
THIRD REPORT
BY THE FIFA
HUMAN RIGHTS
ADVISORY BOARD

*INCLUDING THE BOARD'S RECOMMENDATIONS
FROM OCT 2018 - APRIL 2019*

MAY 2019

TABLE OF CONTENTS

| | |
|--|-----------|
| <i>TABLE OF CONTENTS</i> | 2 |
| <i>INTRODUCTION</i> | 3 |
| OUR WORK IN GENERAL | 3 |
| OUR THIRD REPORT | 4 |
| TRACKING FIFA'S PROGRESS AGAINST OUR RECOMMENDATIONS | 5 |
| NOTE ON OUR NOVEMBER 2018 BOARD MEETING IN DOHA | 5 |
| <i>1. PRIORITY CASES</i> | 5 |
| CASE OF MR HAKEEM ALARAIBI | 6 |
| CASE INVOLVING MEMBERS OF THE AFGHAN WOMEN'S FOOTBALL TEAM | 8 |
| <i>2. TOURNAMENTS – FWC 2022 IN QATAR</i> | 8 |
| A. WORKERS' RIGHTS IN THE FWC 2022 SUSTAINABILITY STRATEGY | 9 |
| B. ENGAGING AFFECTED STAKEHOLDERS IN CONNECTION WITH OTHER RISKS | 11 |
| C. POTENTIAL EXPANSION OF THE FWC 2022 | 12 |
| <i>3. THEMATIC ISSUES</i> | 13 |
| EMBEDDING RESPECT FOR HUMAN RIGHTS IN FOOTBALL GOVERNANCE | 13 |
| DISCRIMINATION AGAINST WOMEN IN IRAN | 14 |
| LOOKING AHEAD | 15 |

Introduction

The FIFA Human Rights Advisory Board was established by FIFA in early 2017 to help strengthen its efforts to ensure respect for human rights. The Board is an independent body composed of eight international experts in human rights, including labor rights and anti-corruption issues, from the United Nations, trade unions, civil society and business. Board members are appointed for a term of two years. The Board provides FIFA with advice and recommendations on all issues that it considers relevant to the implementation of FIFA's human rights responsibilities under Article 3 of the FIFA Statutes, as elaborated in FIFA's Human Rights Policy.

The eight members of the Board provide advice on an independent basis and receive no financial or other compensation for their time from FIFA or from any other football entity. This is the Advisory Board's third formal report.

The Board was initially established for a pilot period of two years. In November 2018, the President and Secretary General of FIFA decided to renew the mandate of the Board for a further two-year term. As part of this renewal, the Board and FIFA jointly revised the Board's TORs to take account of lessons learned during the pilot phase. The new TORs are publicly available on FIFA's website.¹

We had one change in membership moving into this new mandate: Ignacio Packer stepped down following his move from Terres des Hommes to a new organization, and Dr Susan Bissell joined the Board, bringing additional child protection and child rights expertise to the Board's work. Full information about the Board members can be found on our dedicated page.²

Our Work in General

The Board has met in person twice since our last public report – in October 2018, in Doha, for four days and in April 2019, at FIFA Headquarters, for two days. Building on our practice from 2018, we have continued to engage regularly with FIFA, primarily through the secretariat.³ We have also continued our practice of meeting via Board-only conference calls on a monthly basis to ensure we are keeping up to speed with emerging issues.

In urgent cases, such as during the detention of Mr Hakeem Alaraibi (see section “Case of Mr Hakeem Alaraibi” below), we have increased the frequency of our internal discussions and our interactions with FIFA.

¹ See <https://resources.fifa.com/image/upload/human-rights-advisory-board-terms-of-reference.pdf?cloudid=uvmsynwru9dpmu5rgmi>.

² See the page kindly hosted by the Business and Human Rights Resource Centre: <https://www.business-humanrights.org/en/fifa-human-rights-advisory-board>.

³ In this report, the “secretariat” refers to the members of FIFA's Sustainability and Diversity Department that have responsibility for human rights and act as the secretariat to the Advisory Board under the Board's TOR.

We have also continued our engagement with the Governance Committee via the members of its human rights working group, Rainer Koch and Ian Binnie. The Committee's powers and responsibilities under the FIFA Statutes and Governance Regulations include advising and assisting the FIFA Council on any governance topic, specifically including human rights. Mr Koch joined us in person for parts of both our Advisory Board meeting in Doha and our April Board meeting in Zurich; Mr Binnie joined part of our April Board meeting remotely. Our chair, Rachel Davis, also briefed the Governance Committee during their February 2019 meeting about our visit to Doha and our outstanding recommendation from our last report on discrimination against women in Iran.

In April, Board member Susan Bissell formally joined the FIFA Child Protection and Safeguarding Expert Working Group, which includes other external stakeholders, and had the opportunity to review and comment on draft materials being prepared by FIFA in this area.

We have also continued our own regular engagement with key stakeholders, including with the members of the Sport and Rights Alliance and through the newly established Centre for Sport and Human Rights. We highly value the insights and expertise they have shared with us.

Our Third Report

Reflecting on our initial two-year term, going into our new mandate we have sought to develop a simpler reporting format with a predictable structure to enable stakeholders to quickly search for the aspects they are most interested in.

This report – our third – is the first in that new format. It is divided into three parts:

1. **Priority cases:** Cases where the Advisory Board considered that urgent action was needed from FIFA, given the imminent risk of severe harm to a specific individual or individuals' rights;
2. **Tournaments:** Ongoing management of human rights risks in connection with major FIFA tournaments, with a current focus on the FIFA World Cup (FWC) 2022;
3. **Thematic issues:** Broader topics that we are devoting attention to, including embedding human rights into FIFA's governance and players' rights.

We intend to replicate this format in future reports and aim to issue these shorter reports on a biannual schedule in May and November. Under our new TORs we are also separating our reporting schedule from FIFA's, since FIFA will need to adapt its own reporting to other organizational demands and priorities.

Tracking FIFA's Progress Against our Recommendations

We have continued to use the tracking system established in our first term, but have refined the 4-step categories to include a fifth category that recognizes situations where FIFA decides not to implement a particular recommendation by the Board.⁴

Note on our November 2018 Board Meeting in Doha

We held the fourth meeting of the Advisory Board in Doha, Qatar, over 1-4 October, 2018. This was the first time the Board conducted an in-situ visit with the purpose of enabling us to better understand the current human rights context, progress and challenges connected to preparations for the FIFA World Cup 2022 in Qatar, in order to inform our recommendations to FIFA.

We appreciated the invitation by the Supreme Committee for Delivery and Legacy (SC) and FIFA to hold our meeting in the local context. Our visit enabled us to discuss a range of human rights issues in depth with the SC, the Local Organising Committee (LOC) and key staff from FIFA's Sustainability and Diversity Department. The agenda was also designed to benefit from briefings and discussions with the local office of the International Labour Organization (ILO) that is overseeing the technical cooperation agreement between the ILO and the Qatari Ministry of Labour, the Director of the Qatari Government Communications Office, representatives from the National Human Rights Committee, representatives from the SC's Accessibility Forum, and representatives from the Karama Initiative (involving companies engaged in broader construction projects in the country).

We also joined part of a joint inspection visit by the global trade union Building and Wood Workers' International (BWI) together with SC staff on the construction site for the Al Rayyan stadium. We want to particularly thank the worker representatives, the BWI team, and the members of the SC's Worker Welfare Unit for enabling us to observe a meeting of the site's Worker Welfare Forum during our visit.

As usual, our meetings were organized by FIFA; they were hosted in the Supreme Committee's offices. We appreciated the time and engagement of a range of SC staff, and especially the open and productive exchange we had with the Secretary General of the SC as part of our visit.

1. Priority cases

Since our last report, we have followed two cases involving the risk of severe harm to specific individuals. Both involved footballers – the first case involved Mr Hakeem Alaraibi, a Bahraini footballer with refugee status in Australia. The second case concerns members of the Afghan women's football team who have brought serious claims of severe harm, including of sexual assault, against various individuals within the Afghan football federation.

⁴ For an explanation of the tracking system, please see the Board's second report, available at <https://img.fifa.com/image/upload/hwl34aljrosbxevkwvh.pdf>, p. 5.

Case of Mr Hakeem Alaraibi

Mr Alaraibi is a professional footballer, originally from Bahrain, who now plays for Pascoe Vale FC in Australia, having been granted refugee status by the Australian government. In late November 2018, he traveled with his wife to Thailand.

The Advisory Board followed with grave concern Mr Alaraibi's detention by the Thai authorities shortly after his arrival in the country, under threat of extradition to Bahrain. Given his status as a refugee, he was at severe and imminent risk of personal harm were he to have been returned ('refouled') to Bahrain as that government had requested. As a refugee, Mr. Alaraibi was entitled to a safe return to Australia and issues such as the legitimacy (or otherwise) of the charges against him in Bahrain, or assurances about how he would be treated if he were to be returned there, were irrelevant; the only acceptable outcome was his return to Australia.

On 20 January 2019, following two brief public position statements by FIFA on Mr. Alaraibi's case, and engagement by FIFA with the Member Associations connected to the case and with the Asian Football Confederation, but with Mr Alaraibi's detention still continuing, the Advisory Board made a series of detailed recommendations to FIFA. These outlined the need to step up the actions FIFA was taking in order to meet its human rights responsibilities, given Mr. Alaraibi's status as a professional player operating within the system and governance framework overseen by FIFA and the linkages to several of FIFA's Member Associations as well as the Asian Football Confederation.

Our recommendations are reproduced in full below.

R65 In line with FIFA's human rights responsibilities in its Statutes and Human Rights Policy, and building on the steps it had already taken, FIFA should use all available leverage to seek to ensure Mr Alaraibi's immediate and safe return to Australia, including by:

- a) Immediately issuing a formal written communication to the Thai Government reiterating FIFA's position on Mr Alaraibi's case and stressing the urgency of resolving the situation by allowing him to safely return to Australia. The written communication should promptly be followed by an in-person visit by an appropriately high-level FIFA official (such as the Secretary-General or her Deputy) to Thailand to engage directly with relevant Thai Government officials in order to communicate FIFA's concern and seek the government's assistance in ensuring a speedy resolution. FIFA's representative should also meet directly with Mr Alaraibi's representatives.
 - b) Similarly communicating FIFA's position and expectations formally to the Bahraini Government.
 - c) Being prepared to have an appropriate FIFA representative attend any further in-person court hearings that Mr Alaraibi is entitled to, following the proactive approach taken by FIFA in Mr Semyon Simonov's case in Russia in 2018 in line with the organization's Human Rights Defenders Policy.
-

- d) Clearly communicating to the Asian Football Confederation (AFC) its institutional responsibility for respecting human rights as part of its obligation to comply and enforce compliance with FIFA's Statutes under Art 22. At a minimum, this responsibility means that:
- the AFC should take a clear public position, aligned with FIFA's, on the need for a speedy and full resolution of the situation, which can only happen through Mr Alaraibi's safe return to Australia;
 - the AFC's highest officer, its President, who is also de facto a Vice-President of FIFA, should be prepared to state this position publicly and support it through quiet diplomacy, as is expected of all FIFA's senior officials.

FIFA should clarify to the AFC that taking such a position is not in violation of the prohibition on political interference given FIFA's own human rights policy commitments, the gravity of potential harm to Mr Alaraibi, and the fact of his refugee status.

- e) Engaging directly with its three member federations, the Bahrain Football Association (BFA), the Football Association of Thailand (FAT) and the Football Federation of Australia (FFA) that are linked to Mr Alaraibi and thus also have a responsibility to seek to ensure his rights are respected. Mr Alaraibi is a player within the jurisdiction of the FFA, he is a former member of the BFA and his detention is occurring within the territory of the FAT. Each federation should use whatever leverage it has to support FIFA's efforts to seek to ensure Mr Alaraibi's safe return to Australia.
- f) The Review Committee of FIFA's Governance Committee should use its mandate in reviewing candidates for relevant FIFA elections to ask all candidates for their views on how they intend to meet their obligation to comply with Art 3 of FIFA's Statutes should they be elected. This should include the upcoming AFC Presidential elections.

FIFA took action on the majority of our recommendations. However, recommendation (f) was not addressed in connection with the AFC election that occurred in early April 2019.

Many other stakeholders played critical roles in supporting Mr Alaraibi both in public and behind the scenes, particularly players' organizations and individual football players, as well as NGOs and individual governments, all of which helped lead to his safe return to Australia in February 2019. Our concern as the Advisory Board was to help ensure that FIFA played its appropriate role in this collective effort, in line with its responsibility to respect human rights.

At our April Board meeting, we discussed the question of how the human rights responsibilities set out in FIFA's Statutes can be integrated into eligibility checks. This question is relevant not only at the FIFA level, but also in terms of what expectations FIFA sets for Member Associations and Confederations when conducting their own eligibility checks under their own rules. At the moment, there are common expectations for Member Associations and Confederations but they are not mandatory. We noted FIFA's commitment to look at how human rights can be appropriately integrated into eligibility checks at the FIFA level, and to consult the Advisory Board as part of this review.

Case Involving Members of the Afghan Women's Football Team

In late 2018, FIFA publicly announced that it had been examining serious allegations from members of the Afghan national women's team of sexual and physical abuse by individuals within the country's football federation, which is a Member Association of FIFA.

From a human rights perspective, the immediate and critical issue was to ensure the personal safety of the women complainants involved, including from any reprisals. We recognize that FIFA worked closely with FIFPro – the global union representing professional football players – to take action to seek to ensure the safety of the complainants. FIFA also imposed provisional sanctions through its own mechanisms.

We discussed the handling by FIFA of the case to date, which is ongoing, in our April Board meeting, with the head of FIFA's Independent Committees Subdivision and with Ian Binnie, an independent member of the FIFA Governance Committee. Respecting the fact that various actions are continuing, our discussion explored whether FIFA's current grievance mechanisms are fit for purpose when it comes to this kind of case involving claims of sexual harassment or abuse, and what types of sanctions FIFA can exercise where such severe allegations are proven against football officials or others covered under the FIFA Ethics Code.

We intend to make further recommendations in this area as part of our focus in the second half of 2019 on players' human rights and respect for women at all levels of the game. In the meantime, we will continue to follow the progress of the case closely, looking at both the issues of remedy and the prevention of future harm.

2. Tournaments – FWC 2022 in Qatar

This section summarizes the work that the Advisory Board has conducted with regard to the FWC 2022 in Qatar, pending FIFA's decision of whether to expand the tournament to other geographies.

Our visit to Doha in October 2018, including our engagement with the International Labour Organization (ILO) and a number of local stakeholders, helped us to assess and consider:

- The importance of FIFA supporting the ILO and the Ministry of Administrative Development, Labor and Social Affairs' (MADLSA) efforts to ensure the prompt and full implementation of the new law abolishing exit permits for the majority of foreign workers;
 - The positive work that has been done by the SC on the stadia sites under its control to improve respect for migrant workers' rights, particularly in the areas of workplace health and safety, accommodation standards, universal reimbursement of recruitment fees and the collaboration with the global union federation BWI to strengthen the system of worker committees, as well as the challenges that remain given the substantial gap between the current situation in the country and international standards on freedom of association and non-discrimination (for migrant workers in particular);
-

- The need for the construction sector more broadly in the country to better understand the factors that appear to be contributing to a number of ‘non-work-related deaths’ among workers in the sector and the relationships between them, in order to take more effective action to prevent such deaths;
- The steps being taken by the SC to integrate human rights in safety and security preparations, including the training of public security forces, with a focus on individuals or groups that are subject to discrimination or otherwise vulnerable, particularly due to their actual or perceived sexual orientation, gender identity or gender expression;
- The work being done by the SC to ensure accessibility and to strengthen respect for the rights of persons with disabilities not only in SC sites but more broadly across the country;
- The evolving status of freedom of expression in the country with a new law due to come into effect in 2019 that will apparently eliminate the legal basis for formal censorship of publications.

Following the Advisory Board’s meeting, we developed a series of recommendations to FIFA regarding the FWC 2022, which are set out below.

A. Workers’ Rights in the FWC 2022 Sustainability Strategy

The Board advised FIFA on refining and strengthening its joint Sustainability Strategy with the SC for the FWC 2022. While the strategy has been finalized and is being implemented in practice, it has not yet been publicly released due to the creation of the joint venture structure between FIFA, the SC and the LOC in Qatar.

In the area of respect for workers’ rights, the strategy represents the first time that FIFA has clearly articulated its responsibility in connection with impacts that are linked to the construction and operation of FWC stadia and facilities, in line with the UN Guiding Principles. Our recommendations focus on specific steps that we believe should be prioritized for action by FIFA in the first half of 2019 within the broader framework of the strategy, where we think FIFA has a particular role to play that is distinct from but complementary to the responsibilities of the SC.

There are steps underway to strengthen exchanges between FIFA and the LOC, the SC and MADLSA, and also to widen the scope of the SC’s engagements on labor rights to issues directly linked to the tournament, in line with the Sustainability Strategy. These are potentially significant developments that should, in the Board’s view, enable FIFA to move into a more proactive approach to issues, and to use its voice and broader leverage in collaboration with the SC, but also in a manner that adds value to the SC’s own efforts. This is particularly the case for situations like that of the affected workers in the Mercury MENA case,⁵ which in our view falls within the scope of FIFA’s responsibility for impacts it is linked to under the UN Guiding Principles because of the company’s involvement in the construction of public infrastructure providing cooled water for air conditioning throughout the new city of Lusail, including the Lusail stadium. We address this case in our recommendations below.

⁵ See <https://www.amnesty.org/en/latest/research/2018/09/mercury-mena-abuses-qatar/>.

R66 FIFA should encourage the convening of, and participate in, a discussion by the ILO and Qatari Government on the creation of a shared set of labor standards across all construction projects in the country. The standards should draw on the elements of existing worker welfare standards and practice in the country that are most closely aligned with international human rights, and FIFA should publicly endorse the Ministry of Labor playing a central role in setting and meaningfully enforcing such standards.

R67 FIFA should promote the learning from the model of worker committees developed by the SC with support from BWI as a key input to the Ministry of Labor's review and development of joint committees as part of the Qatari Government's technical cooperation program with the ILO. This should include key features of the SC's model such as meetings that are independent of management, free worker elections, training for worker representatives and ensuring the committees have the scope to discuss all relevant topics including wages and benefits. FIFA should also support the SC in promoting its model directly with the other companies involved in connected construction projects that come within the scope of the FWC 2022 Sustainability Strategy.

R68 FIFA should demonstrate how it has used its leverage to help enable remedy for the affected workers in the Mercury MENA case, including through advocating with the Qatari Government for the effective operationalization of the Workers' Support and Insurance Fund. This should include ensuring that the fund is able to cover future emergency payments as well as compensation for unpaid salaries in this and similar cases, that it is established with initial funding by the government and that it is retroactive for at least a year.

R69 FIFA should support a discussion involving all the key actors in the construction sector in Qatar, convened by an independent party such as the ILO, with the aim of generating broader understanding of the factors that appear to be contributing to a number of 'non-work-related deaths' among construction workers (including the physical environment, nutrition, and underlying chronic health conditions), the relationships between those factors, and what more can be done to address them. The discussion should involve concerned stakeholders and independent experts in order to define appropriate actions and measurable outcomes.

R70 FIFA should promote the effective implementation of the law abolishing exit permits, its extension to all migrant workers in the country, and support for the implementation of free labor mobility (meaning the ability to change employers) by late 2019 in its high-level exchanges with the Qatari Government. These are critical issues that go beyond the scope of operations of FIFA's partner, the SC, and which will affect the rights of many workers connected to the FWC 2022 in the construction, transportation, hotel and services sectors.

R71 FIFA should use the opportunity of the study it has commissioned on access to remedy in relation to the FWC 2022 to explore how FIFA can support the emerging system of community liaison representatives from global trade unions sitting within the ILO's Qatar office to try to address cases involving harm to workers at an early stage before they escalate and the harm suffered by the workers is compounded.

B. Engaging Affected Stakeholders in Connection with Other Risks

Qatar is one of around 70 UN member states that criminalize consensual same-sex relationships.⁶ There are also provisions in its criminal law censoring expressions regarding same-sex acts or relationships and potentially other aspects of sexual orientation and gender identity. This has the potential to interact with the broader legal basis for formal censorship of publications, and with self-censorship by local publishers, as apparently happened in 2018 with the repeated removal of content in the NY Times International Edition that touched on LGBT+ rights.⁷

In these circumstances, it is both essential and challenging for FIFA and its partners in the FWC 2022 to demonstrate that the risks to individuals on the basis of their actual or perceived sexual orientation or gender identity can be appropriately mitigated in connection with the tournament.

As an initial step, we recommended that:

R72 FIFA build on the work that has been done to date with the SC's security team to look more comprehensively at risks to individuals due to their actual or perceived sexual orientation or gender identity in connection with the hosting of the tournament. This should go beyond international fans and also consider members of the local community who may face even greater threats. FIFA should conduct its own engagement with groups with insight into the perspectives of LGBT+ individuals and deepen its engagement with the SC on this topic, in order to develop credible mitigation measures and help build stakeholder confidence in how these risks will be handled.

In addition, and on the broader topic of the legal basis for censorship, we recommended that:

R73 FIFA should continue to engage through the SC with the Government Communications Office, and publicly encourage, the finalization and implementation of a proposed new law to eliminate formal censorship in Qatar and seek to ensure media freedom and respect for journalists' rights in connection with the FIFA World Cup 2022.

Finally, we noted the positive approach adopted by the SC to engaging affected stakeholders – meaning those at risk of negative impacts – in other areas. We recommended that:

R74 The SC's Accessibility Forum is a model of putting affected stakeholders at the heart of human rights impact identification, mitigation and accountability. FIFA should work together with the SC and LOC to apply the same principles to other

⁶ See, for example, ILGA, *State-Sponsored Homophobia*, 2019 available at https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2019.pdf.

⁷ See <https://abcnews.go.com/International/exclusive-world-cup-spotlight-qataris-cracks-lgbt-news/story?id=56668874>. In our meetings with the relevant government office in Qatar, we were told that this was done by the local publisher, and not at the explicit direction of the government.

areas of human rights risks management connected to the FIFA World Cup 2022 in connection with impacts affecting workers, players, volunteers and fans.

C. Potential Expansion of the FWC 2022

At our April Board meeting, the Board expressed strong concerns about the need for appropriate consideration of the human rights risks that would be involved in any proposed expansion of the FIFA World Cup 2022 to one or more of the five countries identified in FIFA's public feasibility study,⁸ given the unusually short timeframe between a proposed decision in June 2019 and the hosting of the tournament in late 2022. Following the meeting, we wrote to the President to formally express our concerns.

FIFA's commitment to the UN Guiding Principles on Business and Human Rights does not mean that it cannot organize tournaments in challenging contexts; however, it does mean that it should do so with due attention to severe human rights risks that could be connected to FIFA tournaments and the likelihood of preventing or mitigating them. Whatever potentially positive contributions to the enjoyment of human rights or broader social or political benefits may flow from a decision to hold a tournament in a particular country, they cannot offset the need to consider these specific human rights risks.

While the feasibility study analyzed the technical and operational infrastructure available in each of the countries, it did not include meaningful consideration of human rights risks or proposed mitigation measures, despite this being a mandatory element of FIFA's new hosting requirements. Even in those countries where construction of new stadia would not be needed, a number of other severe human rights risks are present and would need to be addressed in connection with an expanded tournament.

In our letter, we noted that these risks include discrimination against women and girls, restrictions on freedom of the press, denial of freedom of association, overt criminalization, persecution and harassment of LGBT+ individuals, failure to respect the rights of religious minorities, poor treatment of migrant workers in sectors beyond construction, and serious threats to journalists and human rights defenders. These and other issues in the human rights records of the countries under consideration have been extensively documented by the UN and other credible governmental and non-governmental sources over many years. Many of them are systemic in nature.

Consequently, we stated that it would be extremely difficult for FIFA to identify specific and actionable mitigation measures on a number of these risks within the very limited timeframe until the tournament.

We recommended that:

⁸ Available at <https://resources.fifa.com/image/upload/idhwq1ychz15wifpcna.pdf>.

R75 In line with FIFA’s existing human rights commitments, any final decision on involving additional hosts in an expanded FWC 2022 tournament should consider the following factors:

- (a) the results of a robust assessment of the specific human rights risks involved;
- (b) an evaluation of the likely impact of proposed mitigation measures to address those risks, given the unusually short time frame;
- (c) whether the prospective host government or governments have made clear, credible and timely commitments to address the specific human rights risks connected to hosting the tournament; and
- (d) an assessment of FIFA’s ability to hold additional host governments to these commitments.

Following our April Board meeting, the Sustainability and Diversity team carried out a desktop risk assessment, which also included consultation with eight expert human rights organizations. This internal assessment was formally presented to the Secretary General and President in mid-May, at the time this report by the Advisory Board was finalized.

3. Thematic Issues

Embedding Respect for Human Rights in Football Governance

Over the past two years, the Advisory Board has focused its efforts in helping FIFA make progress at the operational level on human rights. However, a holistic approach to its human rights responsibilities means that FIFA needs to pay equal attention to the implications that these have at the governance level. This includes the need for broader progress in embedding human rights throughout football governance globally, in order to drive greater accountability at all levels of the game.

We are therefore bringing our focus back to the recommendations that we issued under our first report in 2017⁹ that relate to the need to better embed FIFA’s statutory commitment on human rights into the political and governance structures of the organization itself, and into the governance structures of its Member Associations and Confederations. Progress on these recommendations requires long-term and ongoing efforts. To meaningfully strengthen the solid operational work that is being conducted, FIFA needs to direct more energy into socializing these expectations, and driving them into governance at all levels of football as a matter of urgency. Without this, the gains that FIFA has made on human rights remain vulnerable to a change in leadership or to broader political considerations and trade-offs that risk undermining the trust that FIFA has gradually begun to build with stakeholders in this area.

⁹ Available at https://resources.fifa.com/mm/document/affederation/footballgovernance/02/91/92/38/fifahumanrightsenweb_neutral.pdf, p. 10.

At our April Board meeting, we had a productive discussion with FIFA’s Chief Member Associations Officer and members of her team from the Member Associations Division about the work they are doing to advance understanding of child safeguarding with members. This is a positive example of how FIFA can use a concrete issue to help build Member Associations’ awareness of the importance of human rights, and their capacity to address them. The new regulations for the FIFA Forward Program 2.0 include expanded language on respect for human rights in Art 8 that provide an important hook for FIFA to further build its engagement and use leverage with members on this topic.

In addition to our open recommendations on the topic of embedding human rights at all levels of football, we recommend that:

R76 Given that the human rights commitment in Art 3 of the FIFA Statutes is included in the Standard Statutes that provide guidance but are not mandatory for Member Associations, the FIFA Administration should specifically push for the integration of this provision into Member Associations’ own statutes, policies and governance structures and provide the necessary support to members to do so.

R77 The Sustainability and Diversity Department should continue to work with the Member Associations Division to support their efforts to embed respect for human rights into the strategic plans for football development of individual Member Associations and into project proposals and accountability mechanisms for the FIFA Forward 2.0 program.

R78 In considering whether FIFA’s Ethics Code and Disciplinary Code remain fit for purpose, FIFA should specifically review the human rights implications of the current versions of both codes, and the operation of the grievance mechanisms established under them. Increasingly, cases brought to these mechanisms will involve human rights issues, so FIFA should ensure that the mechanisms are prepared to deal appropriately with them, in line with the criteria for operational-level grievance mechanisms in the UN Guiding Principles.

Discrimination Against Women in Iran

The Advisory Board wishes to highlight our open recommendation from our September 2018 report connected to the ban on women attending sporting matches involving male competitors in Iran.¹⁰ We are concerned that, despite this being a situation of continuing harm, FIFA has not taken action in line with our recommendation to set up a measurable framework for progress towards

¹⁰ Available at <https://img.fifa.com/image/upload/hwl34aljrosbxevkwvh.pdf>, recommendation R60, p 25. The recommendation states: “That FIFA should be explicit about the timeframe in which it expects its Member Association to align with FIFA’s human rights expectations and the anticipated sanctions if it does not, including under the FIFA Statutes, Disciplinary Code and Ethics Code. This should also include using other aspects of FIFA’s existing leverage, such as any decisions regarding upcoming tournaments where the Iranian Football Association is bidding since, by definition, this would pose challenges to FIFA meeting its own human rights responsibilities.”

compliance by the Iranian Football Association. Informal commitments or one-off instances of allowing certain women into a stadium are not a satisfactory measure of progress in this regard.

We note that our recommendation included “using other aspects of FIFA’s existing leverage” beyond sanctions, which could include connecting any financing granted to the Iranian federation under the Forward 2.0 Regulations with progress on this issue, while recognizing that this should not jeopardize development of the game. FIFA could also explore using leverage directly with the Asian Football Confederation, or potentially through the funding granted to the AFC for its member federation under Art 6(10) of the Regulations.

We remain very concerned about the personal safety and security risks that the individual women who are protesting this discriminatory ban continue to face, and we urge FIFA to implement our recommendation in an effort to resolve this long-standing situation and prevent further harm.

Looking ahead

In the second half of 2019, the Advisory Board plans to focus on a limited number of thematic issues, including:

- Players’ human rights;
- Progress on FIFA’s strategy regarding women at all levels of the game; and
- Child safeguarding.

We will also continue our focus on embedding respect for human rights at the governance level within FIFA and throughout the global football family as the true test of whether FIFA’s important progress on human rights at the operational level can be sustainable.
