board will liaise closely with the Human Rights Working Group of the FIFA Governance Committee. The Governance Committee is mandated to advise and assist FIFA's Council on, among other matters, human rights in connection with FIFA and its activities.
- 11.** To ensure that the Advisory Board remains informed and up-to-date on the human rights issues being addressed by FIFA and to gauge its overall progress in embedding human rights policies and practices, the Board has elected to meet remotely on a regular basis, in addition to its in-person meetings in Zurich.
- 12.** In the interests of transparency and to encourage communication with stakeholders, the non-profit Business and Human Rights Resource Centre has kindly agreed to host a dedicated webpage and post materials on the work of the Advisory Board. This will complement materials posted directly on the FIFA website.