
Independent Report

Human rights in Canada, Mexico and the USA in the context of a potential FIFA 2026 World Cup competition

07 March 2018



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Key findings overview

Football is the most popular sport in the world. As an illustration, 3.2 billion people watched the 2014 FIFA World Cup™ Final in Brazil. Football is not just a mass TV spectator phenomenon; one estimate suggests that 265 million people play football and 5 million people officiate games throughout the world. The fact that this many people follow, enjoy and are actively involved in the game means that those who organise the game at all levels have a responsibility to ensure that it maintains the integrity that lies at the heart of the sport in its purest sense, as well as the simple acts of teamwork and fair play which underpin the game itself. Promotion of, and respect for, human rights through the game must be a part of this going forward.

This report is part of the first steps in the journey to develop sporting events which are not only aligned with international human rights standards, but which also positively promote human rights and social development through the way that they are organised and planned. The fact that the United Bid 2026 has commissioned this report is due in significant part to the major steps FIFA has taken in understanding the need to consider human rights issues during the organisation and development of competitions. However, it is also due to the commitment within the United Bid team and the three federations themselves, as well as to the work of a range of government, international, civil society, private sector, trade union and expert stakeholders who have worked collaboratively over a number of years to build a climate where incorporation of human rights issues in major sporting events is starting to become a basic expectation, rather than something unique.

FIFA's bidding requirements for the 2026 competition include requirements that each bid should have commissioned an independent study which considers "how the national context, including the national legislation and legal practice, may impede or enable the Member Association's ability to host and stage the Competition, including legacy and post-event related activities, in a manner that respects all Internationally Recognised Human Rights, especially in the areas where risks of adverse human rights impacts have been identified". The FIFA requirements specifically state that this study must consider whether (a) the national legislation and legal practice is in accordance with the relevant Internationally Recognised Human Rights; (b) there are gaps between the national legislation and legal practice and the relevant Internationally Recognised Human Rights; and (c) the national legislation and legal practice contradict the relevant Internationally Recognised Human Rights.

What and who this report covers

This report constitutes the Independent Study envisaged by FIFA requirements in respect of the joint FIFA World Cup™ bid by the Football Federations of Canada, Mexico and the United States of America – the United Bid 2026. Ergon Associates Ltd is an independent organisation based in London, United Kingdom which was established in 2005 and works with a wide range of public, private and civil society partners on business and human rights.

This report is the first such exercise to be carried out in relation to a Mega Sporting Event. It was also carried out in a compressed timescale. This gave rise to a number of challenges, but we also received great support from both the Bid team and a range of public, football and human rights stakeholders in all three countries. To meet FIFA's bidding requirements, we have taken an approach that focusses on the likely salient human rights issues that are expected to arise from the hosting of the FIFA World Cup™. It does not provide a comprehensive overview of every single human rights issue in the three countries, but rather concentrates on those human rights issues that are likely to affect rightsholders by virtue of the activities directly involved or associated with hosting the competition. This approach has been chosen because it is

both aligned with the UN Guiding Principles on Business and Human Rights, but also because it supports and informs the development of a human rights strategy by the United Bid team that is most likely to prevent negative human rights impacts and promote respect for human rights more generally. FIFA requirements specifically state that the bid human rights risk assessment and strategy should take this report into account, so we have communicated clearly and directly to the team as our findings became clear to facilitate this.

Rightsholders must be at the core of any assessment such as this. Therefore, our report revolves around the ways in which the various activities and interactions involved in a major sporting tournament may impact fans, community members, workers, players and others. It then assesses the extent to which national legislation and practice protects against negative impacts and, where gaps are identified, it suggests interventions and actions for the Bid to build into its Human Rights Strategy.

Key findings on the three countries

Canada, Mexico and the United States of America are all constitutional democracies and are signatories to a range of international human rights instruments. All three are active participants in dialogue and discussion on human rights in the international arena. All three also have a history of supporting human rights through their foreign and international aid and development programmes.

The three countries have a range of fundamental human rights guarantees enshrined in their constitutions and also have clear legal provisions on key human rights issues such as non-discrimination, freedom of expression and assembly, safety and security, and privacy.

Some gaps in legislation, law, and practice in relation to international standards have been identified in this report. These vary in scale but are not necessarily widespread. This does not mean that they do not need to be addressed by the Competition organisers if they are to succeed in their endeavour to be a competition that truly respects and promotes human rights. Further, it should be mentioned that many of the significant risks to human rights identified in this study stem from shortcomings in implementation of legal standards or contextual or local factors, rather than incompatibilities between national legal frameworks and international standards. Examples include local practices on LGBTQI+ issues in the United States or the localised impact of violence associated with the drugs trade in Mexico. As such, the competition needs to be contextually aware and work closely with Host Cities and local, national and international stakeholders to build an approach that makes a commitment to respect for human rights not just a distant goal but a real opportunity to promote positive change.

It should also be noted that a number of the risk issues identified are not unique to the three countries but would likely be identified in any thorough and honest study of many other countries bidding to host a tournament such as this. We therefore hope that elements of this study, and the substantial human rights strategy developed by the United Bid 2026, will be of use to FIFA and other competition organisers regardless of who is appointed to host the 2026 competition.

Workers – direct and indirect, including volunteers

There will be a range of workers and volunteers engaged in a variety of tasks in the run-up to and during the competition. This will range from work involved in fit out and adjustment for venues, through hospitality, security and supply chain work.

In relation to labour standards, there are basic provisions in place in all three countries relating to freedom of association and collective bargaining, but there are some gaps with international standards that have been identified in relation to Mexico, most notably in relation to the formation of employer-dominated unions. There are also contentious provisions in some US States so-called 'right to work' laws, which are currently being tested before the US Courts.

The level of minimum wages, and their enforcement, is variable both across the three countries and within them. Minimum wage setting is often carried out at state or provincial level. There are some instances where no rate is set or, arguably, is too low to allow for a decent standard of living. However, there are living wage and equivalent provisions in a growing number of the potential host cities. This is something which the competition organisers should engage with and encourage.

With regard to discrimination at work, there are broad legislative protections aligned with international standards in all three countries, however there are a few gaps between the grounds which the legislation protects. This suggests that the competition should require a broad conception of prohibited discriminatory behaviour in relation to direct, contracted and supply chain workers.

The safety of workers is paramount in relation to any tournament and, although there will not be significant construction in relation to this competition if awarded to the United Bid 2026, this does not mean that there does not need to be a careful assessment of risks and a defined response. The legislation on occupational safety and health in all three countries is aligned with international standards. However, there should be a careful consideration of how project-level safety management and assessment applies to volunteers – an issue which stands outside many international and national frameworks. Also, there should be a careful assessment of how non-physical safety risks – including harassment and mental health impacts - may occur and be prevented.

Fans, spectators, journalists and players

Wherever the competition is held in the world, there are a number of salient risks identified that could affect fans, spectators and players. These include being subjected to undue restrictions on free expression, breaches of privacy, exposure to discriminatory or other offensive chanting, and being discriminated against in terms of access to facilities or services including disability access. In addition, there is an important issue related to the free movement of players, officials and spectators into and within each country.

In general terms the right to freedom of expression and speech is very well protected in all three countries in line with international standards. There are some limitations on freedom of expression in purely private settings, which the competition may have to clarify on a stadium-by-stadium basis. There are concerns about the rights of free press and expression as it relates to journalists in Mexico, on account of the violence that has been used against members of the press. This latter concern merits specific action by the Competition's organisers, which can involve a range of innovative collaborations with organisations representing journalists and also governmental and international bodies.

There are a number of circumstances where a large event, wherever in the world, could give rise to privacy breaches ranging from ticketing data, through to surveillance of public WiFi and intrusions upon players' personal integrity. There are good data protection laws in place in all three countries, but given the changing technological dimensions involved, and the inevitable time lag between digital innovation and regulation, the competition should seek to put in place good practice guidance and contracting requirements on this issue.

As has occurred at previous competitions, there is a risk that fans – who sometimes may claim they are exercising broadly defined freedom of expression rights – may say, chant or display things that are offensive to players, officials and other fans. This is particularly so where there are many different nationalities present. The degree to which law and practice in the three countries affords protections in this regard is variable and complex, partly because the concepts involved are complex and partly because of the varying public / private nature of stadiums. This is not out of line with international standards but needs to be clarified and addressed. With this in mind, the competition should develop and implement a clear policy on unacceptable speech and behaviour to provide both protection and clarity on this issue.

On the question of immigration and entry into the country – and free movement within and between the countries during the competition – all three countries have well established immigration law which is broadly aligned with the very wide discretion given to states on this issue by international law. However, there is some concern about certain rules – for example, restrictions on temporary entry to citizens of defined countries which the US government is seeking to implement and the use of some forms of profiling – which can be seen to be discriminatory. The organising entity inevitably has a dialogue with Governments on this issue – as evidenced by Government Guarantee #1 in connection with the Bid – and should use this dialogue to promote non-discrimination and respect for human rights in all relevant immigration policy.

Communities

All major sporting events have the capacity to have significant – albeit sometimes temporary – impacts on the communities living close to (and sometimes not so close to) the location of the games. These can include impacts on land, property and housing rights, as well as political rights such as the right to participate in the conduct of public affairs.

All three countries have legislation protecting land and property ownership rights. Land and property rights are less absolute in Canada than in Mexico and the United States; however, in all three countries governments (whether federal, state/provincial or local) can expropriate property for ‘public uses’, which can at times be defined very broadly. The United States generally offers the strongest legal protections against expropriations for ‘public uses’, although this varies between states. The three countries guarantee the right to due process and offer avenues for seeking compensation when property is taken.

Despite legal protections of indigenous peoples’ rights to their ancestral lands, legislation and legal practice in all three countries shows that it remains possible for the state to acquire or seize indigenous lands, including through expropriation. There are open or unresolved land claims by indigenous communities in all three jurisdictions.

Mexico’s legal framework – at federal, state and occasionally city levels – offers strong provisions related to the right to adequate housing, in accordance with international standards. However, Canada and the United States both lack an official recognition of a right to adequate housing in their respective legal frameworks. In the United States, the broad eviction powers of private landlords in certain jurisdictions and the adoption of laws targeting homeless people in recent years are potential areas of concern.

While land and housing are issues where the competition’s organisers’ level of direct control may be more limited, the risks derived from the hosting of similar large events on these rights are well documented. As a result, the competition should engage from an early stage with relevant actors and stakeholders – primarily Host Cities, governments, as well as land and housing rights organisations – to promote the adoption of localised strategies to minimise potential adverse impacts on these rights.

The legal frameworks of all three countries protect and enable the realisation of the right to participate in the conduct of public affairs as defined by international standards. While the exact forms of government and public participation vary greatly across the host cities, all legally provide for some degree of direct or indirect participation by citizens. Protections for freedom of information are aligned with international standards.

Cross-cutting issues

The following issues were found to be potentially salient in relation to the rights of a number of rightsholders, albeit in different ways depending on context:

Freedom of expression and assembly

As noted above in relation to expression and assembly in stadiums, there are wide-ranging protections for the right to express and assemble in all three countries. There are, however, restrictions that are often put in place with regard to the freedom to assemble and protest on the basis of security risks (whether perceived or real). In all three countries, there are defined legal rules which elaborate when such interference can take place, as anticipated by relevant international standards, but there are examples in all where the use of local law enforcement discretion is used in a way which unduly restricts protest. This is primarily an issue within the scope of relevant public bodies, but the competition should include respect for promotion of peaceful protest – including against the competition itself – as part of its dialogue with government, city and law enforcement officials.

Trafficking

High-profile sporting tournaments present some degree of trafficking risk, particularly as it relates to labour and sexual exploitation. Heightened risks may be connected to increasing cross-border movement, demand for a quick and inexpensive workforce, and sexual exploitation. There is disputed evidence relating to claims that there is an increase in numbers of people trafficked for sexual purposes in advance of major sporting events, with the numbers often being significantly overstated, but the seriousness of the issue nevertheless requires action by the competition and its partners. All three states have in place legal frameworks for addressing the issue of trafficking in line with the Trafficking in Persons Protocol. In particular, all three states have adopted strict legislative measures which criminalise trafficking and provide for potentially forceful penalties.

Safety and Security

The organisation of large events necessarily triggers a range of safety and security concerns, especially for those that have a substantial international profile and can be expected to involve large crowds, including sports stars, media figures, dignitaries and political figures. Sporting events such as the FIFA World Cup™ certainly fall into this category. The legal frameworks in the three countries are aligned with relevant legally binding international standards. All three countries have robust constitutional and other legal protections on the right to life, liberty and security of the person and the right to due process. Also, there are strong non-discrimination standards in place in all three frameworks which can address the issue of harassment. National and regional laws cover many forms of (gender-based) harassment in public spaces, streets and transport, although there are some potential gaps in the coverage of certain types of verbal harassment in all three countries.

There are laws regulating the conduct of law enforcement agencies all three countries. This Report identifies several relevant laws where respect for human rights and/or constitutionally-recognised rights were expressly enshrined in relation to law enforcement conduct and practices. However, there is evidence that largely peaceful communities are not immune from violence related to major international events.

Furthermore, in some parts of the United States and Mexico existing social conditions are characterised by some violence. There are also documented instances of inappropriate behaviour and discrimination by law enforcement officials themselves in relation to particular community members. This has occurred in all three countries.

Security is a particular challenge for the Competition organisers, wherever it takes place. With this in mind, the organisers will inevitably have to work closely with law enforcement agencies and private security providers, and should seek to ensure that human rights considerations, including respect for the strong national laws in place, are embedded into all policies, procedures and operations.

Grievances and access to remedy

In each of the three countries, there are a range of ways in which formal legal challenges can be brought in response to alleged breaches of human rights standards. This may include specific human rights mechanisms in Mexico and Canada as well as constitutional litigation in the United States and Canada. However, the ability to bring challenges against private actors is limited to specific courts and mechanisms. Also, the availability of quick non-judicial mechanisms to respond to the fast-moving nature of a major sports tournament is limited. As such, in line with the UNGPs, the organisers will need to develop an integrated framework of grievance and remedy mechanisms to supplement and complement existing routes.

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Abbreviations and acronyms

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ABA	Architectural Barriers Act (U.S.)
ACAA	Air Carrier Access Act (U.S.)
ACHR	American Convention on Human Rights
ADA	Americans with Disabilities Act (U.S.)
AODA	Accessibility for Ontarians with Disabilities Act (Canada)
CAS	Court of Arbitration for Sports
CESCR	Committee on Economic Social and Cultural Rights
CNDH	National Commission for Human Rights (Mexico)
CONAPRED	Mexican National Council for the Prevention of Discrimination
CONASAMI	National Commission on Minimum Wages (Mexico)
CRTC	Canadian Radio-television and Telecommunications Commission
EEOC	Equal Employment Opportunity Commission (U.S.)
FAR	Federal Acquisition Regulation (U.S.)
FEADLE	Special Prosecutor for Attention for Crimes Against Freedom of Expression
FHA	Fair Housing Act (U.S.)
FIFA	Fédération Internationale de Football Association
FLSA	Fair Labor Standards Act (U.S.)
FMF	Mexican Football Federation
FOIA	Freedom of Information Act (U.S.)
FOIPA	Freedom of Information and Protection of Privacy Act (Canada)
FPIC	Free, prior and informed consent
FTC	Federal Trade Commission (U.S.)
HRD	Human rights defender
IACtHR	Inter-American Court of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICE	Immigration and Customs Enforcement (U.S.)
ICESCR	International Covenant on Economic, Social and Cultural Rights

Abbreviations and acronyms

ILO	International Labour Organization
ILO CEACR	ILO Committee of Experts on the Application of Conventions and Recommendations
ILO CFA	ILO Committee on Free Association
INM	National Institute of Migration (Mexico)
ITUC	International Trade Union Confederation
LFPDPPP	Protection of Personal Data in Possession of Private Individuals (Mexico)
LFPED	Federal Law for the Prevention and Elimination of Discrimination (Mexico)
LFT	Federal Labour Law (Mexico)
LFTAIP	Federal Transparency and Access to Information Law (Mexico)
LGIPD	General Law for the Inclusion of People with Disabilities (Mexico)
LGPDPPSO	Protection of Personal Data in Possession of Obligated Subjects (Mexico)
MGA	Municipal Government Act (Canada)
NAACP	National Association for the Advancement of Colored People
NAFTA	North American Free Trade Agreement
NLRA	National Labor Relations Act (U.S.)
NLRB	National Labor Relations Board (U.S.)
NOM	Normas Oficiales Mexicanas
OAS	Organization of American States
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSH	Occupational safety and health
OSHA	Occupational Health and Safety Administration (U.S.)
PIPEDA	Personal Information Protection and Electronic Documents Act (Canada)
PNDH	National Human Rights Programme (Mexico)
PPE	Personal Protective Equipment
SCC	Supreme Court of Canada
SCJN	Mexican Supreme Court
SCOTUS	Supreme Court of the United States
SLAPP	Strategic Lawsuits Against Public Participation
TRP	Temporary Residence Permit (Canada)

Abbreviations and acronyms

TVPA	Trafficking Victims Protection Act (U.S.)
TVSP	Television Service Provider
UDHR	Universal Declaration of Human Rights
UN CEDAW	UN Convention on the Elimination of All Forms of Discrimination against Women
UN CERD	UN Convention on the Elimination of all Forms of Racial Discrimination
UN CRC	UN Convention on the Rights of the Child
UN CRPD	UN Convention on the Rights of Persons with Disabilities
UN HRC	UN Human Rights Committee
UNGPs	UN Guiding Principles on Business and Human Rights

1. Background and methodology

1.1 Background and FIFA requirements

This Report constitutes the independent expert report on the host countries' human rights context, which is required as part of the United Bid 2026 bid to host the 2026 FIFA World Cup™. It is specifically required by Section 23 of FIFA's bidding requirements for the 2026 Tournament. This Report, under the terms of Section 23, is expected to assess "how the national context, including the national legislation and legal practice, may impede or enable the Member Association's ability to host and stage the Competition, including legacy and post-event related activities, in a manner that respects all Internationally Recognised Human Rights, especially in the areas where risks of adverse human rights impacts have been identified".

In particular, the Report is expected to elaborate on whether (a) the national legislation and legal practice is in accordance with the relevant Internationally Recognised Human Rights; (b) there are gaps between the national legislation and legal practice and the relevant Internationally Recognised Human Rights; and (c) the national legislation and legal practice contradict the relevant Internationally Recognised Human Rights.

The United Bid 2026 is a joint bid by Canada, Mexico and the United States, and this Report looks at the human rights context of these three countries. The Report is expected to both complement and inform the development of a human rights risk assessment, as well as the development of a human rights strategy by the United Bid 2026 on meeting obligations to respect human rights in all aspects of its activities relating to the organisation of the Competition.

1.2 Objectives and methodology

While the primary aim of this Report is to look at relevant national legislation and legal practice and map them against internationally-recognised human rights, it is not intended for the end result to be academic in nature. Rather, the intention is to synthesise and present the relevant legal and contextual information in a clear and direct way that helps inform the development of the United Bid 2026 human rights risk assessment and its strategy to respect and promote human rights in all Competition-related activities. In doing so we have engaged directly with the Bid team through this process to provide early indication of key issues emerging from our independent review.

As such, and given the time constraints, the various phases of research and stakeholder engagement which have been carried out for the purposes of producing this study have largely been done in parallel to those carried out in relation to the production of the risk assessment and subsequent human rights strategy that are contained within the United Bid 2026 bid book. As a result, and although the analysis and findings made in this study are fully independent, we have benefited greatly from the work carried out by the Bid Team and their commitment, as well as by the extraordinary (given the very short timeframe) response received from a wide range of stakeholders focused on human and labour rights issues. They have provided enormously useful information which has also been shared with the Ergon team and used where appropriate to improve and inform our study.

Key components of our methodology to produce this study include the following:

- Detailed liaison with the Bid Team to develop a sound understanding of the likely most salient risks to human rights derived from the hosting of the FIFA World Cup™ competition, given the very particular nature of this bid in terms of:
 - The multi-national nature of the Bid, which brings distinct sets of national, state/provincial and local legal and socio-political contexts, and;
 - The fact that it will require no new stadiums to be constructed and little significant additional infrastructure such as training camps, or other directly related facilities and auxiliary infrastructure such as airports or accommodation.
- An assessment of both the key internationally-recognised human rights standards and a consideration of the existing national and state-level legislation and legal framework as it applies to each salient issue, contextualising this to focus on the specific likely human rights risks.
- Analysis of the broad human rights framework in each of the three countries, including an assessment of the regulatory and enforcement frameworks, as well as risks in practice.
- A review of written commentary and assessment of national legislation and legal practice by relevant and credible stakeholders, which range from both international and governmental bodies, through to established human rights and labour civil society actors. Particular emphasis is given to comments by UN and other international supervisory mechanisms when indicating likely alignment or gaps with international standards.
- Review and, where appropriate, incorporate the comments and analysis provided by stakeholders during the stakeholder engagement process.

1.3 Stakeholder engagement

As stated above, this study also incorporates the results of stakeholder engagement which was conducted with interlocutors in Canada, Mexico and the United States. The main stakeholder engagement component of this study was firmly integrated in the stakeholder engagement process carried out by the United Bid 2026 team. We took the view that it was important that the team devising the strategy and carrying out the risk assessment hear the opinions of stakeholders at the same time as the Ergon team did. Also, the efficiency of this approach, given the time constraints and the time limitations most stakeholders had for engaging with a FIFA World Cup™ bid, was compelling. This engagement took the form of multi-stakeholder workshops and interviews.

In addition to this shared process with the United Bid, we also carried out a limited number of direct conversations with technical experts on specific issues – both from a country perspective as well as a sports and human rights perspective.

1.4 Caveats and limitations

While this report seeks to accurately portray and analyse the human rights context as it relates to all three countries and, where possible, integrate external stakeholders' views on this context and its alignment with international standards, there are inevitable limitations based on the timeframe available to write such a Report and the fact that it is primarily based on desk research.

This Report is also not intended as – and should not be taken to be – a complete assessment of all human rights issues present in each of the three countries. Rather, it is a focused assessment of the human rights legal framework and its application in each of the three countries in relation to well-defined issues that are expected to be particularly salient in relation to the organisation and hosting of a FIFA World Cup™

competition. This approach is fully aligned with both the UN Guiding Principles on Business and Human Rights (UNGPs) and FIFA's requirements in Section 23.

A further caveat, which needs to be clearly stated at the outset, relates to the timeframe involved between this Report and the actual hosting of the competition, should FIFA select the United Bid to host the 2026 FIFA World Cup™. All three countries are firmly established democracies, with well-structured laws and firmly embedded notions of the rule of law. However, significant uncertainties remain which make it difficult to anticipate human rights developments over the coming eight years. There will be a change in political leadership in at least two, and perhaps all three, countries in the next 8 years. Much can change both for the positive and for the negative over the course of an eight-year period.

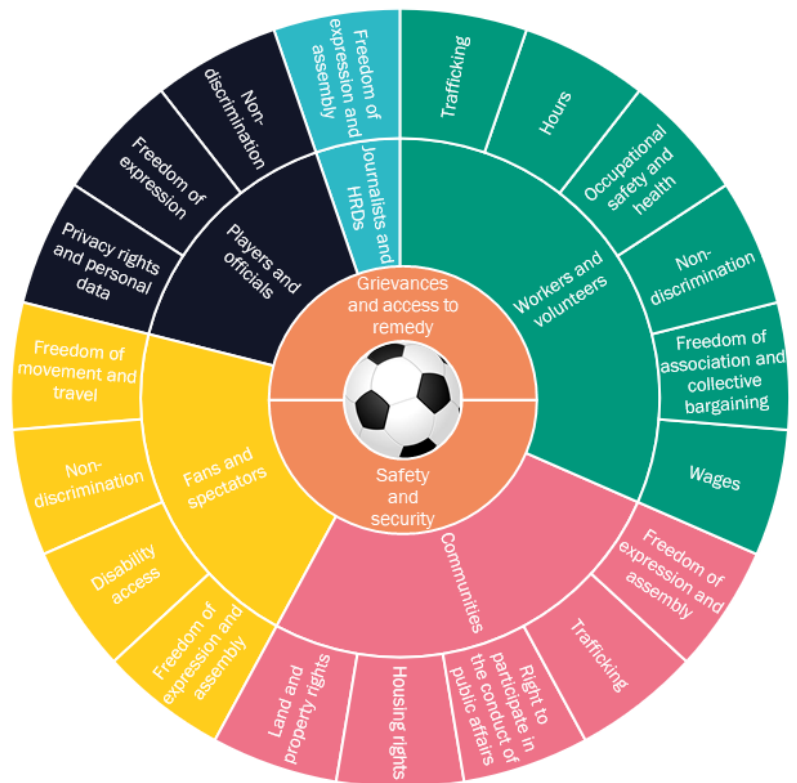
The fact that there may be some changes in legislation and practice reinforces the need for the United Bid 2026, FIFA, and a range of partners, to develop and implement a human rights strategy that is dynamic and includes processes of ongoing due diligence, tracking of legislation, strong and clear stakeholder engagement with both government and civil society, as well as measures which will mitigate or plug the gaps where national legislation or practice fails to implement international standards.

2. How to read this Report

As previously indicated, this Report analyses how the national human rights context of Canada, Mexico and the United States, including national legislation and legal practice, may impede or enable the United Bid's capacity to organise and host the FIFA World Cup™ 2026 in a manner that is consistent with the obligation to respect Internationally-recognised Human Rights. Consequently, we have focused our analysis on those issues which are deemed to be of particular saliency in the context of a large sporting event, rather than presenting a generic overview of the human rights legal framework and practice in all three countries. These issues were identified using a saliency assessment methodology, following thorough discussions with the United Bid to establish the likely activities that would need to be carried out between 2018 and 2026 and beyond. The relevance of the identified salient issues was tested with stakeholders by the Ergon and United Bid teams.

In accordance with the rights-based approach set out in the UNGPs, this report's narrative structure revolves around the different types of impacted rightsholders – i.e. people whose human rights could potentially most likely be affected by the activities of the World Cup. These rightsholders are:

- Workers, i.e. all those who will be employed or perform work in connection to the competition
- Communities and citizens, i.e. those who live in the potential host cities
- Players, coaching staff, support teams and match officials,
- Spectators and fans, who may attend the games in person, or watch them through media broadcast
- Journalists and human rights defenders.



For each of these rightsholder categories, the Report describes the relevant international standards, national legislation and practice, as well as any gaps or additional contextual risks that were identified, in relation to each of the potentially salient human rights issues.

In addition to our key findings on the countries' alignment with international standards, the Report also includes recommendations on how the United Bid could address some of the gaps. These recommendations have been communicated to the Bid team for their consideration.

3. Overview table

The following table summarises some of the key findings on the national human rights context in the three proposed host countries, particularly those that relate to alignment with international human rights standards and any related gaps. It also includes key recommendations for the development of the United Bid’s human rights strategy based on these findings, for example to address any gaps or build on existing elements of best practice.

Issues	Canada	Mexico	USA	Relevant United Bid actions needed to address actual or potential gaps
Workers				
Right to adequate wage	<p>Minimum wage setting- which is a provincial question – aligned with international standards. All three provinces relevant for this study have set minimum wages, although there are lower minimum wages in hospitality sectors in three provinces.</p> <p>The city of Toronto has higher living wage or fair wage rules for their employees and contractors.</p>	<p>Legal framework is aligned with international standards. There is a single minimum wage for the whole of Mexico. Widespread reports relate to inadequate enforcement in practice.</p> <p>No additional living wage or public procurement enforced wages could be identified at this stage.</p>	<p>Legal framework mostly aligned with international standards. There is a federal minimum wage, but some bid cities are in states where there is no minimum wage legislation, or where the rate is below the federal one. Unlikely this constitutes a gap given the presence of a federal minimum wage level. Many potential host cities have specific living wage or higher than minimum wage provisions.</p> <p>A significant number of host cities also have prevailing wage laws for public contracts.</p>	<p>Engagement with cities to promote and support the development of fair or living wage assessments at local level.</p> <p>Inclusion in general contracts of the requirement to pay minimum wages. Inclusion of living wage requirements in locally-based employment and competition employment contracts.</p>
Freedom of association and collective bargaining	<p>Rights to freedom of association and collective bargaining are generally in line with international standards. Legal</p>	<p>Broad rights to form and join trade unions, in line with international standards. In practice, the structure of collective bargaining rules can</p>	<p>Freedom of association rules provide for right to form and join trade unions, which are mostly in line with international standards. So-called</p>	<p>Clear commitment to respect international standards on freedom of association and collective</p>

Issues	Canada	Mexico	USA	Relevant United Bid actions needed to address actual or potential gaps
	restrictions on the right to strike not fully aligned with international standards.	allow employers to set up ghost or compliant unions to keep independent unions out. This has been classified as an issue of non-alignment with international standards. Foreign workers are prohibited from taking up union office, which is out of line with international standards.	'right to work' laws are alleged to undermine freedom of association in some states. Possible gaps in coverage of some categories of workers falling out of 'employee' status. Restrictions on the right to strike not fully aligned with international standards.	bargaining in employment policies and sourcing codes.
Non-discrimination in employment	Broad anti-discrimination legislation in line with international standards. Some identified gaps in coverage on specific issues such as social origin and political opinion. Potential gaps at provincial level in relation to the definition of equal pay for work of equal value.	Internationally aligned legislation. A few gaps in coverage of specific characteristics such as race, social origin, political opinion and gender identity. Potential gap in relation to the definition of equal pay for work of equal value.	Wide-ranging anti-discrimination laws at federal and state level. Generally aligned with international standards, but there are some state-level gaps in coverage, e.g. political opinion, sexual orientation and gender identity.	Employment standards and sourcing codes require full coverage of international standards on employment-related discrimination.
Occupational safety and health	National OSH protections and comprehensive system of OSH inspection and enforcement, largely aligned with international standards. Specific standards may exist in defined sector or industry; scope of application may depend on nature of employment relationship.	OSH protections and comprehensive system of OSH inspection and enforcement, largely aligned with international standards. Specific standards may exist in defined sector or industry. Potential gap in relation to employer collaboration when engaging in	OSH protections and comprehensive system of OHS inspection and enforcement, largely aligned with international standards. Specific standards may exist in defined sector or industry; scope of application can depend on nature of employment relationship.	Clear commitment to uphold the safety of all those performing activities related to the competition, including employees and volunteers. Employment contracts and sourcing codes include OHS

Issues	Canada	Mexico	USA	Relevant United Bid actions needed to address actual or potential gaps
	Some provinces (e.g. ON & QC) extend some OSH protections to volunteers.	simultaneous activities in same workplace.		requirements in relation to all workers, including direct employees and workers of contractors and subcontractors.
Working hours	Legislation setting out regular working hours is aligned with international standards.	Working hours and overtime legislation is largely aligned with international standards.	Legislation setting out regular working hours is aligned with international standards. Some identified gaps in relation to overtime limits at federal and state levels, as well as to state provisions on consecutive hours of rest.	Policy commitments and project wide rules to limit and record working hours.
Communities and citizens				
Land and property rights (including indigenous peoples' land rights)	No express right to own property, but clear laws against arbitrary search or seizure of property, in line with international obligations. Common law provides for compensation when land/property is taken. Provincial legislation allows expropriation of land / property for public uses, which is defined quite broadly in some provinces.	No express right to own property, but clear limitations on arbitrary seizure of property which are aligned with international standards. Expropriations may only be carried out for 'public use' and if compensation is provided. The three states where bid cities are located define 'public use' in similar ways, including the construction of sporting grounds, the creation of companies that would benefit the larger society,	Clear protections for the right to private property. Law clearly guarantees due process and compensation when land/property is taken, in line with international standards. Eminent domain allows for expropriation of land / property for public use; some states where bid cities are located have additional restrictions on expropriations for 'public uses'.	Discussion with cities to minimise the need for expropriation in relation to the event; ask host cities to provide their plans for local consultation and compensation if / where expropriation is necessary. Grievance and remedy mechanisms developed.

Issues	Canada	Mexico	USA	Relevant United Bid actions needed to address actual or potential gaps
	<p>Some degree of uncertainty regarding indigenous peoples' rights over their ancestral lands, but 2014 ruling recognised indigenous rights over 'unceded' territory, which could affect three host cities.</p>	<p>as well as any other instance defined through special legislation.</p> <p>Some degree of uncertainty regarding indigenous peoples' rights over their ancestral lands; recent cases of expropriation without FPIC, potentially contravening Mexico's obligations under ILO C169.</p>	<p>Concerns have been expressed by the UN special rapporteur over the degree of protection afforded to indigenous peoples' rights over their ancestral lands, both legally and in practice.</p>	<p>Where applicable, ask host cities to enter into meaningful engagement with local or neighbouring indigenous communities regarding any use of or impact on their ancestral lands.</p>
Housing rights	<p>No express recognition of the right to adequate housing at federal or provincial level, which is a gap in relation to international standards. Recent positive developments include recognition of housing as a human right in national housing strategy.</p>	<p>Clear constitutional protection of the right to adequate housing. Legal framework is aligned with international standards and treaty obligations. However, there are concerns regarding the actual enjoyment of the right in practice, including in relation to the accessibility, affordability and quality of housing.</p>	<p>No express recognition of the right to adequate housing at federal or state level, which is a gap in relation to international standards. Strong anti-discrimination protections in the allocation of housing-related assistance.</p> <p>Eviction rules vary across jurisdictions. In some jurisdictions landlords can evict tenants without cause.</p> <p>Many states and cities have also been criticised for adopting laws effectively criminalising homelessness in recent years.</p>	<p>Engage with host cities on their actions and policies on the right to housing, including on how issues such as homelessness and rent pressures will be managed prior to and during the event.</p>

Issues	Canada	Mexico	USA	Relevant United Bid actions needed to address actual or potential gaps
Participation in the conduct of public affairs	<p>Legal framework on political participation and democratic institutions effectively enables citizens to participate in conduct of public affairs as defined by international standards, including at local level. Protections for freedom of information are aligned with international standards. Legal framework criminalises corruption.</p>	<p>Broad protections on citizens' right to participate in conduct of public affairs, including at local level, in line with international standards. Protections for freedom of information are aligned with international standards. Legal framework criminalises corruption.</p>	<p>Legal framework on political participation and democratic institutions effectively enables citizens to participate in conduct of public affairs as defined by international standards, including at local level. Protections for freedom of information are aligned with international standards. Legal framework criminalises corruption.</p>	<p>Clear commitment to transparency regarding decisions related to the event.</p> <p>Engagement with cities, state/provincial and national governments to promote transparency in relation to decision-making and procurement connected to the event.</p>

Issues	Canada	Mexico	USA	Relevant United Bid actions needed to address actual or potential gaps
Freedom of expression and assembly	<p>Broad protections for freedom of expression and speech in line with international standards.</p> <p>Limitations related to hate speech and public order, but legal framework is generally aligned with international standards. Hate speech rules may apply to stadiums.</p>	<p>Broad-ranging legal protections in line with international standards. Potential gaps relate to recent developments in national and local legislation narrowing the right to assemble peacefully and providing potential authorisation to use military forces in response to protests. Challenges also derive from context of targeted violence and threats to journalists and others.</p>	<p>Very broad protections on freedom of expression, aligned with international standards – however, limitations may be applied in ‘private contexts’, which may sometimes include sports stadiums. Limitations on expressive and associational activity are broadly consistent with international standards and notions of proportionality, but amount of local law enforcement discretion may give rise to concerns.</p>	<p>Devise clear policy and statements on scope of freedom of speech in stadiums, including consideration of free speech zones.</p> <p>Work with government and law enforcement to ensure that there is a right to protest around the competition, to the extent that this does not involve violence or other actions likely to breach public order or infringe the rights of others.</p>
Players, fans and spectators				
International travel and movement	<p>Some restrictions based on security concerns, but legal framework broadly aligned with international standards.</p>	<p>Mexico’s law on free movement is comprehensive and broadly in line with its international standards.</p>	<p>Framework is aligned with broad discretion allowed by international standards. However, some potential discrimination in relation to travel restrictions for some citizens from certain states.</p>	<p>Advocacy and engagement with Governments, as per Government Guarantee #1, on free movement and entry on a non-discriminatory basis for the duration of the competition.</p>
Discrimination at and around	<p>Discrimination in relation to service provision and stadium</p>	<p>There are broad, internationally aligned rules against discrimination,</p>	<p>Comprehensive legal framework on hate-motivated crimes.</p>	<p>Clear rules on tolerated behaviours in stadiums,</p>

Issues	Canada	Mexico	USA	Relevant United Bid actions needed to address actual or potential gaps
<p>events / games – including in associated services and facilities</p>	<p>entry covered by discrimination legislation on a range of grounds, which is aligned with international standards.</p> <p>Hate speech rules may apply to stadiums. Discriminatory or hate-related motives are considered aggravating factors for sentencing of criminal offences.</p>	<p>including verbal discrimination in public and private places. Potential gap in coverage of certain personal characteristics (particularly sexual orientation and gender identity) at federal level.</p>	<p>Discrimination in relation to service provision and entry is covered by legislation which covers public accommodation such as hotels, retail and other establishments such as stadiums, in line with international standards. However, in some states this protection does not cover all issues, for example sexual orientation and gender identity.</p> <p>Freedom of expression rules may allow some abusive language in public places which may be perceived as discriminatory. Private places, which may include some stadiums and facilities such as hotels, may prohibit such speech.</p>	<p>with training for staff and volunteers. Engagement with cities to pilot this in the run-up to the event.</p> <p>Implementation of FIFA 3-staged approach on homophobic and abusive chants.</p> <p>Commitment to stadiums being open to all without discrimination.</p> <p>Inclusion of clauses on non-discrimination and safe spaces for hospitality and hotel providers.</p>
<p>Privacy and personal data</p>	<p>Personal data protection laws which apply to commercial activity exist at the federal level as well as in certain provinces. These laws provide rules governing access, information disposal or retention periods, as well as appropriate safeguards and redress mechanisms.</p>	<p>Federal law protects personal data in possession of private entities and governs handling of data including use, access, and dissemination.</p>	<p>Personal data protection rules exist at federal and state-level, and offer protection in relation to commercial purchases.</p>	<p>Clauses in commercial contracts – e.g. ticketing partners – to ensure that high standards of data protection are respected.</p> <p>Discussion with Governmental bodies about privacy and data protection issues for visiting fans.</p>

Issues	Canada	Mexico	USA	Relevant United Bid actions needed to address actual or potential gaps
Disability access	Broad-ranging protections aligned with international standards. Clear laws related to the accessibility of buildings and spaces to people with disabilities. Human rights laws require non-discrimination and accommodation for individuals with disabilities.	Broad-ranging protections aligned with international standards. Clear laws related to the accessibility of buildings to people with disabilities. Covered under anti-discrimination laws as well as consumer protection laws.	Broad-ranging protections aligned with international standards. Clear laws related to the accessibility of buildings to people with disabilities. Civil rights statutes create further obligations with respect to disability access.	Clear policies and protocols for stadiums and other associated facilities to implement accessibility for people with physical and mental impairments.
Cross-cutting issues				
Safety and security	Restrictions in the interest of public safety are generally compatible with international standards. Broad-ranging protections for the right to life, liberty and security of the person, the right to due process and non-discrimination in enjoyment of those rights.	Legal framework broadly in line with international standards. Respect for human rights firmly embedded in laws governing law enforcement conduct. Possible gaps regarding military involvement in domestic law enforcement, and prohibition of certain forms of verbal gender-based harassment in public spaces.	Broad-ranging protections for the right to life, liberty and security of the person, the right to due process and non-discrimination in enjoyment of those rights, which are mostly in line with international standards. Potential gaps however in relation to the legal framework surrounding the use of deadly force by law enforcement officials, and prohibition of certain forms of verbal gender-based harassment in public spaces.	Carry out full security risk assessment for each of the potential host cities, incorporating a human rights approach, including experiences of different groups. Procurement of security services should include clear requirements on human rights, including protocols on crowd control and the use of force.

Issues	Canada	Mexico	USA	Relevant United Bid actions needed to address actual or potential gaps
<p>Protections for journalists and human rights defenders</p>	<p>Legal framework is in alignment with international standards. Some concerns regarding arrests and spying on journalists by police.</p>	<p>Legal framework is in alignment with international standards. Gaps relate to practical enforcement of protections for journalists, with several documented reports of violence against journalists and human rights defenders.</p>	<p>Legal framework is in alignment with international standards. Courts have regularly issued rulings to protect journalists against state control.</p>	<p>Support for protections for journalists covering the event. Clear policies on freedom to report and broadcast on broad issues. Engagement with quick grievance route on accreditation and other issues.</p>
<p>Trafficking</p>	<p>Canada has legislation to criminalise traffickers and protective legislation to support and protect victims of trafficking, in line with international standards. There are temporary visas which can be made available to victims of trafficking.</p> <p>Canada also has an Action Plan which focusses on protection, prevention, prosecution and partnership, in line with international standards.</p>	<p>Mexico has laws making trafficking illegal in line with international standards, but is limited in its efforts to provide protections to victims of trafficking.</p>	<p>USA has sophisticated laws related to the criminalisation of trafficking and there are various city and state level laws which address this issue, including awareness raising, in line with international standards.</p> <p>There are provisions to give specific visas to victims of trafficking.</p> <p>There is federal legislation aiming to prevent the importation of goods produced with forced labour. Some federal contractors and vendors have to take specific proactive preventive measures to detect and eliminate human trafficking and forced labour in their supply chains.</p>	<p>Clear statements related to trafficking in sourcing and contracting codes.</p> <p>Clear statements on trafficking in hospitality and hotel contracts and agreements.</p> <p>Work closely with local government and civil society where risks of trafficking are genuinely identified to provide sensitive and victim friendly responses.</p>

Issues	Canada	Mexico	USA	Relevant United Bid actions needed to address actual or potential gaps
Grievances and remedy	<p>There is generally good provision of justice and enforcement of the rule of law. Ability to challenge constitutionality of public actions.</p> <p>Some practical gaps on specific issues in relation to specific groups, including indigenous peoples.</p> <p>Lack of business and human rights focussed mechanisms.</p>	<p>Specific protections to seek protections of law in respect of human rights question in relation to government.</p> <p>Patchy enforcement of rule of law in some states, also limitations on the ability of some groups to bring claims against powerful actors, particularly those related to drug-trafficking and other illegal groups.</p> <p>Lack of business and human rights focussed mechanisms.</p>	<p>Broad provision of the rule of law and access to justice through the courts and administrative law systems. Ability to challenge constitutionality of public actions. However, specific groups can fail to get access to justice and remedy through state mechanisms.</p> <p>Lack of business and human rights focussed mechanisms.</p>	<p>Establish appropriate grievance channels.</p> <p>Liaise with state-based mechanisms.</p> <p>Ensure that competition specific short-term high-impact scenarios have a quick and known grievance route – e.g. journalists, fans discrimination, etc.</p>

4. Workers' rights

4.1 Summary of the way in which FIFA 2026 may impact on workers' rights

In previous mega sporting events, in particular the FIFA World Cup™ in Brazil and South Africa, one of the significant areas of human rights impact that arose related to the way in which workers were treated. This was particularly so in relation to those engaged, normally through contractors and subcontractors, to build and upgrade stadium facilities and other associated facilities. This can involve issues related to safety, wages, trade union rights and a range of other issues. The same issue has very visibly been identified in relation to construction of works for Qatar 2022 and also in relation to some stadium facilities being prepared for Russia 2018. The fact that no stadiums will be built specifically for the competition, and that it is anticipated that there will not be significant additional infrastructure works or associated facilities within the terms of the United Bid's proposals for 2026, significantly reduce the likelihood that these kinds of workers' rights issues will be relevant. However, this is not to say that there will not be a range of upgrade, fit out, or other construction-related activities that need to be considered.

During the operations time of the Competition there will be a large number of employees who are engaged on a short-term basis, often on relatively low wage rates, to carry out a range of activities spanning from temporary security to catering to cleaning. There will also be a large number of volunteers, who have an essential role in ensuring that the fan experience is positive and also that the competition runs smoothly. In relation to both of these categories of workers and volunteers there are a range of issues that may give rise to labour and human rights implications.

4.2 Payment of minimum levels of wages

The hosting of a major sporting event like the FIFA World Cup™ will create a large number of temporary and relatively low skilled jobs. These will range from employment directly related to the core activities of the competition itself, such as cleaning of stadiums and work in food outlets, through to a range of auxiliary and linked activities such as work in hotels, transportation and other work. In many cases it can be reasonably expected that these workers will receive the minimum wage in force in each host country, state/province or city.

Key issues for consideration by FIFA and the Competition organisers

All three countries have legislation setting minimum wages levels, whether at national or state/provincial level, which is broadly aligned with international standards.

Key issues for consideration by FIFA and the Competition organisers

Some US states have minimum wage rates below the federal rate, or have no minimum wage legislation; however, a significant number of US states and cities have passed legislation providing for higher minimum wage levels than those set nationally.

In practice, there are reports in all three countries that minimum wage levels do not allow for a 'living wage', particularly in large cities. There are also concerns regarding the effective enforcement of minimum wage legislation, particularly in Mexico and the United States.

The Competition organisers should ensure that all general contracts include the requirement to pay minimum wages, and that this is passed down to subcontractors and providers. Locally-based employment and competition employment contracts should include living wage requirements.

The Competition organisers should engage with host cities to promote and support the development of fair or living wage assessments at local level.



International standards

International human rights instruments recognize the right of everyone who works to “just and favorable remuneration” (UN Declaration, art. 23) or “fair wages” (ICESCR, art. 7). International human rights standards specifically relating to minimum wages, such as ILO Convention 131 (Minimum Wage Fixing Convention) and Recommendation 135 (Minimum Wage Fixing Recommendation), provide that States should “establish a system of minimum wages which covers all groups of wage earners whose terms of employment are such that coverage would be appropriate”. As of January 2018, Mexico has ratified C131, but Canada and the United States have not.



Key findings on legal framework

There is a varying picture of minimum wage setting and enforcement within each of the three potential host countries and, to a certain extent, between host cities within countries. All three countries have legislation setting minimum wages levels, whether at national or state/provincial level, in accordance with international standards. While some US states have no minimum wage legislation, it is unclear whether this constitutes a gap in relation to international standards given the existence of a federal rate and the fact that the US has not ratified ILO C131. However, it is important to point out that a significant number of US states and cities have passed legislation providing for higher minimum wage levels than those set nationally (such as New York City and Seattle). In Canada, Toronto has passed ordinances providing for a living wage for city employees and employees of their contractors.



Risk in practice

In practice, effective enforcement of minimum wage levels remains an issue. A 2017 study looking at the 10 most populous states in the US found that, in these states, 2.4 million workers lose an estimated \$8 billion annually (an average of \$3,300 per year for year-round workers) to minimum

wage violations—nearly a quarter of their earned wages (EPI, 2017). In Mexico, up to 14% of the working population was thought to receive less than the daily minimum wage in 2017 (Publimetro, 2017). Enforcement is also an issue in the informal economy, particularly in Mexico, where more than 60% of the population works informally (Colegio de México, 2017). In all three countries, there are reports that minimum wage levels do not allow for a ‘living wage’, particularly in large cities. Despite a recent increase, the minimum wage in Mexico has reportedly decreased by 12% in real terms in recent years, making it one of the lowest in Latin America (ILO, 2017). According to various reports, the Mexican minimum wage would not allow an average family of four to live above the official poverty line (Colegio de México, 2017).

The general picture is as follows:

	Minimum wage	Prevailing or public project wage
Canada	<p>Each Canadian province and territory is responsible for adopting and updating its own minimum wage. As of January 2018, the minimum hourly wage (in CAD) in the three provinces where the Canadian candidate cities are located are as follow:</p> <ul style="list-style-type: none"> • Quebec (Montreal): \$11.25 • Ontario (Toronto): \$14.00 (will increase to \$15.00 in Jan 2019) • Alberta (Edmonton): \$13.60 (will increase to \$15.00 in Oct. 2018) <p>It should be noted that Ontario and Quebec all provide for a lower minimum hourly wage for workers who serve alcohol and/or food, or those who usually receive gratuities, such as workers from the restaurant and hospitality industries (GoC, 2017).</p>	<p>The City of Toronto has a Fair Wage Policy, which obliges contractors for the City to pay specific minimum wages to certain categories of workers, including construction workers, security guards, maintenance workers and cleaners.</p>
Mexico	<p>Minimum wages are fixed by the tripartite National Commission on Minimum Wages (CONASAMI). On January 1st. 2018, the minimum wage for Mexico was 88.36 pesos per day (approx. USD 4.56). However, the law provides for higher minimum wage levels for defined occupations, including several occupations in the construction industry, transport, manufacturing, retail and cleaning staff in hotels (SAT, 2017). Since 2015 there is only one minimum wage level for the whole of Mexico, while it previously differed according to three geographical zones.</p>	<p>No such legislation could be identified in the review.</p>
United States	<p>The federal minimum wage is currently \$7.25 per hour. All non-exempt employees must be paid at least this amount. 14 States require this level of wage. 29 states plus Washington D.C. (\$12.50) require more than this level, including Washington State (\$11.50), Massachusetts (\$11.00), California (\$10.50), New York (\$13.00 in NYC, \$10.40 in the rest of the state) (USDOL, 2018b). At city level, some potential host cities have passed their own minimum wage ordinances, including Los Angeles (to reach \$15.00 in 2020), San Francisco (\$15.00) and Seattle (\$15.00) (UC Berkeley, 2017).</p>	<p>The following host cities are in a state where prevailing wages laws exist:</p> <ul style="list-style-type: none"> • Los Angeles (CA) • SF Bay Area (CA) • Boston (MA) • Kansas City (MO) • New York / New Jersey • Cincinnati (OH)

Minimum wage	Prevailing or public project wage
<p>In two states the minimum wage is less than the federal level and in 5 states there is no law on minimum wage. The following host cities are in a state where the minimum wage is the same or less than federal, or where there is no minimum wage legislation:</p> <ul style="list-style-type: none">Atlanta (GA): \$5.15Dallas (TX): \$7.25Houston (TX): \$7.25Nashville (TN): no minimum wagePhiladelphia (PN): \$7.25 (USDoL, 2018b) <p>For tipped employees, the minimum cash wage payment under the federal <i>Fair Labor Standards Act</i> is \$2.13/hour. 7 states (including Washington, California and Nevada) require employers to pay tipped employees full state minimum wage before tips. The following host cities are in a state where the minimum cash wage for tipped workers is \$2.13/hour:</p> <ul style="list-style-type: none">New JerseyAtlanta (GA)Nashville (TN)Dallas (TX)Houston (TX) (USDoL, 2018a)	<ul style="list-style-type: none">Philadelphia (PA)Nashville (TN)Dallas (TX)Houston (TX)Seattle (WA) (USDoL, 2018). <p>Some host cities have also their own prevailing wage rates or regulations, for example Washington D.C. and New York City.</p>

4.3 Freedom of association and collective bargaining

The rights to freedom of association and to bargain collectively are considered to be some of the most central enabling human rights. They are also, at times, some of the most contested and complex to interpret. Many of the sectors which are the sources of competition-related employment are characterised by low union density. This may be due to historical factors, the temporary or transient nature of certain jobs, or the use of contractors or sub-contractors. Workers engaged throughout the competition might include sales staff, security staff or hospitality workers.

Key issues for consideration by FIFA and the Competition organisers

Broad legal protections in place in the three countries to protect the right to form and join trade unions, bargain collectively and strike, mostly aligned with international standards.

Potential gaps with international standards were identified in relation to limitations in coverage of the right to associate for certain categories of workers (Canada and United States), the prohibition of foreign workers to take up union office (Mexico) and restrictions on the right to strike (all three countries).

In Mexico, the structure of collective bargaining rules has reportedly given rise to the practice of employers setting up 'ghost' or compliant unions to keep independent unions out. This has been flagged as an issue of non-alignment with international standards by many stakeholders.

The Competition organisers should ensure that a clear commitment to respect international standards on freedom of association and collective bargaining is included in all employment standards and sourcing codes related to the event. Trade unions should be one of the key stakeholder groups engaged by the competition.

4.3.1 Right to join or form a trade union



International standards

The right to freedom of association, including the right to form and to join trade unions, is guaranteed by the Universal Declaration of Human Rights (UDHR) (art.20 and 23). Both the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) contain provisions which relate to trade union membership and formation. Under the terms of the ICESCR, states undertake to ensure that individuals have the right to form and join their trade union of choice, subject to certain limitations including those which are necessary in a democratic society (art. 8). Trade unions must be permitted to function freely, subject to similar limitations. Article 22 of the ICCPR states that everyone shall have the right to freedom of association, including the right to form and join trade unions. Article 16 of the American Convention on Human Rights (ACHR) also recognises the right to freedom of association, including for the right to form and join trade unions.

Freedom of association and collective bargaining form one of the four ILO core labour standards. They are contained in ILO Conventions 87 and 98, which are considered fundamental conventions and which apply to all ILO Member States regardless of whether they have ratified these Conventions. Convention 87 provides that workers and employers have the right to establish organisations which must be allowed to operate independently and autonomously, without interference by public authorities. Further to Convention 98, workers should enjoy adequate protection against interference or anti-union discrimination. Mexico and Canada have ratified C87, and C98 will enter into force in Canada in 2018.



Key findings on legal framework

All three jurisdictions provide an overarching legal framework which is generally aligned with international standards and protects workers' ability to join or form a trade union. This right is bolstered by constitutional protections in all three countries.

However, in each of the three countries, the legal regimes which protect workers' rights to join or form a trade union apply to different categories of workers, and in some cases may give rise to gaps in coverage or protection. Conventions 87 and 98 provide a broad-based protection for workers and their ability to organise and join unions free from interference. In the United States, where protections under the National Labour Relations Act (NLRA) are predicated on "employee" status, it is likely that a narrower band of individuals will be protected compared to the term "worker" which is used in the relevant conventions and which is generally understood to cover a wider range of relationships such as certain types of self-employed workers or contractors. The exclusion of certain categories of workers from labour relations legislation (for example, managerial employees in Canada and the United States) could represent a gap in relation to international standards. With respect to managerial employees for instance, the ILO Committee on Free Association (ILO CFA) has suggested that the definition of "supervisor" is unclear under the United States' NLRA, and that the government should ensure that the exclusion of supervisory employees should be limited to workers "genuinely representing the interests of employers" (ILO CFA, 2008).

In Mexico, constitutional labour reforms passed in February 2017 introduce two main changes regarding freedom of association and the right to collective bargaining. The first is the dissolution of the Conciliation and Arbitration Boards, whose functions will be transferred to local judicial entities. The ILO CEACR recently welcomed this change after having previously expressed concerns over the independence of these boards (ILO CEACR, 2017). Secondly, the reform also requires a verification of worker support prior to the registration of collective bargaining agreements (USDoS, 2017), including by casting secret, personal and free ballot votes.

At local level, Mexico City's Constitution specifically provides for the right to unionise of unpaid or independent workers, merchants as well as producers of goods or crafts. This may be relevant in the context of a FIFA World Cup™, since there may be crafts and souvenir "shops" in the streets and public markets outside stadiums and fan zones, or as a result of increased tourism.



Risk in practice

Historically, Canadian unions (predominantly in the public sector) have filed a number of cases to the ILO's CFA. Proposed provincial laws, such as those which would reduce the number of bargaining units in the health sector, have been criticised for undermining workers' rights to freely join or form a trade union (CBC, 2017).

Trade unions and civil society organisations have long criticised Mexico's so-called "ghost unions" (The Star, 2016). According to these groups, employer-dominated unions are registered and will sign non-genuine collective bargaining agreements (or "protection contracts") in order to avoid having to negotiate with independent trade unions (FLA, 2015). The constitutional reforms (described above), particularly the new ballot and worker verification procedures, have generally been welcomed by trade unions insofar as they attempt to address the "ghost union" phenomenon. (IndustriALL, 2016). Although these reforms have received positive reception, the proposed implementing legislation has been criticised as limiting the reform's reach, by allegedly maintaining protectionist union leaders' leverage and ignoring requirements of worker representation before accepting collective bargaining agreements (IndustriALL, 2017). The ILO Committee of Experts on the Application of Conventions and Recommendations (ILO CEACR) has also noted that the prohibition for foreign workers to take up trade union office does not comply with C87 (ILO CEACR, 2017).

The ITUC has suggested that the Mexican government has failed to take action in cases of anti-union discrimination, and has also reported instances of employer interference in the organisation and formation of trade unions (ITUC, 2016a). Following recorded violent episodes against workers protesting, including the death of two workers at the end of 2017 at a Canadian mine, unions from the United States and Canada have called for further government action to address penalization and violence against unionised workers as a condition for NAFTA renegotiation (IndustriALL, 2017a).

States in the United States that have adopted "right-to-work" laws, including **GA, TX, MO, FL, and TN**, have been subject to scrutiny and criticism, particularly from organised labour. Under these laws, non-unionised workers are not required to pay union dues, even if they get the benefit of a union negotiated contract. Critiques of "right-to-work" have argued that these laws are designed to undermine unions (The Guardian, 2015). There are currently legal challenges in the court system to such laws.

4.3.2 Collective bargaining rights



International standards

ILO Convention 98 addresses union organising and collective bargaining. States are required to take measures appropriate to national conditions to encourage and promote voluntary negotiation between trade unions and employers or employer organisations. According to the ILO's supervisory bodies, the framework within which collective bargaining takes place must be based on principles of independence, autonomy, and voluntariness.



Key findings on legal framework

The right to bargain collectively is largely respected in Canada, Mexico, and the United States. The ILO CEACR has found that the system of majoritarian exclusivity used in all three countries, wherein a union representing a majority of workers in a bargaining unit is empowered to negotiate on behalf of all workers in the unit, is compatible with Convention 98. Mexico's Constitutional reforms require that majority representation must be properly demonstrated before adopting a collective bargaining agreement, ensuring representation is voluntarily given by workers in practice. The duty to bargain in good faith, which is included in Canadian and American law, and to carry out labour relations in the same spirit in Mexico, is also aligned with ILO standards.

To the extent that the ILO emphasises the freedom of parties to bargain and incorporates a broad range of subjects which may be covered by collective bargaining, legislative regimes which limit the subjects which can be covered in an agreement may be inconsistent with international norms. However, it should be noted that these statutory limitations typically apply to specific categories of workers (most often the public sector, with Mexico City's Constitution being the exception in this respect).



Risk in practice

The existence of "protection contracts" in Mexico has allegedly restricted the ability of independent trade unions to negotiate collective agreements in good faith. Employers have been accused of reaching agreements with unrepresentative unions before even employing workers and signing collective agreements with them, requiring all new workers to join this "ghost" union as part of its terms. Future negotiation on collective agreements would then be subject to employer control (ITUC, 2013).

In the United States, it has been suggested that existing penalties and remedies are insufficient deterrents when complaints of employer refusal to bargain have been alleged. Due to the lengthiness of complaints processes and limited remedial powers, the economic incentives for employers to delay bargaining may arguably outweigh the cost of any penalties (Weissbrodt & Mason, 2014). These delays are associated with decreasing support for unionisation over time.

4.3.3 Right to strike



International standards

While ILO Convention 87 does not explicitly create a right to strike, it protects the right of workers' organisations to "organise their administration and activities and to formulate their programmes" (art. 3) as well as their ability to "[defend] the interests of workers" (art. 10). Both the ILO CFA and the ILO CEACR have interpreted these provisions to include a right to strike as a fundamental right of workers and their organisations. This interpretation has been supplemented by a body of ILO jurisprudence elaborating principles on the right to strike, including its limits. According to the ILO CFA, strike activity is linked to the objective of promoting and defending the economic and social interests of workers.

The ICESCR expressly protects workers' right to strike provided that it is exercised in conformity with national law.



Key findings on legal framework

Labour relations legislation in both the U.S. and Canada impose a number of limits on the right to strike which are not aligned with relevant international standards. Although procedural limits on the right to strike – such as the timing of strikes following a bargaining impasse – may be implemented if they are reasonable, both jurisdictions have notable prohibitions or limitations on sympathy strikes (strikes undertaken by employees who are not directly aggrieved but wish to support another union) and political strikes, and in some cases permit replacement workers to be hired. The ILO's supervisory bodies have preferred a broader approach to strike action, and have considered replacement workers to be justifiable only in limited cases involving essential services and in situations of national crisis. Similar concerns may be raised about the use of compulsory arbitration in certain disputes, to the extent that the CFA has suggested that it should be mandated only in a narrow range of cases (e.g. national crises, or in connection with essential services, as with replacement strikers) (ILO CFA, 2013).

Mexico's Constitution only contemplates that strikes may be illegal when a majority of the participants engage in violent acts. However, the LFT considerably narrows down the scope of the right, by establishing the necessary conditions for a lawful strike and establishing procedures for its implementation, including giving notice to the employer and conciliatory entities, and presenting workers' petitions which give rise to the unrest.



Risk in practice

Governments in Canada, both federal and provincial, have previously ended strikes or work stoppages through so-called back-to-work legislation. These special laws are passed in order to end an industrial relations dispute, and may mandate compulsory arbitration or even impose a contract. Back-to-work legislation has typically been used in the transportation sector (namely rail, aviation, and public transit – sectors which are crucial near to a major tournament) (CBC, 2011). Recent court decisions have extended constitutional protections to a range of trade union activity (see in particular the Supreme Court of Canada's (SCC) decisions in *B.C. Health Services* as well as *Saskatchewan Federation of Labour*), which will impact and may limit the ability of governments to impose such back-to-work measures.

Trade unions have criticised the Mexican government for insufficiently protecting the right of workers to strike. Specific claims relate to alleged actions in the past of the Conciliation and Arbitration Boards' to ban or frustrate legitimate strike action (ITUC, 2016a), as well as reportedly violent clashes between strikers and state security forces (LATimes, 2016). There are also reports of instances of private security forces attacking long-time strikers that were protesting unpaid wages (IndustriALL, 2017b), and two miners on strike were killed reportedly by local leaders of the confederation of labour unions (Confederación de Trabajadores Mexicanos o CMT) (IndustriALL, 2017c).

In the USA in 2017 there were only 7 strikes that were classified as major work stoppages (involving 1000 or more workers and lasting at least one shift) (US DOL 2018).

The general picture is as follows:

	Right to join or form a trade union	Collective bargaining	Right to strike
Canada	<p>Section 2(d) of the <i>Charter of Rights and Freedoms</i>, which addresses freedom of association, protects the right to join or form a trade union (SCC, <i>Health Services</i>, 2007).</p> <p>Provincial labour laws in all relevant jurisdictions (AB, ON, QC), as well as the federal labour code, protect the ability of individuals to join or form a trade union. It is an unfair labour practice for an employer to dismiss or otherwise discriminate against an employee due to trade union activity.</p> <p>In some cases, trade union membership or involvement in a trade union is protected under human rights/anti-discrimination law.</p> <p>Certain individuals are permitted to unionise, but are subject to specialised industrial relations schemes. These individuals can include public servants (including police officers and teachers), as well as construction and agricultural workers.</p> <p>Union security clauses, including closed shop and union shop agreements, are legal in Canada. However, workers are not required to join or participate in a union. Workers who do not wish to join or participate in a union can still be required to pay union dues (“Rand Formula” employees).</p>	<p>Section 2(d) of the <i>Charter of Rights and Freedoms</i>, which addresses freedom of association, protects the procedural right to bargain collectively (see SCC, <i>Health Services</i>, 2007).</p> <p>Collective bargaining in Canada operates under the principle of majoritarian exclusivity. Provincial labour laws in all relevant jurisdictions (AB, ON, QC), as well as the federal labour code, allow a certified bargaining unit to negotiate a collective agreement with an employer. The parties have an obligation to bargain in good faith.</p> <p>While the ability to join a trade union is guaranteed in a broad sense, the question of who may be incorporated into a bargaining unit, and which workers may negotiate a collective agreement, can be subject to certain restrictions and procedural requirements. A union must propose a bargaining unit of employees appropriate for bargaining which is subject to certification by an administrative authority.</p> <p>The definition of who amounts to an “employee” for the purpose of certifying a bargaining unit of employees differs in each jurisdiction.</p> <p>In AB and ON, the term employee is deemed to include “dependent contractors” who are contractors in a position of economic dependence on another person, and whose relationship is more</p>	<p>Section 2(d) of the <i>Charter of Rights and Freedoms</i>, which addresses freedom of association, protects the right to strike (see SCC, <i>Saskatchewan Federation of Labour</i>, 2015).</p> <p>Provincial labour laws in all relevant jurisdictions (AB, ON, QC), as well as the federal labour code, offer a right to strike which is subject to limitations and procedural restrictions.</p> <p>Workers are prohibited from striking while a collective agreement is in operation. Strikes taking place during the expiry of an agreement are subject to a strike vote.</p> <p>Some jurisdictions provide for mandatory mediation/conciliation instead of a strike in certain circumstances (e.g. when negotiating a first collective agreement in ON) or in certain sectors (e.g. mandatory “interest arbitration” in the public sector wherein parties are required to submit disputes to an arbitrator if an impasse is reached).</p> <p>Some workers deemed “essential” are prohibited from striking, however these workers are typically in the public sector (e.g. certain health care workers, firefighters,</p>

	Right to join or form a trade union	Collective bargaining	Right to strike
		<p>akin to that of an employment relationship. In QC, an employee is “a person who works for an employer and for remuneration.” All jurisdictions exclude certain individuals from the definition of employee, typically managerial staff or professionals such as lawyers.</p> <p>Overall, the notion of “employee” has typically attracted a broad and liberal interpretation. As a result, casual, short-term, and agency workers have all been allowed to assert their right to bargain collectively, often in the same unit as “regular” full-time employees (SCC, <i>Pointe-Claire</i>, 1997; NSCA, <i>Egg Films Inc.</i>, 2014)</p> <p>In certain sectors, there exist limits on bargaining topics or the content of collective agreements.</p>	<p>police) and have recourse to mediation in the event of bargaining impasse.</p> <p>Secondary picketing is “generally lawful”, however subject to strict limitations (SCC, <i>Pepsi-Cola Canada Beverages</i>, 2002).</p>
Mexico	<p>The right to freedom of association is guaranteed by the Constitution and the <i>Federal Labour Law</i> (LFT). The Constitutions of Mexico City and the state of Nuevo Leon also recognise workers’ right to freedom of association. The LFT recognises that workers and employers have the right to organise in unions without previous authorisation. The Constitution also prohibits the dismissal of an employee on the basis of trade union membership. Mexico City’s Constitution also protects the right to form unions without intervention.</p> <p>The LFT provides that workers can form a union, but there is a minimum of 20 workers</p>	<p>Collective bargaining may take place at company or industry-wide level. The LFT prescribes that an employer that employs unionised workers has the obligation to enter into collective bargaining negotiations at the union’s request. Mexico City’s Constitution also protects the right to collective bargaining, including for public servants.</p> <p>While several unions may be present at a single worksite, only one can have a collective bargaining relationship. Once an agreement is in place, another union has to challenge the existing relationship in order to gain bargaining status. For an initial agreement to be in place, there is no need for consultation to take place with workers – or for any workers to be employed. ‘Ghost’ or ‘paper’ unions</p>	<p>The right to strike is guaranteed by the Constitution and the LFT. To be legal, a strike must pursue one of the objectives defined in the LFT, which include requesting the employer to conclude or revise a collective bargaining agreement and demanding the fulfilment of the provisions of a collective bargaining agreement. Sympathy strikes are also lawful. To be considered a lawful strike, more than half the workers must participate.</p> <p>The LFT provides that workers must send a written notice of their intention to go on strike, including a list of their demands, to the employer and the Conciliation and Arbitration Board (soon to be replaced by autonomous</p>

Right to join or form a trade union	Collective bargaining	Right to strike
<p>required to do so at a workplace. Workers that are considered ‘<i>de confianza</i>’ or responsible, which include those that carry out inspection or control activities, are prohibited from joining unions formed by the rest of the workers. There is a reported bias in favour of representatives from ‘protectionist’ or employer-controlled unions (USDoS, 2017).</p> <p>Employers are prohibited from intervening in unions’ internal affairs or impeding their formation through implicit or explicit reprisal against employees. Unions must register with the Labour and Social Protection Secretariat. An unregistered union cannot call a strike or participate in collective agreements and is excluded from all tripartite committees (ITUC, 2017). According to the LFT, the only instances in which registration may be denied are 1) when not enough workers have joined the union, 2) when the required documentation has not been filed, or 3) union purposes are other than the defence of workers. However, there are allegations that independent union registration applications are rejected on technicalities (USDoS, 2017). The process for official government registration of unions is reportedly politicised, with the government allegedly using the process to punish political opponents or reward allies (USDoS, 2017). The LFT and Mexico’s Federal Transparency and Access to Information Law (LFTAIP) require labour boards to publish the unions and collective</p>	<p>are allegedly formed with the objective to conclude employer protection contracts, that then preclude recognition of more representative unions, sometimes prior to the hiring of any workers (La Jornada, 2015; ITUC, 2017).</p> <p>Recent constitutional reform aims to address this by stipulating that when a collective bargaining agreement is sought, workers’ effective representation must be demonstrated. This will be done by checking whether there was a work centre in existence prior to the registration of a collective agreement, or verifying whether trade unions bylaws and collective agreements were disseminated to workers, for example. Proof of the workers’ approval of collective agreements will also be sought, for example via secret vote (ILO CEACR, 2017).</p> <p>According to the LFT, collective bargaining agreements apply to both the company’s unionised and non-unionised employees, but does not mention fees due in case of non-unionised workers.</p> <p>A 2012 reform of the LFT incorporated the obligation for employers to post and disseminate collective bargaining agreements (MSN, 2017). The government also adopted in 2016 a labour inspection protocol directed at surveying whether workers know their trade unions and the collective agreements that apply to them, and to ensure employer compliance with their dissemination obligations (ILO CEACR, 2017; MSN, 2017).</p>	<p>conciliatory entities and the judiciary) at least 6 days before the start of the strike. The employer must then present a written response to the Board within 48 hours, and the Board will then summon the parties to a conciliatory meeting. These procedural restrictions may have the effect of dampening the number of official strikes (USDoS, 2017).</p> <p>Transport workers and health care workers must finish their services (arrival to destination and care for patients until relocated) before leaving their posts for a strike.</p> <p>The Constitution prohibits the dismissal of employees based on their participation in a lawful strike. However, violent repercussions against strikers have been reported (IndustriALL, 2017).</p>

	Right to join or form a trade union	Collective bargaining	Right to strike
	<p>bargaining agreements they register and information on unions. However, this information is reportedly limited (MSN, 2017). A modification to this registration system has been welcomed by the ILO CEACR (ILO CEACR, 2017)</p> <p>The LFT establishes that employers are prohibited from forcing employees to affiliate or disaffiliate themselves from a union. However, employers often sign “employer protection contracts”, i.e. formal agreements whereby the company creates an unrepresentative union to conclude a collective agreement before the company hires any workers or concludes it without direct input from workers (USDoS, 2017). According to IndustriALL, the use of such protection contracts is commonplace in Mexico (IndustriALL, 2014). These protection contracts often contain a clause by which membership to these unions is required to gain employment and denies workers the right to join the union of their choosing or create independent unions (ITUC, 2016). Employees reportedly rarely received a copy of these contracts (MSN, 2017).” There have been reports of blacklisting of workers who oppose protection unions and seek to form independent unions (ITUC, 2016).</p>		
United States	The First Amendment to the U.S. Constitution, which includes the right to peaceful assembly, has been interpreted to protect the right to	Collective bargaining in the U.S. operates under the principle of majoritarian exclusivity. Under the NLRA, an employee representative representing a majority of employees may be certified by the National	The NLRA protects the right to strike while also imposing certain limitations. Strikes are broadly permissible in two instances: to extract

Right to join or form a trade union	Collective bargaining	Right to strike
<p>form and join trade unions (see e.g. WDNC, <i>Atkins v. City of Charlotte</i>, 1969).</p> <p>The NLRA protects the right of employees to form and join a labour organisation, as well as engage in “concerted activity” which is defined as employees taking action for mutual aid or protection with respect to terms and conditions of employment. It is an unfair labour practice for an employer to dismiss or otherwise discriminate against an employee due to trade union activity.</p> <p>The right to join or form a trade union is extended to statutorily defined employees (NLRA, § 157), and applies to most private sector employees. There are several exclusions from the NLRA including public sector and broader public-sector employees (at all levels of government). Employees which are beyond the scope of the NLRA may be covered by alternative schemes, such as the <i>Railway Labour Act</i>.</p> <p>Workers cannot be compelled to become union members as a condition of employment (so-called union shops or closed shops). Certain states, including GA, TX, MO, FL, and TN, have enacted “right-to-work” laws. In these jurisdictions, agency fees are prohibited (mandatory fees which are paid to unions, even by non-union members). The practice is currently the subject of a challenge before the Supreme Court - <i>Janus v AFSCME</i></p>	<p>Labour Relations Board (NLRB) and can negotiate a collective agreement with an employer. The parties have an obligation to bargain in good faith.</p> <p>In order to become certified by the NLRB, the employee representative must propose a bargaining unit of employees which is appropriate for bargaining. The NLRB has considerable discretion when determining what is appropriate, however some limitations exist under the NLRA (for example plant guards cannot be in the same unit as other employees).</p> <p>Rights and obligations created by the NLRA are predicated on “employee” status (see first column on the right to join or form a trade union), and may therefore exclude certain workers such as independent contractors and agricultural workers.</p>	<p>economic concessions and in response to unfair labour practices.</p> <p>Strikes are subject to a number of substantive and procedural restrictions. This includes a restriction on recognition strikes (i.e. strikes aimed at forcing an employer to recognise a union), and strikes which do not adhere to statutory timelines (e.g. insulation periods following the expiry of a collective agreement).</p> <p>Most collective agreements prevent strikes during the existence of the agreement. Where such “peace provisions” do not exist, certain issues may be subject to mandatory arbitration.</p> <p>Special rules and additional limits might apply to defined groups of employees, such as healthcare workers (NLRA, § 158).</p> <p>Secondary picketing, i.e. picketing a firm which is not the main employer in a strike, is largely prohibited (NLRA, § 158(b)(4)).</p>

4.4 Non-discrimination

Discrimination in employment is a salient risk issue for an event such as the FIFA World Cup™, especially since many of the low-skilled, temporary jobs it is expected to create are often occupied by workers who may already be at risk of discrimination such as women, ethnic minorities and/or migrants. These workers may face an increased risk of discrimination in relation to recruitment, wages, promotion, harassment (including sexual harassment), and other terms and conditions of employment. These are risks that occur in many parts of the world, not just the three countries covered by this report.

Key issues for consideration by FIFA and the Competition organisers

All three countries have legislation prohibiting discrimination in employment, which generally align with international standards. However, potential gaps were identified in all three countries in relation to which personal characteristics are protected by non-discrimination legislation.

All three countries have legislation on wage discrimination between men and women, but there are potential gaps in Canada (at provincial level) and Mexico in relation to whether this covers only equal work, or work of equal value. All three countries have legislation in place relating to harassment in the workplace, in accordance with international standards.

Despite these protections, reports suggest discrimination remains a key risk in practice across the three countries. There reportedly are challenges to enforcement of discrimination legislation in Mexico, and effective enforcement of the principle of equal remuneration for work of equal value is believed to be a challenge in the United States and Mexico.

The Competition organisers should ensure that all employment standards and sourcing codes related to the event require full coverage of international standards on employment-related discrimination.

4.4.1 Equality of opportunity and treatment



International standards

International human rights instruments recognize the right of everyone to work and to “just and favourable conditions of work” (UDHR, Art.23; IESCR, Art.7), “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (UDHR, Art.2; ICESCR, Art.2). Sexual orientation and gender identity have also been recognized as further grounds to be protected under non-discrimination by the Organization of American States (OAS) (OAS Resolution 2435). In addition, Article 7 of the ICESCR provides for the right of women to be guaranteed “conditions of work not inferior to those enjoyed by men”. Mexico has also ratified the Additional Protocol to the American Convention on Human Rights, which provides that everyone has the right to work “under equitable conditions” (Protocol of San Salvador, Art.7).

International human rights standards specifically relating to non-discrimination in the workplace, such as ILO Convention on Discrimination (Employment and Occupation) No. 111, provide that States should promote “equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof”, whereby discrimination includes “any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin”, and whereby employment and occupation include “access to vocational training, access to employment and to particular occupations, and terms and conditions of employment” (ILO C111, Art.1-2). As of January 2018, Canada and Mexico have ratified C111, but the United States has not.



Key findings on legal framework

All three countries have legislation prohibiting discrimination in employment. While these are generally aligned with international standards, there are however some potential gaps in relation to the following:

- USA: Discrimination in employment on the basis of political opinion and social origin is not explicitly covered by United States federal law. Washington DC is the only Host City based in a state which prohibits discrimination in employment on the grounds of political affiliation. Sexual orientation and gender identity are not covered in **FL, GA, MO, PA** and **TX**.
- Canada: According to the ILO CEACR, discrimination in employment on the basis of social origin or “social condition” and political opinion are not explicitly covered by the Canadian Human Rights Act, and are not covered by provincial acts in **AB**, and **ON**.
- Mexico: According to the ILO CEACR, race, color, national extraction, social origin and political opinion are not explicitly covered by non-discrimination provisions in the Mexican Federal Labor Act. It also does not cover gender identity.



Risk in practice

Discrimination in the workplace is a key risk across the US, Canada and Mexico, particularly on the basis of gender, race, nationality, sexual orientation and disability. While the law is generally well enforced in the US and Canada, there are significant challenges in the enforcement of the law on discrimination in employment in Mexico. The penalties for violations of the discrimination laws are not generally considered sufficient to deter violations (USDoS, 2017a). In 2017, the ILO CEACR requested that the Government undertake a review of the conciliation procedure established by the LFT, given that it had limited success, as the majority of the complaints made on grounds of discrimination on the basis of pregnancy, sex, gender and race to the National Council for the Prevention of Discrimination (CONAPRED) in the framework of the conciliation procedure were terminated because the defendant did not accept conciliation (ILO CEACR, 2017).

The general picture is as follows:

Canada	<p>The federal <i>Canadian Human Rights Act</i> prohibits discrimination in hiring, dismissal and treatment in the course of employment, on the grounds of race, national or ethnic origin, colour, religion, age, sex (including pregnancy and childbirth), sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered. This list is non-exhaustive, and applies to all federally-regulated activities.</p> <p>In addition, Provinces have enacted their own acts on discrimination which covers:</p> <ul style="list-style-type: none"> • AB: The <i>Alberta Human Rights Act</i> prohibits discrimination in employment based on the protected grounds of race, colour, ancestry, place of origin, religious beliefs, gender, gender identity, gender expression, age, physical disability, mental disability, marital status, family status, source of income, and sexual orientation. It covers all aspects of the employment process, including recruitment, promotions, assignments, and the termination of employment. • ON: The <i>Human Rights Code</i> prohibits discrimination in employment based on age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status (including single status), gender identity, gender expression, record of offences, sex (including pregnancy and breastfeeding), and sexual orientation. It covers every aspect of the workplace environment and employment relationship, including job applications, recruitment, training, transfers, promotions, terms and conditions, apprenticeship terms, dismissal and layoffs. • QC: The <i>Charter of Human Rights and Freedoms</i> prohibits discrimination in employment based on race, colour, sex, gender identity or expression, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap. It covers hiring, apprenticeship, duration of the probationary period, vocational training, promotion, transfer, displacement, laying-off, suspension, dismissal or conditions of employment of a person or in the establishment of categories or classes of employment.
Mexico	<p>The LFT prohibits discrimination on the basis of ethnic or national origin, gender, age, disability, social status, state of health, religion, migration status, opinions, sexual preference and marital status. In addition, no distinction may be made or exclusion applied on the grounds of sex, pregnancy or family responsibilities.</p>
United States	<p>Discrimination is defined in federal law as the unfair hiring practices or treatment of someone based on age, race, color, religion, sex (including pregnancy), national origin, disability or genetic (personal or family medical history) information. Under the <i>Civil Rights Act</i>, no employer may discriminate against their employees on those grounds in terms of recruitment, hiring, dismissal, compensation, terms, conditions or other privileges.</p> <p>Several States in which Host Cities are based have also enacted laws that prohibit discrimination in employment on other grounds, such as sexual orientation and gender identity (CA, DC, MA, MD, NJ, NY, WA), marital status (CA, DC, FL, MD, NJ, NY, WA) and political affiliation (DC).</p>

4.4.2 Equal pay for work of equal value



International standards

International human rights instruments recognize the right of everyone, without any discrimination, to “equal remuneration for work of equal value” (ICESCR, Art.7). In addition, under the UN Convention on the Elimination of All Forms of Discrimination against Women (UN CEDAW), states commit to eliminating discrimination against women in the field of employment, in order to ensure, on a basis of equality of men and women, “the same rights”, including in relation to remuneration (CEDAW, Art.11). International human rights standards specifically relating to non-discrimination in the workplace, such as the ILO Convention on Equal Remuneration No. 100, provide that states should “ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value” (C100, Art.2). As of January 2018, Canada and Mexico have ratified C100, but the United States has not.



Key findings on legal framework

All three countries have legislation on wage discrimination between men and women which broadly align with international standards, but there are potential gaps in Canada and Mexico in relation to whether this covers only equal work, or work of equal value. According to the ILO Committee of Experts, provincial acts in **AB** and Mexican federal law do not fully express the principle of equal remuneration for work of equal value.



Risk in practice

In practice, effective enforcement of the principle of equal remuneration for work of equal value is a challenge in the US and Mexico. In the US, stakeholders have raised concerns that courts are overly strict in their interpretations of what facts are needed to establish that the jobs in dispute are fair comparators (CPA, 2016). In Mexico, there is uncertainty on the methodology used to objectively evaluate jobs in order to identify and compare their value (ILO CEACR, 2017b).

The general picture is as follows:

Canada	The federal <i>Canadian Human Rights Act</i> provides that “it is a discriminatory practice for an employer to establish or maintain differences in wages between male and female employees employed in the same establishment who are performing work of equal value”.The principle of equal remuneration for work of equal value is not covered in AB , though it is in ON and QC .
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Mexico	The LFT guarantees equal pay for equal work, but defines equal work as work carried out in the same position, time limits and conditions of efficiency. The Mexican Standard on Equality at Work for Women and Men broadens the concept of equal wages to that of “equal wages for work of comparable value”, without further definition or explanation.
United States	Under the <i>Fair Labor Standards Act (FLSA)</i> and <i>Equal Pay Act</i> , employers must pay men and women employees the same rate of wages for “equal work on jobs the performance of which requires substantially equal skill, effort, and responsibility, and which are performed under similar working conditions”. Some States have also enacted their own legislation on equal pay.

4.4.3 Harassment



International standards

International human rights instruments recognise the right of everyone to have their “physical, mental, and moral integrity respected” (ACHR, art. 5). In addition, the UN Declaration on the Elimination of Violence Against Women and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women recognise the right of women to be free from sexual harassment at the workplace. International human rights standards specifically relating to non-discrimination in the workplace, such as ILO Convention C111, cover sexual harassment at the workplace as a form of sex discrimination. As of January 2018, Canada and Mexico have ratified C111, the United States have not.



Key findings on legal framework

All three countries have legislation in place relating to harassment in the workplace in accordance with international standards, however, there are some potential legal gaps in Canada, as federal¹ law and Provincial acts in **AB** do not currently explicitly cover harassment at the workplace, except for sexual harassment, which according to a Supreme Court judgment is covered under sex discrimination. Nevertheless, this is unlikely to be a risk in practice as it is generally accepted that harassment is covered by the Acts even if not explicitly referenced.



Risk in practice

Harassment, including sexual harassment, is a reality for many workers across the US, Canada and Mexico alike:

- In the US, it is estimated that at least one in four people are affected by workplace sexual harassment, with workers in service-based industries and low-wage jobs the most vulnerable (Golshan, 2017). Studies also show that workplace harassment on the basis of race is particularly high among private sector employers (EEOC, 2016). Worryingly, older studies suggest that the vast majority (75%) of employees who speak out

¹ Note that Bill C-65, proposes to amend the *Canada Labour Code* by including explicit references to harassment and violence.

against workplace harassment face retaliation (EEOC, 2016). While this is expected to have improved in past years, retaliation remains a key risk and a significant barrier to justice.

- In Canada, a recent (non-representative) online survey revealed that 60% of respondents had experienced harassment in the workplace, and 30% had experienced sexual harassment (ESDC, 2017). People with disabilities and members of a visible minority group were more likely to experience harassment than other groups (ESDC, 2017).
- In Mexico, a 2014 survey suggested that 44% of all workers have been victims of workplace harassment (CONAPRED, 2014), and a 2012 study estimated the number of women subjected to sexual harassment in the workplace at 1.4 million, or roughly 10% of all workers (Expansion, 2012). There are key challenges particularly relating to the enforcement of the law on sexual harassment at the workplace in Mexico. In 2017, the ILO CEACR noted that procedures available with respect to sexual harassment ended in the termination of the employment relationship and the payment of compensation, and raised concerns that the termination of the employment relationship was a penalty against the victim, and could dissuade victims from bringing complaints (ILO CEACR, 2017a).

The general picture is as follows:

Canada	<p>The <i>Canada Labour Code</i>, which applies to federally-regulated activities, prohibits sexual harassment at the workplace. Other types of harassment at the workplace are not explicitly covered. At the Provincial level:</p> <ul style="list-style-type: none"> • AB: The <i>Human Rights Act</i> does not explicitly cover harassment, but sexual harassment is covered under sex discrimination, and occupational and health and safety acts are in the process of being amended to cover all workplace harassment. • ON: The <i>Ontario Human Rights Code</i> provides that every person who is an employee has a “right to freedom from harassment in the workplace” on account of protected personal characteristics (<i>covered above under Equality of opportunity and treatment</i>). Sexual harassment is also covered under occupational health and safety acts. • QC: The <i>Charter of Human Rights and Freedoms</i> prohibits harassment in the workplace on account of protected personal characteristics (<i>covered above under Equality of opportunity and treatment</i>).
Mexico	Harassment (including sexual harassment) is prohibited by the Labour CodeLFT, and employers must not allow or tolerate acts of harassment in the workplace.
United States	Harassment is prohibited by the <i>Civil Rights Act of 1964</i> , the <i>Age Discrimination in Employment Act of 1967</i> and the <i>Americans with Disabilities Act of 1990</i> (ADA). The Equal Employment Opportunity Commission (EEOC) defines workplace harassment as unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.

The EEOC defines sexual harassment as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.”

4.5 Occupational Safety and Health (OSH)

The organisation and operation of a large-scale sporting event like the FIFA World Cup™ relies on a sizeable workforce working in a variety of conditions doing a range of jobs. These individuals can be directly or indirectly employed, and might include security personnel, retail workers, food services workers, stadium staff, as well as a vast range of ancillary services employees. Even though the United Bid 2026 does not envisage construction of new stadiums, there will also be a range of skilled construction and other jobs related to fit out and adaptation. Working alongside these individuals will be a large cohort of volunteers who will be unpaid, but may nonetheless perform defined duties in environments that might give rise to a range of safety risks. Normal concerns regarding health and safety for any such group of workers will be amplified by the temporary and high-intensity nature of the work to be done around the event, which carries the potential for longer working hours, prolonged work outdoors, and an influx of new, inexperienced, and possibly less-trained staff. Moreover, the fact that informal employment may also occur during large-scale events (through labour subcontracting, for example) gives rise to questions relating to the applicability of relevant protective laws to informal workers.

Key issues for consideration by FIFA and the Competition organisers

There are generally good frameworks for OSH management and risk assessment in all three countries, which largely align with international standards.

The use of significant numbers of volunteers will raise an issue, as they are not covered by many health and safety laws.

The Competition organisers need to adopt a clear commitment that the safety concept for the competition covers all those performing activities related to the competition, including employees and volunteers.

All employment contracts and sourcing codes should include OSH requirements in relation to all workers, including direct employees and workers of contractors and subcontractors.



International standards

The ILO has promulgated several standards on occupational safety and health, notably the Occupational Safety and Health Convention (C155). However, these standards tend to be minimally prescriptive or allow for significant legislative flexibility based on national conditions and the principle of implementation over a period of time. For example, ILO standards such as C155 contemplate the exclusion of certain branches of economic activity from the scope of OSH schemes (art. 1(2)), as well as certain categories of workers (art. 2(2)). Parts II and III of C155 address member states' responsibilities with respect to OSH. Member states are required to formulate, implement, and periodically review a coherent national policy on occupational safety, occupational health and the working environment. This policy will be informed by national conditions and address matters such as training,

communication, protection, and reprisals. Member states are also required to give effect to this policy through laws or regulations while ensuring adequate enforcement.

Part IV of C155 creates requirements for employers at the level of the undertaking. These requirements include, *inter alia*, ensuring the safety of equipment, providing adequate personal protective equipment where necessary, and the development of measures for dealing with emergencies and accidents.

Convention 155 exists alongside many other OSH-related standards and recommendations, including C187 which concerns the promotional framework for occupational safety and health. Other standards also relate to specific branches of economic activity (such as construction and agriculture) as well as specific occupational risks (such as asbestos and radiation). The ILO provides further guidance through the *Guidelines on occupational safety and health management systems* (ILO-OSH 2001). While not a binding convention, the Guidelines provide practical approaches to health and safety which can be applied at both the national and organisational level. Mexico is the only one of the three countries to have ratified ILO Conventions C155 on worker health and safety and C161 on health services in the workplace.

The ICESCR recognises the right of everyone to enjoy just and favourable working conditions, including working conditions which are safe and healthy (art. 7(b)).



Key findings on legal framework

OSH laws in all three jurisdictions largely align with international standards. The United States and Canada have strong locally managed OSH safety enforcement mechanisms, with reasonably well-resourced enforcement agencies. There are also particular protocols for inspection and associated fines where accidents or fatalities are recorded.

All three jurisdictions prescribe different OSH rules based on economic activity or type of worker. While international standards, particularly C155, permit partial coverage based on these criteria, exclusions may give rise to risks in practice. Individuals with non-employee working status may fall outside the scope of legislative protections. This may include self-employed individuals, certain types of independent contractors, workers in the informal economy, as well as volunteers.

- Some jurisdictions in Canada include volunteers and workers who do not receive remuneration in their OSH legislation (see e.g. **ON** and **QC**). However, administrative guidance in the U.S. federal jurisdiction appears to exclude these workers (see OSHA guidance issued under Standard 1975.3 as well as discussion below). In states which have enacted state-approved OSH plans, volunteers may be covered either through legislation or through judicial interpretation, for example under the category of “gratuitous employee.” Federal OSH legislation in Mexico does not specifically refer to workers as those receiving payment, but include all persons conducting subordinated work. Therefore, it is unclear if OSH

protections would extend to volunteers. The Mexico City Constitution protects workers whether they receive a salary or not, which may include volunteers.

- Although some jurisdictions provide protections to “workers” in general (see e.g. Canadian provincial jurisdictions, especially **ON** which explicitly extends limited protection to self-employed individuals), coverage predicated on “employee” status may attract a narrower sphere of application (see e.g. the U.S. as well as the Canadian federal jurisdiction) insofar as that term is generally understood to apply to more “standard” employment relationships. Workers falling beyond the ambit of OSH legislation might include self-employed workers, certain types of independent contractors, and categories of “dependent” contractors” (i.e. contractors working for a single employer in an employee-like relationship). Mexican legislation seems to include a broader term for “worker”, which includes every physical person that provides subordinated work to another. The Mexico City Constitution extends coverage to all workers that conduct activities in the city, whether they are paid or unpaid, subordinated or not, or are employed on a temporary or permanent basis. Ultimately, in all three countries the determination of employment status is a context-specific analysis, and will rely on a case-by-case assessment of each relationship.
- The protection of workers in the informal economy may be vague or uncertain. While jurisdictions such as **TN** in the U.S. extends OSH protections to employees “whether lawfully or unlawfully employed”, the status of these individuals under other legislative schemes is less clear. While the Mexico City Constitution defines the term “worker” relatively broadly, OSH protections only apply to “lawful” work, which could be interpreted as excluding informal workers.

Mexico, as the only country among the three jurisdictions to have ratified C155, has attracted some commentary from the ILO CEACR. According to its most recent observations, the Mexican government has not given effect to art. 17 of C155 which requires that employers collaborate whenever two or more undertakings engage in activities simultaneously at one workplace.



Risk in practice

The kinds of physical hazards giving rise to safety risks in relation to competition operation are entirely predictable, including hazards from construction and fit out, vehicles, catering, equipment, extreme heat and other weather-related issues. In addition, however, there are a range of hazards that are likely – if not properly assessed and mitigated – to arise from the presence of large numbers of people in confined spaces. These risks relate to both workers working on the competition and the spectators and other attendees. This also includes the risk of international or domestic terrorism and violence.

Inadequate protection of the health and safety of workers may give rise to risks in practice. In particular, volunteers or self-employed contractors may be occupying various roles throughout the Competition which are indistinguishable from roles served by regular employees, thereby facing the same hazards, yet may be excluded from legislative protections. The same risks may arise in connection with informally employed workers. In 2017, almost 60% of all employment in Mexico took place in the informal sector which underlines the saliency of this risk (INEGI, 2017).

Moreover, the wide range of activities which may be conducted across a relatively limited number of sites (for instance services, hospitality, construction, and security surrounding a stadium) presents a risk which may be exacerbated by inadequate OSH management and coordination. This risk may be viewed in light of the ILO CEACR comments stating that Mexico’s government has not given effect to art. 17 of C155 which requires that employers collaborate whenever two or more undertakings engage in activities simultaneously at one workplace.

While workers are entitled to specific rights under occupational safety and health legislation, most notably the right to refuse unsafe work as well as protection against reprisals, the protection of these rights may be illusory in practice. With respect to occupational health and safety in Canada, fear of reprisals has been underlined as a vulnerability for temporary foreign workers, especially when complaints processes are delayed and the worker has already been repatriated (LCO, 2012). In the United States, OSH authorities have been criticised for failing to adopt investigative techniques appropriate for non-traditional worksites and non-traditional workers (e.g. franchises or agency workers) (Rabinowitz, 2015).

Occupational Health and Safety	
Canada	<p>Laws governing health and safety exist at both provincial level (for workers under provincial jurisdiction) as well as federal level (for workers under federal jurisdiction).</p> <p>All relevant jurisdictions have a comprehensive system governing health and safety including, inspection, enforcement, reporting, notification, stakeholder consultation, and education and training for both employers and employees. Workers in all jurisdictions have the right to refuse unsafe work, and are protected from reprisals if acting in compliance with the applicable law. Employers have a number of duties with respect to health and safety including: the provision of personal protective equipment (PPE), ensuring that equipment and materials are maintained in good condition, maintaining accurate records of hazards and accidents, and providing certain safety-related medical examinations and tests. In some jurisdictions, joint health and safety committees involving management and workers are required in enterprises of a defined size. Where established, these committees have a number of functions and powers including the identification of hazards and making recommendations for the improvement of health and safety.</p> <p>Certain activities and certain hazards are governed by specific rules, often prescribed by regulation. Examples include construction projects, farming, and work involving specific dangers such as asbestos or excessive noise.</p> <p>Canada’s OSH legislation typically covers a broader range of workers than other employment-related legislation. All relevant jurisdictions use the term “worker” with the exception of the federal jurisdiction which refers to “employees.”</p>

Occupational Health and Safety	
	<ul style="list-style-type: none"> • AB: Alberta's <i>Occupational Health and Safety Act</i>² defines worker as a "person engaged in an occupation." However, it excludes certain categories of farming and ranching operations. Employers have obligations with respect to workers engaged in the work of that employer, as well as workers that are not engaged in the work of that employer but are however present on the worksite. • ON: Under Ontario's <i>Occupational Health and Safety Act</i>, workers are broadly defined as "a person who performs work or supplies services for monetary compensation," however excludes inmates of a correctional institution. It may also include categories of volunteers such as certain types of students in work experience programs. Other individuals who perform work or supply services to an employer for no monetary compensation may be covered according to regulation, however it does not appear as if any relevant regulations have been enacted. An employer's obligations under the Act are in connection with a "workplace" which is defined to include any "land, premises, location or thing at, upon, in or near which a worker works." • QC: The <i>Act Respecting Occupational Health and Safety</i> defines "worker" as a person, including a student as determined by regulation, who "under a contract of employment or a contract of apprenticeship, even without remuneration, carries out work for an employer." Certain exceptions apply, including managerial employees. Employers have a general obligation to protect the health and safety of workers, including within establishments under the employer's authority. • Fed: The Federal <i>Canada Labour Code</i> Part II defines employee as a "person employed by an employer." Its reference to "employee" suggests a narrower scope of application that excludes contractors or dependent contractors. This more limited definition appears to be confirmed in practice (see e.g. OHSTC, <i>Canadian National Transportation Limited</i>). Employers have a duty to ensure the health and safety of persons employed by the employer.
Mexico	<p>Mexico's Constitution contains a general guarantee of the right to a safe work environment. The Constitution prohibits dangerous or unhealthy work, and establishes additional protections for night-shift workers, pregnant women, and children. It also makes employers responsible for work-related accidents and illnesses, provides that they must follow legal requirements on health and safety, and must organise the work in a manner that best guarantees the protection of workers' life and health.</p> <p>The LFT provides more detail as to the scope of application of OSH protections. Articles 8 and 9 of the LFT define worker as a physical person that conducts subordinated work for others. Title IX of the LFT, which addresses work-related risks, applies to "all working relationships". Where sub-contractors are used, the company must ensure that the subcontractor complies with occupational health and safety rules.</p> <p>The LFT contains a general obligation for employers to provide a workplace free of hazards. This is supplemented by further obligations such as a requirement to provide first aid and other medical services, appropriate tools for the jobs and safety measures to store and use them, and medications for</p>

² Note that a new Act, the *Occupational Health and Safety Act*, SA 2017 cO-2.1, will be in force on June 1, 2018. The new Act will, among other things, contain a broadened definition of "worker" which explicitly includes individuals performing or supplying services for no monetary compensation as well as self-employed individuals.

Occupational Health and Safety	
	<p>endemic or tropical diseases, if applicable. Health and safety committees, composed of an equal number of workers and employers' representatives, must be constituted in all establishments.</p> <p>The LFT provides that employers must allow for inspections of the work conditions, and must inform workers of health and safety risks associated with their work and provide relevant training on OSH.</p> <p>The LFT has special provisions on OSH for workers in specific sectors, including those in transportation, hospitality services, and professional athletes. According to the LFT, employers cannot demand an excessive effort from professional athletes. All workers have the right to refuse unsafe work without reprisals.</p> <p>The Federal Occupational Safety and Health Regulation <i>also</i> contains more specific requirements regarding definitions of risks, employer obligations, reporting, notification, stakeholder consultation, and competence of the Secretariat of Occupational Health and Safety. Other relevant regulations include numerous sector-specific safety and health standards (Normas Oficiales Mexicanas or NOM), such as NOM 031 STPS 2011 governing OSH in the construction sector.</p> <p>The Constitution of Mexico City also incorporates the right to a safe working environment. In addition to reaffirming the national constitutional rights related to OSH, the city's Constitution appears to go further, extending its protection to all lawful work, and establishing that all people that perform an occupation in the city (whether paid or unpaid, temporary or permanent) have the right to decent work, including safe working conditions. This local distinction may be relevant for those workers who will be involved in the event in a non-remunerated, temporary and/or independent capacity.</p>
United States	<p>The majority of private-sector employers and workers throughout the United States are covered under the federal <i>Occupational Safety and Health (OSH) Act</i>. Individual states are permitted to implement their own schemes which are subject to approval by the Occupational Safety and Health Administration (OSHA). These OSHA-approved State Plans must be at least as effective as the federal scheme and are monitored and partly-funded by the federal system. Among the states which are relevant for this study, the following have OSHA-approved State Plans covering private sector employers and workers: CA, MD, TN, and WA.</p> <p>Federal OSH legislation requires employers to furnish employees employment and a place of employment free from recognised hazards. Legal duties in OSHA-approved State Plans are also similar to the federal legislation, and generally require employers to provide a place of employment for employees which is safe, healthful, and free from recognized hazards. The federal rules and relevant states create a number of rights and duties aimed at ensuring health and safety in the workplace. In all relevant jurisdictions, employees have the legal right to refuse to work without fear of retaliation. Employers owe a number of compliance duties such as issuing PPE, providing appropriate training, keeping accurate records of work-related injuries or illnesses, and providing medical exams or tests in certain circumstances. Employee participation/involvement in OSH schemes are required within specific standards (for example with respect to recordkeeping), and with respect to certain industries or hazards (for example risk management consultation in the construction industry, or in connection with specific risks such as hazardous chemicals).</p>

Occupational Health and Safety

The federal and state systems, taken together, provide a comprehensive system of occupational safety and health governing inspection, enforcement, reporting, notification, stakeholder consultation, and education and training for both employers and employees. Specific hazards are addressed by regulations, for instance regulations concerning hazardous chemicals, personal protective equipment, and fire protection at the federal level.

While some states may adopt federal standards for certain industries, for example **TN** which adopts federal standards on agriculture and construction, other states may also develop specific standards. For instance, **CA** has specific standards covering heat exposure, while **WA** has developed its own comprehensive standards relating to general industry, agriculture, and construction.

In terms of the scope of OSH legislation, the term “employee” under the federal OSH Act refers to an “employee of an employer who is employed in a business of his employer which affects commerce”. This term has been construed purposively and liberally in many instances (see e.g. SCOTUS, *Alamo Found'n v. Secy. of Labor*, 1985). According to OSHA guidance under Standard 1975.3 (extent of coverage), volunteers (02/12/1992) and unpaid students (03/05/1999) are not covered by the Act. Application of the Act to independent contractors is assessed on a case-by-case basis and probes the economic relationship of the parties to determine if they are in an employer-employee relationship (02/14/1990).

OSHA-approved State Plans are broadly similar to the federal model. The personal scope of health and safety legislation in all relevant states (**CA, MD, TN, WA**) define the personal scope of their legislation with reference to “employees.” This definition generally refers to individuals employed by an employer who perform work (**CA**), receive wages/compensation (**MD**), or are engaged under a “contract of hire” (**TN**). Washington’s *Industrial Safety and Health Act* specifies that employees include “every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is his or her personal labour for an employer.” The distinction between employee and independent contractor is determined on a case-by-case basis based on the realities of the relationship or situation (see e.g. OSHC, *DeMont Construc. Co.*, 1981, in **MD**).

4.6 Working hours

Sporting events must be organised and hosted within a very specific and inflexible timeline. In months, weeks and days leading up to the event, workers may be asked to work additional hours in order to finish all the preparations in time for the opening of the competition, particularly if delays were incurred earlier in the process. During the competition itself, long or excessive working hours may also be a risk, both for workers involved in competition activities (such as stadium and fan zone staff, employees working at concession stands or maintenance staff) as well as those working in establishments such as restaurants, bars, and hotels.

Key issues for consideration by FIFA and the Competition organisers

The nature of major sporting events means that there will be long working hours and also the need for tasks to be completed on time.

Working hours legislation and international standards provide some degree of flexibility. However, long working hours can give rise to safety and health issues.

The competition should put in place an hours recording system for all those working on tournament game and training sites and associated infrastructure and transport. This should record hours and ensure that no one works beyond pre-set limits without defined authorisation.

There should also be provision to ensure overtime payments are paid in accordance with national standards to those workers entitled to such payments.



International standards

International human rights instruments recognize the right of everyone to “rest, leisure and reasonable limitation of working hours” (ICESCR, Art.7d). In addition, under the Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights (Protocol of San Salvador), states undertake to guarantee “a reasonable limitation of working hours, both daily and weekly” (Protocol of San Salvador, Art.7g).

International human rights standards relating to employment provide that standard weekly working hours (excluding overtime) should not exceed 48 hours per week and eight hours a day (ILO C001, art. 3; ILO C030, art. 2), in order to ensure a safe and healthy working environment and adequate rest or leisure time between shifts. In addition, international standards provide that workers shall enjoy a rest period of at least 24 consecutive hours every seven days (ILO C14, art.2; ILO C106, art.6). Any hours worked beyond the 48-hour weekly limit are considered to be overtime, which should only be permitted under exceptional circumstances and be paid at a premium (ILO C001, art.6; ILO C030, art.7). However, international standards do not set a clear, standardised limit to overtime hours, leaving it to public authorities to determine a reasonable limit. As of January 2018, Mexico has ratified C030, C106 and C014; Canada has ratified C001 and C014; the United States has not ratified any of them.



Key findings on legal framework

All three countries have legislation setting out regular working hours in accordance with international standards. However, there are some potential gaps in relation to international standards on overtime and weekly rest in the US and in Canada:

- In the US, federal and state level laws do not set a limit to overtime hours, and the majority of States do not require workers to be given 24 consecutive hours of rest every week.



Risk in practice

There are challenges to effective enforcement of working hours legislation in the US and in Mexico. In Mexico, there are reports that the use of the illegal “hours bank” approach, whereby employers require long hours when the workload is heavy and cut hours when it is light, is common in all sectors and is used by employers to avoid compensating workers for overtime (US DoS, 2017). In the US, there are concerns that the law on working hours and overtime does not cover a large proportion of salaried, full-time workers - these exemptions leave room for ambiguity and can be a challenge to enforcement (WCEG, 2016). In addition, a 2015 survey revealed that a fifth of hourly workers do not receive the overtime wages they are entitled to (Rohwedder & Wegner, 2015).

The general picture is as follows:

	Regular working hours	Overtime	Weekly rest
Canada	<p>The federal <i>Canada Labour Code</i> stipulates that normal working hours are 8 hours per day and 40 hours in a week. There are exceptions, including for truck drivers, architects, dentists, engineers, lawyers, and medical doctors. The Code applies to employers and employees under federal jurisdiction.</p> <p>In addition, provinces have enacted their own acts regulating working hours:</p> <ul style="list-style-type: none"> • AB: Normal working hours are 44 hours per week, at a maximum of 12 hours per day. Exemptions from regular working hours apply in certain occupations, including managers and agricultural workers. 	<p>Under the federal <i>Canada Labour Code</i>, overtime means any hours worked in excess of the standard hours, in most cases 8 in a day or 40 in a week (see left).</p> <p>The federal <i>Canada Labour Code</i> stipulates that the maximum time an employee may work each week, including with overtime, is 48 hours. However, there may be exemptions in exceptional circumstances and in emergency work.</p> <p>Provinces have enacted different regulations:</p> <ul style="list-style-type: none"> • AB: In AB, a limit of 12 hours per day, including overtime, applies, unless 	<p>The federal <i>Canada Labour Code</i> provides for at least one full day of rest a week - Sunday where practicable. During an averaging period, hours may be scheduled and worked without regard to the normal requirement for weekly rest.</p> <p>Acts in AB, ON and QC also require employers to provide workers with at least one day of rest each work week.</p>

	Regular working hours	Overtime	Weekly rest
	<ul style="list-style-type: none"> • ON: Regular working hours are 8 hours per day, 6 days per week. Exemptions apply in occupations including agriculture, transportation and hospitality. • QC: Regular working hours are 40 hours per week. Exemptions apply in occupations including security work. 	<p>there are exceptional circumstances and emergencies. Overtime is defined as any work beyond 8 hours per day or beyond 44 hours per week, whichever is greatest.</p> <ul style="list-style-type: none"> • ON: In ON, work exceeding 44 hours per week is remunerated as overtime work. The maximum duration an employee may work each week is 48 hours, unless there is a written agreement between the employee and employer and the employer has received the approval of the Director of Employment Standards, or under exceptional circumstances. • QC: Employees may refuse to work for more than 50 hours per week and 12 hours per day, except in emergencies. Overtime is considered as any hours worked in addition to the hours of the normal workweek. • At the federal level and in all provinces, overtime must be paid at a premium of at least 50%. 	
Mexico	<p>The Federal Labour Law (LFT) stipulates that normal working hours are 8 hours per day, 6 days a week (LFT, Art. 61, 69).</p> <p>Normal working hours for night work (work between 8:00 pm and 6:00 am) are 7 hours per day (LFT, Art. 61).</p>	<p>Any work more than eight hours in a day is considered overtime. Overtime is only allowed under exceptional circumstances (LFT, Art. 65-66).</p> <p>The LFT sets the limit to overtime work at 3 hours per day, no more than 3 times a week (LC, Art. 66).</p>	<p>Under the LFT, workers are entitled to a weekly day of rest, usually Sunday. Workers working on Sundays are entitled to a premium corresponding to at least 25% of their wages (LFT, Art. 71).</p>

	Regular working hours	Overtime	Weekly rest
		Overtime must be paid at a 100% premium (LFT, Art. 67).	
United States	<p>Under the federal Fair Labor Standards Act (FLSA), normal weekly hours are defined as 40 hours (FLSA, Art. 207).</p> <p>This is the same for all States under review.</p> <p>However, there are exceptions where this general limit on weekly working hours does not apply. These exemptions may vary from State to State. At the federal level, exemptions apply to, among others, employees employed at piece rates or in a retail or service establishment; employees employed in a bona fide executive, administrative, or professional capacity; certain agricultural workers, newsreaders, salesmen, transport workers, among others.</p>	<p>Federal law stipulates that, unless exemptions apply, overtime is work performed in excess of the 40-hour limit on weekly working hours (FLSA, Art. 207). There are no Federal limits on the number of overtime hours employees over the age of sixteen can work.</p> <p>Unless exemptions apply (see left), overtime must be paid at a premium of at least 50% (FLSA, Art.207).</p> <p>This is the same for all States under review.</p>	<p>There are no Federal requirements for a weekly rest for workers.</p> <p>Some States have introduced this requirement for some occupations and industries:</p> <ul style="list-style-type: none"> In NY: a weekly rest of 24 hours must be given for workers in factories, mercantile establishments, hotels, restaurants, security work, cleaning work, among others.

5. Communities and citizens' rights

5.1 Summary of the way in which FIFA 2026 may impact on communities and citizens' rights

International sporting events can have very local benefits and consequences. These can be highly positive and transformative in the sense of developing local sporting facilities and community infrastructures, for example. At the same time, the pressure and scale of a major sporting event can give rise to a whole range of human rights and community relations issues, which may affect, amongst other things, local citizens' rights to enjoyment of property and land rights, rights to peaceful protest, rights to participate in political and civil processes, and freedom of expression.

Positive things about the 2026 competition include the fact that there is plenty of time remaining to build community engagement and understanding around the competition, which in itself will last only a few weeks, and also that there is no significant new infrastructure build involved in the competition. However, this is not to say that there will not be a range of other pressures and tensions that will emerge in the run up to the competition from the amplification of existing tensions or human rights issues through the lens of an upcoming major international event.

5.2 Land and property rights

Large sporting events such as the FIFA World Cup™ often trigger land use and land ownership issues, particularly when land is needed for the construction of a large number of new, permanent infrastructures such as stadiums, training sites and accommodation complexes. At this stage, it appears that no such large-scale construction projects would be needed in the case of the United Bid, which therefore limits the risk of permanent evictions and expropriations of current landowners and users. Nevertheless, short-term leasing or acquisition of land may still be required for temporary installations that would need to be in place for the duration of the competition, such as fan zones, additional car parks and zones for security controls. Individual governments or cities may also decide to acquire land in order to build new public infrastructures (such as roads and airports) in the run up to the event. Individual as well as community land rights and entitlements may be affected.

Key issues for consideration by FIFA and the competition organisers

All three countries have legislation protecting land and property ownership rights, which is generally aligned with international standards but with some potential gaps.

In all three countries governments (whether federal, state/provincial or local) can acquire the property and expropriate its owners for 'public uses'. The definition of 'public uses' varies across jurisdictions but can at times be defined very broadly. The three countries guarantee the right to due process during these proceedings and offer avenues for seeking compensation when property is taken.

Key issues for consideration by FIFA and the competition organisers

Despite legal protections for indigenous peoples' rights to their ancestral lands, legislation and legal practice in all three countries shows that it remains possible for the State to acquire or seize indigenous lands, including through expropriation.

The Tournament organisers should engage with cities to seek to minimise the need for expropriation in relation to the event, for example by asking host cities to provide their plans for local consultation and compensation, if / where expropriation is necessary.

Where applicable, ask host cities to engage with local or neighbouring indigenous communities regarding the use and management of their ancestral lands.



International standards

While there is currently no explicit reference to a general human right to land under international human rights law, several international human rights instruments link land issues to the enjoyment of specific substantive human rights such as the right to property and the right to adequate housing. The right to own property and the right not to be arbitrarily deprived of it are addressed by the UDHR (art. 17). Article 17 of ICCPR, which prohibits “arbitrary or unlawful interference” with one’s home, is also commonly interpreted as a protection of the right to property (IHRB, 2010). In a General Comment on the right to adequate housing (art. 11(1)), the Committee on Economic Social and Cultural Rights (CESCR) established that the States’ obligation to realise the right to housing included “refrain[ing] from forced evictions and ensur[ing] that the law is enforced against its agents or third parties who carry out forced evictions” (CESCR, 1997).

Under international law, indigenous peoples hold specific rights to their lands, territories and resources. These rights include the right to ownership and possession of the lands, territories and natural resources which they have traditionally owned, occupied or otherwise used or acquired, including the right to own, use, develop and control these lands, territories and resources and participate in their use, management and conservation (ILO C169, art. 14 & 15; UNDRIP, art.26). Indigenous peoples also have the right not to be forcibly removed from their lands or territories without their free, prior and informed consent (ILO C169, art. 16; UNDRIP, art.10). While the three host countries have now signed the UN Declaration on the Rights of Indigenous Peoples, only Mexico has ratified ILO Convention 169.



Key findings on legal framework

All three countries have legislation protecting land and property ownership rights. Land and property rights are less absolute in Canada than in Mexico and the United States; however, in all three countries governments (whether federal, state/provincial or local) can acquire the property and expropriate its owners for ‘public uses’, which can at times be defined very broadly. The United States generally offer the strongest legal protections against expropriations for ‘public uses’, although this may vary between states. The three countries guarantee the right to due process during these proceedings and offer avenues for seeking compensation when property is taken, in accordance with international standards.

Despite legal protections of indigenous peoples’ rights to their ancestral lands, legislation and legal practice in all three countries shows that it remains possible for the State to acquire or seize indigenous lands, including through expropriation. There are open or unresolved land claims by indigenous communities in all three jurisdictions. In a positive development for traditional land rights, the SCC recognised in 2014 that ancestral indigenous lands that were never given away by treaty are still owned by these communities, who are recognised the right to use and manage the land and to reap its economic benefits.



Risk in practice

Given that the overall area of land currently expected to be required for the hosting of the event is low (because no stadiums will need to be built), and due to the temporary (and therefore remediable) nature of most of the remaining land needs (e.g. for fan zones or parking) and the availability of compensation and other remedies, the likelihood of a significant negative impact on general land and property rights is considered low overall in all three countries. Risks in practice relate more to the use and management of lands traditionally owned by indigenous peoples, as well as to the construction or upgrading of infrastructures such as roads and airports which may be only indirectly related to the event, but which will benefit the competition.

In 2015 for example, the Mexican federal government expropriated the indigenous Otomí community from their lands (located west of Mexico City) for the construction of the Toluca-Naucalpan highway (RT, 2015). Information about the decision-making process was reportedly sealed by the government until 2022 (Sinembargo, 2017). In Canada, the fact that three potential host cities are located on ‘unceded’ indigenous territory indicates the need to monitor future legal decisions and practice on the use and management of such territories and the sharing of benefits, and work with potential host cities to ensure all events would take place with the appropriate consultation and land acknowledgements, if applicable.

The general picture is as follows:

	Land and property ownership (general)	Indigenous peoples
Canada	<p>The Canadian <i>Charter of Rights</i> does not provide for an express constitutional guarantee of property rights. Most of the land is considered Crown Land (i.e. belonging to the monarch), which the governments, corporations and individuals can hold under a land tenure system. Property and land rights are therefore not absolute. The Charter does protect property rights in other ways: section 8 protects individuals from unreasonable search and seizure of their property.</p> <p>The provinces are responsible for property rights. Each of the three provinces studied here have legislation regulating property rights,</p>	<p>Section 35 of the Canadian <i>Charter of Rights</i>, 1982 protects Aboriginal rights, including land rights, against state interference (ALI, 2014). Under the Indian Act 1876, “Indian Reserves” are land held by the Crown “for the use and benefit of the respective bands [or First Nations] for which they were set apart” under treaties or other agreements. Over 43% of all land is designated for or owned by indigenous peoples and local communities (Rights and Resources, 2015).</p> <p>In a significant 2014 ruling, the SCC determined that indigenous Canadians still own their ancestral lands, unless they previously signed away their</p>

	Land and property ownership (general)	Indigenous peoples
	<p>including expropriation. In these three provinces, municipal governments are granted certain degrees of expropriating power:</p> <ul style="list-style-type: none"> • Alberta – for any municipal purpose or as authorized by other legislation • Ontario – for any purpose for which the municipality is authorized to acquire real property • Quebec – for any municipal purpose. <p>While the federal and provincial governments are under no constitutional obligation to pay any compensation in the case of expropriation, common law and Quebec’s civil code do provide for compensation if land is taken. Compensation may however vary between provinces (Quesnel, 2013).</p>	<p>ownership in treaties with the government. This type of land is commonly referred to as ‘unceded’ territory. The court did not outright ownership or veto power, but the right to use and manage the land and to reap its economic benefits (Lukacs, 2014).</p> <p>Three of the potential host cities are located on reputed ‘unceded’ territory, namely:</p> <ul style="list-style-type: none"> • Toronto – acknowledgement finalized in 2014 • Montreal – since 2018, the municipal council opens with a statement that the city is located on ‘unceded indigenous territory’ <p>While the exact legal implications of these acknowledgements for these cities and First Nations remained unclear at the time of writing, many official events and ceremonies taking place in these cities already include an official acknowledgement of being located on ‘unceded’ territory, and may include traditional indigenous ceremonies.</p> <p>Edmonton is located on Treaty 6 territory. In 2012, Edmonton’s mayor concluded memorandum of cooperation and dialogue with Treaty 6 First Nations. In 2016, the opening of the new hockey arena (home of the NHL’s Edmonton Oilers) involved indigenous leaders, who were reportedly consulted and involved in the ceremonies (Lambert, 2016).</p>
Mexico	<p>Art. 27 of the Mexican Constitution recognizes the right of the State to transfer property rights over land and water to individuals, which constitutes private property. Expropriations may only be carried out for ‘public use’ and if compensation is provided. This is regulated by the Law on Expropriation (1936).</p> <p>At state level, Jalisco (Guadalajara) and Nuevo León (Monterrey) have passed laws using similar language regulating expropriation. They define ‘public use’ in similar ways, including the construction of sporting grounds, the creation of companies that would benefit the larger society, as well as any other instance defined through special legislation. All provide for compensation in the case of expropriation.</p>	<p>Art. 2 V and art. 27 VII of the Mexican Constitution establish and protect the right of indigenous peoples to preserve the integrity of their lands. Most indigenous groups in Mexico live on and own communal land, which is land restored by the state to traditional communities of peasants or indigenous groups in recognition of the fact that they were in possession thereof before the agrarian reform of 1917. Up to 52% of the land in Mexico is believed to be owned by indigenous peoples and local communities, which is one of the highest proportions in the world (Rights and Resources, 2015).</p> <p>While under the Agrarian Law (1992) communal land rights are inalienable, communal lands can be expropriated for the creation of land reserves, for tenure regularisation and other causes of ‘public</p>

	Land and property ownership (general)	Indigenous peoples
United States	<p>The Fifth Amendment to the Constitution provides that no one shall be deprived of his or her property without due process of law; nor shall private property be taken for public use, without just compensation. The Fourteenth Amendment imposes the same limitations on the state legislatures, and most states have identical or similar language in their constitutions.</p> <p>The government's power to take away private land or property ('eminent domain') is therefore limited to 'public uses', typically government buildings, public utilities, roads and schools. Individual states have set different standards for the use of eminent domain based on the needs of the public in each state.</p> <p>In <i>Kelo vs City of New London</i> (2005), the Supreme Court held that governments may seize property and transfer it to private developers for economic development purposes. This generated significant backlash at state level, and many states have enacted laws banning or restricting the ability of municipalities to condemn land for the purpose of economic development in response. Florida, Georgia, Kansas and Pennsylvania are amongst the states where potential US host cities are located with some of the strongest protections (CC, 2007; Whealdon, 2011).</p>	<p>interest' (UNHabitat, 2005).</p> <p>Federal law and courts recognize the sovereignty and original rights of indigenous tribes over their ancestral lands. However, the sovereignty and land rights of tribes are deemed to be ultimately subordinated to the power of United States. Under federal law, the US federal government holds in trust the underlying title to the Indian lands within reservations and other lands set aside by statute or treaty for the tribes (Anaya, 2012).</p> <p>Over the past centuries many indigenous tribes have lost control over their ancestral lands, including in cases where existing treaty provisions that guaranteed reserved rights to tribes over lands or resources were overruled by the government to acquire land for nonindigenous interests (Anaya, 2012). Today, less than 2% of all land in the United States is designated for or owned by indigenous peoples and local communities (Rights and Resources, 2015). Several outstanding claims of treaty violations or non-consensual takings of traditional lands remain (Anaya, 2012).</p>

5.3 Housing rights

There are reasons to believe that major events such as the FIFA World Cup™ have a defined impact on housing rights, directly as well as indirectly. Beyond impacts on the right to housing of property owners (considered above), the temporary leasing or use of land around stadiums and training sites for temporary competition infrastructures (e.g. fan zones, car parks) may result in tenant evictions. Informal dwellers (e.g. homeless persons, people living in informal urban settlements) may also find themselves without access to their usual place of living or sleeping. Similar impacts can result from governments' decisions to revitalise or "clean" highly visible urban spaces in advance of the event, which can translate into higher rent prices for tenants and increased insecurity for homeless and transient populations. Finally, the popularity of short-term rental services such as Airbnb with international fans and spectators can cause housing prices to increase; while this can signify an economic opportunity for some residents, this can contribute to lower-income renters and other vulnerable populations being "priced-out" of their neighbourhoods.

Key issues for consideration by FIFA and the competition organisers

While the event may have range of direct or indirect impact on housing, most of them are not under the Tournament's direct sphere of control. There are nevertheless areas where the Tournament should seek to use its influence to prevent or minimise any negative impacts.

Strong legal protections for the right to adequate housing in Mexico. Canada and the United States both lack an explicit recognition of right to adequate housing in their respective legal frameworks. In the United States, broad eviction powers of private landlords in certain jurisdictions and the adoption of laws targeting homeless people are additional areas of concern.

Homelessness – and treatment of homeless people – is an issue in all three countries. Previous reports of cities removing homeless or transient populations (sometimes forcibly) in order to 'clean up' certain areas in advance of large events, including sporting events.

The Tournament organisers should engage with host cities on their actions and policies on the right to housing, including asking for their plans on how issues such as homelessness and rent pressures will be managed during the event.



International standards

The right to adequate housing is protected as part of the internationally-recognised right to an adequate standard of living for oneself and his or her family (UDHR, art. 25; ICESCR, art. 11(1)). This right is understood to protect against forced evictions and the arbitrary destruction and demolition of one's home, as well as arbitrary interference with one's home, privacy and family. The right to adequate housing is also considered to cover security of tenure and non-discriminatory access to adequate housing (OHCHR and UNHABITAT, 2014). Other UN Conventions such as CEDAW, CERD and UNCRC

include the right to adequate housing in their protections of specific groups. In the Inter-American system, Art. 34 of the Charter of the OAS provides that its Member States agree to devote their utmost efforts to provide adequate housing for all sectors of the population.

While the right to adequate housing does not create a State obligation to build houses for all citizens, it can require State legislative, administrative or policy action in relation to measures to prevent homelessness, prohibit forced evictions, address discrimination, protect vulnerable groups, ensure security of tenure and guarantee that housing is adequate (OHCHR and UNHABITAT, 2014).



Key findings on legal framework

Mexico's legal framework – at federal, state and occasionally city levels – offers strong protections for the right to adequate housing, in accordance with international standards. Canada and the United States however both lack an official recognition of right to adequate housing in their respective legal frameworks, which is a gap in relation to international standards. Housing assistance programmes in both countries include a defined non-discrimination standard. In the United States, the broad eviction powers of private landlords in certain jurisdictions and the adoption of laws targeting homeless people in recent years are additional areas of concern.



Risk in practice

In all three countries, risks in practice relate to the accessibility and affordability of adequate housing for low-income and other vulnerable populations. Many reports denounce the alleged increase in evictions (including forced evictions) of tenants in the United States in recent years, citing the popularity of short-term tourist rentals as a contributing factor. In Canada there are growing concerns over upward rent pressures and the practices of certain private landlords who are believed to use alternative ways to get rid of tenants to turn rental apartments into condominiums, for example (Globe and Mail, 2016). There is also evidence that the city 'cracked down' on the homeless population in advance of the 2010 Winter Olympics (The Guardian, 2010).

In all three countries, there have been reports of cities removing homeless or transient populations (sometimes forcibly) in order to 'clean up' certain areas in advance of large events, including sporting events. There have also previously been reports of homeless people being forcibly removed by police in potential host cities, including Guadalajara and Mexico City (IPS, 2012). Host cities such as San Francisco, New York, Boston, Atlanta, Dallas and Houston have some of the highest eviction rates in the country (CityLab, 2017). This is attributed in part to lack of affordable housing, income insecurity, as well as to the gentrification process which is occurring in certain cities and motivates landlords to significantly increase rents or evict long-term tenants for wealthier short-term renters, such as Airbnb users.

There is therefore a defined risk that some host cities would continue or seek to carry out similar actions prior to or during an event such as the FIFA World Cup™, which could raise defined issues in relation to the right to adequate housing.

The general picture is as follows:

<p>Canada</p>	<p>Canada does not explicitly recognise a right to adequate housing in its Constitution or in the <i>Charter of Rights and Freedoms</i>. In 2017, the Canadian government moved to recognise housing as a human right in its national housing strategy (Government of Canada, 2017). While the strategy has generated many positive reactions from housing rights advocates, its implementation and impact in practice remains to be seen (Reuters, 2017).</p> <p>Each province has its own laws regarding tenancy and evictions. In all provinces, landlords cannot evict a tenant at any time without showing cause, or for reasons other than those specifically outlined by legislation. There are also defined notice periods for evictions and rent increases (CMHC, 2018). There are strong protections against discrimination in relation to housing and housing-related assistance.</p>
<p>Mexico</p>	<p>Article 4 of the Mexican Constitution recognises the right of all families to decent housing. This Constitutional provision is implemented through the 2014 Law on Housing. Clear constitutional protection of the right to adequate housing. Legal framework is aligned with international standards and treaty obligations. The right is also protected at local level, including in Mexico City and the State of Jalisco (Guadalajara). However, there are concerns regarding the actual enjoyment of the right in practice, including in relation to the accessibility, affordability and quality of housing.</p>
<p>United States</p>	<p>The United States does not explicitly recognise a right to adequate housing in its Constitution or in federal law. There is however a standard of non-discrimination in relation to housing and the provision of housing-related assistance, including through specific statutes and Executive Orders (NYCB, 2013).</p> <p>States have different rules regarding eviction of tenants. While all states prohibit evictions without a court order, notice periods and valid reasons for eviction may vary. In some jurisdictions landlords can evict tenants without cause. In practice, housing rights and tenants' organisations report that the number of evictions (including forced and illegal evictions) is on the rise in the United States, with Black, Latino, less-educated and female-headed households being considered particularly at risk (CityLab, 2017).</p> <p>Many cities are also passing laws that criminalise behaviours associated with homelessness such as public camping, sleeping in cars or in public, food sharing, begging, and public urination, with significant negative impacts on the homeless population. Potential host cities where such laws exist include Los Angeles, Washington D.C., Miami, Orlando, Baltimore, Kansas City, New York, Philadelphia, Nashville, Dallas, Houston and Seattle (NLCHP, 2015). This reliance on criminalisation in responding to homelessness was criticised by the UN Special Rapporteur on extreme poverty and human rights in its 2017 report on the United States (OHCHR, 2017). A recent investigation also shed light on the practice of some cities (including San Francisco and New York City) to offer bus tickets – and, in some cases, plane tickets – to homeless persons to get them to leave the city or the country (Guardian, 2017).</p>

5.4 Right to participate in the conduct of public affairs

Host city authorities play a crucial role in the organisation and hosting of a large event such as the FIFA World Cup™. While such events undoubtedly represent opportunities for economic development and urban revitalisation, amongst other things, they also demand significant investments in time and resources in order to organise the event in accordance with the hosting entity's requirements. This means a range of decisions on spending, construction, procurement, transport, zoning, urban planning and other public issues will need to be taken in each host city within a limited period of time – and for a limited period of time - which could all carry significant political, social, environmental and economic repercussions for local communities and citizens. If these decisions were to be taken through irregular procedures or on the margins of established decision-making processes, there is a risk that the legitimacy of the democratic process and, by the same token, citizens' right to participate in the conduct of public affairs, be undermined.

Key issues for consideration by FIFA and the competition organisers

The three host countries are well-established democracies where citizens can freely participate in the conduct of public affairs, including at local level. Strong constitutional and other legal protections exist for this right, in accordance with international standards.

There remains however a certain degree of risk due to the footprint of the event and the public nature of the decisions that will need to be made at local level. Risk is also driven by country-specific obstacles, particularly reports of corruption in Mexico, and – to a lesser extent – decreasing levels of local government engagement and participation from citizens in the United States and Canada.

The Tournament organisers should adopt a clear commitment to transparency regarding decisions related to the event, within the limits of applicable laws and contractual arrangements, and explore ways to make competition-related information easily accessible to the citizens of the host countries and cities.

The Tournament organisers should adopt an Anti-Corruption Commitment, which should give consideration to the right to participate in the conduct of public affairs.

The Tournament organisers should engage with cities, state/provincial and national governments to promote transparency in relation to decision-making and procurement connected to the event, within the limits of local and national legislation. When possible, this could also include the participation of Tournament representatives to local assemblies or meetings held in connection with the event.

The Tournament organisers should partner with civil society organisations and local associations to monitor the transparency and accountability of local decision-making processes, as they relate to the Tournament.



International standards

Article 25, paragraph (a) of the ICCPR recognises the right of every citizen to take part in the conduct of public affairs, directly or through freely chosen representatives, without discrimination. In accordance with paragraph (b), this right includes the right to vote and be elected at genuine periodic elections. Nearly identical protections can be found in article 32 of the ACHR.

In its General Comment 25, the UN HRC further expanded on additional possible manifestations of the right to participate in the conduct of public affairs, which in addition to the right to vote include deciding public issues through a referendum or other electoral processes, or taking part in popular assemblies which have the power to make decisions about local issues or in bodies established to represent citizens in consultation with government. It also established that the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential to ensure the full realisation of this right.

International standards on the prevention and elimination of corruption are also relevant, since they expressly recognise the threat that corruption poses to democratic institutions and the rule of law, and the realisation of other human rights. Canada, Mexico and the United States are all party to the UN Convention against Corruption and the Inter-American Convention against Corruption, which require states to adopt and enforce measures aiming to prevent and criminalise corruption.



Key findings on legal framework

The legal frameworks of all three countries protect and enable the realisation of the right to participate in the conduct of public affairs as defined by international standards. While the exact forms of government and public participation vary greatly across the host cities, all legally provide for some degree of direct or indirect participation by citizens. Protections for freedom of information are aligned with international standards.



Risk in practice

In practice, risks to citizens' right to participate in the conduct of public affairs mostly derive from the parameters in which decisions surrounding the organisation of a tournament such as the FIFA World Cup™ must be taken, including fixed deadlines and the possibility of significant financial benefits. In a context such as this, where there may be demands or pressures for certain processes to be expedited or submitted to fewer levels of public scrutiny, there is a need to ensure that the integrity and accountability of local governance mechanisms is respected, in accordance with applicable laws.

Corruption could also represent an added risk, particularly in Mexico where it has been reported by several organisations as a salient issue that undermines the legitimacy of democratic processes, including at local level. While not considered widespread, cases of corruption at municipal level have also been uncovered in some American and Canadian host cities in the past years, which underscores the relevance of this risk in relation to the World Cup.

The general picture is as follows:

	Participation in the conduct of public affairs	Access to information related to public affairs
Canada	<p>The Canadian <i>Charter of Rights and Freedoms</i> recognises the right to vote and be elected. Canada’s Referendum Act establishes that electors’ opinion may be consulted through referendums. Canada’s <i>Environmental Assessment Act</i> provides that the public must be provided with an opportunity to participate in the environmental assessment of projects for which such assessments are required.</p> <p>ON’s Municipal Act states that all meetings will be open to the public, except for the listed reasons it contains, including for security, litigation questions, and if there is confidential information or trade secrets being discussed. ON has increased its commitment to transparency over the years, enhancing civil dialogue and access to information through its Open Government Partnership Action Plan (Government of Ontario, 2017). ON has a <i>Protection of Public Participation Act</i>, enacted in 2015 with the purpose of deterring SLAPPs, which has been applied by the Canadian Supreme Court (Lerners, 2017).</p> <p>QC’s Cities and Towns Act provides that local council meetings must be public and include a period during which the persons attending may put oral questions to the members of the council. The City of Montreal has a policy on public participation, and has a dedicated mechanism (the <i>Office de consultation publique de Montréal</i>) to carry out public consultations. In 2017, QC adopted Bill 122, the <i>Act mainly to recognize that municipalities are local governments and to increase their autonomy and powers</i>, which reportedly allows municipalities to evade referendum approval of zoning changes as long as they adopt alternatives that encourage public participation. According to some commentators, Montreal may have to revise its public participation policy as a result (Roussopoulos, 2017).</p> <p>AB’s <i>Municipal Government Act</i> (MGA) prescribes that everyone has a general right to be present at council meetings or council committee</p>	<p>The Canadian <i>Access to Information Act</i> gives citizens and permanent residents the right to access government held information.</p> <p>In ON access to information is protected by the Freedom of Information and Protection of Privacy Act. QC gives the right to information in its Charter of Rights and Freedoms and its Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information. AB provides for access to information in its <i>Freedom of Information and Protection of Privacy Act</i> (FOIPA).</p> <p>An increasing number of cities (including some host cities) have adopted open data policies in recent years. According to a 2017 index, Edmonton is Canada’s most open city, due in part to the existence of an Open Data Committee, the adoption of a strategic open data plan, and of an open data policy to govern the city’s activities. Toronto followed directly in second place, while Montréal ranked 7th (PSD, 2017).</p>

	Participation in the conduct of public affairs	Access to information related to public affairs
	<p>meetings conducted in public, with certain limitations found in the FOIP; may contact and petition authorities; and ask to be included in council meeting sessions and make presentations therein.</p> <p>Canada is not considered a corrupt country. The country was ranked the 8th least corrupt country in the world in Transparency International's 2017 Corruption Perceptions Index. Nevertheless, cases uncovered in recent years raised concerns of corruption, collusion and influence peddling in the construction sector and public procurement, with high-profile cases involving the arrest and conviction of Montreal's former mayor (GAN, 2017).</p>	
Mexico	<p>The Mexican Constitution grants citizens the right to vote and to be elected, to petition authorities, and to vote in public consultations of national implications. Foreigners are prohibited from interfering in the country's political affairs.</p> <p>The Constitution also establishes that the government will develop a democratic planning system, which will include the aspirations and demands of society, and that laws will regulate public participation and consultation. It also calls states and municipalities to adopt regulations in order to allow for public participation. Mexico also has a Federal Public Consultation Law regulating the constitutional right to participation. Indigenous peoples have a constitutional right to be represented in the political process, but remain unrepresented in practice.</p> <p>Irregularities during federal elections have been reported in recent years (Freedom House, 2018). There are also concerns about the possible interference in local governments of organised crime groups, mainly drug cartels, through corruption or violence. There are also allegations of corruption regarding the allocation of fraudulent public permits to contractors. According to some reports, these corrupt practices could have contributed to the collapse of certain buildings during Mexico's 2017 earthquakes (Freedom House, 2018).</p>	<p>The Mexican Constitution establishes that the state will guarantee the right to information. Access to information is regulated by Mexico's Federal Transparency and Access to Information Law (LFTAIP). It guarantees access to information held by the federal government, political parties, public funds, and in possession of any person or entity that receives federal public funds or carries out acts of authority. Mexico City's Constitution has a similar provision.</p> <p>Jalisco's Constitution also contains the right to access public information. Jalisco, Nuevo León, and Mexico City all have Transparency and Access to information Laws as well.</p> <p>The fact that those who receive public funds are subject to the LFTAIP's provisions may be relevant in a FIFA World Cup™ context. Sources indicate that millions of pesos in public funds have been used for stadium infrastructure around the country from 2011 to 2017 (El Economista, 2017). This could give rise to a right to access information regarding the construction and use of these facilities.</p> <p>Access to information has reportedly improved in Mexico following the entry into force of the Transparency and Access to Information Law. However, there are reports of lack of information on controversial issues involving security (Freedom House, 2018), which will need to be considered in the context of the FIFA World Cup™.</p>

	Participation in the conduct of public affairs	Access to information related to public affairs
	<p>Jalisco's Constitution also contains the right to public participation, and has recently launched a platform for public participation (Milenio, 2017). At city level, the city of Guadalajara has recently called its citizens to public debates regarding a series of proposed public works and projects (Gobierno de Guadalajara, 2017). Nevertheless, corruption has been reported as an issue, both in relation to the state of Jalisco and the city of Guadalajara (El Economista, 2017). In response, proposals have been made to establish a municipal system in which all citizens can denounce corruption (Regidores en Contacto, 2017), and to make all sessions and communications from city hall meetings public (Regidores en Contacto, 2018).</p> <p>The state of Nuevo León has a Public Participation Law, which provides for referendums, consultations and budget participation. The state also has proposals for municipal regulations on public participation (Government of Nuevo León, 2017). Nuevo León companies are frequently the subject of corruption allegations (El Financiero, 2017). In the host city of Monterrey, there have also been allegations that fraudulent construction permits led to the collapse of buildings in the area (El Sol, 2017). However, the state appears to be addressing the issue, with the passing in 2017 of an Anti-Corruption Law, which includes the creation of a Public Participation Committee. In 2017, the state held public participation workshops with members of government, civil society and citizens (Milenio, 2017a).</p> <p>Mexico City has a Citizen Participation Law, providing for public consultation and referendums. There have also been proposed reforms to the law to better provide for participation and fight corruption (ALDF, 2017a). Mexico City has also opened to public participation the design of a system to combat corruption (ALDF, 2017). Mexico City's Constitution also recognizes the right to citizen participation, including through consultation and referendums. Following the 2017 earthquakes, there have been reports of lack of publicly available information on the rebuilding, and calls for more citizen participation in the process (Excelsior, 2017).</p>	
United States	While the right to vote is not expressly mentioned in the United States Constitution or the Bill of Rights, the Supreme Court has previously	The United States' Freedom of Information Act (FOIA) is actively used by journalists, civil society groups, researchers, and members of the public.

Participation in the conduct of public affairs	Access to information related to public affairs
<p>concluded that the Fourteenth Amendment implicitly protected the right to vote. The right to vote is consequently treated as a fundamental constitutional right in American constitutional doctrine. Numerous Constitutional amendments and federal laws have been passed over the years to ensure all Americans have the right to vote and the ability to exercise that right, starting with the Fifteenth and Nineteenth Amendments (providing that the right to vote cannot be denied or abridged on the basis of race or sex, respectively), the Civil Rights Acts and the Voting Rights Act.</p> <p>Local governments in the United States carry out a number of important functions (sometimes in shared responsibility with other levels of governments) which impact the day-to-day lives of citizens, such as education, public safety, utilities and public infrastructures, housing, environmental regulations, planning and zoning. Local governments spending in the United States amounts to over \$1 trillion annually, or over 50% of all government spending.</p> <p>The political organisation of local governments in the United States is very diverse, but are all based around the principles of electoral democracy and occasionally more direct forms of democratic participation. Most common forms of local government include the council-manager system and the mayor-county system, which provide for the election of a board or council of representatives and the appointment or election of a manager or mayor (NLC, 2016; GOLD, 2008). Most host cities fall into one of these two categories.</p> <p>Provisions for forms of direct electoral democracy are commonplace in U.S. cities, especially in the Southwest and West. Twenty-four states (including CA, MD, MA, MO, OH and WA) provide for the introduction of initiatives (a law or constitutional amendment introduced by citizens through a petition process) and/or referendums as a matter of state law (NCSL, 2018).</p> <p>According to a 2016 Gallup poll, Americans showed a significantly higher level of trust in their local government that in other government institutions</p>	<p>While government agencies' performance in responding to FOIA requests has been criticised in recent years, a 2016 reform law was designed to ease disclosures (Freedom House, 2018).</p> <p>Under the terms of the 2013 Federal Open Data Policy, newly-generated government data is required to be made available online in open, machine-readable formats. The website data.gov makes hundreds of data sets (including city-level information and statistics) available to the public.</p> <p>At city level, many local governments have started adopting open data policies in order to increase transparency and promote engagement with citizens. To date, 97 U.S. cities and 12 states have passed open data policies, with that number expected to grow in 2018 (SLF, 2017). Host cities that have adopted such initiatives include Los Angeles, New York, Philadelphia, San Francisco, and Washington D.C. (GT, 2014). Cities are also increasingly considering and implementing projects to make city procurement more transparent and effective (SLF, 2017).</p>

Participation in the conduct of public affairs	Access to information related to public affairs
<p>(Gallup, 2016). Despite these high levels of trust however, participation in local elections has been continuously declining in recent years, with many local races showing overall turnout rates in the single digits (USVF, 2017). According to the US Vote Foundation, one of the most salient factors explaining this declining participation is the complexity of the U.S. voting ecosystem. There are over 90,000 local governments nationwide, and tens of thousands of local elections take place across the country every year. This complexity lends itself to an information gap that reportedly complicates the task of being an informed voter (USVF, 2017).</p> <p>American society is generally intolerant toward official corruption, and the media are aggressive in reporting on such conduct. However, in its last annual report Freedom House noted that Supreme Court rulings in recent years have narrowed the legal definition of political corruption to include only a clear exchange of bribes for government action, which has reportedly made prosecutions more difficult (Freedom House, 2018). A 2015 academic study revealed that the host cities of Los Angeles, New York, Washington D.C., Miami, Philadelphia, Houston, Orlando, Baltimore and Boston, all rank in the top 15 of cities with the higher numbers of corruption convictions (University of Illinois at Chicago, 2015).</p>	

6. Players, teams, officials and fans

6.1 Summary of the way in which the 2026 FIFA World Cup™ may impact on players, officials, spectators and fans rights

With many eyes turned on the hosting nations and communities during an event such as this, it is easy to overlook the human rights implications for those who travel to a country (or within countries) to participate as players, team staff members, officials or spectators. However, the potential impacts on their human rights are significant. This is a fact wherever in the world the competition takes place.

Elite players can enjoy immense benefits and privileges from their involvement in the game, but also can be the subject of verbal abuse, privacy violations and other potential breaches of their human rights. The same goes for the teams' managerial and support staff. We must also not forget Referees and their assistants.

Fans are the heart and soul of any major sporting event and may save large amounts of their disposable income to travel to a FIFA World Cup™. As previous recent competitions in Germany and Brazil have shown, stadiums full of different nationalities can provide a unique atmosphere for each game and the surrounding celebration of football in host cities. However, the influx of a large number of international travellers can give rise to risks related to immigration control or discriminatory incidents, for example. Further, the nature of football crowds is that they like to express themselves collectively. This can raise interesting questions on freedom of expression, but also give rise to discriminatory impacts on players, officials, communities and other fans.

6.2 Freedom of movement and travel

There is much that could be written about the immigration, asylum and refugee policies and practices in relation to all three countries. However, this report focuses on the application of these policies in the specific context of an international football tournament and the likely movement of people both into and within the three countries. As such, we focus on temporary entry for fans and spectators and we do not consider broader immigration rules such as family reunion, asylum or student entry.

The nature of an international football tournament is predicated on the free flow of people across borders in order to either participate, support or otherwise be present for what is the largest spectator sporting event in the world. Whether this be players and technical members of the team, match officials, members of delegations of national associations, journalists, politicians and other government officials and, just as importantly, fans, many of whom go to considerable sacrifice to follow their team.

A necessary counterpoint to free movement in the context of an international sporting event is that the risk of domestic or international terrorism or other forms of mass violence often lead governments to grant airport and immigration authorities significant powers to profile and detain particular individuals and also to refuse entry where a significant security risk is detected.

The consequence of this combination of mass movement and often genuine concern for security is that there is a significant risk that individual fans or others attending the competition may be selected for additional scrutiny or even refused entry on the basis of information that may not be accurate or could be discriminatorily applied.

Government Guarantee #1 required of FIFA of all bids for the 2026 FIFA World Cup™ states that: “In order to cover the needs of the respective groups of individuals, the Government is requested to generally establish a visa-free environment or facilitate existing visa procedures for them. Regardless, any visa procedures must be applied in a non-discriminatory manner”. In addition, the Guarantee provides: “With respect to individuals entering, and travelling throughout, the Host Countries during the Competition, the success of the Competition and the reputation of the Host Countries achieved through the hosting of the Competition will mainly depend on the ease with which fans and other individuals may visit the Host Countries (also at short notice) in connection with the Competition. However, it is understood that such ease of access to the Host Countries must by no means adversely affect the national immigration and security standards in the Host Countries.”

Key issues for consideration by FIFA and the competition organisers

Within the broad boundaries allowed by international law, all three countries have defined standards for entry and remaining in the country for temporary visitors. There are clearly established grounds on which entry may be denied and migrants may be removed if they breach those standards or overstay their visa.

The proposed restrictions on entry to the United States in relation to nationals of specific countries gives rise to a number of concerns in relation to non-discrimination and due process, which are currently being tested in the US Courts.

There is also some concern expressed by some lawyers and human rights experts about the implementation of racial, ethnic and other profiling of individuals prior to entry to each country.

The competition has already received strong guarantees from each Government to allow free flow of players, officials, fans and others based on existing visa regimes. Depending on how security and other related border controls develop over the next 8 years, the competition will need to be in regular dialogue with all three national governments to ensure that this guarantee is fulfilled in accordance with human rights principles, particularly non-discrimination and due process

6.2.1 International standards and assessment



International standards

States have very broad powers to determine who may enter into and reside within their territory. International law grants such discretion states and is slow to interfere in what is considered to be a pure state power. As the UN HRC has noted, the ICCPR: “does not recognize the right of aliens to enter or reside in the territory of a State party. It is in principle a matter for the State to decide who it will admit to its territory. However, in certain circumstances an alien may enjoy the protection of the Covenant even in relation to entry or residence, for example when considerations of non-discrimination, prohibition of inhuman treatment and respect for family life arise” (UNCHR, 1986).

So, there is no obvious restriction on the way in which a State sets quotas for immigration, overall immigration policy or defines the kinds of criteria which it applies in determining who may or may not enter, subject to the fact that states may differentiate in treatment, but not discriminate, which is discussed below. Further, there is a general wide discretion for a state to make decisions on entry to its territory based on security, terrorism or other equivalent risk-based criteria.

Of more particular and direct relevance in the context of some of the potential negative human rights issues that may arise in relation to immigration and freedom of movement before and during a FIFA World Cup™ competition relates to the obligation of states not to discriminate against individuals or groups in the operation of any process and to apply appropriate standards of due process to those who have been refused entry. As the OHCHR states “international borders are not zones of exclusion or exception for human rights obligations. States are entitled to exercise jurisdiction at their international borders, but they must do so in light of their human rights obligations. This means that the human rights of all persons at international borders must be respected in the pursuit of border control, law enforcement and other State objectives, regardless of which authorities perform border governance measures and where such measures take place”. (OHCHR, 2014)

On the question of discrimination, the ICCPR provides in Article 26 that there should be equal treatment before the law of all persons, without discrimination on any ground, including race, religion, or national or social origin. Further Article 4 of the ICCPR notes that even in a “time of public emergency which threatens the life of the nation”, states cannot take any action that involve discrimination “solely on the ground of race, colour, sex, language, religion or social origin”.

Once migrants – whether permanent or temporary – are in the country, then International Standards provide that all relevant human rights should be afforded to them, most relevant in this context would be the rights dealt elsewhere in this report including not to be discriminated against, the right to liberty and life and the right to fair trial and due process.

There are additional international standards which may be relevant to particular circumstances that could arise during a FIFA World Cup™, including International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

The general picture is as follows:

Rights to temporary entry to the country	
Canada	<p>Individuals may be refused temporary entry through a Temporary Residence Permit (TRP) to Canada on the basis that: they were convicted of a criminal offence occurred very recently; the officer determining entry believes they will re-offend; they did not comply with the conditions listed on your previous TRP; they stayed in Canada after their previous TRP expired; they left and re-entered Canada without obtaining a TRP; they are inadmissible to Canada for reasons other than the ones initially used to apply for a previous TRP; they worked or studied in Canada without a valid permit; they submitted a passport with their application which has already expired or is expiring soon; they did not resolve the situation that causes their inadmissibility even if they were advised to do so.</p> <p>Canada has a strong commitment to being an open country for migrants, whether visitors, workers or refugees.</p>
Mexico	<p>Mexico’s Migration Law sets the grounds for admission to the country. A wide range of nationalities are entitled to enter as tourists without a visa. Further countries may enter with a visa, which is issued for varying lengths depending on the country. Tourists are not allowed to undertake any form of paid or unpaid work, including human rights work. Visitors with an invitation by an athletic institution are allowed to receive remuneration, and athletes have other benefits as well.</p> <p>Migrants may be denied visas, admission to the country, or be expelled, if they are subject to a criminal process, or have been convicted of a serious crime, or if by their record they might compromise national security or safety; if they do not comply with legal requirements (i.e. visas, etc.); if their documents or provided evidence is questioned; and other basis that the competent authority or laws may provide.</p>
United States	<p>A wide range of nationalities are entitled to enter as tourists without a visa. Further countries may enter with a visa, which is issued for varying lengths depending on the country. There have been a number of countries whose citizens were required to obtain visas on the basis of national security concerns for a number of years.</p> <p>In 2017 Executive Orders were issued to implement absolute temporary restrictions on entry to the United States for people arriving from Iraq, Syria, Iran, Libya, Somalia, Sudan, and Yemen or nationals of those countries. The Order was suspended as a result of legal challenge on the basis, amongst other things, that it breached non-discrimination provisions of the US Constitution and the specific provisions on non-discrimination contained in the 1965 Immigration and Nationality Act.</p>

Rights to temporary entry to the country

At the time of writing, the subsequent attempt to introduce similar provisions through a third Executive Order – which includes Venezuela and North Korea to the list of countries - are subject to further review by the US Courts. The Supreme Court is due to hear arguments in April 2018 and issue a ruling by the end of June on whether these restrictions violate federal immigration law or the U.S. Constitution's prohibition on religious discrimination.

Under the immigration rules that broadly apply, temporary entry to the United States may be refused on a range of grounds including: health grounds, including communicable diseases, drug abuse, etc.; conviction of certain crimes of defined seriousness; traffickers of controlled substances; sex workers and those have procured or imported sex workers or have received proceeds of prostitution; foreign government officials who have committed severe violations of religious freedom; has been involved in a range of terrorist organisations or activities; some political party membership.

Treatment of migrants when in country

Canada The SCC has held that everyone present in Canada is entitled to the protections of *Charter of Rights and Freedoms* (SCC, *Singh v Canada*, 1985; SCC, *Andrews v Law Society of British Columbia*, 1989).

Individuals who are in breach of their entry requirements or overstayed their visa, may be deported. There are grounds to appeal removal, except in relating to the removal for the commission of serious criminal offences.

Three of the four Canadian host cities have sanctuary or equivalent policies in place.

Mexico The Mexican Constitution states that all people in the country has the same human rights recognized by it, which includes the international treaties ratified by Mexico. The status of migrants is regulated by Mexico's Migration Law. Their relevant rights within the country include the right to freedom of movement, only being lawfully excluded by the National Institute of Migration (INM). They also have the right to due process, to consular assistance, communication and to a translator if having to face migration authorities, and to decent housing if detained. They also have a right to non-discrimination, to the respect of their culture, and to not be criminalized, with an irregular immigration status not being a crime in itself. The INM cannot make migration checks visits to places where migrants are lodged by civil society organisations or persons who carry out humanitarian activities of assistance and protection to migrants. This could be compared to sanctuary programmes in the United States and Canada.

The Constitution establishes that foreigners may be expelled, following an audience in which due process is respected, with the basis provided by law. It also establishes that foreigners may not interfere in political affairs.

Following the Constitution's mandate, Congress is considering a regulating law for the expulsion of migrants who are legally in the country. The law, adopted by the Senate, recognizes that migrants' human rights will be respected in the process. The law lists as basis for expulsion national security and public safety and order. As mentioned, the Mexican Constitution establishes that foreigners cannot interfere with the country's political affairs. It is

Treatment of migrants when in country

unclear by the wording of the proposed regulation or the Constitution whether this is also grounds for expulsion, and what encompasses political affairs. When endorsing the bill, the Senate seemed to consider expulsion for political interference as part of it (Senado, 2015).

According to the proposed legislation, when facing removal from the country, authorities must give notice to migrants, and inform them of their rights to consular assistance and communication. They also have the right to an attorney, and in case they do not have one, the government must provide one. However, the proposed law establishes that migrants will be detained when given notice. Within 48 hours, authorities may decide to replace detention with other measures, and migrants must then comply with these measure, which may include reporting orders, surveillance, geolocation devices, and restrictions on what meetings they cannot attend, places they cannot visit and people who they cannot communicate with. Authorities may also retain their passports. If they do not comply, they may be retained. Authorities have the burden of proof in an audience regarding expulsion. The Senate highlighted that this process must be carried out with diligence, and respect for due process and human rights (Senado, 2015). Despite the noted concerns, if passed, the law could provide a clearer process with regards to deportation and guarantees of human rights and due process.

The Migration Law establishes that detained migrants will have their human rights respected and shall be housed in decent migration stations. However, Mexico's National Commission for Human Rights (CNDH) has reported irregularities in these establishments, with lack of information for detainees on their status, and inhospitable and overcrowded facilities (CNDH, 2017 and 2017a).

United States

The Constitution of the United States guarantees most rights for all people in the United States, whether citizens or migrants, documented or undocumented. These include equal protection under the law, the right to due process, freedom from unlawful search and seizure, and the right to fair criminal proceedings, non-discrimination rights and others.

There are broad ranging powers for public officials, notably the Immigration and Customs Enforcement (ICE), to detain and remove migrants who are illegally in the country. In the last year, there has been a reported change in prioritisation of removals with a range of migrants with supposed illegal status facing arrest and deportation, compared to a focus on those who have committed serious criminal offences.

ICE do have a range of measures aimed at minimising impact of arrests. These include the 'sensitive locations' policy, which suggests that arrests and raids should not take place at defined locations, including schools and churches apart form in exceptional circumstances. A question for the competition could be whether this policy could be applied to stadiums and Fan Fest Zones.

There are a number of cities in the United States – including several potential host cities – who operate a 'sanctuary city' programme, which can limit public cooperation with the national government effort to enforce immigration law, or prohibits police or public officials from asking migrants about their status.

6.3 Non-discrimination

International sporting events, by their very nature, bring together players, officials, fans and spectators from all over the world in the celebration of a common passion. As a result, they naturally promote sportsmanship, diversity and inclusivity, and help foster greater inter-cultural connections. Despite this decisively open-minded and welcoming philosophy however, some regrettable incidents have happened in and around international sporting events in the past, which are relevant from a human rights perspective. As evidenced by the reports related to the 2014 Brazil FIFA World Cup™ (Fare, 2014) and other events, such incidents have included derogatory remarks or actions directed at players from fans, or other insulting language, images or actions used between the fans themselves, or between fans and local communities. When these remarks or behaviours are rooted in, or target the intended recipient's personal characteristics (such as race, national or ethnic origin, religion, gender, sexual orientation or other), there is a risk that the right to non-discrimination may be violated.

International players, officials, fans and spectators may also experience discrimination if the law or practice of the hosting country allows restrictions on their access to certain services or public accommodations based on a protected personal characteristic.

Key issues for consideration by FIFA and the competition organisers

There are significant and well-established protections in all three countries in relation to the prohibition of discrimination, including in relation to access to services and public accommodation, which are broadly in line with international standards. Potential gaps in relation to the inclusion of sexual orientation and gender identity as protected characteristics in some U.S. states and Mexico.

Key risk relates to discriminatory incidents happening inside stadiums while playing or attending games. Risk driven to some extent by national context (e.g. 'puto' chant in Mexico) but also by conduct of international fans and spectators.

The Tournament organisers should develop and adopt an International Fan Code of Conduct, in collaboration with fan groups, organisations seeking to end discrimination in sports, and FIFA. The Code of Conduct should encompass behaviour in all competition-related activities and spaces, including stadiums but also public spaces and private spaces accessible to the public.

Implementation of FIFA 3-staged approach on discriminatory and abusive chants.

The Tournament organisers should develop clear policies and approaches on how to deal with discriminatory conduct and behaviour inside stadiums, including training for stadium staff on spotting and responding to such conduct and behaviour, and should engage with local government and law enforcement on the application of these guidelines in fan fest zones and other semi-public areas.

Inclusion of clauses on non-discrimination and safe spaces for hospitality and hotel providers.

Key issues for consideration by FIFA and the competition organisers

In collaboration with civil rights organisations and advocacy groups, monitor legislative developments in relevant jurisdictions which could deny protection or extend coverage of anti-discrimination laws to certain groups.

Ensure that grievance mechanisms and procedures are equipped to receive and adequately treat discrimination-related complaints by players, officials, fans and spectators.



International standards

The equality of all human beings in dignity and rights is the cornerstone of the UDHR, and is enshrined in its very first article. The Declaration goes on to guarantee equal enjoyment of all human rights to all without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Similar language can be found in the ICCPR, the ICESCR and the ACHR.

There are also a range of internationally binding instruments aiming to eliminate specific forms of discrimination, such as the UN CERD, the Convention on the UN CEDAW and UN CRDP. These instruments create obligations for states to prohibit and bring to an end all forms of discrimination, which includes not only state-sponsored discrimination but also discrimination by any person or organisation. This is accepted as including private businesses (UN CEDAW expressly mentions enterprises, and UN CRPD mentions private enterprises). All three host countries are party to UN CERD; Canada and Mexico are also party to both UN CEDAW and UN CRDP, while the United States has signed the Conventions but not ratified them. Other relevant international standards include the UN CRC, as well as the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the UN Declaration on the Rights of Indigenous Peoples.

International standards are less clear on discrimination experienced at the hands of other private individuals, such as fellow players, officials and fans, or local citizens. Under the international standards set out above, States have an obligation to prohibit and eliminate discrimination by any person. In practice, such conduct may typically be dealt with under national law through hate speech provisions (making it a freedom of expression issue), or disorderly conduct offences (making it a public order issue), and the most extreme cases may be dealt with under criminal and hate crime laws.



Key findings on legal framework

There are broad anti-discrimination protections in place in all three countries covering fans and spectators, players and officials, workers and local communities, which mostly align with international standards. In the three countries, these protections apply when seeking to receive services public accommodations and private businesses, with Canada and Mexico having particularly strong provisions covering a wide range of personal

characteristics. Some gaps persist however in relation to the coverage of defined characteristics, such as sexual orientation and gender identity, in some US states and potentially at federal level in Mexico.

With respect to the conduct of a private individual towards another, the applicability of the anti-discrimination framework is less clear and may vary depending on the severity of the abuse. Discriminatory speech, language, chants and other forms of expression are likely to be dealt with under laws related to freedom of expression, which are generally aligned with international standards, albeit with some exceptions (see “Cross-cutting issues - Freedom of Expression and Assembly”). Violent offences are criminalised in all three countries, and discriminatory or hate-related motives are considered aggravating factors in Canada and the U.S.



Risk in practice

Discrimination in access to services and public accommodation (including stadiums) is not considered a key risk; however, legislative developments on public accommodations and religious exemptions in some U.S. states should be monitored due to their potential implications on the LGBTQ+ community.

A key risk overall relates to discriminatory incidents happening inside stadiums while playing or attending games. This risk is driven to some extent by the national contexts of the three countries: the use of discriminatory chants in Mexican football stadiums, for example, is a widely reported issue. Mexico has previously been penalised by FIFA in response to continuing chants of “*Eh puto!*” in its stadiums. The word ‘*puto*’ – which is considered by some to have homophobic undertones – is reportedly used to insult the opposing team’s players, goalies in particular. However, at the end of 2017 the Court of Arbitration for Sports (CAS) overturned the fines issued by FIFA to the FMF over two chanting incidents from 2015. The CAS did not agree that the chants were homophobic, saying that “the intention of the Mexican fans (...) was not to offend or discriminate any specific person”. It went on to add however that the chant could nevertheless be considered discriminatory or insulting in nature and should not be tolerated in football stadiums, and suggesting that harsher penalties could be imposed on the FMF if more incidents were to occur in the future (Reuters, 2017).

While very rare overall, some discriminatory incidents have also been reported in relation to American and – to a lesser extent – Canadian sports over the years, both at professional and amateur levels. These mostly involve fans abusing players, but there have also been some cases of players abusing other players or officials. The use of discriminatory language or chants (including the ‘*puto*’ chant – see above) has recently been recorded at a U.S. professional soccer game in Atlanta (ESPN, 2017).

Another key driver of risk in relation to what could happen inside or around stadiums is the behaviour of international fans and spectators towards players as well as other fans from certain countries, ethnicities or religions, which is a well-documented issue in football across the world. Nevertheless, this risk is largely independent from the context of the three countries under review and is therefore not examined further in this study.

While relatively unlikely, more serious hate-related incidents could happen during the competition, and international players, officials, fans and visitors could be at risk. In Mexico, violence against the LGBTQ+ community has recently been cited as a particular source of concern, which may be relevant for LGBTQ+ people travelling to play or attend games. In the United States, some estimates suggest hate crimes motivated by race or religion could have increased in recent years.

The general picture is as follows:

	Access to services / public accommodations	Hate-motivated incidents
Canada	<p>The Canadian <i>Charter of Rights and Freedoms</i> provides that every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.</p> <p>The <i>Canadian Human Rights Act</i> protects people from discrimination when receiving services from the federal government or private companies that are regulated by the federal government, which includes broadcasters and telecommunications companies. The prohibited grounds for discrimination are: race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.</p> <p>Federally-regulated businesses can therefore not deny, or deny access to, any goods, services, facilities or accommodation to any individual, or differentiate adversely in relation to any individual based on a prohibited ground for discrimination.</p> <p>Provincial human rights laws protect individuals in areas of provincial jurisdictions, including restaurants, stores, hotels and most sports arenas. Relevant laws in the provinces under review include:</p> <ul style="list-style-type: none"> • Alberta Human Rights Act: prohibits discrimination in the provision of goods, services, accommodation or facilities customarily available to the 	<p>In 2016, Canada passed a Bill that extended protection against discrimination to gender identity in its Human Rights Act, and extended the power to sanction hate crimes by modifying its Criminal Code (NBC, 2017). While the figure of hate crimes is not specifically criminalised by the Code, judges when sentencing take into account evidence of aggravating factors, including whether the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or gender identity or expression, or on any other similar factor. The Criminal Code also penalises hate propaganda, and mischief committed against religious property.</p> <p>Canada's latest statistics on hate crimes date from the period between 2015-2016, released in 2017. Reported incidents were most commonly religious or racially motivated, with the largest increase seen against the Muslim community. It is noted however that these crimes do not typically involve violence and are limited to damaging or defacing property (Robertson, 2017).</p>

Access to services / public accommodations		Hate-motivated incidents
	<p>public on the basis of race, colour, ancestry, place of origin, religion, gender, gender identity, disability, marital status and sexual orientation, between others. Law covers arenas.</p> <ul style="list-style-type: none"> • Ontario Human Rights Code: provides for equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability. • Quebec Charter of Human Rights and Freedoms: prohibits all forms of discrimination in relation to access to services, transport and public spaces. 'Public spaces' is understood as including businesses, restaurants and hotels as well as parks, with the only exclusion being institutions and businesses under federal jurisdiction. Prohibited grounds for discrimination include race, colour, sex, gender identity or expression, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, or disability. A law adopted by the Quebec National Assembly in October 2017 which requires people to show their faces when receiving public services (including using public transport and hospitals) has sparked concerns of potential discrimination against Muslim women wearing full-face veils. While the law includes the possibility of seeking accommodation on religious grounds, parameters for the application of the law remain to be defined. Consequently, the application of the law was suspended by a judge in December 2017 until accommodation guidelines are set up. While the law may not affect stadium entry, it may still be relevant for access to transport and emergency healthcare for some women fans and spectators of Muslim faith (Globe and Mail, 2017). 	
Mexico	<p>The Mexican Constitution prohibits discrimination based on ethnic or national origin, gender, age, disabilities, social status, health condition, religion, opinions, sexual preference, marital status, or any other motive. According to the Mexican National Council for the Prevention of Discrimination (CONAPRED), gaps in Mexican legislation include the fact that the Constitution</p>	<p>The LFPED considers all violence and incitement to violence on the basis of ethnic or national origin, skin colour, culture, sex, gender, age, disability, social, economic, health or judicial status, religion, physical appearance, genetic characteristics, migratory status, pregnancy, dialect, opinions, sexual preferences, political identity or affiliation, marital or family status, family responsibilities, language, criminal records or any other reason to</p>

Access to services / public accommodations	Hate-motivated incidents
<p>prohibits discrimination based on “sexual preference” instead of sexual orientation, gender expression and identity, and sexual characteristics.</p> <p>The Federal Law for the Prevention and Elimination of Discrimination (LFPED) expressly prohibits discrimination in giving or impeding access to public spaces or private spaces which are open to the public. Prohibited grounds for discrimination under the LFPED include ethnic or national origin, skin colour, culture, sex, gender, age, disability, social, economic, health or judicial status, religion, physical appearance, genetic characteristics, migratory status, pregnancy, dialect, opinions, sexual preferences, political identity or affiliation, marital or family status, family responsibilities, language, criminal records or any other reason.</p> <p>The LFPED also considers homophobia, misogyny, xenophobia, racial segregation, antisemitism, racial discrimination and intolerance to be forms of discrimination. Lack of universal accessibility for services and facilities which are open to the public is also considered discriminatory.</p> <p>The states of Jalisco and Nuevo León, as well as the government of Mexico City, all have provisions in their constitutions and local laws on the prevention and elimination of discrimination. In addition to the groups protected by the Constitution, the Mexico City Constitution specifically prohibits discrimination on the basis of sexual orientation, gender identity, gender expression and sexual characteristics.</p> <p>The Mexico City and Nuevo León Penal Codes independently sanction discrimination with imprisonment, fines or community service. The criminalised actions include discrimination by denying access to services or facilities that are offered to the general public.</p>	<p>be discriminatory. While the Mexican Penal Code criminalises assault, battery, damage to property and other forms of violence, it does not criminalise hate crimes nor consider hate as an aggravating factor. CONAPRED has noted that Mexico has a gap in its federal legislative framework regarding hate crimes. It has also expressed concerns about hate crimes not being properly catalogued and the police force not being trained to detect them (Ibero, 2017).</p> <p>Mexico City’s Constitution expressly guarantees the right of members of discriminated groups of society to a life free of violence. Mexico City’s Penal Code considers hate as an aggravating factor for homicide or aggressions. There is hate when the crime is based on the victim’s social or economic condition, affiliation, membership or relation to a specific social group, ethnic or social origin, nationality or place of origin, colour or any other genetic characteristic, sex, language, gender, religion, age, opinions, disabilities, health status, physical appearance, sexual orientation, gender identity, marital status, occupation or activity.</p> <p>The Mexico City Penal Code also independently sanctions discrimination with imprisonment, fines or community service. The criminalised actions include discrimination by provoking or inciting hate or violence, denying access to services or facilities that are offered to the general public, and excluding a person or group of persons. The victims are those discriminated because of their age, sex, marital status, pregnancy, race, ethnicity, language, religion, ideology, sexual orientation, skin colour, nationality, social status or origin, job or profession, economic status, physical characteristics, disabilities or health conditions, or any other reason that goes against human dignity and peoples’ rights and liberties. This crime can be only charged when the victim brings forward a claim. The Nuevo León Penal Code contains a similar provision but does not mention hate crimes.</p> <p>The Jalisco Penal Code considers hate and sport rivalry in the context of a mass event as aggravating factors for the crimes of assault and homicide,</p>

	Access to services / public accommodations	Hate-motivated incidents
		<p>even if the crime was not committed in the space of the event. This provision may be relevant to the context of the World Cup. The Jalisco Penal Code also recognises that the homicide of a woman is aggravated when the perpetrator has committed hate or misogynistic acts.</p> <p>Mexico has been described as having the second highest rate of hate crimes against LGBTQI persons in the world, with different sources reporting particularly high murder rates amongst the community (Zócalo, 2017; El Universal, 2017; Vanguardia, 2017).</p>
<p>United States</p>	<p>The Fourteenth Amendment to the Constitution provides that citizens are entitled to the equal protection from the laws.</p> <p>The Civil Rights Act of 1964 provides that public accommodations may not discriminate on the basis of race, colour, religion or national origin. Public accommodations are understood as facilities, whether public or private, that are used by the public. Sports arenas, stadiums and other places of exhibition or entertainment are expressly mentioned in the law as examples of public accommodations.</p> <p>At state level, only five states (including GA and TX) do not have public accommodation laws for non-disabled individuals. All other states prohibit discrimination in public accommodations on the grounds of race, gender, ancestry and religion. In addition, 18 jurisdictions prohibit discrimination based on marital status, 22 prohibit discrimination based on sexual orientation (including CA, MD, MA, NJ, NY, WA and DC) and 19 (including CA, MD, MA, NJ, WA and DC) prohibit discrimination based on gender identity. States where host cities are located that do not prohibit public accommodations' discrimination on the basis of sexual orientation and/or gender identity include FL, GA, MO, PA, TN and TX (NCSL, 2016).</p> <p>In recent years, some states have considered laws restricting access or multiuser restrooms, locker rooms, and other sex-segregated facilities on the basis of sex assigned at birth or 'biological sex'. These 'bathroom bills' have</p>	<p>There are several pieces of federal legislation that prohibit hate crimes in the United States. The Violent Interference with Federally Protected Rights Statute (Hate Crimes Statute) makes it a crime to use, or threaten to use force to wilfully interfere with any person because of race, colour, religion, or national origin and because the person is participating in a federally protected activity, such as public education, employment, jury service, travel, or the enjoyment of public accommodations, or helping another person to do so. Other statutes criminalise the forceful interference with a person's freedom of religion and the damaging of religious property. The Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act of 2009 (Shepard Byrd Act) federally criminalises wilfully causing bodily injury, or attempting to do so with a dangerous weapon, because of the victim's actual or perceived race, colour, religion, or national origin. The Act also extends the definition of hate crime, for federal crimes, to those motivated by actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disabilities (USDoJ, 2017).</p> <p>According to a 2017 NAACP survey of hate crime laws in each state, most of the potential host states have hate crime provisions. The survey analysed whether the state has hate crimes laws or provisions on religious worship; race, religion or ethnicity; sexual orientation; gender; gender identity; disability; political affiliation; and age (NAACP, 2017). The majority of the gaps related to a lack of protection for the characteristics of political affiliation and age, and some on gender identity. Notably amongst them is</p>

Access to services / public accommodations	Hate-motivated incidents
<p>been criticised by LGBTQI advocates and others as being discriminatory towards transgender people. While no such laws are currently in force in any of the host cities considered under this review, developments in this area should be monitored as they may affect transgender fans' access to stadium restrooms and other facilities.</p> <p>In certain states, religious exemption laws can allow people, churches, non-profit organisations, and sometimes corporations to seek exemptions from providing services that burden their religious beliefs, which could include serving members of the LGBTQI community. No states where host cities are located currently have religious exemptions laws in relation to the provision of services by private businesses; however, TX and MI allow religious exemptions for child welfare agencies, while in TN medical professionals can claim exemptions for religious reasons (HRW, 2018; MAP, 2018).</p>	<p>NY, which now has a Bill on hate crimes based on gender identity in the state legislature (NYSS). PA and OH legislation only covers race, religion or ethnicity. CA and Washington D.C. notably have provisions for all categories (MPDC, 2017). GA has no hate crime laws, but an encompassing Bill has now been introduced into its legislature (AP, 2018).</p> <p>A report released by the FBI at the end of 2017 suggested a slight increase (5%) in hate crimes in the United States for the second year in a row (FBI, 2017; HRC, 2017). However, there are claims the data is incomplete and not all law enforcement agencies properly identify hate crimes and report them to the FBI (Schwenke, 2017).</p>

6.4 Disability access

Sports should be enjoyed by all, and it is crucial that large-scale sporting events remain accessible to all including players, workers and spectators. A wide range of issues must be considered in order to ensure that disabled individuals can participate in an event. For spectators who choose to attend the games in person and take part in festivities, accessibility issues can arise when considering mobility and transportation, particularly public transport which may also be under increased pressure at that time given the influx of visitors. Once fans have arrived at their destination, the organisation of facilities, including stadiums, accommodation, fan areas, hospitality services, and amenities, might present additional obstacles for disabled visitors. For fans choosing to enjoy the games remotely, accessibility issues may also arise in connection with broadcasts of the games.

In addition to these obstacles, various attitudes and prejudices (whether individual or systemic), may also lead to discriminatory behaviour which can adversely impact disabled persons and their ability to participate fully in the fan experience. While discrimination may be inadvertent or stem from ostensibly neutral conduct, an understanding of their effects and impacts is crucial in order to ensure that the event is inclusive.

In addition to mobility and accessibility issues, it is important to take into account sensory and mental health issues which, if addressed properly, make for an inclusive and positive tournament for an event wider range of people.

Key issues for consideration by FIFA and the competition organisers

Legal framework of all three countries on disability access is aligned with international standards. The proposed stadiums are of high-international quality and have generally good access for individuals with mobility challenges.

However, the competition could go and should further to seek to assess the accessibility challenges for individuals with sensory and mental health challenges.

In practice, some challenges may remain for disabled spectators travelling to and from stadiums. This could be a risk in all three countries, but particularly in Mexico.

The Tournament organisers should adopt clear policies and protocols for stadiums and other associated facilities to implement accessibility for people with physical and mental impairments.



International standards

The UN CRPD affirms that individuals with disabilities must enjoy all human rights and fundamental freedoms. Its provisions are wide-ranging, and of particular relevance are the articles on non-discrimination (art. 5), accessibility (art. 9), personal mobility (art. 20), and participation in cultural life, recreation, leisure and sport (art. 30). Further to these provisions, state parties must guarantee equality for disabled persons and ensure that reasonable

accommodation is provided in order to eliminate discrimination. Accessibility measures must allow disabled persons to access the physical environment, transportation, information, and communications technologies. Disabled individuals must also have the capacity to participate in all aspects of life, recreational, cultural, leisurely, and sports-related activities. Similar requirements are mirrored in regional instruments such as the Inter-American Convention on the Elimination of all Forms of Discrimination against Persons with Disabilities.

Although the CRPD is the primary instrument addressing rights of disabled persons, it is complemented by other standards which address different elements of accessibility. The UDHR addresses anti-discrimination, while the ICESCR addresses the right of all to take part in cultural life.

Mexico and Canada have ratified the CRPD. Mexico has also ratified the Optional Protocol to the CRPD, giving the UN Committee on the Rights of Persons with Disabilities (CRPD Committee) competence to hear individual or group complaints regarding violations of the treaty.



Key findings on legal framework

In all three countries, there are significant laws governing disability access span across a number of different legislative schemes. These laws are broadly aligned with international standards. These laws regulate building standards, transportation, anti-discrimination, or telecommunications. They are additionally supplemented by overarching and comprehensive laws which specifically address disability access, as is the case with the *Americans with Disabilities Act* (ADA) in the United States, the *Accessibility for Ontarians with Disabilities Act* (AODA) in Ontario, Canada, and the *General Law for the Inclusion of People with Disabilities* (LGIPD), in Mexico. Taken together, these laws create a regime governing disability access which tends to align with international norms. In broad terms, they provide for protection against discrimination and a duty to accommodate in a number of areas (such as services and accommodation), as well as standards of design for the built environment which allow for mobility and access in both public and private spaces. The Mexico City Constitution, dedicating an entire section to the rights of people with disabilities, includes provisions on accessibility and sports.



Risk in practice

In Canada, some obstacles to accessibility remain, including in transportation, commercial spaces, and public spaces. Polls among disabled persons suggest that there is a perception that the government does not adequately enforce accessibility laws, and that obstacles remain in terms of accessibility in the built environment (Angus Reid Institute, 2016). The UN CRPD Committee has identified persistent barriers to accessibility in transport, particularly in rural areas and on aircrafts (UN CRPD, 2017). The Committee has also stated that there is a lack of accessible information and communications for persons with psychosocial and intellectual disabilities (UN CRPD, 2017).

Similar accessibility challenges can be found in the United States and suggest that enforcement of disability legislation (primarily the ADA) is uneven or inadequate. In major cities such as New York, inaccessible public transit systems (Blair-Goldensohn, 2017) and public accommodation (Smith, 2017), reportedly remain an issue. Disability rights organisations have also raised concerns relating to railroad services which have allegedly been in longstanding non-compliance with the ADA (NDRN, 2013).

In Mexico, discrimination and accessibility has been a persisting concern. Reports of lack of accessibility focus mostly on Mexico City, with public transport and sidewalks appearing to be the main concern. There are accounts of people with disabilities having difficulties navigating public transport, including having to be lifted and carried onto buses (Publmetro, 2017). The CNDH has noted that the current situation of people with disabilities in Mexico is one of exclusion, with authorities failing to take into account the principles of inclusion and accessibility into the design of public policies (CNDH, 2017). However, there are also recent reports of improvement in transportation and accessibility in Mexico City, which follow the introduction of its Law on Accessibility. Improvements include uniform surfaces, ramps, tactile paving on sidewalks and streets, and elevators in subway, and train stations and elevating platforms on buses (El Sol, 2017; Noticias del DF, 2017). In 2014, the UN CRPD Committee noted positively Mexico’s array of legislation addressed to safeguard the rights of people with disabilities. However, it expressed concerns about persisting discrimination, especially against disabled women and girls. The CRPD Committee was also concerned about the absence of government strategies for the inclusion of disabled persons into society and for guaranteeing their right to an independent life. These observations appear to align with observations from the Mexico CNDH and other sources regarding Mexico’s current performance on disability rights (CNDH, 2017; CDHDF, 2017; El Universal, 2017; El Sur, 2017; HRW, 2018). The government has acknowledged these reports, and reaffirmed its commitment towards inclusion and protection of persons with disabilities (SRE, 2018).

In all three countries, the proposed stadiums are of high-international quality and have generally good access for individuals with mobility challenges. However, the competition could go and should further to seek to assess the accessibility challenges for individuals with sensory and mental health challenges.

Disability Access	
Canada	<p>Within the private sphere, including in accommodation, services, goods, and facilities, the rights of disabled individuals are protected by provincial human rights laws as well as the federal human rights code. Individuals with disabilities (broadly defined) have a right to equal treatment. Where a policy, rule, practice, or physical barrier is discriminatory in purpose or in effect, there is a duty on the relevant party to offer reasonable accommodation in order to eliminate disadvantage. The duty to accommodate is required until the point of “undue hardship,” which is reached when all reasonable means of accommodation are exhausted. An assessment of undue hardship may be informed by factors relating to health, safety, or cost. The rights created under provincial human rights laws are enforced by human rights tribunals.</p> <p>It is expected that a federal bill on Canadians with Disabilities will be tabled in the spring of 2018. The prospective act may tackle everything from building codes to customer service standards, and would govern areas that fall under federal jurisdiction, including banks, telecommunications, and interprovincial transportation (McQuigge, 2017).</p> <p>Building codes in all provinces ensure that buildings are designed and constructed in order to ensure that individuals with physical or sensory limitations can reasonably access and navigate buildings as well as use a building’s facilities.</p>

Disability Access	
	<p>At a federal level, the <i>Canadian Transportation Act</i> and its associated regulations create accessibility standards in connection with air, rail, marine, and inter-provincial bus transport. These standards can prescribe training requirements for personnel who may have to assist disabled individuals, provision of mobility aids, and design principles suitable for people with diverse abilities. The Canadian Transportation Agency, which administers the Act, conducts inspections and resolves individual complaints.</p> <p>With respect to television broadcasts, there exist some requirements in the <i>Broadcasting Act</i> as well as the <i>Telecommunications Act</i>. This includes the requirement that programming be accessible to disabled persons. The Canadian Radio-television and Telecommunications Commission (CRTC), which administers both Acts, also require TV service providers (TVSPs) to subscribe to the Television Service Provider Code. The Code, among other things, requires TVSPs to offer trial periods for customers identify as disabled in order to determine whether the service or equipment meets their needs.</p> <p>ON is the only Canadian jurisdiction with a comprehensive overarching scheme which governs disability access in both the private and public spheres. Under the <i>Accessibility for Ontarians with Disabilities Act</i> as well as associated regulations, provision is made for accessibility training as well as accessibility in connection with a number of areas including websites, transportation, public spaces, and customer service standards. The Act also requires accessibility reporting and is accompanied by inspection powers and administrative penalties.</p>
Mexico	<p>The Mexican Constitution prohibits discrimination against people with disabilities. The Constitutions of Mexico City and the state of Jalisco have similar provisions. The Mexico City Constitution has a section on the rights of persons with disabilities, recognising the right to universal inclusion and accessibility. It also contains a guarantee of the right to sport, which includes that City authorities must provide for inclusive athletic facilities in public spaces. The charter also provides for the right to mobility and accessibility, prescribing the design of an inclusive transportation system.</p> <p>Mexico's LGIPD provides that regulations must be put in place to make accessibility mandatory in all public and private spaces, and that federal, state and municipal authorities must ensure their compliance. The LGIPD also provides that the relevant Secretariats and Commissions of Public Transport and Communications, Sports, Recreation, Culture and Tourism must promote the rights of people with disabilities. Mexico City also has a local <i>Law for Inclusion of Persons with Disabilities</i>, and in 2017 passed the <i>Law on Accessibility</i>, which provides that all facilities that are open to the public, whether public or private, must be designed with a focus on universal access. Transportation, and access to information and communications, must also be universally accessible.</p> <p>Specific legislation contains provisions on universally accessible facilities, including the federal laws ruling airports, civil aviation, public works and related services, and tourism. Similar provisions can also be found in the law ruling physical culture and sports, which also expressly prohibits discrimination. The <i>Law on the Prevention and Eradication of Discrimination</i>, and the <i>Consumer Protection Law</i>, establish that providers of goods and services must make their facilities accessible to persons with disabilities so that they can enjoy the good or service in question. Finally, the <i>Federal Telecommunications and Broadcasting Law</i> contains a section on the rights of persons with disabilities, including the right of all members of the audience to equal access to content, with the provision of subtitles and sign language, which must be available at least in one of the news programs with greater national audience.</p>

Disability Access	
	<p>Additional technical norms on construction and public works complete the legislative framework on disability access. These laws appear to provide the basis for universal accessibility across industries, both in the public and private sphere.</p>
United States	<p>In the United States, the ADA protects against discrimination in the realms of employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications. The ADA creates a number of obligations and has led to various standards relating to accessible buildings, anti-discrimination, accessible telecommunications, and beyond. ADA enforcement is supported by investigatory powers for administrators, as well as remedial and punitive capacity. A bill amending the ADA (the ADA Education and Reform Act of 2017) is currently pending legislative approval. It would prohibit civil actions based on the failure to remove an architectural barrier to access into an existing public accommodation (ie. facilities used by the public, including retail stores and service establishments), unless the aggrieved person follows a procedure of written notice and the owners or operators fail to respond and remediate the barrier within a certain timeframe.</p> <p>Beyond the ADA, disability access is promoted and protected through a number of different laws. At the federal level, this includes:</p> <ul style="list-style-type: none"> • The <i>Fair Housing Act</i> (FHA) covers both private housing and state-funded housing and addresses discrimination on a number of bases, including disability. The FHA creates obligations with respect to disability access such as a requirement to allow modifications or to permit service animals. • The <i>Air Carrier Access Act</i> (ACAA) applies to certain air carriers and airport facilities and creates a range of accessibility obligations. • The <i>Rehabilitation Act</i> (RA) prohibits disability discrimination with respect to a range of federal activities. In particular, the Act requires federal electronic and information technology to be accessible to individuals with disabilities. • The <i>Architectural Barriers Act</i> (ABA) requires certain buildings (for instance new federal buildings and federally funded buildings) to comply with federal standards for physical accessibility. • Rules promulgated under the <i>Communications Act</i> require telecommunications equipment manufacturers and service providers to make their products and services accessible to disabled individuals. <p>At state level, disability access is governed by similar laws, primarily through civil rights and building standards legislation (as well as any associated accessibility standards). Accessibility standards address items such as handicap parking, wheelchair accessible toilets, and handrails. The applicability of federal or state standards to stadiums may ultimately rely on relevant funding arrangements.</p>

6.5 Privacy rights and personal data

Activities which surround the preparation and operation of a sporting event have a high likelihood of impacting the privacy rights of players, fans, and spectators alike. Efforts by the Tournament – and associated public law enforcement - to provide security during the event may involve surveillance, security checkpoints, and in some cases physical searches. Privacy concerns may arise in other contexts, particularly in connection with commercial enterprises and the use of private or personal data. Beyond the Tournament’s security aspects, privacy may be implicated at numerous points throughout the Tournament’s commercial activities. This might include transaction information, electronic marketing, or recording of games and events for broadcast or promotional purposes. In addition, the provision of public wifi at Stadiums and other public zones, may give rise to privacy concerns.

Key issues for consideration by FIFA and the competition organisers

While there are laws which cover data protection and privacy in relation to all three countries, there is no unified code dealing with these issues, with significant fall back to common law principles in Canada and the United States and constitutional and criminal law measures in Mexico.

There are, however, a number of state or provincial level specific privacy and data protection rules which set out clear guidance on appropriate standards.

Given rapidly changing technological issues and challenges related to privacy and data protection, the Tournament should engage with appropriate agencies and experts to require protection of privacy and data security in relation to all operations

There should also be a competition specific privacy charter which applies to all fans, players and others.



International standards

The UDHR, the ICCPR and the ACHR protect the right to privacy in similar terms. According to art. 12 of the UDHR, art. 17 of the ICCPR, and art. 11 of the ACHR, no one will be subjected to arbitrary interference with their privacy, family, home, or correspondence, nor “attacks upon his honour and reputation.” Everyone has the right to protection of the law against such interference or attacks.

International standards pertaining to privacy tend to be minimally prescriptive, although treaty bodies have elaborated some of these norms. The UN HRC has interpreted art. 17 of the ICCPR to require states to adopt legislative measures which give effect to the prohibition against interferences with privacy (UN HRC, 1988).

According to the UN HRC, the right to privacy under art. 17 of the ICCPR requires that “the gathering and holding of personal information on computers, data banks and other devices” by both private and public bodies should be regulated by law (UN HRC, 1988). In order to protect personal data,

individuals must be able to ascertain what personal data is being stored, by whom, for what purposes, and have the ability to request corrections or elimination of the data (UN HRC, 1988). The UN General Assembly, in its Resolution 68/167 emphasised, regarding privacy in the digital age, that unlawful or arbitrary surveillance, the interception of communications, and the unlawful or arbitrary collection of personal data are violations of the right to privacy.



Key findings on legal framework

With respect to personal data, relevant laws in all three countries provide for protections and safeguards, albeit in different forms and across different legislative regimes. These laws provide rules governing access, information disposal or retention periods, as well as appropriate safeguards and redress mechanisms. This is mostly aligned with international standards – which are minimally prescriptive – albeit with some potential gaps.

Some jurisdictions provide legal recourse for privacy violations which go beyond personal data (for instance the use of an individual’s photo in promotional materials without consent). In Canada and the United States this can be provided through tort law, and victims of certain privacy breaches may seek recourse through the tort of “intrusion upon seclusion” or the torts related to “invasion of privacy.” In Canada, **AB** is notable insofar as it is unclear if such causes of action exist (see table below). In Mexico, the interception of private communications without proper authorisation may be punished with imprisonment.



Risk in practice

Although laws governing privacy and data protection exist in all three jurisdictions, significant breaches, sometimes involving large volumes of sensitive personal information, do occur – as they do in many other parts of the world. High-profile cases include the credit reporting agency Equifax, which was involved in a cyberattack which led to the personal data (including financial and social security information) of over 145 million Americans being stolen (Lynch, 2017). Similar breaches, involving names, email addresses, and phone numbers, occurred with the ride-sharing app Uber, which impacted consumers in both the United States and Canada (Bickis, 2017).

In Mexico, there have been reports of extensive illegal sale of personal data. There have also been reports of abuse of authority in surveillance by public authorities, who are legally authorised to request data and real-time geolocation information from telecommunications companies. Politicians have also been accused of surveillance and hacking of the communications and personal data of journalists and human rights activists.

Personal Data and Privacy	
Canada	Personal data protection and privacy are covered by disparate laws which may touch upon privacy relating to health-related information, employee information, sector-specific information (such as banking), or personal information in general.

Personal Data and Privacy	
	<p>The federal <i>Personal Information Protection and Electronic Documents Act</i> (PIPEDA) is the most relevant law which governs the private sector’s use of personal information. It governs personal information protection in all provinces, with the exception of provinces which have enacted laws which are substantially similar. While ON is covered by PIPEDA, AB, and QC have passed provincial laws which have been deemed substantially similar. These provincial laws are as follows:</p> <ul style="list-style-type: none"> • AB: <i>Personal Information Protection Act</i> (‘PIPA Alberta’) • QC: <i>An Act Respecting the Protection of Personal Information in the Private Sector</i> (‘Quebec Privacy Act’) <p>PIPEDA and its provincial equivalents generally apply to the collection, use, and disclosure of personal information in the course of commercial activity. AB goes further than the federal regime by requiring public notification of certain types of data breaches. Commercial activity is defined as any transaction, act, or conduct of a commercial character including sales. Personal information includes any factual or subjective information about an identifiable individual.</p> <p>Organisations covered by PIPEDA and its provincial equivalents have a number of obligations, including obligations to seek consent when collecting and using personal information, limiting collection to what is necessary for the organisation’s purpose, limiting retention of personal information, ensuring that adequate safeguards are in place, and allowing individuals to access their personal information.</p> <p>Governmental use of personal information is subject to similar rights and obligations, but governed by separate acts. This includes the <i>Privacy Act</i> for personal information held by the federal government, the <i>Freedom of Information and Protection of Privacy Acts</i> in AB, and ON as well as the <i>Act respecting access to documents held by public bodies and the protection of personal information</i> in QC.</p> <p>With respect to privacy issues beyond personal data, Canada’s legal framework is governed by a mixture of common law and statute. In ON, individual privacy is generally protected by the tort of “intrusion upon seclusion” developed in <i>Jones v. Tsige</i>, 2012 ONCA 32. Articles 35-41 of QC’s <i>Civil Code</i> protects the reputation and privacy of individuals. No equivalent legislation exists in AB, and it is unclear if a tort similar to Ontario’s exists in that jurisdiction (<i>Martin v. General Teamsters</i>, 2011 ABQB 412).</p>
Mexico	<p>The Mexican Constitution establishes that no one shall be disturbed in their person, domicile, family, papers or possessions, except by a founded order by competent authority. The SCJN has interpreted that this right extends to all aspects of persons’ intimate life, not just their domicile, and protects the right to privacy as to their sexual identity (Instituto de Investigaciones Jurídicas SCJN, 2013). The Constitution also protects the right to personal data, and its access, rectification, cancelation and opposition. This right and its exceptions will be regulated by law. Exceptions to the right may be based on national security, public order, public health and safety, and the protection of the rights of others. The Constitution of Jalisco and Mexico City contain similar provisions.</p> <p>The Constitution also establishes that private communications are inviolable, and that laws shall criminalise tampering with them. The Penal Code punishes the unauthorised interception of communications with imprisonment. The Constitutions of the three host localities also contain similar provisions on the inviolability of communications. The Mexican Constitution provides that only the judiciary may grant requests by competent authorities to intercept</p>

Personal Data and Privacy

communications. These requests must be based on legal foundations. The Constitution also protects information related to private life in the context of the right to access to information and freedom of expression.

Personal data is protected by the Federal Law for the *Protection of Personal Data in Possession of Private Individuals* (LFPDPPP) and Federal Law for the *Protection of Personal Data in Possession of Obligated Subjects* (i.e. government entities) (LGPDPSSO). Jalisco and Mexico City have similar laws for the protection of personal data in hands of public entities. The LFPDPPP aims to safeguard personal data in hands of private individuals and entities, guaranteeing peoples' right to privacy and their "informational autonomy". The law provides that the handling of data (which includes access, use, dissemination and storage) must be informed by the principles of legality, consent, information, quality, purpose, loyalty, proportionality and responsibility. The LGPDSSO contains similar principles.

The LFPDPPP establishes that consent is mandatory for the handling of personal data, with specific requirements in case of sensitive information (including intimate information or that which may lead to discrimination). It also provides for the rights to access, rectify, cancel and oppose personal data (ARCO rights), and a standardised framework for international and national transference of personal data. The law sets requirements for privacy notices, providing that the information collected cannot be used for other purposes than those disclosed. The LGPDSSO also protects ARCO rights, but gives more flexibility to authorities as to the ability to collect data, and the use of the information collected. Both laws contain redress mechanisms in case of violations, including imprisonment for private individuals that handle information for lucrative purposes and are deceitful or breach the security of their databases.

Both laws order the establishment of security measures to protect personal data. However, despite the legal framework, reports inform that around half of Mexican companies do not comply fully with the law, or that in practice they do not have the systems in place for the protection of personal data (Expansion, 2017; Forbes, 2017).

There is also concern about the Federal Telecommunications and Broadcasting Law, which allows authorities to request users' data and metadata and geographic location in real time from telecommunications companies, with sanctions if they refuse. Authorities are not required to make public the reasons for their requests. Access to this information may allow authorities to infer conduct patterns from geolocation and individuals' contacts and acquaintances. In 2016, 92 government agencies made 79,390 requests to telecommunications operators, which were granted 9 out of 10 times (El Economista, 2017). There are also allegations of an extensive black market for personal data (Crónica, 2017), and of the sale of electoral personal data (América Económica, 2018).

Accusations of hacking and surveillance on communications of human rights activists and journalists beyond public powers for combating organised crime and security (Privacy International, 2017; NY Times, 2017; La Nación, 2017). These risks may be heightened around the time of the FIFA World Cup™, since 2026 will be an election year for Mexico, and given the high-profile nature of the event.

There have been no reports regarding violations of the right to privacy in the context of security controls in stadiums or airport security.

Personal Data and Privacy

United States

The United States does not have a cohesive regime which governs personal data protection and privacy. Separate laws may contain privacy or data-related rules and are often sector-specific. Beyond laws which regulate the health industry or financial services, the Federal Trade Commission (FTC) acting under s. 5 of the *Federal Trade Commission Act* (FTC Act), which prohibits unfair or deceptive practices in the marketplace, has taken general measures to protect consumer privacy. The FTC's general authority is supplemented by administrative guidance such as the rules on disposing consumer information, and the safeguards rule relating to information security. The FTC has safeguarded consumer data held by private companies by ensuring that they abide by their privacy policies and maintain certain data protection measures. The FTC has initiated enforcement actions against companies that have improperly disclosed 'personal data' or 'sensitive personal data'. Personal data has been defined as any information that can reasonably be used to contact or distinguish a person, while sensitive personal data is context-specific and may involve personal health or financial information.

There are numerous state-specific frameworks governing personal data protection. **CA, FL, MA, MD, and TX** have general data security laws (i.e. laws which go beyond health information, social security numbers, financial details etc.). These laws cover a range of different businesses, and may require that companies maintain security procedures for personal data and take corrective actions if a data security breach occurs. All relevant jurisdictions, with the exception of **PA**, have data disposal laws which mandate proper disposal or obfuscation of personal information. All relevant states have "security breach notification" laws which require an entity to notify individuals of breaches involving certain information (for instance data contain names and credit card numbers).

With respect to personal data that is collected by government authorities, the *Privacy Act of 1974* regulates the collection, maintenance, use, and dissemination of information that is held by federal agencies. Similar laws exist in **CA, FL, GA, MD, NY, TX, and WA**.

Privacy laws beyond personal data collection are largely governed by common law principles, namely the tort of invasion of privacy. Individuals may institute legal proceedings where there has been public disclosure of private facts and physical or electronic intrusion into a person's private quarters.

7. Cross cutting issues

7.1 Summary of the way in which cross-cutting issues throughout the competition could impact rightsholders

Many salient human rights issues considered in this study have the potential to affect multiple or all categories of rightsholders. While different rightsholders may end up being impacted in different ways or degrees, all those involved or connected to the tournament may feel impacts on their freedom of expression and assembly; their personal safety and security; and their access to appropriate grievance routes and remedy in case their rights are violated. These issues are considered cross-cutting for the purposes of this study. The issue of trafficking, which could have effects on workers, local communities and citizens, as well as international travellers, is discussed in this section. Finally, the protection of journalists and human rights defenders, which ultimately benefits everyone living in a democratic society, is also considered in this category.

7.2 Freedom of expression and assembly

By their nature, mega-sporting events bring individuals together. These high-profile and large-scale events invariably, and positively, provide space for people to group together and express their opinions. While this may often be directly related to the game itself, with fans individually or collectively supporting their team and letting players and officials know their views on how well – or not – they are performing. However, expression may go beyond the game to political statements made in the context of the incredible freedom and energy a football stadium can provide and the large captive audience available in the stadium and beyond via broadcast media. Within stadiums, such expression might include chants, taunting, or carrying banners or signs; all of which may or may not be related to sports. Further, due to the public nature of the tournament, there may be an increase in protests and confrontations between fans or with security forces. Mediating the inevitable tensions between free association, assembly, and expression on the one hand, and the orderly conduct of a competition, including ensuring the safety and security of players, fans and communities, on the other, gives rise to a range of human rights questions and challenges.

Key issues for consideration by FIFA and the competition organisers

There are significant and well-established protections in all three countries in relation to the laws related to freedom of expression and assembly which broadly align with international standards.

There are potential tensions between the broad right to freedom of expression in the United States and rights not to be subject to discriminatory or harassing words

Key issues for consideration by FIFA and the competition organisers

The extension of freedom of expression rules to private spaces is complex and it may be that some stadiums fall within the definition on public spaces and some private

The Tournament organisers should develop clear policies and approaches to identify any limitations on freedom of expression inside stadiums and also work with local government and law enforcement on application of guidance in fan fest zones and other semi-public areas

The Tournament organisers should work with government and law enforcement to ensure that there is a right to protest around the competition, to the extent that this does not involve violence or other actions likely to breach public order or infringe the rights of others.



International standards

The right to peaceful assembly and the right to freely associate are addressed by Articles 21 and 22 of the ICCPR, respectively. Both rights can be subject to certain restrictions under international law, including those limits which are necessary in a democratic society and which are in the interests of national security, public safety or public order. The ACHR protects similar rights in Articles 15 and 16. Article 15 recognises the right of peaceful assembly without arms. Under Article 16, the right to freely associate includes a non-exhaustive list of activities, including association for ideological, economic, labour, sports, or other purposes.

Freedom of expression, which may be broadly defined to include the right to seek, receive, and impart information, is protected by Article 19 of the ICCPR. Article 19 also states that individuals have the right to hold and express opinions without interference. Restrictions on these rights may be legitimate if they are necessary to ensure “respect of the rights or reputations of others” or for the protection of national security, public order, public health, or morals. The ACHR protects the right to freedom of thought and expression in Article 13.



Key findings on legal framework

Freedom of association, expression, and assembly are constitutionally protected in all three countries and this is done so in a way which broadly intersects with international standards. Gaps, where they exist, largely relate to enforcement and protection.

The scope of constitutional protections as they relate to sporting events might be contested, insofar as these rights are protected in a public sphere against state action or omission as opposed to private activity in a private place. Whereas activities within privately-owned sports facilities may not fall within the ambit of all three countries’ constitutional protections (although there are some local provisions which extend freedom of expression rules to private spaces in some host cities), the status of semi-public or taxpayer-funded facilities is less clear. Activities which occur outside stadiums and in the

public sphere will likely involve different considerations and are much more likely will both trigger freedom of expression and peaceful assembly protections, and potential public order questions, especially as they relate to interactions between the police and the public.



Risk in practice

The human rights situation related to expression and association in Mexico is difficult, with there being well-documented examples of inadequate protection of rights in regions such as Veracruz, Guerrero, Oaxaca, and Chiapas (WOLA, 2016).. Studies have also highlighted recent developments in national and local legislation narrowing the right to assemble peacefully and providing potential authorization to use military forces in response to protests (CELS, 2016). Aggression against civil society organisations has been well documented. Violence committed by non-governmental entities against protestors and others, particularly by organised crime groups, is also well documented.

Basic rights to assembly, association, and expression are generally respected in Canada and the United States. Laws in both jurisdictions may, in purpose or effect, limit expressive and associational activity. Under Canada’s *Criminal Code* (which has country-wide application), individuals can be prosecuted for breaching the peace, assembling unlawfully, and assembling unlawfully while wearing a mask.

In the United States, several State or local governments impose time, place, and manner restrictions on demonstrations or assemblies. Permit requirements for certain types of public activities can be found in virtually every city. All States also have legislation aimed at unlawful assemblies, disorderly conduct, or breaching the peace. While limitations on expressive and associational activity are broadly consistent with international standards and notions of proportionality, the presence of local law enforcement discretion as well as *de facto* application may give rise to abuse.

The general situation is as follows:

	Freedom assembly	Freedom of Expression
Canada	<p>Section 2 of the <i>Charter of Rights and Freedoms</i> guarantees freedom of peaceful assembly as well as freedom of association. This right is subject to reasonable limits which are prescribed by law and which can be justified in a free and democratic society (s. 1). Many of the reasons that have been accepted as potential limiting factors include public order restrictions included in the Canadian Criminal code; including breach of the peace, blocking the highway, assault, rioting, etc.</p> <p>Protection of the right to free association or assembly exists with regard to government action. It is unlikely that activities in a purely private stadium will give rise to the right to assemble together with the same</p>	<p>Section 2 of the <i>Charter of Rights and Freedoms</i> protects freedom of thought, belief, opinion and expression. This right is subject to reasonable limits which are prescribed by law and which can be justified in a free and democratic society (s. 1).</p> <p>Examples of instances where freedom of expression has been limited, within the constraints of the Constitution in Canada, include the following: criminal code restrictions related to public order, administration of justice; public morals and disorderly conduct. The criminal code of Canada forbids ‘hate propaganda’ and the Supreme Court of Canada has upheld Provincial restrictions on hate speech.</p>

	Freedom assembly	Freedom of Expression
	<p>kind of freedom which exist in a public space. Whether the association or assembly in question receives protection will rely on the character of the activities as well as the public or private character of the venue.</p>	<p>There is broad protection for freedom of expression and speech in public spaces, which has relevance for the hosting of a FIFA World Cup™ competition. However, there is a greater scope of restriction on potential hate speech than in the United States. Under section 319 of the Criminal Code, inciting hatred against any identifiable group by communicating statements in public spaces (public incitement of hatred), or wilfully promoting hatred against any identifiable group in statements other than private conversations (wilful incitement of hatred), is a criminal offence. In this context, 'identifiable group' refers to any section of the public distinguished by colour, race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression, or mental or physical disability (s. 318).</p> <p>The Supreme Court of Canada has stated that the protection does not apply to private property without additional extension of freedom of expression to the private sphere by Government. What's more, the Court has held that there are areas of public property where the right to freedom of expression do not apply. The questions to be asked in determining this are: is the "place is a public place where one would expect constitutional protection for free expression on the basis that expression in that place does not conflict with the purposes which s. 2 (b) is intended to serve, namely (1) democratic discourse, (2) truth finding and (3) self-fulfilment".</p> <p>It is unlikely that activities in a purely private stadium will give trigger these constitutional rights to freedom of expression. Whether the expression in question receives protection will rely on the character of the activities, the nature of the speech (and potential harm caused) as well as the public or private character of the venue.</p>
Mexico	<p>Further to Article 1 of Mexico's Constitution, individuals are entitled to enjoy the human rights contained in the Constitution itself, as well as those in international treaties signed by the Mexican state. Accordingly,</p>	<p>The right to freedom of expression is contained in Article 6 of the Mexican Constitution, which states that the expression of ideas will not be subject to judicial or administrative restriction, unless it offends 'good morals',</p>

Freedom assembly	Freedom of Expression
<p>the ICCPR and the ACHR, and the rights recognized therein, became Mexican supreme law in 1981.</p> <p>Peaceful assembly or peaceful association are protected by Article 9. The Constitution establishes that the right of association or peaceful assembly with a lawful purpose cannot be restricted. However, it provides that only Mexican citizens have the right to freedom of assembly in relation to political issues.</p> <p>A meeting or assembly which is petitioning the authorities or acting in protest cannot be deemed unlawful, unless those involved insult public authorities or use threats, intimidation or violence against the authorities.</p> <p>What may constitute political issues in the context of the constitutional right to assemble is not clear and may affect the rights of communities of the three host cities and international visitors. The lack of clarity on what constitutes insults against authorities could also potentially be used to prevent or interrupt a peaceful assembly. Although the SCJN declared the crime of ‘insult’ unconstitutional in 2016, there are reports that insults to authorities is still used as a cause for arrest during protests (CELS, 2016).</p> <p>The Constitutions of Mexico City and Nuevo León also protect freedom of assembly. The Mexico City Constitution explicitly recognises the individual and collective right to peacefully protest, as long as it does not infringe on the rights of others. The law provides that authorities must adopt protocols for dealing with protests and that these must be aligned with international standards, and aimed towards the protection of those exercising their right to peaceful protest. The law prohibits the criminalisation of social protests and demonstrations in Mexico City.</p> <p>In 2016, a study by the Centre for Social and Legal Studies (CELS) presented a somewhat bleak picture of the right to assembly in Latin America, including Mexico. With regards to the law, the report described</p>	<p>infringes the rights of others, incites crime, or disturbs public order. The Constitutions of Mexico City and the state of Nuevo León also include similar protections. Ensuring the right to freedom of expression is also expressly established as a goal in Mexico’s National Human Rights Programme (PNDH).</p> <p>Despite this strong legal and policy framework, violations of the right to freedom of expression have been flagged over the past years as one of Mexico’s most pressing problems by national and international entities. These gaps were highlighted in the preliminary observations of the UN and IACHR Special Rapporteurs on Freedom of Expression following their 2017 country visit. The experts indicated that Mexico had an “admirable” legal framework on the topic, and highlighted the establishment of institutions and mechanisms for the protection of journalists, access to information, and the protection of human rights as positive developments. Nevertheless, they also pointed out that violence against journalists (and impunity for these crimes) occurs, and that government surveillance of the press and human rights defenders has been known to take place. They also noted issues around access to information, lack of diversity in the media, and failures to coordinate federal, state and local efforts to address these issues (OHCHR, 2017).</p> <p>With respect to restrictions on the right to freedom of expression, the Mexican Supreme Court has followed the strict test established by the Inter-American Court of Human Rights (IACtHR). According to this test, in order to be lawful a restriction must (1) derive from a precise and clear formal and material law, (2) have a legitimate aim in accordance with the ACHR, and (3) be necessary in a democratic society to fulfil that legitimate aim, be strictly proportional to the objective pursued, and suitable to achieve that goal (IACHR, 2013). In accordance with this test, the Mexican Supreme Court has established that discriminatory expressions which provoke or encourage rejection towards a particular social group (such as homophobic speech) amount to hate speech, and</p>

	Freedom assembly	Freedom of Expression
	<p>how, following a range of protests in 2013, local Mexico City legislation had aimed to narrow the right to freedom of assembly by requiring previous notice to local authorities, eliminating spontaneous protests, and limiting the use of certain streets, without clarifying which ones (CELS, 2016). The report also cites different demonstrations around the country that have reportedly seen the police using excessive force (see also “Safety and security” section).</p>	<p>are not protected by the Constitution (SCJN, Amparo Directo en Revisión 2806/2012).</p> <p>There appears to be no distinction as to public or private forums regarding the protection of the right to freedom of expression. Sources indicate that millions of pesos in public funds have been used for stadium infrastructure around the country from 2011 to 2017 (The Economist, 2017). Given the public nature of the funds invested in infrastructure related to the event, and the public interest surrounding the event itself there are therefore reasons to believe that the protections for freedom of expression will extend within stadium walls. Some stakeholders, including the former Director for Mexico of Article 19, take the view that private regulations of freedom of expression cannot go against a right recognised by the Mexican Constitution (AS, 2017), and understand private arenas to be within the courts’ jurisdiction (El Mundo del Abogado, 2017).</p>
United States	<p>At Federal level, the First Amendment to the U.S. Constitution expressly protects the right of peaceful assembly.</p> <p>There are some very limited restrictions on the right to assemble. For example, where a "clear and present danger" or an "imminent incitement of lawlessness" can allow government officials to restrict free-assembly rights. The US courts have consistently upheld the right to assemble against attempts to restrict protests which may be considered by some to be incendiary or insulting to other groups.</p> <p>Further, the US Supreme Court has consistently held law enforcement and police to a high standard where they seek to justify any interference with the right to assemble, looking for clear grounds to suspect either illegal behaviour or some form of public disorder.</p> <p>This is not to say that there have not been incidences, some very recent, where the police in some US cities have imposed restrictions on protest in such a way that has directly infringed assembly rights, through</p>	<p>At Federal level, the First Amendment to the U.S. Constitution expressly protects freedom of speech and expression. This is an important right and one which the US courts consider an essential part of US legal protections. There some limited circumstances where the restrictions of freedom of expression can be applied under the terms of the First Amendment, but these have been significantly restricted by the courts to only include: so-called “fighting talk” and offensive speech, namely: "those [words] which by their very utterance inflict injury or tend to incite an immediate breach of the peace."; some false statements of fact; child pornography; speech owned by others; some commercial speech.</p> <p>The broad concept of protected free speech in the USA has led the courts to protect language that might otherwise be characterized as ‘hate speech’ in other jurisdictions, where that language does not incite immediate threat of violence.</p> <p>While State laws generally reflect the constitutional provision, there are a number of instances where states have provided more extensive</p>

Freedom assembly	Freedom of Expression
<p>inappropriate dispersal or have 'chilled' freedom of expression rights through the way they have managed protests. This partially stems from the fact that, while federal laws are relatively clear, there is an inevitable degree of discretion afforded to law enforcement officers on the ground to deal with specific circumstances and, on occasion, this may be implemented out of line with national and international standards.</p> <p>State legislation also impose certain restrictions of time, place and manner on the right to freedom of assembly. For example, proposed legislation in Washington State would criminalise, inter alia, economic disruptions which are meant to influence the policy of government by intimidation and activity which delays the passage of cars (Concerning Offenses Involving Economic Disruption Act, 2017).</p> <p>Protection of the right to free association or assembly exists with regard to the actions of government entities. It is unlikely that activities in a purely private stadium operation will give rise to constitutional scrutiny. Whether the association or assembly in question receives protection will rely on the character of the activities as well as the public or private character of the venue.</p>	<p>protections for free speech in to areas which are not covered by the constitution, in particular – and most relevant for this study - private spaces that are open to the public.³</p> <p>The distinction between private and public contexts is hugely important in the USA in determining the extent to which the limitations on restricting freedom of speech apply. This is a complex area, but in short can be summarized as follows: public entities are subject to constitutional constraints on the degree to which they can restrict freedom of expression, whereas purely private entities are not.</p> <p>As a consequence, in the context of a FIFA World Cup™, expression which takes place in the street and other publicly controlled areas would be covered by the broad rules related to free expression. More complex is the situation of speech inside privately owned or run stadiums.</p> <p>As a result of a number of Supreme Court decisions, however, there are circumstances in which an apparently private space may attract the application of constitutional free speech rules. These are the following criteria, which must both be met – unless state law provides for extension of free speech rights to private spaces, in which case the second only must be met:</p> <ul style="list-style-type: none">• That the operator of the facility is considered to be public actor – which may occur as a result, amongst other things, as a result of public funding for the facility giving rise to a symbiotic relationship between public and private; the organization being 'entwined' with a public body; or whether the private body essentially exercises public functions.• The circumstances and location of the speech can be said to amount to a public forum. In a traditional or designated public

³ For example, the New Jersey State Constitution provide protection "against unreasonably restrictive or oppressive conduct on the part of private entities that have otherwise assumed a constitutional obligation not to abridge the individual exercise of such freedoms because of the public use of their property."

Freedom assembly	Freedom of Expression
	<p>forum, free speech may be restricted only by reasonable time, place, or manner regulations that serve a significant governmental interest and permit ample alternative channels for communication. By contrast, in a non-public forum, there is limited protection against free speech restrictions, requiring only that the regulations are "reasonable and content-neutral". In publicly owned or public actor stadiums, grandstands – where shouting and expression is expected or encouraged are most likely to be considered a public forum.</p>

7.3 Protection for journalists and human rights defenders

The presence of a major sporting event in a country inevitably brings media attention. Obviously, this can involve sports reporting in the broadest sense, but will often involve journalists from within the country in question, or those travelling to the country, to write or broadcast on broader social and political issues relating to the country, with the story being in situated in the context of the event. Such exposure is to be welcomed and encouraged but may give rise to some instances where state and non-state actors take exception to either the journalist or the story. There are also, unfortunately, significant examples in Mexico of journalists being subject to verbal, physical and violent threats and actual violence, including murder, based on their activities. This risk may will only be exaggerated in the context of a FIFA World Cup™.

Human rights defenders, whether they are lawyers, civil society activists, indigenous peoples' leaders or trade unionists play an important role in promoting and protecting human rights. Wherever in the world, their role in advance of a major sporting tournament can be crucial and also, where they are raising difficult or controversial issues, contested.

Key issues for consideration by FIFA and the competition organisers

Legislation on the protection of journalists and human rights defenders broadly aligned with international standards in all three countries.

These protections can however be undermined by the risks in practice, particularly in Mexico where several cases of violence against journalists have been reported.

The Tournament organisers should ensure that protections for journalists are respected to the fullest extent allowed by law related to the competition, including by developing a clear scope of policies for journalists to allow cross reporting of sport with politics and other issues.

The Tournament organisers should also engage with host governments and cities to ensure the safety of journalists during and around the event, leveraging existing mechanisms when applicable.

Ensure that short-term, high-impact scenarios (such as denials of accreditation or access to protests or competition-related events) have a quick, well-known grievance route.



International standards

International human rights instruments recognize the right to freedom of opinion and expression (UDHR, Art.19; ICCPR, Art.19; ACHR, Art.13), including “the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice” (ICCPR, Art. 19; ACHR, Art.13), without prior censorship and without restriction by indirect methods

or means (ACHR, Art.13). In addition, the UN Declaration on human rights defenders recognizes the right of everyone “to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” (UN Declaration on Human Rights Defenders, Art.1).



Key findings on legal framework

All three countries have legislation on the protection of journalists and human rights defenders broadly aligned with international standards, and this is recognised, in terms of the legislation in place on paper, by most credible international actors – although this can be undermined by the risks in practice. There are exceptions to guarantees to freedoms, but in general terms these are limited and in line with international standards.



Risk in practice

In practice, enforcement of protection for journalists and HRDs is a key challenge in Mexico, with allegedly a 99.75% impunity rate for crimes against freedom of expression (Article 19, 2018). The country is considered one of the world’s most dangerous places for journalists and media workers (Freedom House, 2017). According to reports, in 2017, 11 journalists were killed in possible connection with their work (Article 19, 2018). Overall in 2016, there were 426 reported aggressions against journalists: 81 were for physical or material attacks, 79 for intimidation, 76 for threats, 27 for attacks on media (Article 19, 2017). 71 of all reported aggressions were in Mexico City (Article 19, 2017). Following a 2017 country visit, UN and IACHR Special Rapporteurs on Freedom of Expression pointed out that violence against journalists (and impunity for these crimes) is common in practice, and that government surveillance of the press and human rights defenders takes place. They also noted issues around access to information, lack of diversity in the media, and failures to coordinate federal, state and local efforts to address these issues (OHCHR, 2017). Despite the establishment of a mechanism for the protection of HRDs and journalists, the decision process and subsequent implementation of these measures has not yet responded adequately to the needs of HRDs and is considered by the UN to lack sufficient resources to effectively perform its mandate (OHCHR, 2017). Moreover, stakeholders report that criminal law is commonly used against journalists and HRDs in order to silence and dissuade them (OHCHR, 2017a). According to reports, eight journalists were sued during 2016 for denouncing corruption or human rights violations, some of them on the basis of libel and defamation claims (Freedom House, 2017).

In the US, while it is generally considered that journalists and human rights defenders are able to work without interference, and the courts system has repeatedly issued rulings that uphold and expand the right of journalists to be free of state control, there are reports of foreign journalists occasionally being denied entry to the country on the basis of allegedly vague national security rationales (Freedom House, 2017). In addition, it is reported that journalists covering demonstrations or other breaking news events are occasionally denied access or even detained briefly by police (Freedom House, 2017).

In Canada, while protection for journalists and human rights defenders is generally guaranteed, there are concerns that journalists' sources are increasingly under threat, with recent cases of Quebec provincial police spying on at least six journalists (The Globe and Mail, 2017) and of law

enforcement agencies seizing journalists' documents on the basis of national security concerns (Delamont, 2016). Another recent case involved the arrest of a journalist for covering a human rights protest led by indigenous groups (The Globe and Mail, 2017).

Canada	<p>The Charter of Rights and Freedoms guarantees the right to “freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication”, subject to “reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society”.</p> <p>There are some limitations on freedom of press to operate in the context of:</p> <ul style="list-style-type: none">• Potential ‘hate’ speech, although the scope of this has been limited in recent years (see above).• Defamation as defined by provincial and federal laws• Terrorist propaganda. In 2015, antiterrorism legislation originally introduced as Bill C-51 came into force. The law includes provisions against “terrorist propaganda,” and widens the powers of the Canadian Security Intelligence Service (CSIS) and other security agencies to deal with terrorism-related threats. Among other things, it authorizes the seizure and censoring of online and offline “terrorist propaganda.” There are concerns that the law’s broad scope and vague wording may leave room for abuse (Freedom House, 2017). <p>There are no shield laws protecting journalists’ confidential sources, and the courts often decide whether to respect confidentiality on a case-by-case basis.</p> <p>In 2017, Canada published the Guidelines on Recognizing and Supporting Human Rights Defenders, a statement expressing its commitment to promoting all human rights, including by “supporting the vital work of human rights defenders”.</p>
Mexico	<p>The Constitution guarantees freedom of expression, speech, opinion, ideas and information (Art.6,7), without restriction by any indirect means, such as “abuse of official or private control over paper, radio electric frequencies or any other materials or devices used to deliver information, or through any other means or information and communication technologies aimed at impeding transmission or circulation of ideas and opinions”.</p> <p>However, there are some limitations on freedom of press to operate in the context of:</p> <ul style="list-style-type: none">• Libel and defamation. Defamation is a civil rather than a criminal matter in most states and at the federal level, but nine states have yet to eliminate the offense from the penal code. In 2016, the Supreme Court overturned legal provisions in Mexico City that had capped the financial penalties that could be imposed on journalists for libel.• The 2014 Ley Telecom regulating telecommunications gives the government the authority to implement “precautionary suspension of transmission of content” in order to prevent crime. The law also authorizes the government to geo-locate and track mobile-phone use in real time and requires internet companies to save information on users without judicial oversight. <p>In addition, the 2012 Law for the Protection of Human Rights Defenders and Journalists establishes cooperation between the Federal state and States to implement and operate prevention measures and urgent protection measures to guarantee the life, integrity, freedom and safety of anyone at risk due to activities promoting human rights and exercising freedom of expression and of the press. It defines as human rights defenders</p>

any person, group, organisation, or social movement that have the objective of promoting human rights. The law established a protection mechanism to serve as a recourse for at-risk journalists and HRDs by assessing the risk level of cases it receives, determining whether they should be investigated by the FEADLE, the primary body responsible for investigating and prosecuting cases of crimes against journalists, and providing the protection measures deemed relevant to each case, such as bodyguards or armoured vehicles.

United States

The freedom of speech and freedom of the press are guaranteed in the First Amendment of the Constitution. Freedom of speech is dealt with in section 7.2 above.

On freedom of the press, while the constitutional protection applies expressly to the restriction of Congress from placing on freedom of the press, the Supreme Court has extended the reach of the First Amendment to all government entities, down to the level of municipal law enforcement.

There are some specific exceptions to this, where a degree of restriction on freedom of the press is allowed, namely:

- Limited circumstances where a journalist can be sued for defamation involving public officials, public figures, or matters of public concern, where actual malice is shown. In *New York Times Co. v. Sullivan* (SCOTUS, *New York Times Co. v. Sullivan*, 1964), the Court's "actual malice" test created a national judicial standard for whether speech qualifies as libel (LII, 2018).
- Press expression likely to incite violence, that is, speech "directed to inciting or producing imminent lawless action" (SCOTUS, *Brandenburg v. Ohio*, 69) and speech that "inflict injury or tend to incite an immediate breach of the peace" (SCOTUS, *Chaplinsky v. New Hampshire*, 1942).
- Limitations on the right of journalists to refuse to reveal sources where that source has committed a federal crime in the process of leaking the information to the press. While most states have laws that protect journalists from demands for the identification of sources, no such shield law has been enacted at the federal level (Freedom House, 2017). The draft Free Flow of Information Act 2017, which is in the first stage of the legislative process (GovTrack, 2017), aims to institute a federal "shield law" for journalists, preventing them from being forced to reveal to the government any sources or documents related to their investigations, unless several separate conditions are met:
 - The federal government can prove it has exhausted other options for obtaining the information.
 - The information sought is "critical" to the investigation at hand, rather than tangential.

"The public interest in compelling disclosure of the information or document involved outweighs the public interest in gathering or disseminating news or information."

7.4 Trafficking

High-profile sporting tournaments present some degree of trafficking risk, particularly as it relates to labour and sexual exploitation. Heightened risks may be connected to increasing cross-border movement, demand for a quick and inexpensive workforce, and sexual exploitation. There is disputed evidence whether there is actually any increase in numbers of people trafficked for sexual purposes in advance of major sporting events, with the numbers often being significantly overstated; however, the seriousness of the issue nevertheless requires action by the competition organiser and its partners.

Key issues for consideration by FIFA and the competition organisers

All three states have in place legal frameworks for addressing the issue of trafficking in line with international standards. Forceful penalties are in force.

Some level of risk in practice present to a certain extent in all three countries with respect to labour and sex trafficking. Whether these risks are likely to be heightened because of the Tournament is debatable; however, given the seriousness of the issue the risk warrants consideration in a World Cup context.

Clear statements related to trafficking should be included in all sourcing and contracting codes, including (but not limited to) in hospitality and hotel contracts and agreements.

The Tournament organisers should work closely with local government and civil society where risks of trafficking are genuinely identified to provide sensitive and victim friendly responses.



International standards

The UN *Convention against Transnational Organized Crime* and its supplementary protocols, the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (the “Trafficking in Persons Protocol”) and the *Protocol against the Smuggling of Migrants by Land, Sea and Air* (the “Smuggling Protocol”) are the primary international instruments addressing trafficking. Most relevant for this report is the “Trafficking in Persons Protocol” which aims to prevent and combat trafficking while ensuring that victims receive protection and assistance. It also strives to promote cooperation between state parties in order to achieve these objectives. All three countries have ratified the Convention and Protocols.

Trafficking, as defined by the Trafficking in Persons Protocol, contains three conceptual elements: an act, the means, and a purpose. The *Trafficking in Persons Protocol* defines trafficking as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, at a

minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (UNODC, 2018).

The Trafficking in Persons Protocol covers a number of pertinent areas including: the adoption of legislative measures criminalising trafficking (art. 5); assistance and protection of victims (art. 6); the migration status of victims (art. 7); repatriation of victims (art. 8); and prevention of trafficking in persons (art. 9). Further provisions address border controls, including the implementation of measures aimed at preventing and detecting trafficking (art. 11).



Key findings on legal framework

All three states have in place legal frameworks for addressing the issue of trafficking in line with the Trafficking in Persons Protocol. In particular, all three states have adopted strict legislative measures which criminalise trafficking and provide for potentially forceful penalties.

With respect to victim protection and assistance, arts. 6 - 8 of the Trafficking in Persons Protocol affords governments considerable discretion in several areas. States may, among other things, consider providing counselling or other social services, endeavour to provide for the physical safety of victims within the relevant territory, consider adopting measures to allow victims to remain in the territory temporarily or permanently, and protect the privacy and identity of victims to the extent possible under domestic law. Given the nature of these obligations, all three countries provide broadly consistent legal frameworks including temporary visa schemes for trafficking survivors. More specific prescriptions such as ensuring that victims retain the possibility of obtaining compensation (art. 6(6)) are expressed in the laws of all three countries.

Prevention policies, programs, and other measures should be established according to the terms of art. 9 of the protocol. All three countries have clear policy directions which emphasise prevention and which commit to further strategizing and implementation. This includes Canada's National Action Plan to Combat Human Trafficking, the National Strategy to Combat Human Trafficking in the United States, and the National Program to Prevent, Punish, and Eradicate the Crimes related to Human Trafficking in Mexico.

To the extent that the Trafficking in Persons Protocol calls for State cooperation as an important means of addressing trafficking, the Trilateral Working Group on Trafficking in Persons involving authorities from Canada, Mexico, and the United States is highly relevant. The working group operates under a joint commitment to prevent human trafficking, prosecute perpetrators, and protect victims. It is used as a forum for sharing best practices while identifying further areas of collaboration and cooperation.



Risk in practice

There are contested claims whether mega-sporting events lead to an increase in trafficking, for sexual purposes in particular. There are strong arguments to suggest that reports of very significant increases in the numbers of trafficked sex and other workers around previous World Cups and sporting events such as the Super Bowl are without obvious foundation (GAATW, 2011, Polaris 2016). However, there are some who argue that the

increased policing and awareness of the issue has deterred traffickers and others who control sex workers. The key point to note is that while there may be a potential risk of trafficking and exploitation, the risk is a year-round one not specific to the FIFA World Cup™. The Tournament itself can play an important role in highlighting potential issues, but should be wary of giving rise to potential unfounded stigmatisation of migrants or sex workers. Below we set out some general information about trafficking in the three countries. While this is not to say that there will be substantial numbers related to the competition itself, given the seriousness of the consequences, then any instances need to be called out and the subject of a remediation or action plan.

Canada is reportedly a source, transit, and destination country for men, women, and children who are victims of trafficking (USDoS, 2017b). According to incidents which have been reported to police, the majority of trafficking cases involve sexual exploitation (PSC, 2016). In certain sectors, migrants may be susceptible to labour trafficking, despite having entered the country legally. These sectors include agriculture, food processing, construction, hospitality, and domestic work (USDoS, 2017b). Groups who are vulnerable to trafficking include indigenous women and girls, LGBTQ+, migrants (particularly women from Asia and Eastern Europe), and girls in the welfare system (PSC, 2016; USDoS, 2017b).

Mexico is reportedly a country of origin, transit and destination for human trafficking (CNDH, 2017). The USDoS reports that Mexicans are exploited in the sectors of agriculture, manufacturing, mining, food processing, and construction, which may be of concern in relation to supply chains and in preparing the facilities that will host the World Cup. Activities such as tourism, forced begging, street vending, domestic servitude, and child care also present victims of trafficking. Foreigners, particularly from South and Central America are sexually exploited or victims of forced labour. Sex tourism, and in particular, child sex tourism, have been flagged as a particular concern (USDoS, 2017a), which may increase with elevated numbers of tourists in the host cities.

With respect to labour and sex trafficking, the United States is reportedly a source, transit, and destination country for a wide range of victims including men, women, transgendered individuals, and children (USDoS, 2017c). Labour trafficking has been identified in a range of industries including restaurants and food services, agriculture, construction, hospitality, health, and beauty services, and recreational facilities (e.g. swimming pools and amusement parks) (Polaris, 2017). Sex trafficking beyond “outdoor solicitation” and escort services has also arisen in illicit massage, health, and beauty parlours (Polaris, 2017). Vulnerable groups include children in the welfare system, women, indigenous persons, migrant labourers, disabled persons, and LGBTQ+ individuals (USDoS, 2017c). These individuals may have emigrated from any part of the world, however often come from East and Southeast Asia, Mexico, and Central America (Polaris, 2017).

Trafficking	
Canada	The criminalisation of human trafficking is addressed through the federal <i>Criminal Code</i> . Canada’s <i>Criminal Code</i> , which prohibits trafficking, is linked to exploitation, and does not necessarily require movement. A person exploits another person if they “cause someone to provide, or offer to provide, labour or a service by engaging in conduct that, in all the circumstances, could reasonably be expected to cause the other person to believe that their safety or the

Trafficking	
	<p>safety of a person known to them would be threatened if they failed to provide, or offer to provide, the labour or service.” Exploitation for the purpose of organ removal is also prohibited.</p> <p>A number of provisions related to trafficking are covered under s. 279 which deals with kidnapping, trafficking in persons, hostage taking and abduction. This includes the offence of trafficking in persons, trafficking of persons under 18 years of age, withholding or destroying identity documents, and receiving a financial or other material benefit for the purpose of committing or facilitating trafficking. Trafficking under the <i>Criminal Code</i> is related to exploitation, and not necessarily the movement of persons. Provisions in the criminal code are also supported by laws in the <i>Immigration and Refugee Protection Act</i> (IRPA) which addresses similar harms in a transnational context.</p> <p>Assistance and protection of victims spans across a number of legal and policy areas. This includes witness protection laws which aim to prevent retaliation or intimidation, and measures to address victim privacy or provide information about health and social services (see e.g. the <i>Act respecting assistance for victims of crime</i> in QC). Provincial laws may provide specific rights to victims, often with respect to civil liability, such as allowing human trafficking survivors to sue for emotional distress (see e.g. ON’s <i>Victims’ Bill of Rights</i> and its regulations). As part of broader anti-trafficking strategies, funding has been provided to victims’ funds which are meant to support services for human trafficking victims.</p> <p>Migration laws and rules allow for the issuance of a special Temporary Residence Permit (TRP) for victims of human trafficking. The issuance of a TRP is not predicated on the victim testifying. The TRP allows recipients to receive health-care and counselling, apply for a fee-exempt work permit, and can be reissued following its expiry.</p> <p>The goal of preventing trafficking has been primarily addressed through policy initiatives including outreach programs, national awareness campaigns, and training for law enforcement officials. Federal efforts, such as the RCMP’s Human Trafficking National Coordination Center exist alongside provincial efforts including ON’s human trafficking training programmes for service providers, and B.C.’s Office to Combat Trafficking in Persons. With respect to labour trafficking, measures have been implemented in order to better regulate the Temporary Foreign Worker program. Changes included provisions aimed at assessing the genuineness of job offers, improving protections and flexibility for live-in caregivers, and deny employers access to the program who do not abide by the terms of job offers. Government efforts have also involved labour-sending countries, such as Mexico, to ensure that seasonal agricultural workers receive information about rights and the availability of consular support.</p> <p>With respect to border controls, guidance and policy documents such as the Victim Identification and Referral Manual are provided to border services officials and are meant to assist in the identification of victims.</p>
Mexico	<p>Mexico’s Constitution prohibits all forms of slavery and indentured services. The Mexico City Constitution prohibits slavery and forced labour.</p> <p>International standards on human trafficking are incorporated into Mexico’s federal legislative framework by the <i>General Law for the Prevention, Punishment and Eradication of the Crimes of Human Trafficking and for the Protection and Assistance of the Victims of those Crimes</i> (General Law). The</p>

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law follows the *Convention against Transnational Organized Crime and Trafficking in Persons Protocol's* provisions on prevention, prosecution, and protection of victims. The General Law, along with a reform of Mexico's Penal Code, codified the crime of human trafficking as a serious crime, including that for sexual exploitation and forced labour. Jalisco, Nuevo León and Mexico City also have local legislation for the protection and assistance of victims, referring to the General Law for the definition and penalisation of the crime.

In Mexico, the crime of trafficking is defined in its General Law for the Prevention, Punishment and Eradication of the Crimes of Human Trafficking and for the Protection and Assistance of the Victims of those Crimes (General Law) as any wilful act or omission of one or more persons to capture, hook, transport, transfer, retain, deliver, receive or house one or more persons with the purpose of exploitation. Exploitation includes slavery, indentured servitude, prostitution and other forms of sexual exploitation, exploitation for labour, forced labour, forced begging, use of minors for criminal activities, illegal adoption, forced or servitude marriage, organ trafficking, and medical experimentation. The United States Department of State (USDoS) has expressed its concern over the fact that the use of force, fraud or coercion are aggravating factors and not included in the definition of trafficking. However, the definition of trafficking is broad in Mexico, including any wilful act or omission, with penalties varying according to the means, purposes and other aggravating facts (USDoS, 2017a).

Mexico has a Special Prosecutor for Crimes against Women and Human Trafficking, an Inter-Secretarial Commission for the Prevention and Punishment of Human Trafficking, and has in place a National Program for the Prevention and Punishment of Human Trafficking. However, reports have reported negatively on the success of these institutions (CNDH, 2017). The General Law gives victims of crimes the right to integral reparation, which includes rehabilitation and full compensation, including compensation from government funds in case that satisfaction is not reached by what is judicially imposed on the convicted. However, there are no records of these funds being granted (USDoS, 2017a). The General Law provides that even when the crime is initiated, prepared or committed outside the country, if it has effects or is intended to have effects within it, Mexico will be competent to investigate, prosecute and punish the crime.

Regarding foreign victims of trafficking, the Law on Migration provides that victims of grave crimes, which includes human trafficking, may be allowed to stay in the country if their emotional state does not allow them to decide where to relocate. Victims of crimes, whether or not the perpetrator has been identified, apprehended, tried or convicted, may also be granted the status of "visitor for humanitarian reasons". This allows them to stay in the country until the criminal process is completed, at which point they must leave or request authorisation to stay (with the right to work), potentially leading to permanent residency. The General Law provides that victims will not be repatriated if their life, freedom, integrity or safety, or that of their family is at risk. When repatriation is appropriate it will be done on a voluntary basis and following the relevant processes in place. However, there are reports of foreign victims returning to their countries due to a lack of shelter or information on their rights (USDoS, 2017a).

The Mexican Commission of Human Rights (CNDH) reports that reliable data on trafficking is not available due to a lack of harmonising criteria as to who is considered a victim (CNDH, 2017; El Economista, 2017). The CNDH also explains that this lack of information may be due to the fact that the crime of trafficking, with its over 20 criminal formulations within the General Law, is not fully understood by prosecutors. The CNDH notes that while numerous pieces of legislation regulate the protection of victims and criminalisation of related activities, in reality, efforts have not yielded lower rates of trafficking.

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	<p>The CNDH also reports that although the General Law and National Program prescribe for public servers' (police, judiciary workers, health and social services providers) training for prevention purposes, no such programs have been put in place, with deficiencies in the officials' ability to detect and identify trafficking victims. There are no provisions regarding immigration and border personnel. The CNDH also expresses concern over the perpetuation of prejudice and stereotypes when investigating and prosecuting trafficking crimes, with reports by victims not being common. Deficiency in record keeping and the assistance provided is also of concern. The CNDH highlights that without proper identification of victims it is not possible to corroborate if victims' rights are being guaranteed, especially in the case of foreign victims' rights regarding asylum. The CNDH does note positively the creation of the Inter-Secretarial Commission, but critiques its non-harmonised approach.</p> <p>Despite the law following international standards and recommendations, Mexico reportedly continues to be a route for human trafficking. Women, children, indigenous people and migrants, particularly from Central America and South America, are believed to be those most vulnerable to forced labour in Mexico (USDoS, 2017). The states of Jalisco and Nuevo León reportedly have a very high number of trafficking cases, especially affecting indigenous girls, with some sources listing Monterrey as the second most affected city in the country after Cancún (Milenio, 2017; Horacero, 2017; El Occidental, 2017). Mexico City has also been identified as a city with a high number of trafficking cases (El Economista, 2017). Mexico's closeness to the United States makes the country particularly vulnerable to trafficking. Corruption of public authorities, particularly local law enforcement, has also been a subject of concern, with no officers being convicted of collusion since 2010 despite of numerous reports on complicity (USDoS, 2017b; Proceso, 2017). However, Mexico's efforts in prosecuting and providing services for victims of trafficking have been positively noted, despite a lot of work remaining to be done in this area (USDoS, 2017a; Vanguardia, 2017). Aeromexico has recently become the first international airline to join the UNODC's campaign to promote awareness against human trafficking (A21, 2018). This initiative is noted given the heightened risk of human trafficking that increased tourism may bring.</p>
United States	<p>The <i>Trafficking Victims Protection Act</i> (TVPA) (as well as its reauthorisations) makes human trafficking a federal crime. Human trafficking under the US federal Trafficking Victims Protection Act (TVPA) does not associate trafficking with physical transport. Its provisions focus on "severe forms of trafficking in persons" as well as "sex trafficking." Severe forms of trafficking include "sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age" as well as "the recruitment, harbouring, transportation, provision, or obtaining of a person for labour or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery." Sex trafficking is defined as "the recruitment, harbouring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act."</p> <p>Offences under the act include forced labour, sex trafficking by force, and unlawful conduct with respect to documents in furtherance of trafficking, among others. Although all states have enacted laws which criminalise sex trafficking and labour trafficking, there are differences relating to the definition of "trafficker," the elements which constitute an offence, and the penalties associated with conviction.</p> <p>With respect to assistance and protection, the TVPA and its reauthorisations allow certain victims to access the Federal Witness Protection Program. Victims may also be entitled to receive the same federal and state benefits as refugees including educational programs, health care, and job training. It also creates a federal cause of action which allows victims to sue traffickers and creates various trafficking programs including programs for sheltering</p>

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minors who have survived human trafficking. At state level, most states allow victims to sue traffickers for damages and provide for victim assistance schemes (such as counselling, job assistance, housing, or educational opportunities). Some states allow for victims to have prostitution convictions vacated (e.g. **FL, GA, MD, NJ, NY, PA, WA**) and some grant immunity from prosecution or diversion programs to sexually exploited minors (e.g. **MA, TX, MO, CA, FL, TN, NJ, NY, WA**).

Foreign nationals who are victims of trafficking may benefit from different forms of immigration relief. The TVPA creates a legal status known as “Continued Presence” wherein certain trafficking victims may be permitted to access the same benefits as refugees if their presence is necessary for law enforcement purposes. It also allows for victims of human trafficking to apply for “T” or “U” non-immigrant status. Although the conditions of each visa are different, they require individuals to be a victim of a specified crime and require some level of cooperation with law enforcement. These visas are valid for four years.

Federal prevention efforts are driven by administrative bodies such as the Office to Monitor and Combat Trafficking in Persons. The TVPA and its reauthorisations mandate the creation of public awareness and information campaigns, as well as a task force in order to assist with implementation. In response to labour trafficking, the TVPA requires the government to give detailed information about human trafficking and workers’ rights to individuals applying under certain visas. Procurement rules, including the *Federal Acquisition Regulation* (FAR) addresses trafficking in federal contracting. Under the rules, federal contractors and sub-contractors must take certain measures to detect and eliminate trafficking in supply chains, and in some cases develop detailed compliance plans.

State level prevention measures vary. Many require trafficking training for law enforcement officers, and some states extend training requirements to private sector workers who are likely to come into contact with victims of trafficking such as hotel employees (e.g. **NJ**). Certain states also require mandatory posting of human trafficking awareness posters in specified businesses or government facilities (e.g. **GA, MD, TX, CA, FL, NY, NJ, PA**). California has also passed the *Transparency in Supply Chains Act* which is aimed at providing consumers and businesses with more information about goods which may have involved trafficking or slavery within the value chain by requiring certain disclosures. Under the Act, companies of specified size must disclose information about their efforts in relation to verification, audits, certification, internal accountability, and training.

In terms of the role of border and customs officials, the TVPA allows state and federal law enforcement personnel to assist in the identification of trafficking victims for the purpose of granting certain protections.

7.5 Safety and security

The organisation of large events necessarily triggers a range of security concerns, especially for those that have a substantial international profile and can be expected to involve large crowds, including sports stars, media figures, dignitaries and political figures. Sporting events such as the FIFA World Cup™ certainly fall into this category. Challenges typically faced by hosting entities and host governments in safeguarding the personal safety and security of players, officials, fans and local communities around the event range from managing occasional rowdy or aggressive behaviour from fans, crowd control in and outside stadiums, large public protests, all the way to rare yet tragic incidents such as terrorism (whether international or domestic). Another type of challenge may be any pre-existing levels of societal tensions or violence in the host countries, which should factor into the planning of the security element of the hosting of a large event – even though the root causes may not be related to the event itself.

In response to these challenges, stadium operators and public authorities have established defined security protocols which must be followed around large events. For example, it is common practice today to undergo basic security screening (such as bag checks or going through metal detectors) upon entering a sports stadium for a game. It is also not rare for host countries to increase overall terror threat levels around the time of these events, which typically trigger the implementation of more stringent security measures and protocols in and around public landmarks, ports of entry and other public places.

In addition to national and local law enforcement agencies, private security operators may also be involved in the provision of security-related activities around the event. While these actors will have varying degrees of law enforcement powers, as well as access to weapons, there is also a need to ensure that these powers are exercised in a way that does not infringe upon other internationally-recognised human rights.

Key issues for consideration by FIFA and the competition organisers

There are significant protections in all three countries in relation to the laws guaranteeing the right to life, liberty and security of the person, which broadly align with international standards. All three countries have staged largely peaceful international events in the past.

In practice, the enjoyment of a safe, peaceful event may be threatened by risks present at any large events, including rowdy or aggressive behaviour from crowds, large public protests, as well as domestic or international terrorism and other incidents of extreme violence. Pre-existing levels of crime or violence may also pose additional security challenges.

There have been reports of excessive use of force, profiling or use of mass arrests tactics that could potentially breach human rights in relation to law enforcement agencies in all three countries.

Key issues for consideration by FIFA and the competition organisers

The Tournament organisers should carry out a full security risk assessment for each of the potential host cities, which should incorporate a human rights approach and account for the needs and experiences of different groups. The risk assessment should be regularly updated and inform the development of the Tournament's security strategy as well as its engagement with law enforcement agencies and private security companies.

The Tournament organisers should work with government and law enforcement to ensure that there is a right to protest around the competition, to the extent that this does not involve violence or other actions likely to breach public order or infringe the rights of others. This should include ensuring that the response to protests (including the use of force) is done in a way that is compatible with other internationally-recognised human rights and international standards.

The Tournament's processes to procure security services should include clear requirements on human rights, including protocols on crowd control and the use of force, which are aligned with international standards on private security and human rights.

There are laws which deal with sexual harassment and gender-based violence in public spaces. However, there are still reports of harassment and violence in many cities. The Tournament organisers should work with Cities, UN Women and others to create safe spaces for women and LGBTQI+ citizens.



International standards

The right to life is a fundamental human right of every human being, protected by Article 3 of the UDHR, Article 6 of the ICCPR and Article 4 of the ACHR. The right to the highest attainable standard of health is also recognised at Article 12 of the ICESCR, as well as at Article 25 of the UNDHR under the right to an adequate standard of living.

In addition to protecting and upholding the individual human rights to life and health of their citizens, it is also a State's responsibility to maintain law and order, peace and security within its territory (ICRC, 2015). International law therefore contemplates the possibility that certain limited restrictions may be imposed on the exercise of individual rights in the interest of public security or public health, but only when prescribed by law and deemed necessary in a democratic society. Nevertheless, this must be done in a manner that is compatible with the human rights to liberty and security of the person (including protection against arbitrary arrest or detention), right to a fair trial and the principle of non-discrimination in the enjoyment of these rights (Articles 9 and 26 of ICCPR; Articles 1, 7 and 8 of ACHR).

Other relevant security-related international standards enshrining respect for human rights include the UN Code of Conduct for Law Enforcement Officials (adopted via UN General Assembly Resolution) and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders). Additional (albeit non-binding) standards intended for private security companies include the International Code of Conduct for Private Security Companies and the Voluntary Principles on Security and Human Rights.



Key findings on legal framework

The legal frameworks in the three countries are broadly aligned with international standards. All three countries have robust constitutional and other legal protections on the right to life, liberty and security of the person and the right to due process. Also, there are strong non-discrimination standards in place in all three frameworks. National and regional laws cover many forms of (gender-based) harassment on public spaces, streets and transport, although there are some potential gaps in the coverage of some types of verbal harassment in all three countries.

There are laws regulating the conduct of law enforcement agencies all three countries. The review identified several relevant laws where respect for human rights and/or constitutionally-recognised rights was expressly enshrined in relation to law enforcement conduct and practices. In the United States, some gaps have been reported between individual state laws on the use of lethal force and international non-treaty standards (AI, 2015).



Risk in practice

In practice, key risks to personal as well as public safety and security during large events mainly arise from the interactions of multiple external factors and actors, which make them particularly hard to predict. As evidenced by recent events in Canada and the United States, largely peaceful countries are not immune to seemingly random incidents of terrorism and other extreme violence. Moreover, broader contextual elements (who may have emerged or disappeared by 2026) such as drug-related violence or social unrest could also pose additional challenges to effectively guarantee the personal safety of players, fans and local communities around and during the competition. Special attention should also be paid to the ways in which certain groups – such as women, children, people with disabilities and visible minorities – may experience additional or different security concerns during the event.

Another set of risks relates to allegations of police abuse and misconduct, including in relation to the policing of the type of large protests that are known to occur around large events. This type of allegations is present – albeit to varying degrees – in all three countries. In the United States and Canada, law enforcement agencies have also been accused of unfairly targeting minorities, while in Mexico police abuse is perceived as being linked to corruption. Similar concerns have also been voiced regarding the actions of private security companies in the three countries.

The general picture is as follows:

	Law enforcement context	Other relevant information
Canada	Section 7 of the <i>Canadian Charter of Rights and Freedoms</i> guarantees the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice. Section 15 provides for the right to equal protection and equal benefit of the law without discrimination.	Canada is generally considered to be one of the safest countries in the world, due in part to low violent crime and homicide rates, which have been consistently declining over the years (StatCan, 2017). Nevertheless, violent incidents, including acts of terrorism and mass shootings, have occurred in recent years. In 2017, an Edmonton police officer and four pedestrians were wounded outside an Edmonton Eskimos CFL game by an alleged supported

	Law enforcement context	Other relevant information
	<p>Police forces in Canada can be found at federal, provincial / territorial and municipal levels. Direct references to the protection of rights or the rights contained in the Charter can be found in many police laws or codes of conduct, including (but not limited to):</p> <ul style="list-style-type: none"> • The Royal Canadian Mounted Police Act • The Quebec Police Act and Code of Ethics of Quebec Police Officers • The Ontario Police Services Act • The Alberta Policing Standards Manual • The Montreal Police (SPVM) Citizens' Relations Policy. <p>Despite these significant protections, Canadian police forces have nevertheless at times been accused of using excessive force, or using controversial crowd control or mass arrests tactics which may infringe upon human rights during protests, including at large international events such as the G20 in Toronto in 2010 (Toronto Star, 2018). Racial profiling in policing work has also been denounced and described as common practice in large cities such as Toronto and Montreal (CCLA, 2015). Finally, there are also reports of policing abuses against indigenous people, particularly women (HRW, 2018).</p> <p>Private security companies in Canada are regulated by the provinces, which all have different systems to train, approve and monitor guards. According to previous reports, private security guards have at times been accused of systemic discrimination and excessive use of force in Canada (CBC, 2013).</p>	<p>of the so-called Islamic State using a vehicle as a weapon. Earlier that year, 6 people were killed and 19 injured in an attack on a Quebec City mosque which was described by the Canadian Prime Minister as a terrorist attack.</p> <p>Gender-based harassment in public spaces is not explicitly prohibited by law in Canada, however, the Criminal Code criminalises conduct (including following, threatening, and repeatedly communicating) which causes the other person to fear for their safety. In addition, Edmonton, Toronto and Montreal have by-laws prohibiting certain types of verbal harassment in public spaces or public transportation. Overall however, these laws do not cover many types of harassment faced by women and other minorities on streets, public spaces and transportation (DLA Piper, 2014). According to a 2014 non-representative survey of over 600 women in Canada, the majority of them had experience verbal and nonverbal harassment on streets and transportation throughout the previous year, and over half of them had been groped or fondled (Livingston, 2015). As part of its efforts to address gender-based harassment in public spaces, Edmonton joined the UN Women Safe Cities Initiative.</p>
<p>Mexico</p>	<p>As an internationally-recognised human rights, the rights to life and liberty and security of the person are protected by Article 1 of the Mexican Constitution. The Constitution also provides for protection of health (Article 4). There are also strong constitutional protections against discrimination, including in relation to temporary measures to protect the peace and security (Article 29).</p> <p>Respect for fundamental human rights and freedoms is also firmly embedded in the laws governing the organisation and the conduct of the</p>	<p>The Mexican government is pursuing decade-long efforts to fight drug cartels and other criminal organisations, which have been using violence to intimidate and eliminate opponents for years. What has been labelled as a “war on drugs” has contributed to an increase in the levels of violence in the country (The Guardian, 2017).</p> <p>While drug-related violence is by far most prevalent outside the three potential host cities, the evolution of the situation – and potential impacts on personal and public safety – should be monitored closely in the run up to 2026.</p>

Law enforcement context	Other relevant information
<p>various law enforcement agencies at federal, state and municipal level, including (but not limited to):</p> <ul style="list-style-type: none"> • The Law on the National Public Security System • The Federal Police Law • The Law on Public Security in the Federal District (Mexico City) • The Public Security Law of Nuevo Leon (covering Monterrey) • The Law on the State Civil Police Force of Nuevo Leon (covering Monterrey) • The Law on Public Security of the State of Jalisco (covering Guadalajara) <p>More recently however, the Mexican government has been criticised for the passing of the 2017 Law on Internal Security, which authorizes military involvement in domestic law enforcement activities. Mexico’s Human Rights Commission (CNDH), UN experts as well as civil society organisations consider that the law could potentially undermine the fundamental rights and freedoms of citizens, citing the ambiguity of the law on certain points – including the definition of situations where authorities could use force, and whether this could include public protests – as well as what they consider to be insufficient provisions for civil and judicial oversight (AnimalPolitico, 2017; OHCHR, 2017).</p> <p>A report by CELS (2016) cites different instances around the country that have reportedly seen the police using excessive force, for example a protest in the state of Oaxaca in 2016 where 10 people lost their lives, and the use of gas grenades which resulted in the death of a minor in 2013 in the state of Puebla. The CELS report also reports concerns around the criteria for dispersing manifestations, particularly in Mexico City, where the protocol regulating the use of force has reportedly led public security forces to act without distinguishing between peaceful protests and isolated cases of violence, occasionally assaulting passers-by as a consequence (CELS, 2016). Cases of violence against women during protests have also been reported (CELS, 2016).</p>	<p>At city level, another set of risks relates to gender-based harassment and violence in public spaces, particularly on streets and public transport. Harassment in public spaces is not specifically defined and prohibited under Mexican law, but some forms of harassment may be covered by the Penal Code, which criminalises conducts of sexual nature which cause psychological harm and violate someone’s dignity, and the General Law on Women’s Access to a Life Free of Violence, which prohibits actions which cause women psychological harm or suffering in public spheres. A draft amendment to the General Law detailing what constitutes harassment is currently pending approval. In addition, Mexico City has introduced its own law on Women’s Access to a Life Free of Violence in the Federal District, which covers any actions which threaten someone’s safety and personal integrity in public spaces and transportation, including “looks and lewd comments”.</p> <p>According to a UN Women survey, the majority of women in Mexico City have experienced some form of sexual violence (including verbal harassment and unwanted touching) in their daily commute (UN Women, 2017), which raises issues in relation to the safety of women workers, fans and spectators when they commute to, or are inside competition buildings and spaces. As part of its efforts to address the situation, Mexico City has joined the UN Women Safe Cities Initiative, which aims to create safe and empowering spaces for women and girls.</p>

	Law enforcement context	Other relevant information
	<p>The private security industry is reportedly growing in Mexico. The sector is regulated by the Federal Private Security Law, and all private security companies must be registered either with the state or the federal government in order to operate. Nevertheless, data suggests that the vast majority of private security operators in Mexico are not registered and therefore operate outside regulations (DIHR, 2017), which raises concerns regarding the recruitment, training and oversight of this personnel, who are sometimes armed.</p>	
<p>United States</p>	<p>The Fifth Amendment to the US Constitution provides that no person shall be deprived of life or liberty without the due process of the law. The Fourteenth Amendment extends the same protection in all US states.</p> <p>Law enforcement powers in the United States are exercised by federal agencies as well as state, county and municipal police forces across the country. Each state has laws regulating the conduct of law enforcement agencies and officers. US Supreme Court decisions (such as <i>Tennessee v. Garner</i> and <i>Graham v. Connor</i>) have also set standards on policing and the use of force by police forces.</p> <p>State and municipal police laws or codes of conducts generally contain express commitments to safeguard constitutional rights, and all police officers must swear an oath of office to uphold the provisions of the Constitution. According to a 2015 Amnesty International report however, state laws on policing largely fall short of international standards on policing and human rights, and some of them also fall short of US Constitutional protections and Supreme Court decisions. Focusing on the legal provisions governing the use of lethal force, the report found that the laws of all 50 states and the District of Columbia were overly broad and allowed police to use lethal force in a wide range of circumstances (AI, 2015). The District of Columbia as well as the states of Maryland, Massachusetts and Ohio were found not to have any laws governing the use of lethal force (AI, 2015). The report also found significant gaps in relation to the establishment of accountability mechanisms (AI, 2015).</p>	<p>The United States is largely considered to be a stable and generally safe country. In the context of the competition, it is worth noting that it is possible for United States civilians to keep and bear weapons, a right that is guaranteed by the Second Amendment to the US Constitution. Carrying concealed weapons is legally possible in all states, although a permit is usually required. In many states, people may also be allowed to openly carry firearms, although some states require an additional permit or license to do so. States where potential host cities are located that allow some degree of open carrying include GA, MD, MA, TX, MO, OH and TN (GLC, 2017). Most states do however prohibit carrying firearms in certain locations such as schools, state-owned businesses, places where alcohol is served, and on public transportation (GLC, 2017).</p> <p>While the vast majority of American gun owners do not commit violence, rates of gun violence in the United States are estimated to be higher than in other advanced and stable democracies, such as Canada and the UK (GVA, 2018; BBC, 2016; NY Times, 2017). Included in these statistics are mass shootings, which are reported to be a relatively frequent occurrence in the United States compared to other countries. These incidents have been known to take place in a variety of settings, including schools, places of worship and other public spaces where large numbers of people congregate. Recent incidents have included shootings in an Orlando nightclub in 2016; after a music concert in Las Vegas in 2017; and at a school in Florida in early 2018.</p>

Law enforcement context	Other relevant information
<p>In practice, reports of excessive use of force and other rights abuses have raised concerns over the practices of certain police departments across the country. Statistics indicate that minorities, and African-Americans in particular, are disproportionately affected by police violence, including police killings (HRW, 2018a; AI, 2015). Police violence and bias is a contentious issue in the United States, which in some cities has given rise to protests and deepened tensions between law enforcement and local communities.</p> <p>Across the country, police forces have also been criticised for their use of what has been described as military-like weapons and tactics in response to public protests and demonstrations, including in response to the social unrest in Ferguson (MO) following the death of a black teenager at the hands of the police in 2014 (NY Times, 2014), and against protesters opposing the Dakota Access Pipeline in 2017 (HRW, 2018a).</p> <p>Laws and regulations governing private security companies in the United States may vary significantly across states. Concerns have arisen in previous years regarding the thoroughness of background checks carried out on prospective security guards, including for those who would carry weapons (PRI, 2014). More recently, some reports of excessive use of force by private security guards (including around sports stadiums) have also sparked concerns about the industry’s training of its officers, especially in how to deal with issues such as mental health and homelessness (Boston Globe, 2017).</p>	<p>The risk of gender-based harassment in public spaces is present in the United States. While there are regional variances, many common forms of harassment in public spaces (including lewd comments, groping, indecent exposure, following, obstructing paths, and hate crimes) are illegal across the US, criminalized at the state level by laws on Disorderly Conduct, Invasion of Privacy, and Sexual Misconduct. However, there are concerns that state laws on verbal harassment are narrowly defined and often criminalise only language which is likely to incite a violent reaction, leaving many types of verbal harassment commonly faced by women and other minorities without legal recourse (Hagerty et al, 2013). As part of its efforts to address gender-based harassment in public spaces, New York City joined the UN Women Safe Cities Initiative.</p>

7.6 Grievances and access to remedy

Instances where human rights standards are compromised during the course of the preparation for, and the hosting of an event of this scale are inevitable. No country, city or private sector operator can, with honesty, say that there will be no circumstances where the rights of a worker, community member, fan, player or other rightsholder will be compromised. Whether through mistake, oversight, system failure or deliberate individual action, it is highly probable that something will happen, somewhere, at some point. With this in mind, it is important that this study and the strategy of the competition consider the extent to which existing mechanisms are in place in the three countries to provide remedy in relation to human rights negative impacts related to the competition and, in the strategy, to consider the best approach to develop grievance frameworks which plug any identified gaps.

While the promulgation and implementation of laws and standards to protect human rights by States is of utmost importance, and while the development of effective strategies, based on due diligence, to respect human rights by private actors – such as FIFA and the competition – is equally crucial, this leaves the question of remedy and grievance. While both of these can form part of the due diligence process itself, the right to remedy in respect of proven human rights harm is a stand-alone issue.

Key issues for consideration by FIFA and the competition organisers

There are a range of ways in which grievances can be brought, and remedy sought, in relation to the various salient human rights issues. However, there are some gaps particularly in relation to private sector actors and short-term impacts.

There will be a need to establish appropriate grievance channels related to the competition, based on liaison with state-based mechanisms.

Ensure that competition short-term, high-impact, scenarios have a quick known grievance route – e.g. journalists, fan discrimination, etc.



International standards

Article 8 of the Universal Declaration of Human Rights provides that “Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.” Article 2(3) of the ICCPR protects the right to effective remedy for violation of rights or freedoms recognised by the ICCPR, and provides for a person’s right to be determined by competent judicial authorities, by administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State. Rights and freedoms recognised by the ICCPR include a right to life, to equality and non-discrimination, to freedom from slavery and forced labour, to freedom of movement, to freedom of opinion and expression, to freedom of thought, conscience and religion or belief, to humane treatment in detention, to security of the person and freedom from arbitrary detention, to a fair trial and fair hearing, to freedom of assembly and association, prohibition on interference with privacy and

attacks on reputation, rights of parents and children, a right to work and rights at work. It is important to note that not all of these rights and freedoms have remedies for violation that involve courts.

The UNGPs provide that “as part of their duty to protect against business-related human rights abuse, States must take appropriate steps to ensure, through judicial, administrative, legislative or other appropriate means, that when such abuses occur within their territory and/or jurisdiction those affected have access to effective remedy”. Further, they state that States should “take appropriate steps to ensure the effectiveness of domestic judicial mechanisms when addressing business-related human rights abuses, including considering ways to reduce legal, practical and other relevant barriers that could lead to a denial of access to remedy”, and also “provide effective and appropriate non-judicial grievance mechanisms, alongside judicial mechanisms, as part of a comprehensive State-based system for the remedy of business-related human rights abuse”.

In relation to the private sector, the UNGPs suggest that, in order to make it possible for grievances to be addressed early and remediated directly, “business enterprises should establish or participate in effective operational-level grievance mechanisms for individuals and communities who may be adversely impacted”.

The UNGPs also set out effectiveness criteria for non-judicial grievance mechanisms, which are that both State and non-State mechanisms should be:

- Legitimate
- Accessible
- Predictable
- Equitable
- Transparent
- Rights compatible
- A source of continuous learning

According to the UNGPs, further operational level grievances should be based on engagement and dialogue.



Key findings on legal framework

All three countries have a range of legal channels open to citizens and others to bring claims before the courts and tribunals. In Mexico and Canada there are specific human rights actions or tribunals and in all three countries constitutional law actions may be used to challenge public actions on human rights criteria.

There are difficulties in bringing actions in all three countries based on international human rights standards against private actors. In addition, the scope for non-judicial remedy mechanisms under the terms of the UNGPs is limited, with mechanisms such as the OECD NCPs being limited to actions of national companies in third part countries. There are reasonably well developed non-judicial mechanisms both national and international which relate to the rights of players, but these tend to focus on game, rather than human rights, related issues.



Risk in practice

While there are a range of courts and other routes that citizens in all three countries can bring claims, there are a range of factors that can inhibit swift access to justice or remedy in respect of the actions of private actors. These include impunity in some parts of Mexico, cost of proceedings and delays in court procedures. The short-term, fixed-timeframe nature of the event accentuates this, as any remedy in terms of the UNGPs framework would need to be identified and promoted while there was still sufficient leverage.

There are significant risks in practice related to the competition revolve around the ability of migrants and non-citizens to bring claims before courts and tribunals, and again speed of getting remedy or resolution in relation to short time frame activities for such migrants. This can also include specific issues related to journalists – for example refusal of accreditation.

Some of these institutional issues in accessing the courts in each of the three countries, are common in many countries in the world.

Remedy	
Canada	<p>Canada's <i>Charter of Rights and Freedoms</i> contains a general enforcement guarantee. Pursuant to art. 24, any individual whose Charter rights have been infringed or denied may seek recourse. An allegation that a government entity has infringed a <i>Charter</i> right can be brought before a court of first instance subject to certain procedural requirements. A number of constitutional remedies are available including striking down a law which violates the constitution, as well as damages (see e.g. <i>Vancouver (City) v. Ward</i>, 2010 SCC 27).</p> <p>Human rights complaints against private actors may also be addressed before specialised human rights tribunals which administer human rights legislation in every province as well as the federal jurisdiction.</p> <p>As an example, complaints relating to labour, employment, occupational health and safety, or human rights laws are often addressed through administrative tribunals, with some overlap between these bodies. Administrative tribunals are public in nature, must be procedurally fair, and have broad remedial jurisdiction including a capacity to award damages, order public interest remedies, or order the reinstatement of an individual who has been dismissed (as the case may be). Decisions made by these administrative tribunals are subject to judicial review by the court system There are also some routes for workers to settle disputes by private arbitration. Where an employment and labour-related issue also gives rise to human rights questions (e.g.</p>

Remedy	
	dismissal on discriminatory grounds), relevant administrative bodies have jurisdiction to address human rights issues and grant human rights remedies (<i>Tranchemontagne v. Ontario (Director, Disability Support Program)</i> , [2006] S.C.J. No. 14).
Mexico	<p>In Mexico, the concept of Recurso de Amparo is provided for under Mexico's constitutional law and the Amparo Law, developed in accordance with articles 103 and 107 of the Political Constitution of the United Mexican States. It allows for an individual to bring an action to protect their constitutional rights in broad terms.</p> <p>However, the ability to bring an Amparo suit is restricted to actions by public authorities, with no such right in relation to private entities. There was a proposal to extend the scope of the Amparo law to the private sector in 2013, but this has not been implemented.</p> <p>There are various other recourse channels that can be used to raise complaints about breaches of rights, depending on the right in question, for example local and federal labour boards for labour rights.</p> <p>The National Commission of Human Rights can receive complaints about breaches of human rights, but has no direct powers to remedy those breaches. Rather it has to make recommendations to other public bodies to remedy identified harms (HRW 2008). Most complaints are raised against the government or public sector.</p> <p>Citizens have access to an independent judiciary in civil matters to seek civil remedies for human rights violations. For a plaintiff to secure damages against a defendant, however, the authorities first must find the defendant guilty in a criminal case, a significant barrier in view of the relatively low number of convictions for human rights offenses.</p>
United States	<p>There are a range of ways in which human rights breaches can be challenged before the US courts and other administrative channels, depending on the breach that is being alleged.</p> <p>The US Constitution provides a range of different protections related to human rights that are outlined throughout this report and there are judicial review procedures where applicants can challenge before the Federal Courts, in limited circumstances, the content of legislation and, more widely, the way in which legislation is applied on the basis that it is contrary to the constitution.</p> <p>The Federal courts can also be used by those with sufficient standing to challenge the Constitutional nature of administrative action by public bodies.</p> <p>The ability to raise specific human rights issues in the US Courts is limited on account of the fact that the US has ratified a relatively small number of treaties and those which it has done so are not considered to be self-executing in national law.</p>

Remedy

There are also limitations on the extent to which private sector action can be challenged with direct reference to international human rights law and constitutional law.

Annex 1: Table of ratifications

Legal instrument	Canada	Mexico	United States
Core international human rights treaties			
International Convention on the Elimination of all Forms of Racial Discrimination (ICERD), 1965	✓	✓	✓
International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966	✓	✓	✗
International Covenant on Civil and Political Rights (ICCPR), 1966	✓	✓	✓
UN, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979	✓	✓	✗
UN, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984	✓	✓	✓
UN, Convention on the Rights of the Child (CRC), 1989	✓	✓	✗
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990	✗	✓	✗
UN, Convention on the Rights of Persons with Disabilities (CRPD), 2006	✓	✓	✗
International Convention for the Protection of All Persons from Enforced Disappearance, 2006	✗	✓	✗
Other relevant international instruments			
UN, Protocol against the Smuggling of Migrants by Land, Sea and Air, 2000	✓	✓	✓
UN, Protocol to Prevent, Suppress and Punish Trafficking, 2000	✓	✓	✓
UN, Convention against Transnational Organized Crime, 2000	✓	✓	✓

Legal instrument	Canada	Mexico	United States
UN, Convention against Corruption, 2003	✓	✓	✓
Core regional human rights treaties			
OAS, American Convention on Human Rights (ACHR), 1969	✗	✓	✗
OAS, Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", 1988	✗	✓	✗
Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, 1994	✗	✓	✗
Inter-American Convention on the Elimination of All Forms of Discrimination against Person with Disabilities, 1999	✗	✓	✗
Core ILO Conventions			
ILO, C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948	✓	✓	✗
ILO, C098 - Right to Organise and Collective Bargaining Convention, 1949	✓	✗	✗
ILO, C029 - Forced Labour Convention, 1930	✓	✓	✗
ILO, C105 - Abolition of Forced Labour Convention, 1957	✓	✓	✓
ILO, C100 - Equal Remuneration Convention, 1951	✓	✓	✗
ILO, C111 - Discrimination (Employment and Occupation) Convention, 1958	✓	✓	✗
ILO, C138 - Minimum Age Convention, 1973	✓	✓	✗
ILO, C182 - Worst Forms of Child Labour Convention, 1999	✓	✓	✓

Legal instrument	Canada	Mexico	United States
<i>Other relevant ILO Conventions</i>			
ILO, C001 - Hours of Work (Industry) Convention, 1919	✓	✗	✗
ILO, C014 - Weekly Rest (Industry) Convention, 1921	✓	✓	✗
ILO, C030 - Hours of Work (Commerce and Offices) Convention, 1930	✗	✓	✗
ILO, C106 - Weekly Rest (Commerce and Offices) Convention, 1957	✗	✓	✗
ILO, C131 - Minimum Wage Fixing Convention, 1970	✗	✓	✗
ILO, C155 - Occupational Safety and Health Convention, 1981	✗	✓	✗
ILO, C169 - Indigenous and Tribal Peoples Convention, 1989	✗	✓	✗
ILO, C187 - Promotional Framework for Occupational Safety and Health Convention, 2006	✓	✗	✗

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