



### FIFA'S COMMITMENT TO HUMAN RIGHTS

Since 2017, FIFA has a new Human Rights Policy. The document embodies article 3 of the FIFA Statutes, according to which “*FIFA is committed to respecting all internationally recognised human rights and shall strive to promote the protection of these rights.*” The FIFA’s commitment to human rights includes also different activities and steps discussed in this article.

#### I.- Introduction

Sport and of course football, is one of the best ambassadors to promote human rights, because can transmit many positive values, such as team building, equality, integration, hope or respect. The Fédération Internationale de Football Association (FIFA), as the world governing body of association football, has a duty to provide the most stable and sustainable foundations for the game, which includes a commitment to the principles of good governance and transparency in all areas of its operations. Football and FIFA cannot begin to solve all of the world’s problems. However, through football and particularly the FIFA World Cup and its international spotlight, FIFA can achieve positive change<sup>1</sup>.

Despite this, many human rights violations occur due to mega-sporting events, and FIFA, through the worst crisis in its history, decided to act also in this field.

The most recent step towards this direction was taken in Zurich on 26 February 2016, when the Extraordinary FIFA Congress approved a set of reforms presented by the 2016 FIFA Reform Committee chaired by Dr François Carrard. Moreover, the appointment of Fatma Samura on May 2016 as FIFA’s first ever female and African leader, the new FIFA Secretary General, with 21-year humanitarian career with the United Nations, was also crucial for this commitment. One of the main aspects of the reform in 2016 was the FIFA’s commitment to human rights to be enshrined in the FIFA Statutes.

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<sup>1</sup> “...As for any international sports organization today, this kind of global footprint brings with it significant risks to people’s basic dignity and welfare. And that reality demands a robust and proactive response. FIFA is not solely responsible for solving these problems where the actions of others are the primary cause. But it must use its influence to address these human rights risks as determinedly as it does to pursue its commercial interests,” said by Human rights expert and Harvard Kennedy School Professor John Ruggie and author of an independent report (April 2016) to support development of FIFA’s human rights policies.



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## Legal Newsletter

Specifically, Article 3 of the FIFA Statutes – August 2018 edition<sup>2</sup> - stipulates FIFA's commitment to respect all internationally recognised human rights:

*"FIFA is committed to respecting all internationally recognised human rights and shall strive to promote the protection of these rights."*

In addition, FIFA shall strive to promote the protection of these rights. How? Throughout a new Human Rights Policy.

### II.- FIFA's Human Rights Policy

On May 2017, FIFA published the first Human Rights Policy<sup>3</sup> of this governing body. FIFA's Human Rights Policy was developed by the FIFA administration in collaboration with FIFA's Governance Committee to adopt a clear and coherent Policy.

Something unique and very important for an association like FIFA, a sports organization, is that follows guidance from the UN Guiding Principles on Business and Human Rights and other relevant internationally recognized standards and closely engages with relevant stakeholders.

Moreover, according to the Policy, where national laws and regulations and international human rights standards differ or are in conflict with each other, FIFA will follow the higher standard without infringing upon domestic laws and regulations.

According to article 8 of the Policy, FIFA implements its human rights commitment through a four-pillar approach, which serves as a structuring framework for its human rights work. Each of the four pillars includes two work areas:

- Pillar I: Commit and embed:
  - o Commit: Strategy Human Rights Policy and internal regulations.
  - o Embed: Proactive engagement, internal responsibilities, capacity-building, collaboration and Human Rights Advisory Board.
- Pillar II: Identify and address:
  - o Identify: assessment and prioritisation of human rights issues.
  - o Address: prevent and mitigate adverse human rights impacts.
- Pillar III: Protect and remedy:
  - o Protect: help ensure freedoms of human rights defenders and media representatives.

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<sup>2</sup> FIFA Statutes:

<https://resources.fifa.com/image/upload/the-fifa-statutes-2018.pdf?cloudid=whhncbdzio03cuhmwfxa>

<sup>3</sup> FIFA's Human Rights Policy:

[https://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/12/fifashumanrightspolicy\\_nutral.pdf](https://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/12/fifashumanrightspolicy_nutral.pdf)





## Legal Newsletter

- Remedy: targeted mechanisms. Remedy is about redressing human rights harms that have occurred.
- Pillar IV: Engage and communicate:
  - Engage: Consultations and participation in debates.
  - Communicate: reporting, media relations, public discussions.

Moreover, the Human Rights Policy includes a personal commitment to human rights from the FIFA President and the FIFA Secretary General, an explanation of how FIFA understands its human rights responsibilities, a description of the key risk areas identified, and an overview of the approach for implementing its human rights commitment.

To continue with the development of this policy, in September 2016, FIFA has employed, as the first International Sports Federation, a human rights specialist to coordinate and further develop its human rights-related work.

### III.- The FIFA Human Rights Advisory Board and their Reports

As part of the FIFA's Human Rights Policy, a FIFA Human Rights Advisory Board was established by FIFA in early 2017 to help strengthen its efforts to ensure respect for human rights. This Board provides FIFA with guidance on the implementation of its human rights-related responsibilities, including due diligence processes, and processes for remediation. Recommendations from the Advisory Board are considered by the FIFA General Secretariat in its efforts to implement its human rights commitments enshrined in Article 3 of the FIFA Statutes.

The Board is composed of eight international experts in human rights<sup>4</sup>, including labour rights and anti-corruption issues, from the United Nations, trade unions, civil society and business who have been appointed for an initial term of two years.

The Board meets in person at FIFA's headquarters in Zurich twice a year. Also, twice yearly, the Board produces a public report on its work in general. The first report was published on September 2017<sup>5</sup>, reflecting the first five months of work of this board, and sets a baseline. The

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<sup>4</sup> The members are (in alphabetical order):

- William Anderson (adidas)
- Rachel Davis (Shift) – Chair of the Board
- Ignacio Packer (Terres des Hommes) – Deputy Chair of the Board
- Sylvia Schenk (Transparency International Germany)
- Theo van Seggelen (FIFPro)
- Lene Wendland (Office of the UN High Commissioner for Human Rights)
- Brent Wilton (The Coca-Cola Company)
- Ambet Yuson (Building and Wood Workers' International)

<sup>5</sup> First report: <https://img.fifa.com/image/upload/ab2ywfic8qle92nghiee.pdf>





## Legal Newsletter

report consists of two parts, part A and part B and two annexes (the list of the Board members and the FIFA Human Rights Advisory Board operating principles):

- Part A: Advisory Board's recommendations.

The substantive sections of the report follow the structure of the 2016 independent report that FIFA commissioned by Professor John Ruggie, "For the Game, For the World: FIFA and Human rights" that I already have mentioned in this article.

The first recommendation of the Board is to adopt a clear and coherent Human rights Policy, because the first step of any organization on the path to respecting human rights is to create and develop a policy. Moreover, is important to create something more than words on paper. To create a real human rights policy requires an engagement inside FIFA, for example, developing a strategy to integrate human rights into daily work.

Another important recommendation, is that FIFA must prioritise its efforts to develop systems to identify the human rights risks<sup>6</sup> and also to evaluate them. The Board analyzed the risk related to FIFA World Cups, at that moment: Russia 2018 and Qatar 2022, focusing on workers' welfare standards. The Advisory Board also recognises as an observation, that remedy is a critical issue for FIFA and will make this a priority area of work going forward.

In addition, FIFA should finalise the integration of human rights requirements into the bidding documents for the 2026 Men's World Cup.

- Part B: Considerations and update by FIFA.

This part consists of an update of the work by FIFA related to human rights, and also the FIFA's work plan and the priorities taking in consideration the recommendations of the Board.

On November 26th 2018, the Board published its second report<sup>7</sup>, with the same structure: Part A – the specific recommendations by the Advisory Board – and Part B – the update by FIFA. In its second report, the Board makes 46 recommendations to FIFA<sup>8</sup>, a number of them have been released in the two update statements the Board released since the publication of its first report, one in May 2018 and one in October 2018.

In Part A of this second report, the Board have focused on a series of priority areas:

- 2018 FIFA World Cup in Russia,
- the bidding process for the 2026 FIFA World Cup,
- steps to address heat and other risks to workers involved in the 2022 FIFA World Cup in Qatar,

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<sup>6</sup> The term "risk" is generally understood to mean exposure to the chance of harm or loss. In the human rights context, it is necessary to consider an enterprise's risks to people, not simply risks to the enterprise itself ("For the game, for the world. FIFA human rights").

<sup>7</sup> Second report: <https://resources.fifa.com/image/upload/fifa-second-human-rights-advisory-board-report.pdf?cloudid=hw134aljrosbxevkwwh>

<sup>8</sup> Thirty-three of the 46 recommendations are considered to have been implemented or closed out.





## Legal Newsletter

- players' rights<sup>9</sup>,
- child safeguarding,
- discrimination against women in Iran,
- and further strengthening FIFA's institutional approach to engagement and communication on human rights.

The main difference between the first and this second report, is the Part B. In this second report, the Part B is more concrete and extensive. This is because the adoption of a human rights policy has been fully implemented by FIFA. The structure of the Part B follows also the four pillar working areas of FIFA's operational approach to the implementation of its human rights commitments. To sum up, I can conclude that the report covers an intensive period for FIFA and its human rights efforts. Moreover, the report demonstrates the seriousness with which FIFA takes its human rights-related efforts and engagement with the board.

Finally, in this second report FIFA has decided to renew the mandate of the Human Rights Advisory Board for another two years until the end of 2020.

### **IV.- FIFA Statement on Human Rights Defenders and Media Representatives**

In May 2018, FIFA launched a complaints mechanism for human rights defenders and media representatives who consider their rights to have been violated while performing work related to FIFA's activities. The mechanism is complemented by a statement, specifying the commitment outlined in paragraph 11 of FIFA's Human Rights Policy to respect and help protect the rights of human rights defenders and media representatives. FIFA will require bidders and hosts of FIFA tournaments to uphold their commitment to respecting and helping to protect the rights of human rights defenders and media representatives.

According to the statement, FIFA acknowledges that human rights defenders and media representatives play an important role. In order to help and protect the rights of the defenders and media representatives, FIFA follows the following principles:

- Non-interference through its own activities.
- Protection from undue restrictions or interference by third parties.
- Provision of avenues for complaints.
- Adequately addressing complaints.

Definitely, another step more in the path of FIFA's human rights commitment.

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<sup>9</sup> Human trafficking in football continues at significant rates, and also, the international players' association, FIFPro, has documented allegations by players of serious harm to their human rights.





## Legal Newsletter

### V.- Conclusion

Today, FIFA has more members than the United Nations. However, to what extent the necessity of the involvement of this organization in the commitment of the human rights? As

Professor John Ruggie in his report said: *"FIFA is not responsible for all human rights abuses by organizations it works with, or any country in which its events are staged. But it is responsible for its own involvement with such risks."* Then, FIFA has an important opportunity to embed its human rights commitments beyond stadium construction in the upcoming development of the Sustainability Strategy for the 2022 FIFA World Cup. Significant progress has already been made, where it takes us, we will see.

