

Update Statement from the FIFA Human Rights Advisory Board May 2018

Introduction and Context for this Update

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 an independent body composed of eight international experts in human, including labor, 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.ⁱ 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, as elaborated in FIFA's Human Rights Policy.

The eight members of the Board provide advice on an independent basis and receive no financial or other compensation for their time from FIFA or from any other football entity.

We issued our first public report in September 2017.ⁱⁱ Given that it is a World Cup year, the Board has agreed with FIFA to launch our second public report, together with FIFA's responses, after the tournament at the end of the summer. However, to avoid too lengthy a gap in ensuring transparency around our work, we are issuing this short update statement as an addition to our formal reporting process. In it we provide a summary of the time-sensitive advice we have given FIFA regarding the FIFA World Cup 2018 in Russia and evaluation of the bids for the FIFA World Cup 2026, and also of our views on the progress being made by FIFA in these areas.

We hope that our insights into FIFA's efforts will make this update useful for FIFA and for its stakeholders. We look forward to sharing more detail through our regular, formal reporting procedure following the World Cup about what FIFA is doing, and what more needs to be done.

Tracking Progress on Our Recommendations

The Board and the secretariat have been closely tracking FIFA's progress against the 33 specific recommendations from our September 2017 report. FIFA has met a number of those recommendations already, and implementation is ongoing or at advanced stages in many other cases. FIFA maintains the tracking system on its internal server and the Board and FIFA independently enter their perspectives on progress in the shared tool. The Board has the final say on whether implementation has met our expectations or not and whether the recommendation can thus be considered as closed. To the Board's knowledge, no other global sports organisation has established an accountability mechanism like this to track progress on its human rights commitments.

Compared to our approach in the first half of 2017, since our last report the Board has been providing recommendations to FIFA on a rolling basis in order to address issues in a timely manner as they arise. This will be reflected in our next public report in late summer, where FIFA will also provide a full update on its progress.

Summary of the Board's Advice on the Upcoming FIFA World Cup 2018 in Russia and the FIFA World Cup 2026 Bid Evaluation Process

1. FIFA World Cup 2018 in Russia

1.1 Construction workers' rights

Since our last report, FIFA has stepped up its efforts to work in collaboration with the Local Organising Committee (LOC) and other parties to the Memorandum of Understanding (MOU) supporting the decent work monitoring system. The Board recognizes the improved cooperation at the operational level between FIFA and the LOC and Building and Wood Workers' International (BWI) in particular; however, there is yet to be any formal public communication on jointly agreed results of the system.

FIFA and the Board have regularly discussed progress against the Board's recommendations in the period since our last report. We agreed that all the Board's recommendations in this area (recommendations 3(e)-(i); 5(a); 6(a)-(b) from our September 2017 report) would remain open until the end of the construction work.

Our further advice to FIFA since our last report has focused on:

- The importance of FIFA using its leverage with the LOC to help ensure that the main contractors on the stadia sites respond appropriately to fatalities, including support to the families of victims;
- FIFA's role in working closely with the LOC and other relevant parties (including contractors, the government and the other parties to the MOU) to strengthen comprehensive health and safety measures, particularly for work at heights involving scaffolding, tower crane operations and harness management, including through targeted site inspections;
- The need for FIFA and the LOC to proactively identify a solution to address the predictable risk of any delayed or unpaid wages, especially for migrant workers. This should include the payment of promised bonuses as well as payments to those who have already finished work on the construction sites.

We know that FIFA has taken action on our advice on these issues and we will provide our evaluation of that in our next public report. One outstanding area of our advice, however, is the need for greater transparency about the overall outcomes of the decent work monitoring system, including fatalities. In this regard, we understand that FIFA intends to publish a "lessons learned" review of the decent work monitoring system following the conclusion of the FIFA World Cup 2018. We welcome this and have advised FIFA that the review should cover the mechanism's establishment, evolution over time, and effectiveness and limitations in addressing the most severe risks to workers' rights, and that it should involve all the parties to the MOU.

1.2 Protection of Human Rights Defenders and Media Representatives

FIFA's Human Rights Policy includes important commitments to respect and protect the rights of human rights defenders – meaning anyone working for the promotion and

protection of human rights, whether on a professional or non-professional basis – as well as media representatives covering FIFA events and activities.

Our advice to FIFA in this area in the lead up to the tournament has emphasized:

- The need for maximum leverage to be used with the government in cases of harassment, intimidation and/or detention of human rights defenders for exercising their full range of rights, including freedom of expression (also on-line) and assembly;
- The importance of informing Member Associations, national media and FIFA's own business partners (especially TV broadcasters and sponsors) about its planned system for protecting human rights defenders, including the staff of the LOC, volunteers and others that will be crucial local points of contact during the tournament.

We appreciate the progress FIFA has begun to make in this area. FIFA worked with a leading human rights defenders' advocacy group to develop a policy framework, including a complaints mechanism, to prevent and address risks to human rights defenders and media representatives. The mechanism was formally launched on 29 May, 2018. The World Cup means that it will be tested in real time as issues arise and FIFA will need to dedicate the necessary time and resources to responding to them.

In this regard, it is worth noting that FIFA has begun building its ability to respond to such cases. Since mid-2017 we have been closely following the situation of Mr Semyon Simonov, a Russian human rights defender who was working as a researcher with Human Rights Watch. He worked on HRW's 2017 report on construction workers' rights on the FIFA World Cup 2018 stadia. Mr Simonov was briefly detained by local police and subsequently subjected to threats and intimidation in connection with his work. We have advised FIFA at various points on the organisation's response.

We commend FIFA on the steps the Administration has since taken to raise Mr Simonov's situation with the LOC at the highest levels, as well as demonstrating active interest in his personal safety, including through attending a court hearing about his claim against the police regarding his detention.ⁱⁱⁱ This engaged approach should be the default in all future cases involving threats to human rights defenders connected to FIFA's operations.

1.3 Accommodation of the Egyptian National Team in Chechnya

In late 2015, that is, before FIFA adopted its statutory commitment to respect internationally recognized human rights, FIFA published a list with 64 cities in Russia offering accommodation to participant countries. This list included Grozny, the capital of the Chechen Republic (commonly referred to as Chechnya), a federal subject of Russia. In February 2018, the Egyptian national football team chose Grozny as its team base camp.

In our February 2018 meeting, the Board discussed the severe human rights risks in Chechnya with the FIFA Administration, particularly the broad threats to freedom of expression and of the media, and the 2017 arrest, detention and abuse of gay men – or those perceived to be gay – and the harassment of journalists reporting on those arrests.^{iv} Subsequently, Human Rights Watch and other human rights organisations wrote to FIFA asking FIFA to help address the specific situation of the human rights defender Oyub Titiev who works for the Russian human rights organisation Memorial in Chechnya and was detained in January of this year.^v While Mr Titiev's detention is not directly linked to FIFA's activities, it illustrates the broader, and often severe, risks to human rights defenders that FIFA has committed to addressing in connection with its operations.

Our advice to FIFA has focused on the need for FIFA to engage with the Egyptian Football Association about FIFA's policy commitment to respect and protect human rights defenders, and the risks connected to Grozny as a location for their team base camp. In addition, we advised FIFA to urgently communicate at the highest levels with its Russian counterparts about the situation of specific human rights defenders in Chechnya, including Mr Titiev, and the need to use all possible leverage to seek to ensure those individuals' freedom in line with FIFA's broader human rights commitments. We know that efforts are underway in this respect and we will continue to actively follow up on them.

1.4 Anti-doping

Human rights are closely linked to the compliance and ethics system of FIFA, and to the specific issue of anti-doping, because of the potential impacts on players' rights.

In December 2017, the results of the "Schmid Commission" of the International Olympic Committee (IOC) were published. They included confirmation of "the existence of a systemic manipulation of the anti-doping rules and system in Russia".^{vi} Accordingly, the IOC decided "to exclude the then Minister of Sport, Mr Vitaly Mutko, and his then Deputy Minister, Mr. Yuri Nagornykh, from any participation in all future Olympic Games."^{vii} Mr Mutko subsequently resigned from his position as Chair of the LOC in Russia.

In light of the Commission's findings, we advised FIFA to be as transparent as possible (with due regard to privacy rights) in relation to its investigations into the potential involvement of Russian players and other individuals or institutions in the "systemic manipulation" identified by the Schmid Commission and to publish the steps it had taken in its investigation. FIFA published a detailed update on its response on 13 February 2018,^{viii} and we discussed the issue with the responsible members of FIFA's Administration at our February 2018 meeting. FIFA published a further update on 22 May.^{ix}

2. Human Rights Requirements for the FIFA World Cup 2026

The final bidding requirements for the FIFA World Cup 2026 included, in our view, the most robust set of human rights expectations by any global sporting body to date. The first results of including human rights requirements in the bidding process were seen in the publicly available bids for the 2026 FIFA World Cup from Morocco and from Canada, Mexico and the United States in their joint bid.^x

The Board was closely involved in the Administration's process for assessing the human rights content of the bids and we believe that this was a robust and credible process for evaluating the strengths and any deficiencies in both bids. An expert third party organisation reviewed both bids' human rights strategies and provided its assessment to FIFA; the Board was consulted as part of that process and those assessments have now been made public.^{xi}

The Administration then prepared its own evaluation of the human rights content of both bids, which the Board was again consulted on. That evaluation is included in the formal risk assessment component of the public Bid Evaluation Report provided by the Administration to the FIFA Council (which includes a compliance assessment, a risk assessment, and a technical evaluation report).^{xii}

What matters now is how this information gets taken into account in the decision-making process in the lead up to, and at, the FIFA Congress in mid-June. This includes the potential to use the corrective action protocol that FIFA will prescribe, and that will be included as a contractual requirement in the hosting agreement, to establish additional measures that FIFA considers necessary to address the winning bid's deficiencies on human rights.

Our advice to FIFA has focused on the need for evidence of the bidders' abilities to assess and manage human rights risks to be comprehensively taken into account by all levels of the organisation in the decision-making process. The upcoming Council and Congress meetings should be an important opportunity to start normalizing the discussion of human rights issues in FIFA's political and governance structures. The Board will also be involved in the process of developing the human rights content of a robust corrective action protocol for the winning bid.

3. Further Topics

In addition, we have discussed a range of other issues in detail over the last eight months and made recommendations to FIFA on them. These include:

- Protections for workers involved in construction connected to the FIFA World Cup in Qatar 2022;
- Football players' rights;
- FIFA's measures on safeguarding;
- Discrimination against women in Iran in connection with football; and
- Strengthening FIFA's institutional approach to engagement and communication on human rights.

We will address all these topics in our second formal report after the FIFA World Cup 2018 in Russia.

ⁱ For further information see <https://www.business-humanrights.org/en/fifa-human-rights-advisory-board>.

ⁱⁱ Available at

http://resources.fifa.com/mm/document/affederation/footballgovernance/02/91/92/38/fifahumanrightsenweb_neutral.pdf.

ⁱⁱⁱ See <https://www.hrw.org/news/2018/02/26/welcome-support-workers-rights-advocate-russia>.

^{iv} The severe risks to individuals perceived to be gay or bisexual in Chechnya have been highlighted by independent experts and other special procedures of the UN Human Rights Council:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21501>.

^v For the joint letter and FIFA's response see: <https://www.hrw.org/news/2018/05/23/joint-letter-fifa-concerning-human-rights-crisis-chechnya>. The specific case of Mr Titiev was also highlighted by the UN High Commissioner for Human Rights in March 2018:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22772&LangID=E>.

^{vi} See IOC Disciplinary Commission's Report to the IOC Executive Board, 2 December 2017, available at <https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/IOC/Who-We-Are/Commissions/Disciplinary-Commission/IOC-DC-Schmid/IOC-Disciplinary-Commission-Schmid-Report.pdf>.

^{vii} See <https://www.olympic.org/news/ioc-suspends-russian-noc-and-creates-a-path-for-clean-individual-athletes-to-compete-in-pyeongchang-2018-under-the-olympic-flag>.

viii See

http://resources.fifa.com/mm/document/footballdevelopment/medical/02/93/03/36/fifainvestigationfollowingthemclarenreport_neutral.pdf.

ix See <http://www.fifa.com/worldcup/news/update-on-the-investigations-following-the-mclaren-reports>.

x Available at <http://www.fifa.com/about-fifa/news/y=2018/m=3/news=2026-fifa-world-cup-bid-books-now-available.html>.

xi See BSR evaluation reports, available at <https://www.fifa.com/about-fifa/news/y=2018/m=6/news=2026-fifa-world-cup-evaluation-report-published-bids-submitted-to-fifa-council.html>.

xii For the Bid Evaluation Report, see <https://resources.fifa.com/image/upload/2026-fifa-world-cup-bid-evaluation-report.pdf?cloudid=yx76lnat3oingsmnlvzf>. For a description of the evaluation process overall, see <https://img.fifa.com/image/upload/hgopypqftviladnm7q90.pdf>.