

# FIFA World Cup 2026: Priority Human Rights Issues

Analysis of potential human right violations at the 2026 world cup



**STUDENT REPORT FOR AMNESTY INTERNATIONAL  
HUMAN RIGHTS CENTRE, QUEEN'S UNIVERSITY BELFAST**



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## List of Abbreviations

<b>Abbreviation</b>	<b>Definition</b>
CAT	United Nations Convention against Torture
CAT_OP	Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
CCPR	International Covenant on Civil and Political Rights
CCPR-OP1	Optional Protocol to the International Covenant on Civil and Political Rights
CED	International Convention for the Protection of All Persons from Enforced Disappearance
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEDAW-OP	Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CESCER	Convention on Economic, Social and Cultural Rights
CESCER-OP	Optional Protocol to the Convention on Economic, Social and Cultural Rights
CMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRC	Convention on the Rights of the Child
CRC-OP-IC	Optional Protocol to the Convention on the Rights of the Child on a communications procedure
CRPD	Convention on the Rights of Persons with Disabilities
CRPD-OP	Optional Protocol to the Convention on the Rights of Persons with Disabilities

Treaty	Canada		
	Signature	Acceptance	Entry Into Force
CAT	August 23rd, 1985	June 24th, 1987	July 24th, 1987
CAT-OP			
CCPR		May 19th, 1976	August 19th, 1976
CCPR-OP1		May 19th, 1976	August 19th, 1976
CCPR-OP2-DP		November 25th, 2005	February 25th, 2006
CED			
CEDAW	Jul 17th, 1980	December 10th, 1981	January 9th, 1982
CEDAW-OP		October 18th, 2002	January 18th, 2003
CERD	August 24th, 1966	October 14th, 1970	November 19th, 1970
CESCR		May 19th, 1976	August 19th, 1976
CESCR-OP			
CMW			
CRC	May 28th, 1990	December 13th, 1991	January 12th, 1992
CRC-OP-IC			
CRPD	March 30th, 2007	March 11th, 2010	April 10th, 2010
CRPD-OP		December 3rd, 2018	January 3rd, 2019

Treaty	USA		
	Signature	Acceptance	Entry Into Force
CAT	April 18th, 1988	October 21st, 1994	November 20th, 1994
CAT-OP			
CCPR	October 5th, 1977	June 8th, 1992	September 8th, 1992
CCPR-OP1			
CCPR-OP2-DP			
CED			
CEDAW	July 17th, 1980		
CEDAW-OP			
CERD	September 28th, 1966	October 21st, 1994	November 20th, 1994
CESCR	October 5th, 1977		
CESCR-OP			
CMW			
CRC	February 16th, 1995		
CRC-OP-IC			
CRPD	July 30th, 2009		
CRPD-OP			

Treaty	Mexico		
	Signature	Acceptance	Entry Into Force
CAT	March 18th, 1985	January 23rd, 1986	June 26th, 1987
CAT-OP	September 23rd, 2003	April 11th, 2005	June 22nd, 2006
CCPR		March 23rd, 1981	June 23rd, 1981
CCPR-OP1		March 15th, 2002	June 15th, 2002
CCPR-OP2-DP		September 26th, 2007	December 26th, 2007
CED	February 6th, 2007	March 18th, 2008	December 23rd, 2010
CEDAW	July 17th, 1980	March 23rd, 1981	September 3rd, 1981
CEDAW-OP	December 10th, 1999	March 15th, 2002	June 15th, 2002
CERD	November 1st, 1966	February 20th, 1975	March 22nd, 1975
CESCR		March 23rd, 1981	June 23rd, 1981
CESCR-OP			
CMW	May 22nd, 1991	March 8th, 1999	July 1st, 2003
CRC	January 26th, 1990	September 21st, 1990	21-Oct-90
CRC-OP-IC			
CRPD	March 30th, 2007	December 17th, 2007	May 3rd, 2008
CRPD-OP	March 30th, 2007	December 17th, 2007	May 3rd, 2008



## Structure of the Report

This report provides a snapshot of pressing human rights concerns in relation to the FIFA 2026 World Cup. Rather than providing an exhaustive analysis of all human rights issues at play in respect of the tournament, the report identifies a series of core areas for further consideration and addresses them in individual sections. Each section follows the same structure, commencing with (1) a context statement on the relevance of the issue under consideration to the tournament; (2) including a brief synopsis of relevant international human rights law in respect of the issue; (3) identifying relevant pledges and current practice, before (4) concluding with a series of issues for further consideration and, where relevant, recommendations.

Throughout the report we make reference to the [Ergon Report](#). This is the *'Independent Report Human rights in Canada, Mexico and the USA in the context of a potential FIFA 2026 World Cup competition'* drafted by the London based independent organisation Ergon. Where possible, we have attempted to update material available from this 2018 report.

## Executive Summary

The FIFA World Cup is the most viewed sporting event in the world, with an unrivaled 5 billion estimated viewers. It facilitates a sport that brings people together from across the world. The 2026 FIFA World Cup will be jointly hosted by sixteen cities across the USA, Mexico, and Canada, with a record forty-eight countries participating.<sup>1</sup>

Despite the spectacle that accompanies a World Cup, as with many mega-sporting events, it gives rise to a series of human rights concerns. The most recent World Cup in Qatar brought stories of rights violations, as documented by [Amnesty International](#). In this light, the host states of the 2026 World Cup have committed to 'redefine what responsible hosting and legacy mean for an MSE...' by leaving behind a legacy that upholds international human rights.<sup>2</sup> This marks the first time that FIFA has applied a human rights criterion, to create a space for significant conversations. The host nations have pledged to ensure that they will respect and advance human rights at the 2026 FIFA World Cup.

In this report, we identify a series of areas for concern which may arise in the context of the FIFA 2026 World Cup:

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<sup>1</sup> 'Host Countries and Cities' <<https://www.fifa.com/en/tournaments/mens/worldcup/canadamexicousa2026/host-cities>> accessed 13 June 2024.

<sup>2</sup> 'The-Promise-of-a-Positive-Legacy.Pdf' 4

<<https://www.cliffordchance.com/content/dam/cliffordchance/briefings/2022/03/the-promise-of-a-positive-legacy.pdf>> accessed 8 May 2024.

### 1. Human Trafficking:

Human Trafficking was an issue in prior World Cups, and there are concerns that it might be even greater in the 2026 World Cup due to ongoing migrant crisis that North America is facing. While all three states have legislation in respect of trafficking, there is a concern of gaps in protection. There have been instances of official complicity in human trafficking in Mexico; inadequate prosecution efforts against traffickers in Canada; and the arrest of victims for unlawful acts committed while trafficked in the USA.

### 2. Forced Labour and Exploitation:

An issue tied closely to Human Trafficking; there are concerns of forced labour from those who were human trafficked to North America. Moreover, this exploitation also extends to sex trafficking as a potential vector of exploitation across North America and is a concern noted by multiple NGOs.

### 3. Occupational Health:

Another issue that is tied closely to forced labor and exploitation is occupational hazards, as it probable that safety standards may not be followed by migrant workers. Despite the three host nations operating government agencies to provide protection, these rampant violations of safety standards will likely persist.

### 4. Volunteers and Informal Workers:

These workers fall through the cracks of labor legislation and are often greatly exploited. A history of an informal economy exists in Mexico and there are concerns about it developing more in Canada and the USA.

### 5. Migrant Workers

While comprehensive assessments and pledges in bid proposals and other related reports address general workers' rights, the specific vulnerabilities of migrant workers require focused attention due to their heightened risk of labour exploitation and abuse.

### 6. Tracking and Profiting:

Due to people's extensive digital footprints that will be created during the event there are concerns about it being exploited. This information can be harvested by malicious individuals for profit without the consent.

### 7. Cybersecurity Risks and Protection of Personal Data:

The widespread collection and exploitation of children's personal data at MSEs through practices such as mass data collection and automated processing threatens their right to privacy. This could have serious consequences, including identity theft, cyberbullying, and

psychological harm. The UNCRC and the UN Committee on the Rights of the Child, General Comment No. 25 (2021) emphasise the need for robust protection. The host nations and FIFA must implement stringent privacy principles to safeguard children's rights and maintain public trust in the responsible use of technology during these global events.

#### 8. Children at Mega Sporting Events and the Right to Privacy:

There are great concerns over the exploitation of children at events such as this, as there are additional UN agreements that provide children with a greater degree of protection from exploitation.

#### 9. Rental Gouging:

There are concerns regarding rent prices being raised during the World Cup to exploit eager fans and harm the locals who are already facing expensive housing costs. This could see people forcefully evicted to make housing available for tourists.

#### 10. Homelessness:

Numerous host cities are already facing extensive homelessness, and there are concerns of the homeless population increasing and their rights being violated. There is a precedent of the homeless being forcefully removed and mere existent criminalized in host cities.

#### 11. Immigration delay and immigration literacy:

There are concerns that numerous athletes may be restricted from entering the country to compete due to their immigration documents not being processed on time. Additionally, any language barriers may be exacerbated by the requirement of a literacy test, even if they do not speak the language.

#### 12. Travel Ban:

There are looming fears of the resumption of the US travel ban if Donald Trump is re-elected in the 2024 election. This could see players being discriminated against and unable to play by not being allowed in the USA.

#### 13. Carbon Emissions:

Given FIFA's history of partnership with Aramco, there are concerns about the levels of carbon emitted during the World Cup. It has been recommended that an independent carbon tracker be utilised to maintain the pledges put forward.

#### 14. Transportation:

Extensive emissions are expected to emanate from the transit of teams across North America. The organizers have been looking at implementing carbon offset incentives to mitigate this issue. However, as shown through international initiatives, these offsets are difficult to implement.

#### 15. Energy:

When a host city has a game, there is an influx of people, business, and energy consumption. The increase in tourism causes concerns about the degree of energy consumption, the potential environmental impact, and the harm to the power grid.

# 1. Labour & Trafficking

## Context

The issue of labour rights and trafficking for labour has featured prominently in discourse surrounding major sporting events and the World Cup in recent times. This was most notable in the previous World Cup in Qatar, where at least hundreds of workers died building stadiums for the event, often accompanied by allegations of unsafe working conditions.<sup>3</sup> This number has been alleged to in fact be in the thousands.<sup>4</sup> This has led to a lawsuit against American company Jacobs Solutions Inc. for human and labour trafficking in connection to the Qatar World Cup.<sup>5</sup> However, these issues are not confined to the 2022 World Cup alone; abuse of workers' rights has been an area of concern in previous World Cups such as those in Brazil and South Africa<sup>6</sup> and the prospect of violations of workers' rights has been raised in the context of the 2026 World Cup, especially owing to the continued failure by FIFA to publish a concrete human rights framework.<sup>7</sup> This has been all the more concerning in the context of the evident abuses of human rights in previous World Cups, notably Qatar, and the likelihood of the 2034 World Cup being awarded to Saudi Arabia, which further highlights the need for a concrete human rights plan.<sup>8</sup>

In the specific context of the 2026 World Cup, both issues of workers' rights violations and labour trafficking specifically may be potentially lessened by the lack of a need to build new

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<sup>3</sup> See e.g. DW, "Fact check: How many people died for the Qatar World Cup?" available at <https://www.dw.com/en/fact-check-how-many-people-have-died-for-the-qatar-world-cup/a-63763713> (last accessed 27th May 2024)

<sup>4</sup> See The Guardian, "Revealed: 6,500 migrant workers have died in Qatar since World Cup awarded" available at <https://www.theguardian.com/global-development/2021/feb/23/revealed-migrant-worker-deaths-qatar-fifa-world-cup-2022> (last accessed 27th May 2024)

<sup>5</sup> See e.g. Quartz, "The 2022 FIFA World Cup in Qatar may be over but the labor trafficking and exploitation fallout from it isn't" available at <https://qz.com/the-2022-fifa-world-cup-in-qatar-may-be-over-but-the-la-1850924212> (last accessed 27th May 2024)

<sup>6</sup> Noted in "Human rights in Canada, Mexico and the USA in the context of a potential FIFA 2026 World Cup competition" Ergon 2018 at 27

<sup>7</sup> See Human Rights Watch, "FIFA: Publish Robust Rights Framework for 2026 World Cup" available at <https://www.hrw.org/news/2024/05/16/fifa-publish-robust-rights-framework-2026-world-cup> (last accessed 28th May 2024)

<sup>8</sup> See Global Labor Justice, "FIFA Must Publish Robust Human Rights Framework for 2026 World Cup" available at <https://laborrights.org/releases/fifa-must-publish-robust-human-rights-framework-2026-world-cup>. Note Saudi Arabia has de facto secured hosting rights as the only nation to submit a bid ahead of the deadline of October 2023.

stadiums for the event.<sup>9</sup> However, this does not mean that risks in this area have gone away. For instance, it is well known that events such as the World Cup often rely on volunteers both to perform essential tasks but to also be the ‘face’ of the event.<sup>10</sup> Despite this acknowledged importance, volunteers often fall through cracks in labour law.<sup>11</sup> Moreover, the demand for temporary and often low-skilled labour in areas such as hospitality and catering in stadiums which will be essential to the event also creates a potential opening for trafficking.<sup>12</sup> Indeed, the specific risk of trafficking in the hospitality industry was noted by numerous candidates to be Host Cities while competing for said status such as Denver, Kansas City, and New York & New Jersey.<sup>13</sup>

## Relevant International Human Rights Law

Labour rights are guaranteed in major human rights instruments including the Universal Declaration of Human Rights. Article 23 guarantees rights such as to just and favourable conditions of work<sup>14</sup> and to equal pay for equal work.<sup>15</sup> All three of the host nations have ratified the UDHR and, as such, should be held to its standards. Labour rights are more comprehensively elaborated through the ICESCR, which has been ratified by Mexico and Canada but not the USA. Labour rights enumerated in Article 7 ICESCR include such remuneration as necessary for a decent living, to safe and healthy working conditions, and to limitation of working hours and adequate holidays.<sup>16</sup> The Committee on Economic, Social, and Cultural Rights has elaborated on just and favourable conditions of work.<sup>17</sup> The Committee has emphasised that the rights contained therein are to be enjoyed by workers in ‘informal economies’, to migrant workers, and indeed to unpaid or voluntary workers.<sup>18</sup> In the context of the World Cup, involving many temporary workers, the Committee has stated that supplements to wages as

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<sup>9</sup> Noted by the United Bid Committee itself; see “Proposal for a United Human Rights Strategy” 2018 at 67

<sup>10</sup> *Id* at 69

<sup>11</sup> Ergon Report, *supra* n4 at 48; United Bid, *supra* n5 at 69

<sup>12</sup> See e.g. Ergon Report, *supra* n4 at 112

<sup>13</sup> See “The Promise of a Positive Legacy: The 2026 FIFA World Cup Host City Candidates’ Human Rights Plans” Clifford Chance 2018 at 64, 69, and 82 respectively

<sup>14</sup> Article 23(1) UDHR

<sup>15</sup> Article 23(2) UDHR

<sup>16</sup> Article 7 ICESCR

<sup>17</sup> See General comment No. 23 on the Right to Just and Favourable Conditions of Work (Art 7 ICESCR), 2016

<sup>18</sup> *Id* at [5]

well as protections against arbitrary termination may be necessary for workers on such “precarious contracts.”<sup>19</sup> The Committee has also observed that migrant workers are often vulnerable to exploitation, unfair working hours, and inadequate wages,<sup>20</sup> issues which may be exacerbated in the context of the many temporary, low-skilled jobs which require outside labour to fill positions during a sporting event.

The related issue of labour trafficking firstly raises legal concerns around the act of trafficking itself as well as forced labour in particular. Both are violations of Article 4 of the UDHR, prohibiting slavery and servitude. All three of the host nations have ratified the Palermo Protocol, defining 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”<sup>21</sup> and obligating parties thereto to criminalise trafficking in persons.<sup>22</sup> Forced labour is prohibited by Article 7 of the ICESCR, attention to which has been paid by the Committee on Economic, Social, and Cultural Rights.<sup>23</sup> In addition, International Labour Organisation instruments such as the 1930 Forced Labour Convention and its more recent 2014 Protocol – both of which have been ratified by Canada and Mexico – define forced labour as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”<sup>24</sup> and generally prohibit it, with the vast majority of exceptions permitting forced labour in the original 1930 Convention deleted by the 2014 Protocol.<sup>25</sup>

## Pledges and current practice

From the outset, the United Bid stated that human rights would be embedded in the operations of the 2026 World Cup, with all three countries highlighting human rights explicitly in their

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<sup>19</sup> *Id* at [10]

<sup>20</sup> *Id* at [47e]]

<sup>21</sup> Article 3 Palermo Protocol

<sup>22</sup> Article 5 Palermo Protocol

<sup>23</sup> See e.g. CESCR, *supra* n14 at [47(h)], [54]

<sup>24</sup> ILO, “C029 - Forced Labour Convention, 1930 (No. 29)” Article 2(1)

<sup>25</sup> ILO, “P029 - Protocol of 2014 to the Forced Labour Convention, 1930” Article 7

vision statements.<sup>26</sup> As a corporate body, the United Bid further stated that respect for human rights was “already embedded” in the bid. The United Bid also included a section specifically on human rights and labour standards in which it pledged to respect instruments such as the UDHR, ICCPR, ICESCR, and ILO Conventions.<sup>27</sup> In its further Proposal for a United Human Rights Strategy, the United Bid further proposed to establish a responsible code of practice for sourcing, which would include respect for instruments such as the core ILO Conventions, compliance with domestic laws on working hours and health & safety, and prohibition of the abuse of workers.<sup>28</sup> The importance of ensuring respect for labour rights in the supply chain was noted by the United Bid in a context where mass marketable items such as promotional clothing and toys will be produced in great volumes.<sup>29</sup>

The United Bid has also recognised the potential for the World Cup to be a vector for human trafficking, noting that even if the contention that major sporting events cause an increase in sex trafficking are disputed, the mass movement of people during the World Cup provides an opportunity for traffickers to blend their victims in.<sup>30</sup> The potential for labour trafficking related to the World Cup has been recognised as a risk by Host Cities in their bids for said status, with pledges to work with anti-trafficking organisations having been made by cities such as San Francisco, Houston, and the joint submissions of Monterrey, Mexico City, and Guadalajara.<sup>31</sup>

On a national level, all three countries have further Supported recommendations at the Third Cycle of Universal Periodic Review on combatting trafficking,<sup>32</sup> with Canada further Supporting a recommendation to ensure that temporary and migrant agricultural workers are covered by

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<sup>26</sup> United Bid Book, 2018, at 15-17

<sup>27</sup> *Id* at

<sup>28</sup> United Bid, ““Proposal for a United Human Rights Strategy” 2018 at 54

<sup>29</sup> *Id* at 70

<sup>30</sup> *Id* at 76

<sup>31</sup> Clifford Chance, *supra* n10

<sup>32</sup> See e.g. Recommendation 142.188 (Canada); Recommendation 132.215 (Mexico); and Recommendation 26.281 (United States)



labour laws,<sup>33</sup> implementation of which would likely further benefit the many temporary and volunteer workers who will work during the World Cup.

## Issues for consideration

### Human Trafficking

Human trafficking concerns have risen to prominence in the context of the World Cup following the most recent 2022 games in Qatar. Many migrant workers were recruited illegally and exposed to dangerous and even deadly conditions, all the while having wages withheld.<sup>34</sup> However, concerns about human trafficking at the World Cup did not begin with Qatar; the Organization for Migration has highlighted the need for anti-trafficking plans and their potential for success since at least the 2006 World Cup in Germany.<sup>35</sup> The recognition of the risk of human trafficking surrounding the World Cup, especially in adjacent fields such as hospitality, by the United Bid, the countries themselves, and many cities is to be commended but highlights the need for a continued focus on this issue in the context of the impending games. Further, the proliferation of pledges by cities to work with anti-trafficking organisations and provide anti-trafficking training<sup>36</sup> provides standards by which to hold anti-trafficking efforts.

The [Ergon Report](#) (Independent Report on Human Rights for FIFA 2026 World Cup) further expanded on the situation on the ground, noting that while there is legislation against trafficking in all three countries, concerns remain about potential blind spots in protection for victims of trafficking, contrasting with the USA and Canada's regimes providing humanitarian visas for victims of trafficking.<sup>37</sup> The Report further noted that the most recent US Department of State Reports observed trafficking in all three countries.<sup>38</sup> This is buttressed by the most

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<sup>33</sup> See Recommendation 142.264

<sup>34</sup> See e.g. Amnesty International, "A Legacy in Jeopardy: Continuing Abuses of Migrant Workers in Qatar One Year After the World Cup" 2023

<sup>35</sup> Hennig et al, "Trafficking in Human Beings and the 2006 World Cup in Germany" International Organization for Migration 2006

<sup>36</sup> Noted by Clifford Chance, *supra* n10

<sup>37</sup> Ergon Report, *supra* n4 at 25

<sup>38</sup> *Id* at 112

recent findings of the State Department’s 2023 Trafficking in Persons Report<sup>39</sup> which, among other issues, highlighted instances of official complicity in human trafficking in Mexico;<sup>40</sup> inadequate prosecution efforts against traffickers in Canada;<sup>41</sup> and the arrest of victims for unlawful acts committed while trafficked in the USA itself.<sup>42</sup>

## Forced Labour and Exploitation

The specific issue of forced labour is closely tied to the issue of human trafficking; as noted above, while it remains disputed whether commercial sex trafficking increases in relation to major sporting events, the same cannot be said for labour trafficking and abuse of migrant workers after they are trafficked. In the case of the Qatar World Cup, much criticism was directed at the *kafala* system which tied migrants’ legal status to their specific employer, which opened the door to abuse and also restricted migrants’ ability to change or leave jobs.<sup>43</sup> However, abuse of work visas to create situations of labour trafficking is not confined to this system; within the USA, Polaris Project identified more than 700 victims of trafficking between 2015 and 2017 holding seemingly valid visas, mostly H2-A and H2-B visas which are tied to specific employers.<sup>44</sup> The vast majority of these victims had been trafficked for labour rather than sex.<sup>45</sup> It has been noted that labour trafficking will not look the same as it did in the last World Cup, but these examples show that trafficking can still occur even in a society like the United States which has extensive anti-trafficking laws and standards to which it holds other states.<sup>46</sup> The comparatively low profile of labour trafficking compared to sex trafficking in the USA also provides a potential vector for the victims to be smuggled into the country unnoticed and may also make it harder for victims to access relevant support once identified since law

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<sup>39</sup> Available at <https://www.state.gov/reports/2023-trafficking-in-persons-report/> (last accessed 28<sup>th</sup> May 2023)

<sup>40</sup> <https://www.state.gov/reports/2023-trafficking-in-persons-report/mexico/>

<sup>41</sup> <https://www.state.gov/reports/2023-trafficking-in-persons-report/canada/>

<sup>42</sup> <https://www.state.gov/reports/2023-trafficking-in-persons-report/united-states>

<sup>43</sup> See e.g. Human Rights Watch, “Qatar: Significant Labor and Kafala Reforms” available at <https://www.hrw.org/news/2020/09/24/qatar-significant-labor-and-kafala-reforms> (last accessed 28<sup>th</sup> May 2024)

<sup>44</sup> Polaris Project, “Human Trafficking on Temporary Work Visas: A Data Analysis 2015 – 2017”, 2018 at 20, 25

<sup>45</sup> *Id* at 7

<sup>46</sup> Noted by Polaris Project, “World Cup 2026: An Opportunity to Lead on Human Trafficking” available at <https://polarisproject.org/blog/2022/06/world-cup-2026-an-opportunity-to-lead-on-human-trafficking/>

enforcement is more likely to have been trained to identify and support victims of sex trafficking but not labour trafficking.<sup>47</sup>

The issue of forced labour with regards to the World Cup is also pertinent with regards to Mexico and Canada. In Mexico, for instance, Polaris Project estimates that the government's official statistics only represent 5% of the true number of victims of labour trafficking, which is also under-investigated compared to sex trafficking.<sup>48</sup> Labour trafficking in Mexico also appears more common in seasonal and low-skilled work,<sup>49</sup> which is all the more alarming in a context in which the United Bid has recognised that these are precisely the jobs which will proliferate during the World Cup. In Canada, on the other hand, the trafficking of migrant workers has risen to prominence in recent times after high-profile cases such as the rescue of 43 victims in 2019.<sup>50</sup> The Canadian Centre to End Human Trafficking has also identified the World Cup as entailing a risk of trafficking, especially given its prevalence in several previous World Cups, and therefore asked the federal government as well the administrations in the relevant Provinces and cities to sign a pledge for good and fair jobs which includes engaging with anti-trafficking organisations.<sup>51</sup> The US State Department's 2022 Trafficking in Persons Report on Canada stated that Canada's efforts to identify victims of forced labour are also inadequate.<sup>52</sup> The Committee on Economic, Social, and Cultural Rights has further recommended that Canada step up efforts to prevent the exploitation of temporary and seasonal workers,<sup>53</sup> which again will likely make up a large number of workers directly connected to the games in Canada.

## Occupational Health

The issue of occupational health in the context of the World Cup will likely be forever synonymous with the deaths of migrant workers building stadiums in Qatar. However, while no

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<sup>47</sup> See e.g. Kokroo, Ayushi, "Screams Hidden by Cheers: Labor Trafficking Concerns Amidst the 2026 World Cup Games and Beyond" [2024] 16(2) *Drexel Law Review* 403 at 412-13

<sup>48</sup> Polaris Project, "Landscape Analysis: Human Trafficking for the Purpose of Labor Exploitation in Mexico", 2018 at 11

<sup>49</sup> *Id* at 15

<sup>50</sup> Global News, "43 victims of labour human trafficking freed following investigation in Barrie, Wasaga Beach: police", available at <https://globalnews.ca/news/4947960/labour-human-trafficking-investigation-barrie/> (last accessed 28<sup>th</sup> May 2024)

<sup>51</sup> See "Act Now to Prevent Exploitation at the 2026 FIFA World Cup", available at <https://www.canadiancentretoendhumantrafficking.ca/wp-content/uploads/2024/04/Act-now-to-prevent-exploitation-at-the-2026-FIFA-World.pdf>

<sup>52</sup> <https://www.state.gov/reports/2022-trafficking-in-persons-report/canada/>

<sup>53</sup> CESCR, "Concluding observations on the sixth periodic report of Canada" at [28]

new stadiums are needed to host the 2026 World Cup, thus mitigating death risks considerably,<sup>54</sup> areas of concern remain. This was conceded by the United Bid itself, which highlighted the health risks posed by high temperatures in Mexico and the southern United States as an example.<sup>55</sup> Although, on paper, all three countries have occupational health regulations broadly compliant with international standards,<sup>56</sup> these must be fully enforced in order to adequately protect the rights of workers to a safe workplace. The Canadian Centre to End Human Trafficking has highlighted this in its proposed pledge for good and fair jobs in the 2026 World Cup, especially on the construction sites which will still be necessary for other construction around the event.<sup>57</sup> Significant issues in this regard include fears of reprisals among temporary workers in Canada should they report unsafe working conditions<sup>58</sup> and criticism of authorities in the USA for failing to adequately police non-traditional forms of employment such as agency workers,<sup>59</sup> which may yet be a major vector of employment for the temporary workers that will be needed for the event. In Mexico, moreover, labour law enforcement is hampered not only by an inadequate number of labour inspectors but also a general requirement for labour inspectors to give 24 hours' notice before an inspection, giving potential time for a cover-up.<sup>60</sup> The Committee on Economic, Social, and Cultural Rights has further urged Mexico to ensure that labour inspections have an appropriate mandate to deal with substandard working conditions.<sup>61</sup>

### Status of Volunteers and Informal Workers

The status of volunteers and need for them to enjoy full labour rights, especially health and safety, will be a pressing issue for the 2026 World Cup; there is a more than small irony in the situation whereby these vital workers are acknowledged as often being the face of the event to visitors but nonetheless find themselves potentially falling through cracks in labour legislation. The risk of volunteers being overlooked by labour legislation has been noted in the Ergon

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<sup>54</sup> Noted by the Ergon Report, *supra* n4 at 27

<sup>55</sup> United Bid, *supra* n6 at 69

<sup>56</sup> Ergon report, *supra* n4 at 18

<sup>57</sup> *Supra* n48

<sup>58</sup> *Id* at 51

<sup>59</sup> *Id*

<sup>60</sup> Noted e.g. by the 2023 Trafficking in Persons Report for Mexico, *supra* n37

<sup>61</sup> CESCR, "Concluding observations on the combined fifth and sixth periodic reports of Mexico" at [33(b)]

Report which notes that variation between state laws means that not all volunteers are considered ‘workers’ and they are not so considered under Federal legislation.<sup>62</sup> In the USA, volunteers are also generally not considered covered by federal health and safety legislation<sup>63</sup> and whether and in what circumstances they are considered ‘workers’ will also vary from state to state.<sup>64</sup>

In Mexico, there exists a further problem of the sheer size of the ‘informal economy’ whereby workers do not possess traditional employment contracts. The Committee on Economic, Social, and Cultural Rights has expressed concern that the percentage of workers at the time of its Concluding Observations was as high as 57%.<sup>65</sup> This status puts these workers beyond the reach of most labour protections, which has led the CESCR to urge Mexico to include this large informal economy in the remit of labour inspections and health and safety services.<sup>66</sup> Despite this, there appears minimal acknowledgement of the issue by the United Bid itself; while its documentation calls for Host Cities to have plans that detail any policies that would bring the rights of temporary workers in line with those of employees,<sup>67</sup> the next rung down of the ladder – that of informal workers and indeed volunteers – is conspicuous by its absence, making it a prime issue for consideration.

## 2. Migrant Workers

### Context

In light of the growing number of migrant and other foreign workers in the host countries, protecting the rights of these workers is key to a positive human rights legacy for the 2026 FIFA World Cup (World Cup). FIFA has committed to a higher threshold of human rights protections in the wake of the [abuses that occurred](#) during the 2022 Qatar games, including the [death of](#)

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<sup>62</sup> Ergon Report, *supra* n4 at 52

<sup>63</sup> Ergon Report, *supra* n4 at 54

<sup>64</sup> *Id*

<sup>65</sup> CESCR, *supra* n64 at [31]

<sup>66</sup> *Id*

<sup>67</sup> United 2026 ‘Proposal for a United Human Rights Strategy’, (March 2018) at 44

[thousands of migrant workers](#).<sup>68</sup> [The United Bid Proposal](#) for the 2026 World Cup (Proposal) and the [2018 report by Ergon](#) evaluated the rights of workers in general extensively across the three host countries, however the rights of migrant workers were relatively unexamined. More recently, the [Clifford Chance Centre for Sport & Human Rights](#) (Chance Report) examined each host city's strategy for protecting the rights of workers. The rights of migrant workers were highlighted in this report as requiring a higher level of protection due to being potentially at-risk throughout the 2026 World Cup. All of the host countries have legal protections in place that cover temporary foreign workers or migrant workers in some capacity, these will be examined in the following sections through the lens of the heightened scrutiny that accompanies a FIFA event.

## Relevant International Human Rights Law

[International Labor Organization \(ILO\) standards](#) are all applicable to migrant workers and contain Conventions specifically pertaining to migrant workers. The Conventions state that migrant workers should receive equal treatment with national workers in terms of [employment opportunities](#) (Art. 10), [wages](#) (Art. 6 (a)(i)), and [working conditions](#). Other standards include provisions for preventing practices such as [deceptive recruitment fees](#) and [forced labour](#). The [Migration for Employment Convention \(Revised\) 1949](#) remarks that migrant workers must have access to social protection measures, including healthcare (Art. 5), social security (Art. 6(b)), and decent housing (Art. 6 (a)(iii)). Additionally, the Convention calls for migrant workers to have access to effective remedy mechanisms in case of labour rights violations (Art 6. (d)) and access to the necessary information related to their status as a migrant worker (Art. 2).

[The International Finance Corporation \(IFC\) Performance Standard 2 for Labor and Working Conditions \(PS2\)](#) is applicable to direct workers, contracted workers and supply chain workers. Paragraph 11 of the IFC PS2 requires that clients identify migrant workers and ensure that they receive equivalent protections to their non-migrant counterparts. The IFC PS2 makes it clear that principles of non-discrimination apply equally to migrant workers. Accommodation

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<sup>68</sup>Human Rights Watch 'Qatar: Rights Abuses Stain FIFA World Cup' (14 November 2022); Alfarizi MH, Morgan KR & Lago MC 'Human Rights Abused in Qatar: FIFA Puts World Cup More Than Lives?' (2023) 4 JPHK 112.

services must be provided “in a manner consistent with the principles of non-discrimination”.<sup>69</sup> Third parties who engage contract workers must provide effective grievance mechanisms or utilise the grievance mechanism available from the state. Supply-chain workers have a higher risk of safety issues and therefore states must introduce measures to prevent and correct abuses from primary suppliers within the supply chain. Client states must have some level of influence over primary suppliers to ensure an adequate protection of human rights.

[The United Nations \(UN\) Convention on the Protection of the Rights of All Migrant Workers and Members of their Families](#) is the primary international instrument that guides the treatment of migrant workers. The Convention affirms that migrant workers and their families enjoy basic human rights and freedoms, regardless of their migrant status. These rights include the right to life (Art. 9), privacy (Art 14), and liberty (Art 16). It emphasises the importance of fair treatment regarding remuneration (Art 25), participating in trade unions (Art 26) and access to housing (Art 43(d)). Migrant workers have the right to receive information about their rights and legal status in a language they understand (Art. 16 (para. 5)). They also have the right to access legal assistance and representation (Art. 16 (para. 6)). Ultimately, the Convention serves as a framework for governments to adopt policies and practices that uphold the human rights of all migrant workers, regardless of their nationality or legal status.

[UN Guiding Principles on Business and Human Rights \(UNGPs\)](#) contain the obligations for states to protect human rights throughout their business practices. The UNGPs require that states comply with all applicable laws with respect to human rights, and that the remedies for rights violations are proportionate to the breach. A state failing to adhere to international human rights laws may leave states liable for abuses by private actors and states should make expectations for protecting human rights clear to business enterprises. Article 10 of the UNGPs places specific obligations for members of multilateral institutions who deal with business-related issues, primarily that they promote, and do not restrain, the ability of member states to meet their duty to protect human rights.

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<sup>69</sup> IFC ‘Performance Standard 2: Labor and Working Conditions’ (1 January 2012) [12].

## Pledges

In the [United 2026 Human Rights Strategy](#) (The Strategy), the host countries pledged to abide by ILO standards as well as the IFC PS2 for any direct and contracted labour that is sourced throughout the World Cup.<sup>70</sup> Specifically, that the host countries would develop a supply chain sourcing code based on ILO standards and other international protocols to prevent human trafficking and ensure compliance with domestic labour laws.<sup>71</sup> Additionally, the host countries will work in compliance with all relevant national and state, provincial or municipal legislation.<sup>72</sup> The Strategy contained several assurances that stakeholders, unions and other workers' rights groups would be involved in the design and implementation of any plans. The [Chance Report](#) contained many acknowledgments from host cities regarding the existence of heightened concerns surrounding migrant workers throughout the World Cup. Canadian host cities committed to a living wage for all World Cup workers throughout the duration of the event, as did many host cities in the United States of America (USA), such as Atlanta, Dallas, and Los Angeles.<sup>73</sup> The Chance Report identified an opportunity for host countries to exert leverage with supply chain providers to ensure compliance with labour and human rights standards.<sup>74</sup> Although FIFA will control the majority of supply chain labour sourcing, it was proposed that FIFA could create a model for human rights compliant labour conditions that other sporting events can utilise in the future.<sup>75</sup> It was also suggested in the Clifford Chance report that a dedicated task force on World Cup employment would be beneficial to the protection of labour rights.<sup>76</sup> Unfortunately, less than half of the host cities directly addressed any mechanisms to identify and prevent potential abuses facing migrant workers. Cities like Atlanta, Houston, Los Angeles and Edmonton (Vancouver had not yet been selected as a Host city) identified their existing remedy mechanisms for migrant workers, including advocacy programs.<sup>77</sup> Other cities

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<sup>70</sup> United 2026 'Proposal for a United Human Rights Strategy', (March 2018) 43.

<sup>71</sup> *ibid.*

<sup>72</sup> *ibid.*

<sup>73</sup> Clifford Chance & the Centre for Sport and Human Rights 'The Promise of a Positive Legacy: The FIFA World Cup 2026 Host City Candidates' Human Rights Plans' 20, 46, 61, 73.

<sup>74</sup> *ibid.*, 20.

<sup>75</sup> United 2026 'Proposal for a United Human Rights Strategy', (March 2018) 46.

<sup>76</sup> Clifford Chance & the Centre for Sport and Human Rights 'The Promise of a Positive Legacy: The FIFA World Cup 2026 Host City Candidates' Human Rights Plans' 35.

<sup>77</sup> Clifford Chance & the Centre for Sport and Human Rights 'The Promise of a Positive Legacy: The FIFA World Cup 2026 Host City Candidates' Human Rights Plans' 46, 67, 73, 35.



like Dallas, Cincinnati and the host cities in Mexico more vaguely pointed to a recognition of the importance of protecting migrant workers.<sup>78</sup>

## Current practice

Mexico has been one of the main promoter states of the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families since it was conceived and has [committed to protecting rights for women migrant workers](#)(16) as well. Mexico's [IREX Ambulantes program](#) provides information to migrants and their families. This program raises awareness of workers' rights and provides access to local organisations for support. In 2022, Mexico ratified the [ILO Violence and Harassment Convention](#) and the Mexican Government adopted a [2018-2024 Migration Policy](#) that focused primarily on protecting human rights through social and economic policy.<sup>79</sup> Mexico's [Labour and Social Welfare Programme](#) facilitates safe migration for the more than 2 million people who migrate within Mexico towards areas with more employment opportunities.<sup>80</sup> However, the Mexican government has received criticism in the past for [limiting the rights of foreigners](#) (1), and immigrants are often subject to human rights violations by the Mexican police and immigration officials.

Canada recently adopted the [2022-2027 Responsible Business Conduct Strategy](#) that holds Canadian companies to an updated Code of Conduct for Procurement when operating abroad.<sup>81</sup> In 2023, the Parliament of Canada passed the [Fighting Against Forced Labour and Child Labour in Supply Chains Act \(Bill S-211\)](#) which imposes an obligation on companies doing or wishing to do business in Canada to address child or forced labour in their supply chains. However, there are concerns that the reporting measures can turn into box-ticking without effective oversight. The [UN Special Rapporteur](#) (3) on contemporary forms of slavery visited Canada in 2023 and found that Canada's Temporary Foreign Worker Programme (TFWP) is "a breeding ground for contemporary forms of slavery". This programme has received criticism for

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<sup>78</sup> *ibid*, 61, 58, 42.

<sup>79</sup> UNCHR 'National report submitted pursuant to Human Rights Council resolutions 5/1 and 16/21: Mexico' (2 February 2024) UN Doc A/HRC/WG, 6/45/MEX/1 [216].

<sup>80</sup> *ibid*, [218].

<sup>81</sup> UNCHR 'National report submitted pursuant to Human Rights Council resolutions 5/1 and 16/21: Canada' (17 November 2023) UN Doc A/HRC/WG, 6/44/CAN/1 [134].

its lack of oversight and the ability for exploitation of workers throughout the past decade, including reports from Parliamentary Committees, [UN Universal Periodic Review \(UPR\)](#) recommendations and the 2022 Report from the [Migrant Workers Centre](#) (6). The primary issues observed in this programme are that the workers are operating on closed work permits and therefore cannot change employers or be terminated without possibly facing deportation. Secondly, workers under this program are often placed in residence or accommodation through their employer, the conditions of which have been [reportedly very low quality](#) (6). The Government of Canada has yet to sign or ratify the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families despite receiving numerous recommendations in their [most recent UPR](#) pertaining to this Convention.

Migrant workers in the USA are protected under the [Migrant and Seasonal Agricultural Worker Protection Act of 1983](#). This Act requires that wages, working hours, housing and transportation for migrant workers are in line with state and federal standards. The USA's [H-2B visa program](#) for migrant workers has been largely criticised for an abundance of bureaucratic hurdles for foreign workers to surmount. This red-tape is seen as being something that is discouraging to immigrants seeking employment, and therefore [incentivizes illegal hiring](#). Additionally, in the USA there is a profound lack of protection for foreign workers who suffer from labour and employment violations. Despite the existence of legal protections, similar to what has been observed in Canada, there is a lack of awareness and a lack of security among foreign workers seeking a remedy for a labour and employment violation. [Department of Homeland Security \(DHS\)](#) announced that they will provide migrant and immigrant workers to receive temporary protection against deportation and access to work authorization if they experience or witness workplace labour or civil rights violations. A looming concern in the USA, as [reported in their UPR](#) is the public discourse surrounding migrants and migrant workers, and the manner in which authorities speak about them.<sup>82</sup> The USA has also yet to sign or ratify the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their

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<sup>82</sup> UNCHR 'Compilation on the United States of America: Report of the Office of the United Nations High Commissioner for Human Rights' (15 May 2020) UN Doc A/HRC/WG, 6/36/USA/2 [10].

Families despite receiving numerous recommendations in their most recent UPR pertaining to this Convention.

## Issues for Consideration

There are several salient issues affecting migrant/temporary foreign workers that were repeated throughout the relevant literature as needing greater attention from the host countries. Firstly, while all host cities already have, or have pledged to, provide a living wage for all World Cup workers, very few had strategies aimed at protecting migrant workers from abuse and exploitation. As mentioned previously, there have been reports throughout the host countries that detail the exploitative relationships that often occur between migrant workers and their employers and/or regulatory bodies. Although there are legal protections for migrant workers in all three countries, none of the states have effective protections against the psychological forms of abuse that these workers are at risk of enduring. The threat of deportation and the lack of employment mobility leaves migrant workers increasingly vulnerable to abuse. Although there are grievance and remedy mechanisms in place in the host countries, migrant workers often lack the means or awareness to access them. Often, migrant workers are residing in employer-provided accommodations- at times this is a required element of their visa- and therefore risk homelessness should they lose their job. In addition to this, as previously mentioned, the quality of these accommodations can vary wildly. Some migrant workers reported staying in poorly maintained and overcrowded residences with little to no privacy. Many cases involving allegations of abuse from migrant workers end up requiring legal intervention, and the time cost and financial cost of this process can be a barrier for many migrant workers.

In Mexico, the primary remaining issue is the disparity in protections between workers migrating within Mexico and foreign workers. Internal migrant workers benefit from ample resources and support, and foreign workers receive intimidation and heightened scrutiny from immigration officials and other law enforcement. This has created a deterrent effect for migrant workers seeking to remedy abuses of their rights, as there are concerns that migrant workers do not receive equal protection under the law as internal migrants and nationals may. However,

despite past criticism, Mexico has shown a promising commitment to the protection of migrant workers' rights in recent years. For consideration in Mexico is the practical applications of these legal protections for migrant workers. There are measures both internationally and domestically that Mexico is committed to following and it must be observed if, under the magnified risks of the World Cup, the government can uphold these commitments. To bolster current protections throughout the World Cup, Mexico may take measures to increase transparency and reporting from employers who hire migrant workers to confirm that standards are being met. Mexico could create awareness campaigns to better familiarise migrant workers with their rights and possible avenues for achieving remedies in cases of labour violations.

Canada has numerous areas of risk that will be exacerbated by the World Cup. Firstly, the TFWP which has received severe criticism in recent years for creating an environment where abuses can occur. One of the most egregious violations of international standards is the overcrowded and derelict accommodations where many of the TFWs are required to stay, as this housing denies migrant workers their right to privacy and their right to access adequate housing. Subsequently, the TFWP puts migrant workers who attempt to remedy abuses at risk of jeopardising their visa status. Canada ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families would be a welcomed first step towards better protections. The Government of Canada might also launch an investigation into the TFWP to identify gaps in protections where abuses are occurring. Given that legal fees were indicated to be a barrier that prevents migrant workers from accessing remedy mechanisms, Canada may see the benefit of starting a legal aid fund specifically for migrant workers to use. Canada could also create awareness campaigns to promote migrant workers engaging with and being knowledgeable regarding their rights.

The USA could benefit from strengthening protections for migrant workers in several ways. Strengthening legal frameworks to ensure migrant workers have access to fair wages, safe working conditions, and protection from exploitation. This includes enforcing existing labour laws more rigorously and ratifying existing international standards such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, improving access to legal assistance and resources for migrant workers which includes

expanded language services and culturally competent support. Developing standards for migrant worker housing and ensuring enforcement through inspections and penalties for violations. Lastly, the USA could examine the H-2B visa program to identify areas where the information and documentation required could be seen as prohibitive. Ultimately, the USA would benefit greatly from the creation of a more recent federal standard of working and housing conditions for migrant workers, as well as a more effective method of enforcing and overseeing the standards that currently exist.

Three primary issues are affecting migrant workers across all host jurisdictions. Firstly, programs for migrant worker documentation are not effective at protecting the rights of migrant workers. Either the programs themselves, or the regulatory bodies meant to oversee them, are inadequate at protecting migrant workers. Subpar housing, emotional abuse and safety violations were observed across the three host countries. As was suggested by a host city in the Chance Report, a dedicated task force to oversee the World Cup workers is something that could be very beneficial in catching potential violations of workers' rights. Secondly, the dissemination of information to migrants is abysmal. Migrants deserve to have access to information regarding their rights in a language that they can understand and in a manner in which they can understand. Awareness campaigns, meetings with case workers/support workers and information sessions at the workplace are all possible ways that employers can better educate their employees on their rights. Finally, migrant workers are at a heightened risk of being exploited by their employers. The USA's H-2B visa program and Canada's TFWP restrict migrant workers from seeking alternative employment if they have interpersonal issues with their employer. This restriction prevents migrant workers from career mobility and creates a relationship of dependence between the employee/employer, which allows the employer to take advantage of their employee. By reforming the visa programs associated with migrant work to no longer heavily restrict the employment mobility of migrant workers, governments can lower barriers to documentation for migrants and encourage employer compliance with human rights standards.

### 3. Privacy and Data Protection

#### Context

The 2026 FIFA World Cup is a global event that brings with it an array of practical and logistical challenges. Privacy and protection of personal data are significant issues to consider, as well as ensuring the safety and security of the information collected during the event.<sup>83</sup> In an increasingly technological era, each host city must adhere to robust legal frameworks to guarantee the protection of privacy rights for all involved in the 2026 FIFA World Cup. In accordance with Article 12 Universal Declaration of Human Rights (UDHR), the right to privacy must be upheld.<sup>84</sup> Mega Sporting Events (MSE's) attract immense attention, which historically leads to heightened levels of **surveillance, invasions of privacy and breaches of personal data**.<sup>85</sup> It is therefore essential to address these concerns across the host nations.<sup>86</sup>

As the world becomes increasingly interconnected and data-driven, MSE's, such as the 2026 FIFA World Cup, continue to incorporate data-driven technologies to enhance various aspects of operations. These include event operations, logistics, fan engagement and experience, and security management. However, the collection and use of data raises concerns regarding the privacy rights and protection of personal data belonging to players, fans, spectators, and children attending these events.<sup>87</sup>

Facial recognition technologies, biometric data collection, and large-scale surveillance during MSEs raises significant privacy risks, and concerns that could potentially infringe upon

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<sup>83</sup> Ergon, 'Independent Report on Human Rights Canada, Mexico and USA FIFA World Cup Bid 2026' (Centre for Sport and Human Rights 2018) <<https://www.sporhumanrights.org/library/independent-report-on-human-rights-canada-mexico-and-usa-fifa-world-cup-bid-2026/>> accessed 28 May 2024.

<sup>84</sup> Universal Declaration of Human Rights [1948].

<sup>85</sup> Jamila Venturini Stepanovich Amie, 'Brazil's Olympic Surveillance Legacy' (*Access Now*, 25 August 2016) <<https://www.accessnow.org/brazils-olympic-surveillance-legacy/>> accessed 28 May 2024; Adeyinka Olaiya, 'Brazil's Millions Of Surveillance Cameras: A Successful Strategy In Crime Combat within A Tourist Society' (*The Ancestral News*, 11 February 2024) <<https://ancestrals.com.ng/2024/02/11/brazils-millions-of-surveillance-cameras-a-successful-strategy-in-crime-combat-within-a-tourist-society/>> accessed 28 May 2024; 'The Fight for Control of Performance Data: Is Project Red Card Headed for an Early Bath?' (*Armstrong Teasdale LLP*) <<https://www.armstrongteasdale.com/thought-leadership/the-fight-for-control-of-performance-data-is-project-red-card-headed-for-an-early-bath/>> accessed 28 May 2024.

<sup>86</sup> 'Proposal for a United Human Rights Strategy: United 2026 (2018)' <<https://digitalhub.fifa.com/m/755c74217132ee40/original/Proposal-for-a-United-Human-Rights-Strategy.pdf>> accessed 28 May 2024.

<sup>87</sup> Ergon Report.

fundamental rights and freedoms. This is particularly concerning in the absence of independent oversight mechanisms; a situation that is further complicated when events are hosted across multiple jurisdictions with varying data protection laws and frameworks.<sup>88</sup>

The Women in Tech Network stresses that data privacy laws' capacity to keep up with technological advances is not uniform globally.<sup>89</sup> As highlighted in the Ergon Report, although data protection laws exist in all three countries, 'there is no unified code' to manage the issues of protecting privacy and personal data.<sup>90</sup> While some regions have cohesive and adaptable legal frameworks, others lack the resources or political will to update their data privacy protections. This disparity creates inconsistent privacy standards, potential data transfers across borders with various levels of protection, and challenges in ensuring the consistent application of privacy principles and individual rights.

## International Human Rights Law

The right to privacy is a fundamental human right enshrined in Article 12 of the [1948 Universal Declaration of Human Rights \(UDHR\)](#) and Article 17 of the 1966 [International Convention on Civil and Political Rights \(ICCPR\)](#).

Article 17 of the ICCPR states that,

1. No one shall be subjected to arbitrary interference or unlawful with his privacy, family, home, or correspondence, nor to unlawful attacks upon his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

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<sup>88</sup> 'Keeping an Eye on the Ball: Government Agencies Increasingly Focused on 2026 FIFA World Cup Legal Issues' (*Wilson Sonsini Goodrich & Rosati Professional Corporation Home Page - Palo Alto, Silicon Valley, San Francisco, New York, Seattle, San Diego, Washington, D.C., Shanghai, Hong Kong, Brussels - Keeping an Eye on the Ball: Government Agencies Increasingly Focused on 2026 FIFA World Cup Legal Issues*) <<https://www.wsg.com/en/insights/keeping-an-eye-on-the-ball-government-agencies-increasingly-focused-on-2026-fifa-world-cup-legal-issues.html>> accessed 9 May 2024.

<sup>89</sup> Anna Radulovski, 'Global Disparity in Data Privacy Laws' (19 March 2024) <<https://www.womentech.net/en-at/how-to/global-disparity-in-data-privacy-laws>> accessed 28 May 2024; Joshua AT Fairfield, *Runaway Technology: Can Law Keep Up?* (Cambridge University Press 2021); Anna Radulovski, 'Can Data Privacy Laws Keep Up with Rapid Technological Advances?' (19 March 2024) <<https://www.womentech.net/en-at/how-to/can-data-privacy-laws-keep-rapid-technological-advances>> accessed 8 May 2024.

<sup>90</sup> Ergon (n 1) 93.

In 1988, the Human Rights Committee expanded the scope of Article 17 of the ICCPR through General Comment No. 16. This emphasised that States have a responsibility to adopt legislative and other measures to prevent interference with and attacks on people's privacy. Highlighting that the gathering and holding of personal information on computers, data banks, and other devices, whether by public authorities or private individuals or bodies, must be regulated by law. Effective measures must be taken by States to ensure that unauthorised persons do not receive, process, or use personal information and that such information is never used for purposes that are incompatible with Article 17. The comment further stressed that Article 17 of the Covenant deals with protection against both unlawful and arbitrary interference, and therefore, State legislation must provide for the protection of the right set forth in Article 17.

Several other international human rights instruments recognise the right to privacy, such as the 1989 [United Nations Convention on the Rights of the Child](#) (UNCRC) (art. 16) and the 1990 [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#) (Art.14), [1978 American Convention on Human Rights](#) (ACHR) (Art.11) and [1950 European Convention on Human Rights](#) (ECHR) (Art.8)

In the particular context of childrens' rights, the UNCRC asserts the right to privacy (Art. 16) in the exact terms of ICCPR Article 17. The Committee on the Rights of the Child has recently released General Comment No. 25 (2021), which expands Article 16 and provides guidance on protecting children's rights in the digital environment. According to the comment, any digital surveillance of children, along with any automated processing of their personal data, should respect their right to privacy. Such surveillance should not be conducted routinely, indiscriminately, or without the child's knowledge or the knowledge of their parent or caregiver, especially in the case of very young children. Additionally, children should have the right to object to such surveillance in commercial, educational, and care settings. When conducting surveillance, organizations should always consider the least privacy-intrusive means available to achieve their desired purpose.



## Pledges and Current Practice

After reviewing the commitments made by the host nations and cities, research shows that data protection, security and privacy are not given equal priority across the host nations.

**Canada** has two host cities, Toronto and Vancouver. The city of **Toronto** has outlined human rights areas of risk and identified existing tools to address them. However, in relation to privacy, surveillance and data protection, the city has yet to share its understanding and efforts made in relation to data privacy and digital protection.<sup>91</sup> **Vancouver** [is the second Canadian host city](#), and due to its late entry, the city ‘...was asked to sign a predefined human rights commitment and share the terms of reference and a list of organizations and respective representatives of a Human Rights Stakeholder Committee that will support a future stakeholder engagement process.’<sup>92</sup>

Evidence is therefore not readily available regarding how the host cities in Canada plan to, or if they will consider the protection of the right to privacy and personal data during the 2026 FIFA World Cup.

**Mexico** has three host cities: Guadalajara, Mexico City and Monterrey. These cities have followed a ‘single and coordinated’ approach to their human rights proposals, submitting similar plans to create a lasting human rights legacy for the 2026 World Cup. All three cities have pledged to include data protection and data privacy rights assessments and improvements in the context of the World Cup.<sup>93</sup>

**USA** has 11 host cities and only seven have made mention in their pledge of how they will consider protecting and/or addressing the right to privacy and the protection of personal data. They make these pledges under the heading of ‘safety and security.’ These cities are the [Bay Area](#)

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<sup>91</sup> *ibid* 37.

<sup>92</sup> ‘Evaluations-of-FIFA-World-Cup-2026-Host-City-Stakeholder-and-Human-Rights-Submissions-Summary-Report.Pdf’ <<https://digitalhub.fifa.com/m/5f0be69542b0caa3/original/Evaluations-of-FIFA-World-Cup-2026-Host-City-Stakeholder-and-Human-Rights-Submissions-Summary-Report.pdf>> accessed 28 May 2024.

<sup>93</sup> Centre for Sport and Human Rights, Clifford Chance, ‘The Promise of a Positive Legacy : The FIFA World Cup 2026 Host City Candidates Human Rights Plans’ 42 <<https://www.cliffordchance.com/expertise/services/esg/united26.html>> accessed 28 May 2024.

(pp 52), Boston (pp 56), Cincinnati (pp 56), Los Angeles (pp 73), Orlando (pp 85), Seattle (pp 91) and Washington DC (pp 93 - 94).<sup>94</sup>

## Issues for considerations

The host nations and cities of the 2026 FIFA World Cup are expected to strictly comply with the pledges made in their bidding process. However, across the three host nations, there is a lack of cohesion regarding the implementation of mechanisms to protect personal data and privacy, as noted above and referenced in the Ergon Report.<sup>95</sup>

The three host cities in Mexico, as well as 4 host cities in the USA (Bay Area, Cincinnati, Los Angeles and Washington D.C.) have made a pledge to recognise privacy and personal data and/or as well as the use of surveillance as a safety and security consideration throughout the 2026 FIFA World Cup.<sup>96</sup> This therefore means that in nine out of sixteen host cities, there is a lack of recognition for personal data, privacy, and the use of surveillance technologies. This further suggests that these cities do not consider the level of safety and security at the 2026 FIFA World Cup events to be problematic or a cause for concern.

As a result, it is recommended that this is made a priority and that all 16 host cities adopt a cohesive human rights strategy to ensure compliance with international legal frameworks relevant to the right to privacy. Additionally, it is important for the organisers of the FIFA 2026 World Cup to be aware of the issues that have occurred in previous MSE events regarding the protection of personal data and the risks to the protection of privacy.

Broadly, these three issues fall under the heading of 'safety and security' as referred to in the [Ergon Report](#).<sup>97</sup> Within the scope of this report, the issues considered include: the protection of personal data, breaches of privacy and the use of surveillance technology around the host city and events stadiums and the aftermath of how the surveillance technology will be utilised. These issues have been selected because safety and security are a 'paramount concern and deserving

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<sup>94</sup> Centre for Sport and Human Rights, Clifford Chance.

<sup>95</sup> Ergon Report.

<sup>96</sup> Centre for Sport and Human Rights, Clifford Chance.

<sup>97</sup> Ergon Report at 6.

of all the attention and priorities it is accorded, it also often threatens individuals' rights and civil liberties.<sup>98</sup>

## Privacy Violations

Privacy is a fundamental right and is often asserted as a '[gateway right](#)' that reinforces other rights, such as equality, non-discrimination, and freedom of expression and assembly.<sup>99</sup> In the context of the FIFA 2026 World Cup, which is globally celebrated and one of the most widely watched sporting events in the world, the privacy of individuals - fans, spectators, players and children—becomes a significant concern due to the scale of the event. As we look ahead to the 2026 FIFA World Cup, it is crucial to address and consider potential privacy violations associated with such MSE for the following reasons:

### 1. Tracking and Profiling

In today's digital world, almost every aspect of our life has a digital footprint. This includes our location, communication, purchases, online activity, and even our health conditions.

In relation to MSE ticket sales, merchandising and online activities related to the event can lead to the creation of detailed consumer profiles. This data may be used for targeting, marketing, or even selling to third parties without proper consent.<sup>100</sup> For example, the Cambridge Analytical scandal in 2018.<sup>101</sup> The social media platform Facebook (now rebranded as META) came under fire and was subject to pay the maximum fine of £500,000 by the Information Commissioner's Office (ICO) after it came to light that 'the social media giant [was] allowing third parties, ... to access Facebook users' personal data' and without their 'clear and informed consent.'<sup>102</sup> Also in 2018, the [Russia 2018 World Cup](#), there was an extensive use of facial recognition for security

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<sup>98</sup> 'Security in Sports Mega Events and the Implications for Human Rights: The Case of the US, 2026 FIFA World Cup' (*EventRights*, 26 October 2023) <<https://eventrights.net/2023/10/26/security-in-sports-mega-events-and-the-implications-for-human-rights-the-case-of-the-us-2026-fifa-world-cup/>> accessed 9 May 2024.

<sup>99</sup> 'Universal Declaration of Human Rights at 70: 30 Articles on 30 Articles - Article 12' (*OHCHR*) <<https://www.ohchr.org/en/press-releases/2018/11/universal-declaration-human-rights-70-30-articles-30-articles-article-12>> accessed 28 May 2024.

<sup>100</sup> 'The Fight for Control of Performance Data: Is Project Red Card Headed for an Early Bath?', see above n85.

<sup>101</sup> 'Meta Settles Cambridge Analytica Scandal Case for \$725m' *BBC News* (23 December 2022) <<https://www.bbc.com/news/technology-64075067>> accessed 28 May 2024.

<sup>102</sup> *ibid*; 'Facebook Fined £500,000 for Cambridge Analytica Scandal' *BBC News* (25 October 2018) <<https://www.bbc.com/news/technology-45976300>> accessed 13 June 2024.

purposes, with thousands of cameras being installed in stadiums and public areas to monitor crowds and identify individuals. This led to concerns about the possibility of the Russian authorities utilising collected data for targeted marketing, surveillance, or other commercial purposes without obtaining the necessary consent.<sup>103</sup>

## 2. Cybersecurity Risks and the Protection of Personal Data

The FIFA 2026 World Cup presents an attractive target for cybercriminals who seek to exploit the vulnerabilities in the event infrastructure, ticketing systems, online platforms and broadcasters of the event. Data breaches, otherwise known as cyberattacks could result in unauthorised access and misuse of personal information, posing significant risks for spectators, fans and players. This is a known problem with MSE. Cooper et al. suggest there are [four significant categories of cyberattacks on major sporting events](#): 1) the infiltration of sporting websites and IT systems; 2) ticket-related scams; 3) the hacking and release of sensitive athlete data; and 4) the risk of fans being hacked while attending an event.<sup>104</sup>

An example of a previous cyber-attack was during the Qatar 2022 World Cup, when Africa's World Cup broadcaster was hit by a series of [cyber-attacks](#). On one day, the broadcaster recorded seven cyberattacks.<sup>105</sup> Whilst the 2018 Winter Olympics in Pyeongchang saw a high level of attacks by Russian hackers, who carried out attacks on the [Olympic networks before the opening ceremony](#).<sup>106</sup> Also during the 2014 World Cup, Brazilian officials faced an onslaught of phishing attacks from so-called 'hacktivists', who successfully infiltrated email accounts for many officials with the Ministry of Foreign Affairs, who were helping to organise the World Cup.<sup>107</sup>

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<sup>103</sup> 'World Cup 2018: Russia Promises "unprecedented" Security' *BBC News* (13 June 2018) 20 <<https://www.bbc.com/news/world-europe-44466387>> accessed 28 May 2024.

<sup>104</sup> Betsy Cooper and Katie Chen, 'Cybersecurity of Olympic Sports' (Berkeley Centre for Long-Term Cybersecurity 2017) <<https://cltc.berkeley.edu/publication/cybersecurity-of-olympic-sports/>> accessed 28 May 2024.

<sup>105</sup> 'New World TV: Africa's 2022 World Cup Broadcaster Hit by Cyber-Attacks' *BBC Sport* (5 December 2022) <<https://www.bbc.com/sport/africa/63853981>> accessed 28 May 2024.

<sup>106</sup> Nicole Perlroth, 'Cyberattack Caused Olympic Opening Ceremony Disruption' *The New York Times* (12 February 2018) <<https://www.nytimes.com/2018/02/12/technology/winter-olympic-games-hack.html>> accessed 28 May 2024.

<sup>107</sup> Betsy Cooper and Katie Chen (n 104).

In their [5<sup>th</sup> Edition of Cyber Signals ‘State of Play’](#), Microsoft highlighted that during the period of 10th November and 20th December 2022, they performed over 634.6 million authentications while providing cybersecurity defences for Qatari facilities and organisations.<sup>108</sup>

Recently, in 2024, Mexico City encountered the theft of the personal data of hundreds of journalists in Mexico, including addresses and copies of voter ID Cards and passports. This has raised safety concerns in one of the most dangerous countries in the world for media professionals, [exposing the journalists](#) to potential identity theft and possible compromise of their physical security.<sup>109</sup> Mexican authorities confirmed that government computers were hacked and personal information about these journalists were leaked to an online website.

Cyber-attacks against sports organisations are very common, [with 70% of those surveyed experiencing at least one attack per year](#). This is significantly higher than the average across UK businesses. In 2021, a large consulting firm in the US, was attacked by cybercriminals, with the ‘personal data belonging to [American Major League Baseball players](#) and their family members’ being stolen.<sup>110</sup>

The exploitation of players data, in particular their [performance data](#) has become known and problematic across the world of sport.<sup>111</sup> This is because of its interest to third parties, who want to analyse this data for lucrative purposes.<sup>112</sup> This therefore is an issue that the FIFA 2026 World Cup organisers must be alive to as a MSE. This has become known as [‘Project Red Card’](#) which has raised concerns and questions regarding the legality behind the sharing of performative data in

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<sup>108</sup> ‘Microsoft, “State of Play: Sporting Events and Venues Draw Cyberthreats at Increasing Rates” Microsoft Cyber Signals (August 2023)’ <<https://query.prod.cms.rt.microsoft.com/cms/api/am/binary/RW185Dg>> accessed 28 May 2024.

<sup>109</sup> Brendan O’Boyle and David Alire Garcia, ‘Mexican Leak of Journalists’ Personal Data Raises Security Worries’ *Reuters* (31 January 2024) <<https://www.reuters.com/world/americas/mexican-leak-journalists-personal-data-raises-security-worries-2024-01-31/>> accessed 28 May 2024.

<sup>110</sup> ‘The Cyber Threat to Sports Organisations’ <<https://www.ncsc.gov.uk/report/the-cyber-threat-to-sports-organisations>> accessed 28 May 2024; Sarah Coble, ‘Major League Baseball Players’ Personal Data Stolen’ (*Infosecurity Magazine*, 25 March 2022) <<https://www.infosecurity-magazine.com/news/baseball-players-personal-data/>> accessed 28 May 2024.

<sup>111</sup> Simon Burnton, ‘PCA Joins Russell Slade’s “Project Red Card” Battle for Players’ Data’ *The Guardian* (24 January 2023) <<https://www.theguardian.com/sport/2023/jan/24/cricket-joins-russell-slade-project-red-card-control-player-data>> accessed 28 May 2024; Ben Fisher, ‘Hundreds of Professional Footballers Threaten Legal Action over Use of Data’ *The Guardian* (12 October 2021) <<https://www.theguardian.com/football/2021/oct/12/hundreds-of-professional-footballers-threaten-action-against-betting-companies>> accessed 28 May 2024.

<sup>112</sup> ‘What Is Performance Analysis in Sport?’ (*Sport Performance Analysis*, 13 April 2020) <<https://www.sportperformanceanalysis.com/article/what-is-performance-analysis-in-sport>> accessed 28 May 2024.

line with the UK General Data Protection Regulation (The UK GDPR) and the Data Protection Act 2018.<sup>113</sup> Concerns are raised due to the amount of identifiable personal data available through performance data, that can be exploited by third parties and arguably breaching [Article 4 GDPR, which defines personal data](#).<sup>114</sup> Although this is a different data protection law to the host cities, the same issue of consent will apply to the processing of performance data belonging to the players within the sporting events. This is something that each city should consider, in order to manage the risk of breaching the rights of players privacy.<sup>115</sup>

### 3. Social Media and Personal Expression

Fans and spectators often use social media platforms to share their experiences, opinions and engage with others during major sporting events such as the FIFA 2026 World Cup. While social media facilitates freedom of expression, (as per [Article 19 ICCPR](#) and [Article 19 UDHR](#)) and allows fans to connect globally, it also raises significant concerns about the privacy of personal information shared online.

A key issue is the potential for unauthorised data sharing across social media platforms and with third party entities without explicit user consent. Platforms may collect and aggregate user data and interactions, which can be shared with advertisers, analytical companies, or other parties. This practice raises concerns about the misuse or inadequate protection of users' personal data and is highlighted by past incidents such as the [Cambridge Analytical scandal](#). In 2018 it was revealed that political consulting firm Cambridge had improperly obtained data from millions of Facebook users through a third-party app without knowledge or consent.<sup>116</sup>

During MSE, fans and spectators from diverse backgrounds flock to social media; sharing personal opinions, photos, location data, and other sensitive data. The potential for this data to be harvested and shared without proper consent raises concerns about privacy violations and the exploitation of individual privacy rights in the modern digital age. In this context, privacy

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<sup>113</sup> 'The Fight for Control of Performance Data: Is Project Red Card Headed for an Early Bath?' (n 85).

<sup>114</sup> 'Art. 4 GDPR – Definitions' (*General Data Protection Regulation (GDPR)*) <<https://gdpr-info.eu/art-4-gdpr/>> accessed 28 May 2024.

<sup>115</sup> 'The Fight for Control of Performance Data: Is Project Red Card Headed for an Early Bath?' (n 85); Burnton (n 111).

<sup>116</sup> 'Meta Settles Cambridge Analytica Scandal Case for \$725m' (n 101).

advocates and international organisations such as the [United Nations Human Rights Office of the High Commissioner](#) (OHCHR) have called for greater regulation and oversight of social media platforms' data collection and sharing practices.<sup>117</sup>

#### 4. The Use of Surveillance around the Stadium – CCTV Monitoring

There has been a great deal of concern regarding the security measures of surveillance technology implemented at events such as MSE. While these measures were initially put in place to ensure safety, the continued utilisation of security and surveillance technologies in everyday life has led to objections. This is largely due to the phenomenon of 'mission creep', whereby these technologies are repurposed beyond their original intent.<sup>118</sup>

Consequently, surveillance practices are normalised, and privacy rights in public spaces are gradually eroded. Video surveillance systems serve as a prominent illustration of this issue.<sup>119</sup> In fact, the legacy of surveillance once utilised for the purpose of safety and security at MSE's stands to be an issue once the MSE is over also. [The Olympic Games](#) are a prime example of MSE's that engage in heavy surveillance for the time of the events and around the stadium in the interests of safety and security, but due to the heavy investment, the host cities thereafter 're-purpose' the surveillance technology for 'law enforcement and domestic purposes.'<sup>120</sup> The aftermath of the games must be heavily considered by the organisers, regarding how surveillance technologies will be utilised and the privacy implications that may be imposed upon the public.<sup>121</sup>

#### 5. Children at Mega Sporting Events and the Right to Privacy

The digital landscape has transformed the way children interact with the world, with a staggering [one in three internet users worldwide being under the age of 18 years old](#).<sup>122</sup>

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<sup>117</sup> 'OHCHR and Privacy in the Digital Age' (OHCHR) <<https://www.ohchr.org/en/privacy-in-the-digital-age>> accessed 28 May 2024.

<sup>118</sup> Bert-Jaap Koops, 'The Concept of Function Creep' (2021) 13 Law, Innovation and Technology 29.

<sup>119</sup> Colin Bennett and Kevin Haggerty, *Security Games: Surveillance and Control at Mega-Events* (1st edn, Routledge 2011) <<https://www.routledge.com/Security-Games-Surveillance-and-Control-at-Mega-Events/Bennett-Haggerty/p/book/9780415619622>> accessed 28 May 2024.

<sup>120</sup> Stepanovich (n 85); Olaiya (n 85).

<sup>121</sup> Stepanovich (n 85).

<sup>122</sup> 'UNICEF WeShare - Search Result' <[https://weshare.unicef.org/Package/2AMZIFI79K\\_I](https://weshare.unicef.org/Package/2AMZIFI79K_I)> accessed 28 May 2024.

As children navigate the internet, mobile apps and connected devices, public actors, governments, and private businesses routinely collect their personal data. It is often sold to advertisers and market companies, who target them for their commercial interests.

In today's digitally interconnected world, children's right to privacy has become increasingly critical, particularly in the context of MSE. As millions of spectators and fans attend these events, often accompanied by children, concerns surrounding the protection of children's personal information and safeguarding their privacy are paramount. In the context of children's attendance at MSE, mass data collection can occur, capturing sensitive information. This includes details about identity, activities, location, communication patterns, and relationships. Furthermore, digital techniques such as automated data processing, facial recognition, profiling, and behavioural targeting often occur without their full understanding or consent. These practices pose significant implications for children's right to privacy.

As outlined in **Article 16** of the UNCRC, which asserts the right to privacy in the exact terms of the ICCPR. The Committee on the Rights of the Child (CRC) has provided [General Comment 25 \(2021\)](#) on children and the digital environment, which provides valuable guidance on safeguarding children's rights within the digital environment, emphasising the need for robust protection against data exploitation and privacy breaches.<sup>123</sup>

The Institute for Human Rights and Business (2017) produced a [White Paper](#) that examines the manifold risks of MSEs to children.<sup>124</sup> It reviews the impact that MSEs can have on the development and rights of children in the country or city where an MSE is taking place, the impact on children affected as athletes, and the supply of goods and services for the event or the marketing and advertising of products during the event and its broadcast. In addition, The Centre for Sports and Human Rights, UNICEF and The Office of the Special Representatives of the Secretary-General on Violence against Children 2022 developed a [toolkit](#) to provide a set of

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<sup>123</sup> 'General Comment No. 25 (2021) on Children's Rights in Relation to the Digital Environment' (OHCHR) <<https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-25-2021-childrens-rights-relation>> accessed 28 May 2024.

<sup>124</sup> Terre des Hommes and UNICEF, 'Mega-Sporting Events Platform for Human Rights, "Children's Rights in the Sports Context"' (2017) 4.1 <<https://www.ihrb.org/megasportingevents/resource-view/white-paper-4.1-childrens-rights>> accessed 28 May 2024.



resources to assist in benchmarking, monitoring, and evaluating the extent to which entities involved within the organising of an MSE are addressing their responsibility towards the rights and well-being of children across the lifecycle of the event.<sup>125</sup>

The potential consequences of privacy violations for children can be severe, ranging from identity theft<sup>126</sup> and [online harassment/cyber-bullying](#)<sup>127</sup>, to long-term psychological impacts.<sup>128</sup> Although all age groups can be impacted, but children who are older are more likely to experience online bullying, rather than in person bullying.<sup>129</sup> Some of the psychological impacts of cyber-bullying can include, depression and anxiety, low self-esteem, academic issues, and suicidal ideation and self-harm.<sup>130</sup> Host nations of the 2026 World Cup must implement [privacy principles](#), such as those outlined in **Article 5(1) of the UK GDPR**, ensuring transparency about data collection practices and obtain explicit parental consent when processing children's personal information. Failure to do so not only violate children's rights but also undermines public trust in the responsible use of technology during these global events.

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<sup>125</sup> 'Child Rights and Mega-Sport Events Toolkit' (*Centre for Sport and Human Rights*)

<<https://sporthumanrights.org/library/child-rights-and-mega-sport-events-toolkit/>> accessed 28 May 2024.

<sup>126</sup> Stephen V Gies and others, 'Wild, Wild Theft: Identity Crimes in the Digital Frontier' (2021) 32 *Criminal Justice Policy Review* 592.

<sup>127</sup> NSPCC, 'Bullying and Cyberbullying' (*NSPCC*) <<http://www.nspcc.org.uk/what-is-child-abuse/types-of-abuse/bullying-and-cyberbullying/>> accessed 14 June 2024.

<sup>128</sup> Sherri Gordon, 'Learn to Recognize the Real-Life Effects of Cyberbullying on Children' (*The Real-Life Effects of Cyberbullying on Children*, 8 March 2024) <<https://www.parents.com/what-are-the-effects-of-cyberbullying-460558>> accessed 14 June 2024.

<sup>129</sup> Ofcom, 'Children and Parents: Media Use and Attitudes Report 2022' (2022) 52.

<sup>130</sup> Sherri Gordon (n 128).

## 4. Housing

### Context

The issue of housing rights has become one of increasing importance in developed economies and these issues are readily exacerbated by major sporting events such as the World Cup, which poses risks of issues such as rental price gouging and the displacement of communities, especially of the homeless.

The issue of short-term rentals implicates not just the practice of rental gouging, which is one that is being taken increasingly seriously in the United States in the form of Bills such as SB280 in Florida, but also the removal of properties from the ordinary market in favour of permanent short-term rental status. In Canada, the estimated 235,000 listings on short-term rental sites such as AirBnB represents nearly 5% of what would otherwise be the country's long-term rental stock at a time when the national vacancy rate is only 1.9%.<sup>131</sup> Not only does this put pressure on the raw housing stock in cities and potentially cause housing supply to fall below demand, but this pressure also causes rents to increase for existing renters at faster rates. This trend has been noted by both academics<sup>132</sup> and local governments themselves.<sup>133</sup> The effects of this can include pricing residents out of their neighbourhoods as they cannot afford to keep up with faster rent increases, potentially leaving them homeless or experiencing 'hidden homelessness' where, for instance, they have to rely on sleeping on a friend's couch and still suffer housing insecurity.<sup>134</sup> The premature deaths of homeless people in Canada and the United States are well-known, especially from drugs<sup>135</sup> and the harsh Canadian winters.<sup>136</sup>

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<sup>131</sup> Bartlett, Randall & Norman, Kari, "Could Restricting Short-Term Rentals Help Alleviate Canada's Housing Crisis?" available at <https://www.desjardins.com/content/dam/pdf/en/personal/savings-investment/economic-studies/short-term-rentals-dec-4-2023.pdf> at 2

<sup>132</sup> See e.g. Lee, Dayne, "How Airbnb Short-Term Rentals Exacerbate Los Angeles's Affordable Housing Crisis: Analysis and Policy Recommendations" [2016] 10(1) *Harvard Law & Policy Review* 229

<sup>133</sup> NYC Comptroller, "The Impact of Airbnb on NYC Rents", 2018, available at [https://comptroller.nyc.gov/wp-content/uploads/documents/AirBnB\\_050318.pdf](https://comptroller.nyc.gov/wp-content/uploads/documents/AirBnB_050318.pdf)

<sup>134</sup> See Statistics Canada, "Homelessness in Canada" 2022, available at [https://publications.gc.ca/collections/collection\\_2022/statcan/11-627-m/11-627-m2022017-eng.pdf](https://publications.gc.ca/collections/collection_2022/statcan/11-627-m/11-627-m2022017-eng.pdf)

<sup>135</sup> "The powerful synthetic opioid fentanyl is behind rising deaths in the homeless population" Los Angeles Times 2021 available at <https://www.latimes.com/california/story/2021-01-07/the-powerful-synthetic-opioid-fentanyl-is-behind-rising-deaths-in-the-homeless-population> (last accessed 25th June 2024)

<sup>136</sup> "Winter taking heavy toll on people who are homeless, from amputations to freezing to death" CBC News 2022, available at (<https://www.cbc.ca/news/canada/toronto/toronto-homeless-winter-1.6379714>) (last accessed 25th June 2024)

Major sporting events such as the World Cup are also associated with the need to build new stadiums and infrastructure to support the event, which carries with it risks of forced eviction and displacement of homeless people. Accusations of ‘social cleansing’ in this regard have been levelled at Paris in the context of the impending Olympic Games<sup>137</sup> and other high-profile events such as the APEC summit in San Francisco, which was preceded by a ‘clean-up’ of the city which included allegations of the removal of even long-term homeless communities.<sup>138</sup> Indeed, Los Angeles, a Host City for the 2026 World Cup, took advantage of local ordinances such as Section 41.18 of the Municipal Code to criminalise and clear the homeless population during the 1984 Summer Olympics. The relevant provision remains in the Municipal Code to this day and, on its face, appears to cover an astonishingly wide range of activities associated with homelessness.<sup>139</sup> Similarly, Vancouver’s hosting of the 2010 Winter Olympics was also preceded by a crackdown on the homeless population of the city to forcibly move them away from the eyes of tourists.<sup>140</sup> While the United Bid has stated that risks in this area such as the threat of forced evictions are mitigated at least in part by the lack of need to build new stadiums,<sup>141</sup> the acknowledged need to potentially upgrade infrastructure as well as building fan zones and other temporary structures<sup>142</sup> shows that this risk cannot be discounted.

## Relevant International Human Rights Law

In the context of the Universal Declaration of Human Rights, the right to housing is bundled into the right to an adequate standard of living for oneself and one’s family in Article 25(1) in which housing is noted as what is included in an adequate standard of living. The right to housing is reiterated in the ICESCR, which has been ratified by Canada and Mexico but not the United States. Under the ICESCR, state parties are obligated not simply to ensure such necessities for

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<sup>137</sup> See e.g. “NGOs accuse Paris of ‘social cleansing’ ahead of Olympics” France24 2024, available at <https://www.france24.com/en/tv-shows/focus/20240416-ngos-accuse-paris-of-social-cleansing-ahead-of-olympics> (last accessed 25th June 2024)

<sup>138</sup> See e.g. “San Francisco ‘cleaned up’ streets ahead of APEC. But how and what, exactly, did it do?” San Francisco Standard 2023 available at <https://sfstandard.com/2023/11/14/city-clears-homeless-encampments-apec/> (last accessed 25th June 2024)

<sup>139</sup> See Sec. 41.18, available at [https://codelibrary.amlegal.com/codes/los\\_angeles/latest/lamc/0-0-0-128514](https://codelibrary.amlegal.com/codes/los_angeles/latest/lamc/0-0-0-128514) (last accessed 25th June 2024), especially Section (a)

<sup>140</sup> See e.g. “Winter Olympics on Slippery Slope after Vancouver Crackdown on Homeless”, the Guardian, 2010 available at <https://amp.theguardian.com/world/2010/feb/03/vancouver-winter-olympics-homeless-row> (last accessed 25th June 2024)

<sup>141</sup> United Bid “Proposal for a United Human Rights Strategy” 2018 at 67

<sup>142</sup> Acknowledged in United Bid, *id* at 70

an adequate standard of living as food, clothing, and housing, but also to the continuing improvement of living conditions.<sup>143</sup> The ICESCR also obliges state parties to take ‘appropriate steps’ to ensure the realisation of this right.<sup>144</sup>

The issue of forced evictions in particular has been the subject of General Comments by the Committee on Economic, Social, and Cultural Rights, which has explicitly acknowledged that major sporting events such as the Olympic Games carry with them a risk of forced evictions.<sup>145</sup> In general, the Committee has held that forced evictions are *prima facie* incompatible with the requirements of the ICESCR and require exceptional justification.<sup>146</sup> Where evictions are necessary for such public development purposes, the Committee has concluded that procedural protections such as “genuine consultation” prior to an eviction; the announcement of the proposed purpose of the land post-eviction; and the provision of legal aid to seek redress of grievances from the eviction are necessary to make a forced eviction compliant with the ICESCR.<sup>147</sup>

The right to housing in general has also been expanded upon by the ICESCR in General Comment No. 4, which stated that the right encompasses living conditions “necessary for peace, security, and dignity.”<sup>148</sup> Significantly in the context of potential rent gouging, the CESCR also stated that the right to housing encompasses security of tenure; protection from arbitrary evictions; and affordability which includes protection from rent hikes.<sup>149</sup>

Homelessness also has the potential to implicate provisions of the International Covenant on Civil and Political Rights, which has been signed and ratified by all three host nations. Article 7 of the International Covenant on Civil and Political Rights forbids cruel, inhumane, and degrading treatment of an individual, which could plausibly be said to encompass exposure to severe cold

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<sup>143</sup> Article 11(1) ICESCR

<sup>144</sup> *Id*

<sup>145</sup> General Comment No 7: The Right to Adequate Housing (Art 11 ICESCR), 1997 at [7]

<sup>146</sup> General Comment No 4: The Right to Adequate Housing (Art 11 ICESCR), 1991 at [18]

<sup>147</sup> General Comment No 7, *supra* n145 at [15]

<sup>148</sup> General Comment No 4, *supra* n146 at [7]

<sup>149</sup> *Id* at [8]

in Canadian winters; exposure to extreme heat in the summer in the American South; as well as the precarious and often violent conditions faced by homeless people in all three host states.<sup>150</sup> As noted above, homeless populations experience risks of death from this exposure as well as issues such as inadequate healthcare and untreated drug addiction, which could also implicate the right to life in both Article 3 of the UDHR and Article 6 of the ICCPR.

## Pledges and current practice

The United Bid has acknowledged the potential risks to housing security caused by the World Cup such as extreme upward pressures on rent, including from actors such as online rental platforms;<sup>151</sup> the taking of rental properties off the market to become short-term rentals;<sup>152</sup> and the risks of ‘cleaning’ communities being used as a pretext for community displacement.<sup>153</sup> To that end, the United Bid has produced human rights requirements in Host City agreements including working with local housing groups to assess the risk of such upward pressure on local housing markets as well as on the potential need for evictions.<sup>154</sup> Host Cities themselves have not only pledged to expand their stocks of affordable housing<sup>155</sup> but some have went further and stated that the World Cup may be a catalyst for the construction of more such housing.<sup>156</sup>

The three host nations have also Supported recommendations regarding the right to housing in Universal Periodic Review. For example, in the third cycle, Canada supported a recommendation to expedite the adoption of its recent national housing strategy;<sup>157</sup> the United States accepted a recommendation to enhance activities to reduce homelessness, especially among vulnerable groups;<sup>158</sup> and Mexico accepted a recommendation to continue to provide access to housing for vulnerable groups.<sup>159</sup> These recommendations must be understood in a context where only

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<sup>150</sup> On the issue of violence and homelessness in Mexico, see e.g. The Borgen Project, “Criminal Violence and Homelessness in Mexico”, available at <https://borgenproject.org/homelessness-in-mexico/> (last accessed 25<sup>th</sup> June 2024)

<sup>151</sup> United Bid at 50

<sup>152</sup> *Id* at 66

<sup>153</sup> *Id*

<sup>154</sup> *Id* at 50

<sup>155</sup> The Promise of a Positive Legacy: The 2026 FIFA World Cup Host City Candidates’ Human Rights Plans” Clifford Chance 2018 at 90 (Seattle)

<sup>156</sup> Clifford Chance, *id.*

<sup>157</sup> Recommendation 142.165

<sup>158</sup> Recommendation 26.286

<sup>159</sup> Recommendation 132.172

Mexico explicitly recognises a right to housing among the three countries<sup>160</sup> and yet there remain considerable concerns around the delivery of this right and the ability of citizens to substantively enjoy this right.<sup>161</sup>

However, in other aspects, current practice is not encouraging. This is most notable in the realm of forced evictions. The Ergon Report notes that all three of the host nations possess laws allowing for eminent domain to seize land for public use,<sup>162</sup> with considerable variations as to what qualifies as “public use”. At times, this has been defined very broadly.<sup>163</sup> The continued risk of forced evictions can be demonstrated by Mexico’s 2015 removal of native Otomi people from their ancestral lands for highway construction,<sup>164</sup> showing that the problem goes beyond building new stadiums. In addition, laws regarding evictions vary considerably in the United States, with some states allowing eviction without cause – a situation that is replicated across Canada.<sup>165</sup>

As noted above, current practice regarding the treatment of homeless populations in the context of major sporting events has been discouraging in both the USA, such as during the 1984 Summer Olympics and in Canada, such as during the 2010 Winter Olympics. In the former case, this is also exacerbated by the increasingly broad powers possessed by state and local governments to prohibit activities associated with homelessness.<sup>166</sup> In the Host City of Atlanta, for instance, local laws against “urban camping”<sup>167</sup> appear crafted to target homeless peoples’ ability to set up shelter or even look after their property.<sup>168</sup>

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<sup>160</sup> “Human rights in Canada, Mexico and the USA in the context of a potential FIFA 2026 World Cup competition” Ergon 2018 at 66

<sup>161</sup> *Id*

<sup>162</sup> *Id* at 59

<sup>163</sup> *Id*

<sup>164</sup> Noted by Ergon, *id* at 61

<sup>165</sup> Ergon, *id* at 66

<sup>166</sup> See generally “Alarm as US states pass ‘very concerning’ anti-homeless laws”, The Guardian 2023, available at <https://www.theguardian.com/us-news/2023/jan/05/us-states-homelessness-laws-alarm> (last accessed 25th June 2024)

<sup>167</sup> See Atlanta Code of Ordinances 106-12. “Urban camping and improper use of public places” Section (b)

<sup>168</sup> See especially *id*, Section (f), which allows for property to be declared abandoned and destroyed

## Issues for considerations

### Rental Gouging

The issue of rental gouging is a potentially serious one in the context of the World Cup. Not only are its effects already observable in the context of short-term rentals as noted above, but it is not without precedent in previous World Cups. In Qatar, the average rent hike leading up to the World Cup was estimated at 40%<sup>169</sup> with some rents being increased by as much as 400%.<sup>170</sup> The issue even spread to nearby Dubai,<sup>171</sup> highlighting the potential for the problem to not be confined to Host Cities themselves. Rental gouging was also reported in previous World Cups in Russia and South Africa. Furthermore, this should further be considered a risk factor in spite of assurances by some Host Cities that they already have enough rental properties to meet anticipated demand,<sup>172</sup> as this will negatively affect other cities should this prove not to be the case.

In addition, the prospect of economic developments associated with the World Cup having negative effects on low-income renters has already been conceded by the United Bid.<sup>173</sup> This is occurring moreover in a context in which the signatories of the ICESCR among the host nations have been criticised by the CESCR in its Concluding Observations on the right to housing. The CESCR has expressed concerns about the housing situation in Canada, which has included an increase in evictions due to rent arrears – a problem likely to be exacerbated should rents be pushed upward by the World Cup<sup>174</sup> – and further recommended an increase in social and affordable housing units in Canada.<sup>175</sup> The Committee’s most recent Concluding Observations

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<sup>169</sup> “Qatar’s Residents Squeezed as World Cup Rental Demand Soars”, NBC News 2022, available at <https://www.nbcnewyork.com/news/sports/world-cup-2022/qatars-residents-squeezed-as-world-cup-rental-demand-soars/3922708/> (last accessed 25<sup>th</sup> June 2024)

<sup>170</sup> *Id*

<sup>171</sup> “Dubai properties capitalise on short-term rentals ahead of Qatar World Cup” Doha News 2022, available at <https://dohanews.co/dubai-properties-capitalise-on-short-term-rentals-ahead-of-qatar-world-cup/> (last accessed 25<sup>th</sup> June 2024)

<sup>172</sup> See e.g. Clifford Chance at 54 (Boston)

<sup>173</sup> United Bid at 66

<sup>174</sup> CESCR, “Concluding observations on the sixth periodic report of Canada” at [39(e)]

<sup>175</sup> *Id* at [40(b)]

on Mexico have also drawn attention on a lack of social housing in the country,<sup>176</sup> notwithstanding Mexico's formal recognition of a right to housing.

In this context, it is encouraging to see signs that the issue is being taken seriously. In addition to Bills such as SB280 in Florida, Bills have been introduced at the federal level in the United States by Representatives such as Jamaal Bowman<sup>177</sup> and the sponsors of the Stop Wall Street Landlords Act.<sup>178</sup> In Canada, meanwhile, legislation such as the Affordable Housing and Groceries Act further shows eyes on the issue. In a context in which the current governments of the USA and Canada may both have been replaced prior to the 2026 World Cup, it is important to highlight this issue consistently and push for expedient results.

### Forced Evictions

While the issue of forced evictions has been arguably downplayed by the United Bid's initial statement that no new stadiums will be needed for the World Cup which lessens the risk of forced evictions.<sup>179</sup> While this statement is certainly true on its face, it does not tell the full story, given that the United Bid has conceded that upgrades to infrastructure may be necessary.<sup>180</sup> These can also raise the spectre of forced evictions. The construction of ultimately-temporary infrastructure such as sites for fans may also raises the issue of evictions and may result in the loss of otherwise-permanent housing.<sup>181</sup> With all three host nations' laws allowing for eminent domain, the prospect of this being invoked to build fan zones and even additional car parking in cities cannot be ignored.<sup>182</sup> Hence it is important to emphasise the ideal that these powers be used sparingly and that fair compensation be given, in line with the General Comments of the CESCR. This issue is all the more important in a context where housing vacancy rates are low in Canada (rendering it potentially difficult for victims to find new

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<sup>176</sup> CESCR, "Concluding observations on the combined fifth and sixth periodic reports of Mexico" at [50]

<sup>177</sup> Jamal Bowman, "News: Rep. Jamaal Bowman Introduces Emergency Price Stabilization Act" available at <https://bowman.house.gov/media/press-releases/news-rep-jamaal-bowman-introduces-emergency-price-stabilization-act> (last accessed 25th June 2024)

<sup>178</sup> Noted in National Low-Income Housing Association, "14-1 Advancing Tenant Protections: Anti-Rent Gouging Legislation" available at <https://nlihc.org/resource/14-1-advancing-tenant-protections-anti-rent-gouging-legislation> (last accessed 25th June 2024)

<sup>179</sup> United Bid at 67

<sup>180</sup> United Bid, at 70

<sup>181</sup> Ergon Report, at 64

<sup>182</sup> Ergon Report, at 59



permanent accommodation);<sup>183</sup> standards of housing in Mexico have been criticised as inadequate, including proliferations of informal settlements;<sup>184</sup> and evictions are on the rise in parts of the United States.<sup>185</sup>

## Homelessness

In addition to the prospect of forced evictions increasing the homeless populations of cities affected by eminent domain and rent gouging, the treatment of homeless people during the World Cup also deserves attention. Not only do we see the previously-noted risk that homeless people will be forcibly removed to ‘clean up’ cities in time for the games, the construction of temporary infrastructure also has the potential to result in a loss of habitual sleeping spots for homeless populations.<sup>186</sup> In addition there is a very real risk in the United States that ordinances which have been criticised as effectively criminalising homelessness which exist in many cities – including Host Cities such as Houston, Seattle, and Kansas City<sup>187</sup> – will expand in scope not just in Host Cities themselves but also in other cities and state legislatures as the issue continues to rise to prominence

In advocating for the rights of the homeless that are affected by the 2026 World Cup, attention can be paid to resources such as General Comment No.3 of the CESCR which defined the deprivation of essential services such as food and shelter to a significant number of individuals as a violation of the ICESCR<sup>188</sup> and further mandated that state parties protect the vulnerable during “a process of adjustment”,<sup>189</sup> which could feasibly include the sudden need for development to host a large-scale sporting event. While the United States is not a state party to the ICESCR, the right to adequate housing exists in the UDHR and homelessness has been recognised as a crisis for human rights by then Special Rapporteur on the Right to Adequate Housing.<sup>190</sup> The same language and ideas used by the Special Rapporteur to criticise anti-

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<sup>183</sup> Bartlett & Norman, *supra* n131

<sup>184</sup> See e.g. CESCR, *supra* n176 at [50] & [51]

<sup>185</sup> Ergon Report, at 66

<sup>186</sup> Ergon Report, at 64

<sup>187</sup> Noted in Ergon Report, at 66

<sup>188</sup> CESCR, “General comment No. 3: The nature of States parties’ obligations (art. 2, para. 1, of the Covenant)” at [10]

<sup>189</sup> CESCR, *id* at [12]

<sup>190</sup> See OHCHR, ““Homelessness, a human catastrophe” – UN Expert hails media push to spark debate in San Francisco” available at <https://www.ohchr.org/en/press-releases/2016/06/homelessness-human-catastrophe-un-expert-hails-media-push-spark-debate-san?LangID=E&NewsID=20192> (last accessed 25<sup>th</sup> June 2024)

homeless legislation in Australia in 2017<sup>191</sup> is also just as, if not more, relevant to the United States today where the *de facto* criminalisation of homelessness is on the rise, as evidenced by ordinances discussed in the previous section. Moreover, the US Department of Justice’s first-of-its-kind finding that the Phoenix Police Department and the City of Phoenix acted unlawfully towards homeless people in the city through unlawful arrests, detentions, and destructions of property<sup>192</sup> is an ideal vector from which to scrutinise the practices of Host Cities in this area and may set a precedent to advocate for the rights of homeless people in American Host Cities, including the need to respect these rights in the context of the World Cup rather than allow the event to be an excuse to invite violations thereof.

## 5. Immigration

### Context

Given that the FIFA World Cup 2026 is a co-hosted tournament, the freedom of movement and immigration are both contextually important as well as legally important within the scope of the event. All three countries have highlighted the importance of international travel and movement in the bid.<sup>193</sup> Consequently, Mexico, Canada and the United States have commitments through Human Rights mechanisms such as the Universal Declaration on Human Rights to ensure fundamental protections of due process and equal protection apply to all. However, this embedded commitment is at odds with both the United States and Canadian migration legislation. This will be explored in the following sections.

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<sup>191</sup> See OHCHR, “Proposed “Homeless Ban” in Australia cause for concern – UN Expert” available at <https://www.ohchr.org/en/press-releases/2017/03/proposed-homeless-ban-australia-cause-concern-un-expert?LangID=E&NewsID=21357> (last accessed 25<sup>th</sup> June 2024)

<sup>192</sup> See United States Department of Justice Civil Rights Division, “Investigation of the City of Phoenix and the Phoenix Police Department” at 41-55

<sup>193</sup> ‘Proposal for a United Human Rights Strategy’ (United 2026, 16<sup>th</sup> March 2018)

<<https://digitalhub.fifa.com/m/755c74217132ee40/original/Proposal-for-a-United-Human-Rights-Strategy.pdf>> accessed, April 31<sup>st</sup>, 2024 pg. 40

It is important to note that there are issues within the freedom of movement that are pertinent and have been pertinent long before the commitment to international travel and freedom of movement. Migration, specifically illegal migration is a hotly contested topic within all three contexts, particularly in the context of the United States with the potential for a new administration during the World Cup.<sup>194</sup>

The first and most pertinent issue arises with the practicalities of the United States VISA application services specifically. The second pertinent issue falls within illegal migration from the Southern Mexican border to the [United States](#). This has been an ongoing concern from the leadership in the United States since the bid was tabled. Both legal and illegal migration from the southern United States border under the context of attending the World Cup is going to be a legally, socially and politically relevant topic. Given all three countries have agreed to host together, it remains to be seen how the issue will be addressed, if at all. The United States is hosting the largest number of games by a significant margin, and thus will face the bulk of tourism and VISA applications. The leadership in the United States have attempted to address illegal migration from the South but as of now, have failed to adequately address it.<sup>195</sup> The third is the proposed [travel ban](#) the then president, Donald Trump had imposed and with the election looming in the fall of 2025, may impose again.<sup>196</sup> Iran, who were listed in the presidential executive order are in contention for qualification for the World Cup in 2026, and it is unknown, if elected, the Trump administration would seek to reinstate the executive order. This gives rise to a problematic and unknown consequence of the commitment to freedom of travel and movement of participants and spectators of the FIFA World Cup 2026.

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<sup>194</sup> 'US Election 2024: A Simple Guide' (19<sup>th</sup> April 2024) < <https://www.bbc.com/news/world-us-canada-67285325> > accessed June 10<sup>th</sup>, 2024

<sup>195</sup> 'How Americans View the Situation at the U.S. – Mexico Border', (PEW Research Center, February 15<sup>th</sup>, 2024) <https://www.pewresearch.org/politics/2024/02/15/how-americans-view-the-situation-at-the-u-s-mexico-border-its-causes-and> accessed, April 16<sup>th</sup>, 2024

<sup>196</sup> 'Muslim Travel Ban' <<https://immigrationhistory.org/item/muslim-travel-ban/>>accessed, May 12<sup>th</sup>, 2024

## International Human Rights Law

The bid put forward by the now host countries; United States, Canada and Mexico established a commitment to internationally recognized human rights standards into operational policies and procedures.<sup>197</sup> Starting with the *Universal Declaration of Human Rights*, articles 5 & 13 are the most relevant to freedom of movement and travel. Article 2 (i) outlines the prohibition and elimination of any bias or discrimination on the basis of ethnicity, religion, or country of origin with regards to travelling within a state or country that is not their own.<sup>198</sup> Article 13 s. 1 & 2 establish that everyone has the right to freedom of movement and residence within the borders of each state.<sup>199</sup>

Starting with the United States as it is the country that will host the most games, and therefore have the most applications and visitors. The United States has signed the *Universal Declaration on Human Rights*. This allows for grievances under articles 5 or 13 to be sought, particularly with respect to the potential travel ban and illegal migration issues from Mexico given they are the ‘majority host country’. Mexico has signed and adopted the UDHR and signed all legally-binding treaties and laws so in the event of a human rights violation, there are domestic and international grievance mechanisms available. The bid obligated Mexico as a host country to also abide by the UN Guiding principles on Business and Human Rights (UNPG).

Canada has also signed and adopted UDHR and have embedded it as an internationally recognized convention. The UDHR was supplemented by the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights. Canada acceded to both in 1976 with the unanimous consent of the provinces. Both covenant are binding upon Canada in international law. The UDHR, and bid obligated Canada as a host country to also abide by the UN Guiding principles on Business and Human Rights (UNPG).<sup>200</sup> The rights that are specifically binding both in international law and Canadian law would fall under

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<sup>197</sup> ‘Proposal for a United Human Rights Strategy’ (United 2026, 16<sup>th</sup> March 2018) (n 193) accessed, April 31<sup>st</sup>, 2024

<sup>198</sup> United Nations *Universal Declaration of Human Rights, December 10<sup>th</sup>, 1948*, available at [https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/eng.pdf) (accessed May 12<sup>th</sup>, 2024)

<sup>199</sup> *Id.*

<sup>200</sup> ‘Proposal for a United Human Rights Strategy’ (United 2026, 16<sup>th</sup> March 2018) (n 187)

discrimination based on ethnicity as seen in s.15 (1) of the *Charter of Rights and Freedoms*.<sup>201</sup> Whereby, the border agents as well as any other governmental and non-governmental actor is bound to adhere to treating short term migrants in a non-discriminatory way, irrespective of which country they have travelled from.

## Pledges and Commitments

The issue on immigration has been highlighted in several cities in the United States. The pertinent issues are deportation and unfair arrests for migrants. Dallas has outlined that migrants from other countries face elevated risks of border stop and searches and police brutality. Dallas has left the mitigation of such risks open to recommendation and has as of now not outlined any particular pledges being enacted.<sup>202</sup>(pg. 59). The second host city that has highlighted immigration as a salient risk and pledges to address it is Houston, the city has pledged to issue citations as opposed to arrests and are as of now the only America city to pledge to assist migrants with border issues.<sup>203</sup> The third host city that has highlighted immigration related issues is Atlanta who have not pledged but ‘encouraged’ training of employers on immigration rights for United States and non-United States citizens. There has not been any tangible evidence of training courses that have occurred yet. The last host city that has mentioned issues surrounding migration and freedom of travel is Baltimore. The city pledged for the World Cup 2026 based on its enacted legislation in 2017 that tourists can file complaints against law enforcement officers. Secondly, that police must provide services to all individuals regardless of the immigration status.<sup>204</sup>

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<sup>201</sup> Robert Mason and Martha Butler, ‘Section 15 of the Canadian Charter of Rights and Freedoms: The Development of the Supreme Court of Canada’s Approach to Equality Rights Under the Charter’ (1<sup>st</sup> September 2021) [https://lop.parl.ca/sites/PublicWebsite/default/en\\_CA/ResearchPublications/201383E#:~:text=Section%2015\(1\)%20of%20the%20Charter%20protects%20against%20discrimination%2C,This%20list%20is%20not%20exhaustive.](https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/201383E#:~:text=Section%2015(1)%20of%20the%20Charter%20protects%20against%20discrimination%2C,This%20list%20is%20not%20exhaustive.)

<sup>202</sup> ‘Proposal for a United Human Rights Strategy’ (United 2026, 16<sup>th</sup> March 2018) (n 193) pg. 59

<sup>203</sup> ‘Proposal for a United Human Rights Strategy’ (United 2026, 16<sup>th</sup> March 2018) (n 193) pg. 67

<sup>204</sup> ‘Law Enforcement Standards on Immigration Status, Diversity and Equity Executive Order’ (Baltimore Country Government, 2018) available at <https://www.baltimorecountymd.gov/departments/executive/orders/enforcement-standards> accessed May 18<sup>th</sup>, 2024

Monterrey, in particular, has identified salient risks to migrants particularly within the context of the heightened risk of militarization and excessive force in policing. However, it has not yet provided a substantive plan nor protocol to mitigate such risks.

The Canadian cities, Vancouver and Toronto have not mentioned nor pledged to any substantial degree that they anticipate facing immigration or asylum issues in the context of hosting the 2026 World Cup.

## Issues for Consideration

### Immigration delays and immigration literacy:

A salient and highlighted risk in the bid as well as several government reports is one of immigration delays and immigration literacy issues. Much of this section is focused on the United States given it will be hosting the vast majority of the games, and eventual finals. Firstly, when Oregon hosted the World Athletic Championships, hundreds of athletes faced major delays and, in some cases, missed their events all **together**.<sup>205</sup> The United States Government placated concerns with assurances that the delays were ‘covid **related**’.<sup>206</sup> and that the issue should not be a problem within the scope of the 2026 World Cup. However, a pertinent issue remains where United States Border Patrol and Immigration agents have discretion to make on-the-spot judgment calls without court or appeal processes.<sup>207</sup> This, in conjunction with the issue at the World Athletic Championship in Oregon can lead teams, staff and visitors to face delays and subsequent issues with sporting integrity of teams and their fans.

The pledges and current practices of the three host nations are centred on Actively participating in the Center for Sport and Human Rights, the UN Forum on Business and Human Rights, national forums on business and human rights in the three host countries. Within the realm of the tournament, the host nations have pledged to collaborate with the member associations of the three countries to ensure their bylaws, policies, operations, and events are updated to uphold

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<sup>205</sup> Matias Grez and Jill Martin ‘Nearly 100 visa issues for athletes and officials remain unresolved ahead of World Athletic Championships’ (n 194)

<sup>206</sup> Tom Schad ‘ Visa issues cause headaches for hundreds of athletes, officials at track world championships’ (USA Today, July 14<sup>th</sup>, 2022) available at <<https://www.usatoday.com/story/sports/olympics/2022/07/14/2022-track-and-field-world-championships-visa-trouble-athletes/10057519002/>> accessed April 13<sup>th</sup>, 2024

<sup>207</sup> ‘Proposal for a United Human Rights Strategy’ (United 2026, 16<sup>th</sup> March 2018) (n 193) pg. 74

respect and [embed](#) human rights (pg. 18).<sup>208</sup> The primary pledge made was the implementation of a specialized and centralized passport system, however, these remain very much in the concept [phase](#).<sup>209</sup> The second pledge was one of each host city and country working with FIFA to ensure guarantees regarding VISA's, permits, immigration and check in procedures.<sup>210</sup> It cannot be established however, that such procedures and policies took any substantive form. The individual host cities with the most heightened risks for illegal migration and or subsequent discrimination have pledged to address said issues through anti-discrimination units in policing but nothing with regards to border and immigration agents.<sup>211</sup>

The United States immigration and VISA processes remains an increasingly complex system to navigate through. The United states VISA requirements are separated into immigrant and non-immigrant application processed and further split into B, P and O [VISA's](#).<sup>212</sup> Athletes with exceptional standing in their respective sport, such as qualifying for their country to participate in the world cup should not be an issue<sup>213</sup> Furthermore, athletes are separated into a distinct category and thus, apart from potential delays, rejection seems unlikely. For the sake of this paper, however, the topic will be non-immigrant VISA's with regards to fans.

After the VISA application process in the United States, an immigration officer reviews it and provides written notice in the case of a rejection. The recourse is generally one of judicial review as seen in *Kerry v Dinn*.<sup>214</sup> a seminal immigration case where the Supreme Court held that the constitution did not guarantee a right to live in the country. For the purposes of this paper, however, the focus is not on permanent immigration rather temporary VISA applications. Given

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<sup>208</sup> id 18.

<sup>209</sup> id 73.

<sup>210</sup> id 41.

<sup>211</sup> *'The Promise of a Positive Legacy: The 2026 FIFA World Cup Host City Candidates' Human Rights Plans'* CSHR (Centre for Sports and Human Rights) & Clifford and Chance, April 22<sup>nd</sup> 2022

<<https://www.cliffordchance.com/content/dam/cliffordchance/briefings/2022/03/the-promise-of-a-positive-legacy.pdf>> accessed June 10<sup>th</sup>, 2024

<sup>212</sup> 8 U.S.C. § 1101(a)(15)(O) (2023) (codifying Immigration Neutrality Act). 'Directory of Visa Categories, U.S 2022 Dep't State' available at, <<https://travel.state.gov/content/travel/en/us-visas/>> <visa-information-resources/all-visa-categories.html [https://perma.cc/5V4E-K3S9]> (accessed March 12<sup>th</sup>, 2024).

<sup>213</sup> Edward W. Neufville, 'Let the Games Begin!' Nonimmigrant Visa Options for Foreign Athletes, 44 Md. Bar J. 22, 24 (2011) (visa options for non-immigrants such as players, which it is argued and seen to not be an issue).

<sup>214</sup> *Kerry v. Din*, 576 U.S. 86 (2015)

the context of a fan or in an extraordinary case an athlete's purpose being the FIFA World Cup, judicial review processes nor a supreme court hearing hardly seems a practical avenue. There are and remain concerns over United States VISA wait times given the current backlog from covid and the fact that B-1 and B-2 (temporary VISA's) are the lowest priority VISA's and regularly subjected to higher wait [times](#).<sup>215</sup> The wait times for temporary visitors' to receive an interview can range from 3 days in the case of Baku, Azerbaijan for example, to over 270 days for Accra, Ghana. The wait times, interview processes are entirely dependent on volume of applications from a given geographical area.<sup>216</sup>

For a Canadian resident to get a visitor visa (B-1 and B-2) interview to the United States, the average wait times across Canada stands at 2 [years](#),<sup>217</sup> so in large part, the time has passed for an international student, permanent resident of Canada or international student to stand a chance at attending the World Cup across the border. The travel between Canada and the United States is subject to what can be classified as arbitrary choices from U.S. Border Patrol and Immigration agents as well as Canadian border patrol and immigration [agents](#).<sup>218</sup> Both sets of personnel have discretion to make judgement calls without an appeal process and by nature of the lack of oversight can result in discriminatory outcomes and or delays of entry. This can prove to be more problematic with rising tensions in the middle east, and the potential for 'political crimes' to be used as a guise for refusing entry.

The Mexican and United States axis has been subject to contested debate among citizens, congressmen and American presidents [alike](#).<sup>219</sup> The current situation is that the volume of Mexican migrants arriving at the United States border without prior authorization, in essence, a

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<sup>215</sup>Adam Crafton, 'World Cup 2026: Concerns over fans' U.S. Visa wait times – 'Your window might already be closed' (New York Times, April 26<sup>th</sup>, 2024) [https://www.nytimes.com/athletic/5443321/2024/04/26/world-cup-2026-concerns-over-fans-u-s-visa-wait-times-your-window-might-already-be-closed/?source=emp\\_shared\\_article](https://www.nytimes.com/athletic/5443321/2024/04/26/world-cup-2026-concerns-over-fans-u-s-visa-wait-times-your-window-might-already-be-closed/?source=emp_shared_article) accessed May 13<sup>th</sup> 2024

<sup>216</sup>'Global VISA Wait Times' (May 10<sup>th</sup>, 2024)< <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/global-visa-wait-times.html> >accessed June 10<sup>th</sup>, 2024

<sup>217</sup>'B.C residents wait over 2 years for U.S. Visitor Visa Interview' (CBC News, February 24<sup>th</sup>, 2024) <https://www.cbc.ca/news/canada/british-columbia/b-c-residents-wait-over-2-years-for-u-s-visitor-visa-interview-1.7118883> accessed May 21<sup>st</sup>, 2024

<sup>218</sup>'Proposal for a United Human Rights Strategy' (United 2026, 16<sup>th</sup> March 2018) (n 1) pg.73

<sup>219</sup>'How Americans View the Situation at the U.S. – Mexico Border', (PEW Research Center, February 15<sup>th</sup>, 2024) <https://www.pewresearch.org/politics/2024/02/15/how-americans-view-the-situation-at-the-u-s-mexico-border-its-causes-and> accessed, April 16<sup>th</sup>, 2024



VISA approval or interview is at a record high of 3.2 million.<sup>220</sup> It was acknowledged by FIFA as well as Mexico and the United States this would be a contentious issue, however, there has not been a substantive procedure passed through congress to establish a framework for addressing the issue within the context of the FIFA World Cup where travel will be essential for fans, players and staff alike.

The Canadian and Mexican context of VISA applications, denials and recourse is different to the United States. In [Canada](#)<sup>221</sup> and [Mexico](#)<sup>222</sup> the immigration policies explicitly state that border officials can deny people with criminal convictions. Furthermore, both countries require valid visitor visa's, however, at present there seems to be no substantial delays in the application nor approval processes to enter the countries on visitor visas.

With all three countries, literacy in VISA applications is another key point that is seemingly unaddressed. All three countries have ranging complexities in the VISA application processes. There has not yet been a centralized hub, or application system in any of the three countries to streamline, translate or collate these documents for fans and spectators per FIFA's [suggestions](#).<sup>223</sup>

## Travel Ban

The overwhelming unknown is the result of the 2024 Presidential election in the United States. In January of 2018, the then President, Donald Trump issued a '[travel ban](#).<sup>224</sup>' to seven countries, all Muslim in religious origin and all from the Middle East. FIFA highlighted this as a point of contention over the course of the bid from Canada, Mexico and the United States. The Human Rights dimension of an executive ordered travel ban on refugees and travellers cannot be understated. According to Amnesty international, the ban was cruel, inhumane, and violated

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<sup>220</sup> Elina Treygor and Shelly Culbertson, 'The crisis at the Border' (Rand, February 28<sup>th</sup>, 2024) <https://www.rand.org/pubs/commentary/2024/02/the-crisis-at-the-border-a-primer-for-confused-americans.html> accessed, March 28<sup>th</sup>, 2024

<sup>221</sup> Gerald E. Dirks, Immigration Policy in Canada, Canadian Encyclopedia (May 12<sup>th</sup>, 2024), <<https://www.thecanadianencyclopedia.ca/en/article/immigration->> accessed May 20, 2024

<sup>222</sup> Types of Visas, Consulmex, <https://consulmex.sre.gob.mx/reinounido/index.php/es/extranjeros/visas> [https://perma.cc/948A-BBB4] (accessed May 8<sup>th</sup>, 2024)

'Proposal for a United Human Rights Strategy' (United 2026, 16<sup>th</sup> March 2018) (n 193) pg. 41

<sup>224</sup> See Saba Hamedy, Everything You Need to Know About the Travel Ban: A Timeline, CNN (June 26, 2018) <https://www.cnn.com/2018/06/26/politics/timeline-travel-ban/index.html> [https://perma.cc/N55S-ZESU]

international law. The troubling aspect of the ban is that the countries that emigrants were fleeing from were human rights abuses such as torture, and mass murder.<sup>225</sup>

Furthermore, the ban was established to have violated the United States international human Rights obligations that protect principles of non-discrimination based on race, nationality and religion.<sup>226</sup> It is increasingly problematic given Iran themselves have historically been amongst the strongest national teams from the Middle East as far as World Cup qualification goes. The national team and its spectators could very likely be travelling to the United States. As pointed out, there is a worry, not only in the context of the United States border patrol and immigration agents but Canadian ones as well that there may be instances of racial, ethnic and other profiling prior to entry into the country.<sup>227</sup> Given the wide ambit and arbitrary nature of the U.S border patrol agents decisions on refusal of entry the lack of substantive framework to mitigate against discrimination is worrying. There have been cases of Muslim and or Muslim named athletes being held at the United States border for what is seemingly, no reason. With the massive influx of people from all over the globe, it is a pertinent issue to highlight and one that needs redress. Take Ibtihaj Muhammad for example, who won a medal for the United States in the 2016 Olympic Games was held for two hours at the border without explanation.<sup>228</sup> This lends itself to a worrying thought that invariably invoke a human right concern of discrimination based on ethnicity and or religious identity. How these potential violations are addressed are yet to be seen but are nonetheless incredibly relevant.

The travel ban, though egregious, was mitigated in some part. The then then president, Donald Trump's travel ban was rejected by an appeals court in the United States. That in conjunction with his 'promise' that all eligible athletes, officials and fans would be able to participate in the World

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<sup>225</sup> 'A license to discriminate: Trump's Muslim & Refugee Ban' (Amnesty International UK, October 6<sup>th</sup>, 2020)

<https://www.amnesty.org.uk/licence-discriminate-trumps-muslim-refugee-ban#:~:text=On%2028%20January%20President%20Trump,inhumane%2C%20and%20violated%20international%20law.> Accessed, April 21<sup>st</sup> 2024

<sup>226</sup> 'US Travel ban: "New policy breaches Washington's human rights obligations"' (United Nations Human Rights Office of the High Commissioner, February 1<sup>st</sup>, 2017) <https://www.ohchr.org/en/press-releases/2017/02/us-travel-ban-new-policy-breaches-washingtons-human-rights-obligations-un> accessed May 3<sup>rd</sup>, 2024

<sup>227</sup> 'Human Rights in Canada, Mexico and the USA in the context of a potential FIFA 2026 World Cup competition' (Ergon, Independent Report, 7<sup>th</sup> March 2018)

<sup>228</sup> Phoebe Cooper, Barriers at the Border: The Impact of United States Immigration Policy on Multi-Host Sporting Events, 31 Jeffrey S. Moorad Sports L.J. 97 (2024). Available at <https://digitalcommons.law.villanova.edu/cgi/viewcontent.cgi?article=1460&context=mslj> page. 131

Cup without discrimination.<sup>229</sup> Given the election has not happened, the policies procedures and pledges of the incumbent American President is yet to be seen. There is enough evidence at present, however, to encourage some substantive immigration processes to take place not only in the United States, but in Canada and Mexico as well in the name of fairness, justice, and anti-discrimination.

## 6. Human Rights and the Environment

### Context

The relationship between human rights and the environment is fundamentally intertwined so that human rights cannot be fully realized without a safe, clean and healthy environment. The establishment of and respect for human rights are necessary to create sustainable environmental governance. This relationship is becoming increasingly well-recognized, as the right to a healthy environment is enshrined in the constitutions of over 100 nations.<sup>230</sup>

On 28 July 2022, United Nations General Assembly (UNGA), with a unanimous vote that affirmed a clean, healthy, and sustainable environment as a human right – and a right for all, not just a privilege for some.<sup>231</sup> Environmental rights are composed of substantive rights, known as fundamental rights, and procedural rights, which can be described as tools that are used to achieve substantial rights. This leads to the relevant international human rights law, pledges and current practices and issues for consideration that will further be discussed in this section of the

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<sup>229</sup> Emily Stewart, 'North America Will Host the 2026 World Cup After Trump Promised the Travel Ban Won't Apply' ( Vox Publications, June 13, 2018), <https://www.vox.com/policy-and-politics/2018/6/13/17458448/fifa-world-cup-2026-trump> accessed May 22<sup>nd</sup> 2024

<sup>230</sup> 'What Are Human Rights' (UN Environment Programme) <<https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/advancing-environmental-rights/what#:~:text=Human%20rights%20and%20the%20environment,and%20respect%20for%20human%20rights>> accessed 17 June 2024.

<sup>231</sup> International Labour Organisation, 'UN General Assembly recognizes human right to a clean, healthy, and sustainable environment, 29 September 2022' <<https://www.ilo.org/resource/article/un-general-assembly-recognizes-human-right-clean-healthy-and-sustainable#:~:text=This%20reality%20was%20recognized%20by,been%20a%20long%20time%20coming>>, Accessed June 18, 2024.

report pertaining to the environment. This may be exemplified with environmental factors that may be infringed by the FIFA 2026 games such as energy, air quality, waste and water.

The United Bid commissioned an independent Environmental Impact Assessment (EIA) to identify risks, issues and opportunities for responsible environmental protection and enhancement throughout planning, staging, and post-tournament legacy phases of the 2026 FIFA World Cup.<sup>232</sup> A significant aspect of the United Bid is that all of the Candidate Host Cities are already equipped with stadiums suitable for the event, and thus do not need to construct any new stadiums specifically for the 2026 FIFA World Cup. Consequently, the challenges and potential environmental impacts related to stadium construction will be avoided. Instead, most environmental impacts will be associated with the installation of temporary infrastructure and activities during the tournament itself. Where it is impossible to avoid impacts entirely, a number of proposals for reducing or offsetting impacts have been set out.<sup>233</sup>

The EIA identifies nine sub-categories of potential environmental impact: 1) Carbon Emissions; 2) Energy; 3) Transport; 4) Air Quality; 5) Materials & Procurement; 6) Waste; 7) Water; 8) Biodiversity & Landscape; and 9) Food.<sup>234</sup> Of these nine subcategories, Carbon Emissions and Transport have been identified as some of the most significant. The carbon footprint of the United Bid is estimated to be 3.7 million metric tonnes, and travel (inter- and intra-city and international transport) is responsible for 85% of that amount.<sup>235</sup> Spectators traveling into the Host Cities from various locations (e.g., by air, long-distance road, and rail) and the mass transit of visitors to and from venues and within the city can lead to negative effects such as congestion, noise, reduced air quality, increased greenhouse gas emissions, and general disruption.<sup>236</sup> However, there is also potential for substantial long-term benefits, as the new and improved transport infrastructure developed for the competition can provide lasting advantages for future generations in the Host Cities.<sup>237</sup>

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<sup>232</sup> 'EIA: Executive Summary' (United Bid 2026 16 March 2018)

<<https://digitalhub.fifa.com/m/2ce02c09f31d75e0/original/oapcqj2335fexqnlb5oc-pdf.pdf>> accessed 17 June 2024.

<sup>233</sup> Ibid (11).

<sup>234</sup> Ibid (3-4).

<sup>235</sup> Ibid (9).

<sup>236</sup> Ibid (77).

<sup>237</sup> Ibid.

## Relevant International and Domestic Human Rights Law

While the [United Nations General Assembly](#) has declared a right to healthy environment as a human right, there is no freestanding human rights treaty which recognises this as a basis of international law. Instead, it has been more common for the right to a healthy environment to be read through existing hard and soft measures. For instance, the Universal Declaration of Human Rights contains several provisions which can be interpreted to give rise to environmental rights.<sup>238</sup> In treaty law, the International Covenant on Economic, Social and Cultural Rights (ICESCR), article 12, the right to health and article 11, the right to the adequate standard of living all can be interpreted to give rise to environmental protections.<sup>239</sup> Similarly, the International Covenant on Civil and Political Rights (ICCPR), article 6 the Right to Life, can be understood in respect of a healthy environment,<sup>240</sup> while the Convention on the Rights of the Child (CRC) recognises a Right to Health (Article 24), including environmental degradation and the Right to an Adequate Standard of Living (Article 27), including environmental factors that affect food security, housing, and overall living conditions for children.<sup>241</sup> There have been recent and ongoing concerns around the right to a healthy environment in the three host nations for the 2026 World Cup. For instance, in Mexico issues with air pollution in urban areas such as Mexico City have been linked to respiratory and cardiovascular diseases, impacting the right to health. In the United States instances of water contamination, like the Flint water crisis, directly infringe on the right to health and an adequate standard of living. In Canada: indigenous communities have faced significant challenges related to environmental degradation, impacting their health and livelihoods, thus infringing on their rights under various treaties ([UN SDGs](#)) ([UNEP - UN Environment Programme](#)) ([OHCHR](#)).

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<sup>238</sup> Universal Declaration on Human Rights Articles 1,2, 5 and 12.

<sup>239</sup>United Nations Development Group, 'Human Rights and the Environment, 2017'

<<https://unsdg.un.org/sites/default/files/2020-03/Human-Rights-and-the-Environment.pdf#:~:text=URL%3A%20https%3A%2F%2Funsdg.un.org%2Fsites%2Fdefault%2Ffiles%2F2020;>

<https://www.unep.org/news-and-stories/story/historic-move-un-declares-healthy-environment-human-right>> Accessed June 18

2024; United Nations, 'About human rights and the environment' <<https://www.ohchr.org/en/special-procedures/sr-environment/about-human-rights-and-environment>> Accessed June 18 2024.

<sup>240</sup> UN Environment Program, (n 230).

<sup>241</sup> UN Environment Program, 'In historic move, UN declares healthy environment a human right, 28 July 2022'

<<https://www.unep.org/news-and-stories/story/historic-move-un-declares-healthy-environment-human-right>> Accessed June 18 2024.

Since the 28<sup>th</sup> of July 2022 where the United Nations General Assembly (UNGA), unanimously vote that affirmed a clean, healthy, and sustainable environment as a human right, this has reinforced the implementation of human rights pertaining to environmental factors and conditions constitutionally within several countries, including the United-States, Canada and Mexico.

While not present throughout the United-States, the states of Montana, New York and Pennsylvania established rights to a healthy environment through Green Amendments. The Green Amendment is an amendment to a state constitution's bill of rights that guarantees its citizens the inalienable right to clean air, clean water, and a healthy environment. Commenced in 2023, nine other states have put forth bills to follow suit. These states include Nevada, New Mexico, Texas, Hawaii, Tennessee, Kentucky, West Virginia, Connecticut, and Maine.<sup>242</sup>

These are the most recent efforts to reinforce a healthy environment as a human right, the United-States first adopted national environmental framework laws in 1972 as seen in the First Global Report of the Environmental Rule of Law. This resulted in the Toxic Substances Control Act 1976, where the United States Environmental Protection Agency collects its own chemical testing data to aid in its regulation. They also introduced the implementation of the Clean Air Act resulting in reductions of approximately 70 percent of six key air pollutants. Many of these laws relied on individuals to supplement enforcement, by empowering them to protect their rights (to health, to livelihoods, and to enjoyment of the environment) by bringing citizen suits for violations of the law. Federal criminal penalties for water and waste violations as high as US\$250,000 per day of violation and 15 years imprisonment, while air violations can be as high as US\$1 million per day were additionally put into place.<sup>243</sup>

In Canada, national environmental framework laws were first introduced in 1992 and then again in 2017. With this On June 13, 2023, [Bill S-5, Strengthening Environmental Protection for a Healthier Canada Act](#) became law. With this Bill, the Government of Canada recognizes that every individual in Canada has a right to a healthy environment as provided under *the Canadian*

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<sup>242</sup> UN Environnement Program (n 230).

<sup>243</sup> *ibid.*

*Environmental Protection Act, 1999 (CEPA)*. The Government of Canada also has a duty to protect the right to a healthy environment when making decisions under CEPA.<sup>244</sup>

Relating specifically to FIFA host city Toronto, Ontario has in place the Environmental Assessment Act, the Environmental Protection Act, the Ontario Water Resources Act, the Nutrient Management Act, the Safe Drinking Water Act, the Waste Management Act, and the Pesticides Act.<sup>245</sup>

In Mexico, national environmental framework laws were first introduced in 1992 and then again in 2017, same as in Canada. Mexico has had environmental provisions in its national constitution since 1971, according to Article 73, XVI, 4, which states that: “The Congress has the power to adopt measures to prevent and combat environmental pollution.”<sup>26</sup> The right to live in an environment that is adequate for human development and well-being was adopted in 1999, under Article 4.<sup>246</sup>

Mexico’s *Ley General del Equilibrio Ecológico y la Protección al Ambiente* (General Law of Ecological Balance and Environmental Protection) requires the national government to:

- Promote public access to information regarding the planning
- Implementation, evaluation, and monitoring of environmental and natural resource policy
- Requires the federal government to promote public participation in the formulation of environmental and resource policies as well as the implementation, evaluation, and monitoring.

Framework environmental laws may also establish specialized bodies for consulting the public on environmental matters.

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<sup>244</sup> Government of Canada, ‘Bill S-5: *Strengthening Environmental Protection for a Healthier Canada Act*’ <<https://www.canada.ca/en/environment-climate-change/news/2023/06/bill-s-5-strengthening-environmental-protection-for-a-healthier-canada-act.html>>, Accessed June 18 2024.

<sup>245</sup> Ontario Water Resources Act, R.S.O. 1990, c. O.40’ <https://www.ontario.ca/laws/statute/90o40>, Accessed June 18 2024.

<sup>246</sup> Mexican Law Review, ‘The Right to a Clean and Healthy Environment: GMOS in Mexico and the European Union’, <[http://www.scielo.org.mx/scielo.php?script=sci\\_arttext&pid=S1870-05782019000100091](http://www.scielo.org.mx/scielo.php?script=sci_arttext&pid=S1870-05782019000100091)> Accessed June 18 2024.

The 2012 constitutional reform codifying the right to water also mandated that legislators enact a general water statute within 360 days. The General Water Law helps to implement the new right by regulating and ensuring access to safe drinking water and sanitation. The constitutional reform is also the driving force for the 2014-2018 National Water Program.<sup>247</sup>

## Pledges and Current Practices

The EIA addressed the 16 Candidate Host Cities for more detailed consideration.<sup>248</sup> A thorough analysis of each Candidate Host City's proposal has been conducted, which focuses on their current and planned infrastructure and environmental initiatives. All the representative Candidate Host Cities recognize the transport sector as a major source of carbon emissions.<sup>249</sup> Many are working to transition their public transport fleets to zero-emission vehicles and are exploring initiatives to encourage cycling and walking, and the majority of the 16 cities currently have bike-share programs in operation.<sup>250</sup>

For example, the City of Toronto tracks and reports its community and corporate greenhouse gas emissions.<sup>251</sup> TransformTO is an initiative which identifies the key opportunities in Toronto to significantly reduce GHG emissions 30% by 2020, 65% by 2030, and 80% by 2050.<sup>252</sup> The Live Green Toronto initiative provides city residents and businesses with resources to curb emissions.<sup>253</sup> Toronto has outlined strategies to reduce the city's carbon footprint including using renewable heating and cooling systems, and the proliferation of electric vehicles.<sup>254</sup> The Toronto Transit Commission (TTC) is Canada's largest and North America's third largest transit system.<sup>255</sup> The City of Toronto has pledged that by 2026, 100% of transportation options in Toronto will use

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<sup>247</sup> Global Regulation, 'General Law Of Ecological Balance And Environmental Protection' <<https://www.global-regulation.com/translation/mexico/560296/general-law-of-ecological-balance-and-environmental-protection.html>> Accessed June 18 2024.

<sup>248</sup> The host cities are: Toronto & Vancouver (Canada); Guadalajara, Mexico City and Monterrey (Mexico); Atlanta, Boston, Dallas, Houston, Kansas City, Los Angeles, Miami, New York/New Jersey, Philadelphia, San Francisco and Seattle. For further, see: <https://www.fifa.com/en/tournaments/mens/worldcup/canadamexicousa2026/host-cities>

<sup>249</sup> Ibid (8).

<sup>250</sup> Ibid.

<sup>251</sup> Ibid (32).

<sup>252</sup> Ibid.

<sup>253</sup> Ibid.

<sup>254</sup> Ibid.

<sup>255</sup> Ibid.



low or zero-carbon energy sources.<sup>256</sup> Cycling is a vital element of Toronto's transportation infrastructure, and the 10-Year Cycling Network Plan will connect, grow and renew infrastructure for Toronto's cycling routes. Toronto currently has planned investment in over 500km of cycling infrastructure between 2016 and 2025.

An extensive accounting of these current practices and pledges for all the 16 Candidate Host Cities, regarding all nine of the major environmental sub-categories, can be found in the Section 4 of the EIA.

## Issues for Consideration

### Carbon Emissions

FIFA has faced much criticism over its environmental credentials. It has recently entered into a four year partnership with the Saudi Arabian fossil fuel giant Aramco, which independent think tank Carbon Tracker says is "the world's largest corporate greenhouse gas emitter".<sup>257</sup> This partnership makes Aramco a sponsor of the 2026 Men's World Cup as well as the Women's World Cup in 2027.<sup>258</sup> It should be cause for concern that FIFA, the ultimate arbiter of the United Bid's environmental compliance is partnered with such an organization. Experts have called the 2022 Qatar World Cup a "fossil fuel festival", due to its problematic sponsorship agreements with Qatar Energy and Qatar Airways.<sup>259</sup> Furthermore, while FIFA promoted the World Cup as carbon neutral, experts have called it "probably the most polluting sporting event ever", which shows FIFA did not take responsibility for providing some of the world's worst polluters with a platform to spread climate change related falsehoods.<sup>260</sup> To avoid corporate-sponsored bias, FIFA should consider involving a third-party to track and measure the United Bid's environmental compliance throughout the planning, staging, and post-tournament legacy phases.

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<sup>256</sup> Ibid.

<sup>257</sup> 'FIFA announces deal with Saudi oil company Aramco' (BBC Sport 25 April 2024) <<https://www.bbc.co.uk/sport/football/articles/c51n3ld43yro>> Accessed 17 June.

<sup>258</sup> 'FIFA sponsorship deal with Saudi Aramco covering World Cups raises human rights concerns' (Amnesty International April 25, 2024) <<https://www.amnesty.org/en/latest/news/2024/04/global-fifa-sponsorship-deal-with-saudi-aramco-covering-world-cups-raises-human-rights-concerns/>> accessed 17 June 2024

<sup>259</sup> Vitas Carosella, 'How To Host A More Environmentally Sustainable FIFA World Cup' (Forbes 21 July 2023) <https://www.forbes.com/sites/vitascarosella/2023/07/21/how-to-host-a-more-environmentally-sustainable-fifa-world-cup/?sh=6c890b2c7b45>> accessed 17 June 2024.

<sup>260</sup> Ibid.

## Transport

Another issue for consideration relates to the use of ‘carbon offsets’ to compensate for increased emissions resulting from the various stages of the tournament, chiefly from transport. Carbon offsetting will play a major role in the carbon legacy of the 2026 FIFA World Cup.<sup>261</sup> In the EIA, the United Bid pledges to ‘offset emissions through credible projects that generate environmental and socio-economic benefits in the regions where they occur’.<sup>262</sup> The key word here is ‘credible’. There is a growing amount of criticism regarding the ability of carbon offsets to reduce carbon emissions actually and reliably. Currently, there is no internationally or nationally accepted standard for carbon offsets or carbon related claims, which means that there is a real risk that carbon offset claims can be used as a meaningless promotional tool, or ‘greenwash’.<sup>263</sup> Both the US Federal Trade Commission and the Australian Consumer and Competition Commission have initiated investigations examining the use of carbon offsets as a potentially misleading form of ‘green’ marketing.<sup>264</sup> Unfortunately, studies have indicated that most carbon offsets available on the market don’t reliably reduce carbon emissions.<sup>265</sup> Empirical studies of the Kyoto Protocol’s offset program, the Clean Development Mechanism (CDM), reveal that many CDM projects were credited with significantly more reductions than they actually achieved.<sup>266</sup> These studies identify three main causes of over-crediting. First, the CDM credited a large number of ‘non-additional’ projects—those that would have proceeded without the offset credits.<sup>267</sup> Second, estimating emission reductions against an unobservable and thus uncertain baseline allowed project developers to use high emissions baseline scenarios, often leading to inflated reduction estimates.<sup>268</sup> Lastly, carbon offset programs created ‘perverse financial incentives’, resulting in

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<sup>261</sup> ‘EIA: Executive Summary’ (United Bid 2026 16 March 2018)

<<https://digitalhub.fifa.com/m/2ce02c09f31d75e0/original/oapcqj2335fexqnlb5oc-pdf.pdf>> accessed 17 June 2024.

<sup>262</sup> *ibid.*

<sup>263</sup> Michael J Polonsky, Stacy Landreth Grau, and Romana Garma, ‘The New Greenwash? Potential Marketing Problems With Carbon Offsets’ [2010] *International Journal of Business Studies – Special Edition Vol 18 No 1*.

<sup>264</sup> *ibid* (50-51).

<sup>265</sup> Natasha White and Akshat Rathi, ‘Green Groups Want Carbon Offsets Included as Part of SEC’s Climate Rule (Bloomberg Law 14 February 2022) <<https://www.bloomberg.com/news/articles/2022-02-14/green-groups-want-offsets-disclosed-as-part-of-sec-s-climate-rule?embedded-checkout=true>> accessed 17 June 2024.

<sup>266</sup> Barbara Haya and others, ‘Managing uncertainty in carbon offsets: insights from California’s standardized approach’ [2020] *Climate Policy* 2020, VOL. 20, No. 9.

<sup>267</sup> *ibid* (2).

<sup>268</sup> *ibid.*

inefficient or harmful actions that ultimately increased emissions.<sup>269</sup> The technical details of these findings are beyond the scope of this paper; please see “Managing uncertainty in carbon offsets: insights from California’s standardized approach”, which also proposes solutions to these issues, which have been successfully adopted in California.

Instead of relying heavily on carbon offsets, which are unreliable at best, FIFA and the United Bid could focus instead on zero carbon energy supplies and transportation. A good example of this, which has been identified in the EIA, comes from the Vancouver 2010 Winter Olympic Games. During these games, the Resort Municipality of Whistler, the Governments of British Columbia and Canada, and BC Transit (provincial transit authority) co-operated to launch the world’s largest hydrogen fuel cell bus fleet in Whistler, which remains in use today.<sup>270</sup> This underscores the significance of effective transport management in creating a lasting, sustainable legacy.

## Energy

The following factors exemplify the broad range of energy consumption sources associated with large scale sporting events such as FIFA 2026. This includes anything from travel and accommodations to stadium operations and food productions. The travel to and from an event is the biggest contributor to the total carbon footprint (at 54%).<sup>271</sup> Other key contributors are associated with food and drink consumption, from which large amounts of energy and resources related to their production, and energy use for stadium operations, although this footprint is amortized over the expected lifetime of the stadium.<sup>272</sup> Specific event examples include the following: the 2012 Super Bowl at Lucas Stadium used approximately 15,000 megawatts of energy—enough to power 1,400 average-sized homes for more than a year—and the 2010 South Africa World Cup Finals produced 850,000 metric tons of greenhouse gases, with 65% through construction and aviation.<sup>273</sup> Add to that the potential other fifty percent of the total emissions from transporting and housing the spectators, and erasure of hugely increased energy use for

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<sup>269</sup> *ibid.*

<sup>270</sup> EIA: Executive Summary’ (United Bid 2026 16 March 2018)

<<https://digitalhub.fifa.com/m/2ce02c09f31d75e0/original/oapcqj2335fexqnlb5oc-pdf.pdf>> accessed 17 June 2024.

<sup>271</sup> Sustainable Development Goals Knowledge Platform, ‘Agenda 21 UNICED 1992’

<https://sustainabledevelopment.un.org/outcomedocuments/agenda21> Accessed June 18 2024.

<sup>272</sup> *ibid.*

<sup>273</sup> *ibid.*

stadium power, all mobile devices of the spectators, and broadcasting, and the environmental damage adds up.<sup>274</sup> Although these were not mitigated easily, several measures have been taken to reduce the impacts by introducing green energy in stadiums: from using solar power to LEED certifications and renewable energy credits or promoting the UNICED Agenda 21 through sustainable practice, reducing environmental impacts by decreasing consumptions of energy and encouraging more use of public transports.<sup>275</sup>

The EIA made a pledge for energy in the 2026 games to encourage and support all stakeholders and partners in their efforts to improve their energy efficiency and carbon performance. Furthermore, leverage existing clean and renewable energy programs and generation by utilities and power providers for the tournament and legacy.<sup>276</sup>

### Air Quality

Effects of sporting activities to the environment can be in the form of; acreage of fragile ecosystems or scarce land developing sport facilities, greenhouse effect from electricity and fuel consumed, breakage of the ozone layer due to refrigerants, and pollution of soil and water due to pesticides. Amongst the biggest contributors of air pollution is the use of aviation transport for events in large amounts which result in increased emission of greenhouse gas. This situation could be made worse by the temporary waiver of air quality and monitoring rules to handle emergencies, as was presumably done after Hurricane Harvey in 2017. These impacts can be mitigated by the adoption of such sustainable practice and methods of construction, event management, as promoted through Agenda 21, and green power measures for stadiums with solar power and LEED certifications that reduce smog. Localized issues with air quality, such as what was seen through the 2008 Beijing Olympics- a major concern of which was poor air quality- further remind us of the need to want to address these concerns.<sup>277</sup>

TH EIA made a pledge for air quality to develop an approach to maintain good air quality and integrate it with the United Bid's management plans for carbon, urban transportation, and

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<sup>274</sup> *ibid.*

<sup>275</sup> *ibid.*

<sup>276</sup> EIA – Executive Summary United 2026, March 16 2018.

<sup>277</sup> *ibid.*

sustainable building certification activities with stadiums, as well as through work with Host Cities.<sup>278</sup>

## Waste

Effects of sporting activities to the environment can be in the form of: acreage of fragile ecosystems or scarce land developing sport facilities, greenhouse effect from electricity and fuel consumed, breakage of the ozone layer due to refrigerants, and pollution of soil and water due to pesticides.

## Water

Water consumption is another major issue for mass sporting events, both in terms of toilet facilities and sprinkler systems. The impact can be intensely felt on water bodies; for instance, the 2016 Rio Olympics- water quality at the Guanabara Bay was one of the worrying issues since its waters were very contaminated, and even after the event, the water is still polluted.<sup>279</sup> Furthermore, construction and infrastructure development around new sports facilities related to the games may lead to water pollution due to soil erosion and hazardous materials. Although practices in sustainable event management include some measures of sustainability-such as irrigation of landscapes with recycled water and water-saving measures- the problems of long-term water quality and resource management may be hard to optimize because of the temporary nature of event infrastructure. Even where, according to event organizers, such as in the case of the Rio Olympics, improvement in water quality is inevitable, follow-up on these promises is normally weak due to a failure to implement and invest properly. In that regard, these water woes can be solved through a system that caters to the entire life cycle of sporting events-from construction to the use and maintenance phase after the event has concluded.<sup>280</sup>

The pledge made by the EIA relating to water is based on efficiency in use and reducing the consumption of all water, supplying water more efficiently and using water resources appropriate

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<sup>278</sup> *ibid*

<sup>279</sup> Sylvia Trendafilova, Jeffrey Graham and James Bemiller, 2018, The Journal of Sustainability Education, Sustainability and the Olympics: The case of the 2016 Rio Summer Games, [http://www.susted.com/wordpress/content/sustainability-and-the-olympics-the-case-of-the-2016-rio-summer-games\\_2018\\_01/](http://www.susted.com/wordpress/content/sustainability-and-the-olympics-the-case-of-the-2016-rio-summer-games_2018_01/)

<sup>280</sup> *ibid*.

to need by employing smart approaches, avoiding potable water consumption for non-potable uses and driving down waste generated from disposable plastic and bottles.<sup>281</sup>

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<sup>281</sup> Ibid.