


DEVELOPMENTS IN THE FIELD

Candidate City Human Rights Proposals for the 2026 World Cup: The Promise of a Positive Legacy

David Alfrey^{1*}, Lucy Amis², Steve Nickelsburg³ and William Rook⁴ 

¹Associate and member of the Global ESG Board, Clifford Chance LLP, United Kingdom

²Senior Advisor, Mega-Sporting Events, Centre for Sport and Human Rights, Switzerland

³Partner and member of the Global ESG Board, Clifford Chance LLP, United States

⁴Deputy Chief Executive, Centre for Sport and Human Rights, Switzerland

*Corresponding author. Email: david.alfrey@cliffordchance.com

Keywords: Cities; FIFA; Legacy; Sport; World Cup

I. Introduction

Since 2017, the *Fédération Internationale de Football Association* (FIFA) has incorporated human rights risk assessments into its bidding requirements for major events, beginning with the competition to host the 2026 FIFA Men's World Cup.¹ This process began at a time of increased scrutiny on the impact of major events and greater focus on the applicability of the UN Guiding Principles on Business and Human Rights (UNGPs) to sport. In 2014, the Centre for Sport and Human Rights' founding Chair Mary Robinson, together with John Ruggie (author of the UNGPs), wrote to FIFA in their respective capacities as Patron and Chair of the Institute for Human Rights and Business (IHRB) to stress the need for 'sustained due diligence [...] with respect to decisions about host nations and how major sporting events are planned and implemented'.² Following recommendations set forth in the letter, expanded upon in Ruggie's 2016 report 'For the Game, For the World', FIFA introduced robust bidding requirements that any country or region wishing to bid to host a World Cup will have to conduct a human rights risk assessment and outline how they intend to mitigate each of the risks identified.³ These requirements are designed to align the World Cup bidding process with the UNGPs.

These requirements debuted with the bidding process for the 2026 World Cup. The winning bid, submitted by the 'United 2026' coalition of Canada, Mexico and the United States, included the innovative proposal that the cities within each country would follow their own competitive process to host the matches, which would include the requisite human rights assessments. The vision was to integrate human rights throughout the bid, and the 'United 2026 Proposal for a Human Rights Strategy' articulated the goal 'to

¹ FIFA, 'Guide to the Bidding Process for the FIFA 2026 World Cup' (2017), <https://digitalhub.fifa.com/m/5730ee56c15eeddb/original/hgopyqftviladnm7q90-pdf.pdf> (accessed 8 June 2022).

² Institute for Human Rights and Business, 'Robinson and Ruggie Open Letter to FIFA on Human Rights', (2014), <https://www.ihrb.org/uploads/statements/2014-06-11-Open-Letter-FIFA.pdf> (accessed 8 June 2022).

³ John G Ruggie, 'For the Game. For the World. FIFA and Human Rights', *Corporate Responsibility Initiative Report No. 68* (2016), Cambridge, MA: Harvard Kennedy School, https://www.hks.harvard.edu/sites/default/files/Ruggie_humanrightsFIFA_reportApril2016.pdf (accessed 8 June 2022).

candidly and humbly look at ourselves and contemplate how activities related to staging and hosting the 2026 FIFA World Cup could both protect human rights and improve quality of life in each of our three countries'.⁴ By including human rights criteria as part of the city selection process, FIFA created a mechanism for candidate cities to set forth plans that reflect and resonate with human rights risks and opportunities in each community. Criteria like this had never before been proposed by a bid committee for a major sporting event (MSE).

Twenty-two cities submitted human rights plans at year-end 2021. Following their submission, and before FIFA announced its selections, the Centre for Sport and Human Rights ('Centre') and Clifford Chance jointly published a report, 'Promise of a Positive Legacy',⁵ aiming to present the city proposals in ways that would increase the accessibility of the voluminous material to a wide variety of stakeholders, facilitate discussions and action in the run-up to the 2026 World Cup, and offer observations and recommendations for use in future events. The goal of the report was not to rank the cities' plans. Rather, the authors intended to provide an overview of the diverse range of issues covered across the cities. FIFA's final selection of sixteen host cities was announced in June 2022.

This article summarizes the key points from the report, including several trends we observed across the city proposals and some recommendations for future consideration.

II. The Sports Ecosystem

An MSE's legacy can include lasting positive impacts for the host city's community, the adoption of stronger human rights standards, and foundations for long-standing relationships between stakeholders. Yet, with very few exceptions, MSEs have also been associated with abuses and violations of human rights.

To aid in identifying the key participants and assessing their relationships with human rights impacts, the Centre has developed, with a human rights lens, a 'Sports Ecosystem' model setting forth each of the stakeholders who are likely to be involved in the hosting of an MSE like the 2026 World Cup.⁶ At the centre of the ecosystem are people – in particular, the athletes, but also families, fans, officials, and members of the community. In focusing on the human rights impact on people, stakeholders can identify the significant potential MSEs have to advance human rights through measures including job creation, training, new social housing, urban regeneration, and new leisure facilities and public spaces.

The themes addressed across the host city candidate bids focus on the 2018 Proposal for a United Human Rights Strategy,⁷ namely anti-discrimination and inclusion; freedom of assembly, expression and the press; housing, property and land rights; safety and security; workers' rights; and complaints, grievance mechanisms and remedy. Several cities also included human rights-related environmental impacts, which provide opportunities to strengthen stakeholder engagement and strive for a positive legacy

⁴ 'Proposal for a United Human Rights Strategy – United 2026' (2018), <https://digitalhub.fifa.com/m/35837f1073bdad15/original/s2xnrvfjg9kp0zelhxnt-pdf.pdf> (accessed 8 June 2022).

⁵ Centre for Sport and Human Rights and Clifford Chance, 'The Promise of a Positive Legacy, The 2026 FIFA World Cup Host City Candidates' Human Rights Plans' (2022), <https://www.cliffordchance.com/content/dam/cliffordchance/briefings/2022/03/the-promise-of-a-positive-legacy.pdf> (accessed 8 June 2022).

⁶ Centre for Sport and Human Rights, 'Convergence 2025 – Strategic Plan (2021–2025)' (2021), https://www.sporhumanrights.org/media/os5fx2z0/cshr_convergence_2025.pdf (accessed 8 June 2022).

⁷ 'Proposal for a United Human Rights Strategy – United 2026' (2018), <https://digitalhub.fifa.com/m/35837f1073bdad15/original/s2xnrvfjg9kp0zelhxnt-pdf.pdf> (accessed 8 June 2022).

Trends for the 2026 World Cup and Mega Sport Globally

In undertaking our review of the city proposals, a number of trends were apparent, presenting the opportunity for stakeholders to work collectively to prevent and mitigate negative human rights impacts relating to the hosting of the 2026 World Cup and in future MSEs.

Given the fundamental role of stakeholder engagement and reflecting FIFA's guidance, all cities commit to engaging with stakeholders as a critical element of delivering a responsible tournament. All candidate cities initiated stakeholder engagement processes in preparing their bids and, not surprisingly, the cities that appear to have comprehensively engaged with a wider range of stakeholders have examined a broader range of issues, identified more 2026 World Cup-specific risks, proposed more comprehensive measures in mitigation, and suggested more legacy opportunities.

The 2026 World Cup will take place at a continental level for the first time ever. While Canada, Mexico and the United States offer widely diverse cities, cultures and communities, they have in common some key fundamentals. They each are constitutional democracies, are signatories to a range of international human rights instruments, and have vibrant civil societies and sophisticated mechanisms for protecting human rights. Each also has common challenges, including emerging from the impacts of the COVID-19 pandemic, deepening inequality, and reckoning with persisting historical injustices. A particular focus for the 2026 World Cup continues to be the workers responsible for delivering the event, including through its value chains, as well as the communities that will host the competition in their cities and the influx of visitors, including players, fans and media representatives.

In preparing to host the 2026 World Cup, cities broadly addressed the impacts and their causes that are within the cities' control. The cities understandably focused on typically municipal issues such as housing, policing and safety, compared with issues such as the existence or absence of state-wide labour protections, or the concerning trend in some states of legislation adversely targeting LGBTQI+ persons.

III. Trends and Human Rights Themes

Specific trends across the common human rights themes were as follows:

Anti-Discrimination and Inclusion

Many candidate cities recognize that acts of discrimination and hostility against at-risk groups and individuals pose a significant risk, and accept the need to take steps to ensure that the 2026 World Cup avoids exacerbating community tensions and fosters greater inclusion and diversity. Cities generally refer to the range of anti-discrimination protections already in place under national, state and local law, while emphasizing areas where they may go beyond the baseline to increase protection for at-risk groups. Measures proposed include public information campaigns and affirmative inclusion of under-represented groups in event-related employment, skills development, and procurement processes.

All cities acknowledge the need for the event to be fully accessible to persons with disabilities. Several cities highlight existing or new proposals to make public transport and venues more accessible and to ensure that their hospitality sector is more welcoming and supportive of persons with disabilities. Cities in all three host countries recognize LGBTQI+ persons as an at-risk group. Moreover, all cities recognize the need to do more

to keep this community safe, including from heightened risks of harassment and hate crimes. Cities also identify women, children, migrant workers, foreign language speakers, and racially and ethnically historically marginalized persons as potentially at-risk groups that may need greater protection.

With respect to the potential for harassment and intimidation of immigrants and migrants, some cities identify temporary moratoriums or longer-term commitments not to enforce federal immigration laws or to refrain from seeking out and reporting undocumented immigrants to enforcement authorities. Several cities also noted bans on document checks in job recruitment and law enforcement.

Environment

Environmental risks were covered in different ways by the cities, including issues connected to pollution, waste management, and heightened water and energy consumption due to the arrival of temporary workers and fans. Where cities do mention sustainability and the environment in their human rights plans, it often is to focus on meeting and exceeding commitments made by their states or nations. Many cities reference specific committees that address environmental considerations and impact. While several cities consider issues such as waste and recycling, and opportunities to mitigate emissions by introducing or expanding green modes of transportation, all cities could go further to extend their stakeholder engagement to more fully consider human rights-related environmental risks and related human costs in the context of hosting the 2026 World Cup, along with necessary mitigations. The three city proposals from Mexico stand out in recognizing the right to a healthy environment and in addressing environmental factors. These cities commit to creating specific plans to mitigate risks to the environment, account for developments from the UN's recent summit on climate change, and adopt sustainability policies that will be applied across supply chains for the 2026 World Cup.

Freedom of Expression, Assembly, and the Press

Most cities anticipate that demonstrations and protests may occur during the 2026 World Cup and identify measures to maintain a safe environment for the community and fans while protecting the right to peacefully protest. Some cities focus on permitting requirements, others stress communication of guidelines to residents and visitors and recognition of the right to free expression, a few cities plan to set up designated free expression zones, while others identify specific policing protocols for protests.

Cities also refer to the measures for law enforcement reform, including bias recognition, use of force, and crowd management. Not all cities address the rights of journalists and the press; the handful that do discuss issues such as equal treatment, accreditation and safety. Most cities could go further in providing guarantees that peaceful protest, expression and assembly protections will be applied and enforced equally and fairly for all residents, fans and journalists. A minority of cities address the right to engage with government in the specific context of hosting the 2026 World Cup, mentioning event-related measures such as the right of access to public records, participation in public meetings, participation on boards, and voting. Cities also considered language barriers and accessibility concerns for non-citizens, immigrants and visitors. Several cities raised the issue of digital access, stating that they are working to ensure that the technological infrastructure is in place for internet access for all segments of society.

Housing, Property and Land Rights

Nearly all cities recognize the housing, property and land risks associated with hosting the 2026 World Cup; however, the elements receiving emphasis vary substantially. As the cities intend to use existing stadiums and infrastructure, the large-scale impacts often associated with major new construction for MSEs generally are not identified as risks. Most proposals focus on housing and homelessness, discussing ongoing initiatives to address housing insecurity, provide social support services, and fulfil or expand supplies of affordable housing.

More than half of the cities recognize discrimination in housing as a challenge to address. Those that go further also consider the risks of temporary or permanent displacement of homeless individuals and the potential misuse of criminal enforcement against these individuals in connection with the event. Over half of the cities discuss the potential impact on low-income tenants from a plausible increase in short-term rental demand associated with the anticipated influx of visitors and temporary workers. Proposed mitigation measures include permitting programmes and partnering with private sector providers to manage short-term rentals and prevent price gouging. Across all cities, additional focus could assess and respond to the need to provide temporary housing for migrant workers, to enact eviction-prevention measures, and to propose mitigating measures for possible harms where new infrastructure, hotel and temporary venue development will occur. It will be especially important to consider any adverse impacts on families and children whose housing, schooling and medical care risk disruption.

Safety and Security

Cities across all host countries place a significant emphasis on law enforcement, including providing adequate protection while addressing the potential for police misconduct. Most cities, particularly in Canada and the United States, emphasize efforts to engage in self-examination and address these issues, including by recognizing and correcting implicit or unconscious biases, prohibiting the excessive use of force, banning choke holds and closing gaps in grievance mechanisms. All cities note that training is underway, with some cities undertaking substantial police department reform and restructuring.

Most cities explicitly mention operational safety and security guidelines for hosting large-scale events, including the protection of fans and safe crowd control. Across all cities, further engagement with organized fan groups and a collaborative focus on the working conditions and training of security guards and stadium staff will support the operationalization of these policies.

More than half of the cities recognize specific risks to children from hosting the 2026 World Cup and have pledged to develop child safeguarding programs and measures to ensure a welcoming and inspiring environment for children. The cities highlight event-specific measures, including child-safe venues, and a number of the cities are participating or applying to participate in UNICEF's Child Friendly City Initiative or are considering ways to leave a positive legacy for children, youth and young football players in their cities.

Less than half of the cities identify specific measures for the safety of women, in particular to combat the risk of sexual harassment and assault and heightened rates of domestic violence during sporting events. A number of cities identify the safety of migrants, potential for surges in hate crimes, and general protections of other at-risk groups such as the LGBTQI+ community. Human trafficking is recognized as a specific concern, in

particular in Mexico and the United States, based on experience with major events and the vulnerability of women and children.

While all cities go to some length to explain existing and planned efforts, the more comprehensive responses highlight measures to protect victims of human and labour trafficking and sexual exploitation of children, including by providing victim protection services and protections and support to sex workers. Although a number of cities plan to rely on technology and data gathering to assist in protection of rights, only a few cities mention corresponding consideration of the need to safeguard privacy rights and to protect personal data.

Workers' Rights

Workers' rights including the rights to decent work, adequate wages, regular working hours, and occupational safety and health; to join or form a trade union; to engage in collective bargaining and to strike; as well as rights to anti-discrimination, equality of treatment, and fair treatment of temporary or migrant workers all receive attention to varying degrees. All cities emphasize existing measures such as legal protections, minimum labour standards, complaint mechanisms and training programmes. Some cities commit to including contractual clauses with suppliers to ensure workers' rights (e.g., stipulating decent and safe working conditions and prohibiting child or forced labour). Of particular significance was the consistent emphasis on ensuring fair opportunity and providing accessible grievance procedures. With respect to event-related procurement and workers in supply chains, many cities emphasize measures to promote access for minority-, veteran-, LGBTQI+- and women-owned businesses.

The approach varies by host country, due to differences in national law and the significance accorded to a minimum wage. Canada, for example, commits to a living wage for all workers in the context of the 2026 World Cup. With respect to specific proposals, many bids focus on protections for city employees. However, it is anticipated that the overwhelming majority of workers supporting the event will be third parties, contractors and volunteer staff covering a range of skills, including hospitality, catering, logistics, ticketing and security. It will be imperative for cities to consider ways to ensure protections for those workers, including the special protections needed for young workers and volunteers, in particular in areas where the safety of women and youth is a concern. Available measures to stakeholders include exerting leverage in supply chains by urging compliance with labour standards, confronting risks of forced and child labour and human trafficking, and offering channels for complaints and dispute resolution.

Complaints, Grievance Mechanisms, and Remedy

Where human rights are harmed in the context of organizing and staging the 2026 World Cup, those affected will need access to mechanisms to correct the harm that occurs and hold accountable those that are responsible. Potential remedies range from apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions, to the prevention of harm through, for example, injunctions or guarantees of non-repetition.

All cities generally recognize the need for effective and accessible mechanisms to raise concerns, lodge complaints and provide remedies. Their approaches vary significantly. Many point to existing mechanisms addressing specific subject areas such as workplace grievances, housing discrimination and police misconduct; others highlight established

grievance mechanisms such as human rights commissions with a mandate to address a range of human rights concerns. Several cities commit to provide remedy for abuses in the context of hosting the 2026 World Cup.

Important considerations for cities include how they notify potential users about the existence of new and existing mechanisms, the nature of the complaints that each mechanism will or will not handle, how they will investigate and deal with the complaints, and what will be done to ensure fair and timely remedy to all victims.

In considering accessibility to these mechanisms, some city proposals reference existing hotlines, including those addressing issues such as human trafficking, child safety or domestic abuse. It will be important to include appropriate mechanisms to ensure complaints raised through these hotlines result in an effective remedy. Many proposals note plans to improve access to grievance mechanisms through technology, such as through web-based platforms and smart-device applications. A few cities have offered to use these technological solutions to increase accessibility, and to use data to create a lasting legacy through analysis of where responses to grievances were effective.

IV. Recommendations and Conclusion

With almost four years to the 2026 World Cup, early and meaningful engagement on these themes has the potential to enable the effective prevention and mitigation of negative human rights impacts of the 2026 World Cup. It is apparent that there is a long way to go for MSEs to meet the UNGPs' objectives of doing no harm, and then to go further still by leaving a positive legacy. The cities' development and publication of human rights strategies is a significant and positive step in enabling stakeholders in the ecosystem to collectively identify and adopt supportive mechanisms.

Based on our review of the city proposals, we offer a number of considerations and recommendations for future meaningful engagement among cities, and sports organizers, and stakeholders. While these are not exhaustive, they include:

- Considering what new stakeholders need to be engaged and how can engagement be broader, more consistent and more meaningful going forward;
- Whether human rights due diligence processes are already in place, and, if not, who should be consulted in creating them to prevent harms;
- Defining operational and functional roles to enable clarity to rights holders and all stakeholders as to who has responsibility and accountability for managing which potential risks;
- How best practice requirements for human rights due diligence, transparency, responsible sourcing, and labour standards can be integrated into partnerships and value chains associated with the 2026 World Cup;
- Defined measures or benchmarks specific to the 2026 World Cup to track progress, capture outcomes and identify contributions to a human rights legacy;
- Development of grievance mechanisms or complaints processes to promote stakeholder engagement and ensure that measures put in place address 2026 World Cup-specific human rights impacts to rights holders;
- Opportunities to share knowledge and promote peer learning on human rights-related challenges;
- Whether other sporting events with human rights requirements offer opportunities for peer learning, including the 2022 FIFA Men's World Cup, the 2023 FIFA Women's

World Cup, the Paris 2024 Olympic and Paralympic Games, and the 2028 Olympic and Paralympics;

- How human rights-related learning from the 2026 World Cup can be transferred into event planning and delivery processes beyond sports events; and
- Opportunities to promote sustainable legacies to protect children and at-risk groups and raise human rights standards.

Continuing to develop and advance the incorporation of human rights considerations in similar bidding processes promises to be a significant legacy of the 2026 World Cup bid.

Conflicts of interest. The authors declare none.