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Football and Women's Rights: the Case for Indicators for FIFA's Feminist Transformation

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Football and Women's Rights:
the Case for Indicators for FIFA's Feminist Transformation

Daniela Heerdt and Nadia Bernaz

1. Introduction

In 2015, the Fédération Internationale de Football Association (FIFA) commissioned John Ruggie, the architect of the United Nations Guiding Principles on Business and Human Rights (UNGPs) to help FIFA embed human rights into its practices, taking the UNGPs as 'authoritative standard'.¹ The outcome was the report *For the Game, For the World*, published in 2016, and a number of concrete recommendations on how FIFA should implement the UNGPs. This includes recommendations regarding internal structural changes to support the embedding of human rights into the association's operations, and how FIFA should use its leverage to address and reduce adverse human rights impacts.² In the years that followed the publication of the report, FIFA made considerable institutional progress in the area of human rights in general.

Progress has been more limited in relation to women's rights. In his report, Ruggie speaks of 'endemic discrimination against women in the world of association football' and recommends FIFA to ensure that their human rights efforts are mirrored by member associations (MAs) and confederations.³ In 2017, FIFA adopted a human rights policy in which women are referred to as 'specific groups or populations that require special attention'; and discrimination has been identified as one of FIFA's 'salient human rights risks'. However, no considerable efforts have been made by

¹ John G Ruggie, "For the Game. For the World" - *FIFA and Human Rights* (2016), available at http://ezproxy.lib.ucf.edu/login?url=http://search.proquest.com/docview/754063565?accountid=10003%5Cnhttp://sfx.fcla.edu/ucf?url_ver=Z39.88-2004&rft_val_fmt=info:ofi/fmt:kev:mtx:journal&genre=article&sid=ProQ:ProQ:wpsashell&atitle=%22For+the+Game.+For+the, at 4

² *Ibid*, at 30, 33. Importantly, the fact that the UNGPs apply to FIFA has not really been questioned. It has been confirmed by the Swiss National Contact Point in the Specific Instance procedure against FIFA and by Ruggie that the key question is to what extent an entity, irrespective of its legal status or nature, is involved in commercial activities. Since FIFA, like other sports associations, is commercially active on many fronts, the UNGPs and the responsibility to respect human rights apply.

³ John G Ruggie, *supra* note 1, at 4.. See in particular recommendations 1.1, 1.3, 2.3, 2.7, 4.5, 6.2 & 6.3.

associations to mirror this. In fact, cases of women's rights abuses related to football occur regularly on the national level and remain unresolved.⁴ Recent examples include the ban against women in stadiums in Iran; claims of unequal treatment and discrimination by women's teams against their national football federations in a number of countries; and mental, physical, and sexual abuse by male football officials and coaches, such as the reported abuses of members of Afghanistan's women national team by male officials of the Afghan football federation (AFF), and the sexual abuse of young female footballers in Haiti.⁵

These examples highlight two issues. First, FIFA's implementation of its human rights responsibilities within the framework of the UNGPs is not sufficient to address women's human rights risks. Arguably, this is because of weaknesses both in norm-setting and implementation. Second, football-related women's rights risks seem to be endemic on the level of national football associations. In this context, this article advocates a feminist transformation of FIFA both in terms of policies and practices and in a way that reaches national federations and confederations. It builds on early feminist human rights scholarship that has challenged assumptions of gender-neutrality in human rights law.⁶ The feminist transformation envisaged is one that sees human rights, women's rights and gender issues become core features of global football governance. We take inspiration from the UN Working Group on the issue of human rights and transnational corporations and other business enterprises (UN Working Group), who in 2019 published a gender framework for developing and revising human rights-related measures and policies based on the UNGPs.⁷ The framework and

⁴ Fédération Internationale de Football Association, *FIFA's Human Rights Policy* (2017), available at http://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/12/fifashumanrightspolicy_neutral.pdf, at paras 3 & 5.

⁵ For an introduction to some of these cases, see video recordings of the 2018 Sporting Chance Forum session on *The Human Right to Non-Discrimination and Equality* and *The Human Rights of Defenders, Activists, and Journalists*, available at <https://www.youtube.com/playlist?list=PLBH9RtJ4Bkxe7XVxslS8ixbKIOKhUT1TW>. Regarding the most recent case in Haiti, see Aarons, Molina and Cizmic, *Haiti FA president accused of sexually abusing young female footballers* (2020), available at <https://www.theguardian.com/football/2020/apr/30/haiti-fa-president-accused-of-sexually-abusing-young-female-footballers>.

⁶ Bunch, 'Women's Rights as Human Rights: Toward a Re-Vision of Human Rights', 12 *Human Rights Quarterly* (1990) 486; Binion, 'Human Rights: A Feminist Perspective', 17 *Human Rights Quarterly* (1995) 509.

⁷ The 'gender framework for the UNGPs' is based on the report of the UN Working Group on the issue of human rights and transnational corporations and other business enterprises, Gender dimensions of the

accompanying guidance go beyond the issue of gender equality and constitute an important development. This is especially the case given the shortcomings of the UNGPs in this regard, discussed further in the article.⁸ This article does not engage in a provision-by-provision analysis of FIFA's policies against the gender framework. Rather, it identifies key areas that should drive a feminist transformation of FIFA's, its confederations' and MA's policies and practices, using the gender framework as a starting point. Overall, the article aims to answer the following research question: how can the 2019 UNGP gender framework help FIFA engage in a feminist transformation of their human rights policies and practices in a way that includes FIFA's confederations and MAs?

To address this question, the paper first clarifies its point of departure, by providing an inventory of FIFA's most relevant efforts regarding women's rights, and a brief evaluation of the meaning of these efforts in light of FIFA's women's rights risks and its responsibilities under the UNGPs. Section 2 introduces the UNGPs gender framework as developed by the UN Working Group, uses it to analyze existing policies, and identifies key areas that should shape FIFA's feminist transformation. Building on these areas, Section 3 explains how indicators could play a role in this transformation. The conclusion summarizes the main findings of this study and formulates recommendations to guide FIFA's gender transformation.

2. FIFA and Women's Rights: Policies and Practices

This section first gives a brief overview of FIFA's policies regarding women's rights, followed by a more elaborate assessment of its actual women's rights risks and its practices to address those risks.

A. FIFA's Policies

Since FIFA accepted its responsibility to respect human rights under the UNGPs, it has gradually developed a human rights framework as part of its global football

Guiding Principles on Business and Human Rights, A/HRC/41/43, 23 May 2019, available at https://www.business-humanrights.org/sites/default/files/documents/A_HRC_41_43.pdf

⁸ See for example Meyersfeld, 'Business, human rights and gender: a legal approach to external and internal considerations' in Deva & Bilchitz (eds), *Human rights obligations of business: beyond the corporate responsibility to respect?* (2013).

governance. In 2016, FIFA adopted a statutory commitment to respect internationally-recognized human rights, including for instance the rights protected by the Convention on the Elimination of All Forms of Discrimination against Women.⁹ In 2017, it hired a Human Rights Manager and created an independent Human Rights Advisory Board. It also adopted a Human Rights Policy, which mentions women explicitly as part of ‘specific groups or populations that require special attention’ and introduced human rights requirements into its bidding requirements for the FIFA World Cup 2026.¹⁰ In 2018, it launched a human rights defenders complaint mechanism, just before the start of the 2018 World Cup in Russia.

FIFA’s human rights framework rests on its statutory commitment to respect internationally-recognized human rights and its voluntary adoption of the UNGPs, which means that FIFA has to show that it respects human rights by publicly committing to them, and know its human rights risks by conducting human rights due diligence (HRDD). In addition, FIFA should have processes in place that help providing remedy to those that are adversely impacted by its actions or decisions.¹¹ The UNGPs specify that the respect for human rights does not only apply when an actor caused adverse human rights impacts but also extends to situations in which that actor contributed or is directly linked to the adverse human rights impact. Where FIFA caused an adverse human rights impact, it has to mitigate and provide effective remedy for it. Where FIFA contributed to an abuse, it has to avoid this contribution and find ways to reduce the risk as such and help provide effective remedy. Finally, an abuse is directly linked to FIFA when for instance it has been caused by one of its partners, despite FIFA’s taking reasonable steps to prevent the harm. In that case, FIFA is expected to seek to mitigate the risk by using its leverage, for instance through engaging with and incentivizing the respective partner to provide effective remedies.¹²

Looking at these developments from a gender perspective reveals that women and women’s rights form part of some but not all human rights-related policies that FIFA adopted in the past years. In particular the introduction of human rights bidding

⁹ FIFA, *FIFA Statutes* (2019), available at <https://resources.fifa.com/image/upload/fifa-statutes-5-august-2019-en.pdf?cloudid=ggyamhxxv8jrdfbekrrm>, Art 3.

¹⁰ Fédération Internationale de Football Association, *supra* note 4, paras 3 & 5.

¹¹ John G Ruggie, *supra* note 1, at 12.

¹² *Ibid.*

requirements and the complaint mechanism were first and primarily linked to men's football. In 2019, FIFA launched a revised bidding process for the 2023 women's World Cup, which builds on the revised bidding process for the 2026 tournament and 'requires the implementation of human rights and labour standards by the bidding member associations, the government and other entities involved in the organisation of the tournament'.¹³

However, FIFA's human rights policy and article 4 of its Statutes explicitly address the issue of discrimination, which as will be explained below is one of the greatest women's rights risks that FIFA is facing.¹⁴ While discrimination as such has been addressed in FIFA's Statutes since 1962¹⁵, the prohibition of discrimination based on gender has only been added to Article 4 in 2004.¹⁶ Discrimination based on gender was also included in the Anti-Discrimination Monitoring System that was installed for the qualifying and actual matches of the 2018 World Cup in Russia.¹⁷ The system worked with anti-discrimination match observers to identify and react to cases of racism, homophobia, extreme nationalism and sexism and even allowed for referees to stop and suspend a match.¹⁸ A similar system applied to the preliminary competition of the Qatar World Cup in June 2019. However, there is no information available on how many of the incidents dealt with were issues of gender discrimination.

The 2018 Women's Football Strategy also has a strong focus on gender discrimination. The strategy speaks of 'advocating for a global stand against gender discrimination', but no other women's rights language is included in the strategy.¹⁹ However, it led to the first FIFA Women's Football Convention being convened in June

¹³ FIFA, *Guide to the Bidding Process for FIFA Women's World Cup 2023™* (2019), available at <https://resources.fifa.com/image/upload/guide-to-the-bidding-process-for-the-fifa-women-s-world-cup-2023tm.pdf?cloudid=gfuxttuixv3s10jvidbn>, at 4.

¹⁴ *Ibid*, para 5.

¹⁵ FIFA, *Diversity and Anti-Discrimination at FIFA* (2018), available at <https://resources.fifa.com/image/upload/diversity-and-anti-discrimination-at-fifa.pdf?cloudid=arn2ylavxd26pnn2l83i>, at 2.

¹⁶ John G Ruggie, *supra* note 1, at 24; FIFA *supra* note 9,9 Art 4

¹⁷ FIFA, *FIFA Anti-Discrimination Monitoring System* (2015), available at https://resources.fifa.com/mm/document/afsocial/anti-racism/02/60/42/16/fifaanti-discriminationmonitoringsystem_summary_may2015_neutral.pdf.

¹⁸ FIFA, *Successful first run for anti-discrimination monitoring system* (2017), available at <https://www.fifa.com/worldcup/news/successful-first-run-for-anti-discrimination-monitoring-system-2920510>.

¹⁹ FIFA, *Women's Football Strategy* (2019), available at <https://resources.fifa.com/image/upload/women-s-football-strategy.pdf?cloudid=z7w21ghir8jb9tguvbcq>, at 4.

2019, where FIFA also signed a Memorandum of Understanding with UN Women to join efforts in key areas such as sports policy development, the promotion and support of projects that empower women and girls, and awareness raising on gender quality.²⁰

B. FIFA's Women's Rights Issues

In theory, all of what FIFA identifies as its salient human rights risks, namely labour rights, land acquisition, discrimination, security, and player's rights, can adversely affect women and girls.²¹ In practice, most cases of women's rights abuses that came to the surface recently concern gender discrimination and the physical and sexual abuse of female football players by male football officials or coaches. Both present cross-cutting issues. Physical and sexual abuse of players infringes upon players' safety and decent working conditions. In 2018, the story of Afghanistan's women's national team became public, revealing cases of sexual harassment and abuse by officials from the Afghanistan football federation (AFF). Following the allegations, Afghanistan's attorney general's office set up an investigation committee and six officials including the president of the federation were suspended.²² FIFA conducted its own investigations, which led to a fine and suspension for life for the AFF president in June 2019 and a 5-year ban from all football-related activities for the association's general secretary.²³ Most recently, the Court of Arbitration for Sport has upheld this ban for life and the Afghan President called for the arrest of the AFF president.²⁴ Despite these developments, the responsibility of other officials and the widespread culture of abuse of Afghanistan's female players has not been addressed adequately yet.²⁵

²⁰ FIFA, *FIFA and UN Women Sign First-Ever Memorandum of Understanding* (2019), available at <https://www.fifa.com/womens-football/news/fifa-and-un-women-sign-first-ever-memorandum-of-understanding>.

²¹ Fédération Internationale de Football Association, *supra* note 4, para 5.

²² Suzanne Wrack and Akhtar Mohammad Makooi, *Afghan Football Officials Suspended over Sexual and Physical Abuse Allegations in The Guardian* (2018), available at <https://www.theguardian.com/football/2018/dec/09/afghanistan-football-officials-suspended-abuse-allegations-womens-team>.

²³ Human Rights Watch, *Afghanistan: FIFA Sexual Abuse Investigations Stall* (2019), available at <https://www.hrw.org/news/2019/08/19/afghanistan-fifa-sexual-abuse-investigations-stall>.

²⁴ *CAS 2019/A/6388 Karim Keramuddin v. FIFA*; 1tvnews, *Ghani calls on Abdullah, Panjshiris to expel Keramuddin Karim* (2020), available at <http://www.1tvnews.af/en/news/afghanistan/42702>.

²⁵ Human Rights Watch, *supra* note 23.

The issue of gender discrimination in sport is multifaceted. This has been confirmed in a recent report published by the UN Human Rights Council on the intersection of race and gender discrimination in sport and is equally true for FIFA's activities and practices.²⁶ Discrimination against women in football is for instance reflected in the shortfalls in representation of women among football coaches, officials, and staff of football governing bodies, on the local, national, regional and international levels. Only six of the 37 FIFA Council members are women²⁷, ten percent of all referees are female and only seven percent of all football coaches are women.²⁸

Furthermore, discrimination also affects female football fans. An ongoing case is the stadium ban for women in Iran. For 40 years, Iran has banned women from attending football matches in stadiums. In recent years, activism against this ban grew and Iranian women started attempting to access stadiums disguised as men.²⁹ When officials caught them, those women were arrested and prosecuted. Increased international awareness of the issue pressured FIFA to take action and led to a temporary lift of the ban for a game in March 2018 and again in October 2019. In its third report, FIFA's Human Rights Advisory Body criticized that the organization has not exploited all possible measures to address the problem.³⁰ Moreover, the death of Sahar Khodayari, which was a consequence of the injuries she suffered from self-immolation following a court hearing on charges related to her attempt to enter a football stadium in March 2019, increased the pressure on Iran and FIFA.³¹

In terms of numbers of cases, discrimination against female football players appears to be the greatest women's rights risk that FIFA is currently facing, counting both at

²⁶ UN Human Rights Council, *Intersection of race and gender discrimination in sport*, A/HRC/44/26, 2020.

²⁷ Michele Krech, 'Towards Equal Rights in the Global Game? FIFA's Strategy for Women's Football as a Tightly Bounded Institutional Innovation', 25 *Tilburg Law Review* (2020) 12, at 14.

²⁸ FIFA, *Women's Football Member Associations Survey Report (2019)*, available at <https://resources.fifa.com/image/upload/fifa-women-s-survey-report-confederations-global-mas.pdf?cloudid=nq3ensohyxpuxovcovj0>, at 7.

²⁹ The Guardian, *Undercover: Female Football Fans in Iran* in *The Guardian picture essay* (2019), available at <https://www.theguardian.com/artanddesign/2019/apr/15/undercover-female-football-fans-in-iran>.

³⁰ FIFA's Human Rights Advisory Board, *Third Report by the FIFA Human Rights Advisory Board* (2019), available at https://www.business-humanrights.org/sites/default/files/FIFA_Human_Rights_Advisory_Board_Third-report_June_2019.pdf, at 14–15.

³¹ Farnaz Fassihi, *Iran's "Blue Girl" Wanted to Watch a Soccer Match. She Died Pursuing Her Dream* in *The New York Times* (2019), available at <https://www.nytimes.com/2019/09/10/world/middleeast/iran-women-sports-sahar-khodayari.html>.

elite and grass-root levels. Ruggie observed in his 2016 report that ‘gender discrimination in the world of association football remains an endemic human rights challenge for FIFA’.³² A survey conducted by FIFA in 2019 demonstrates that women’s football grew significantly in the past years. However, many women’s teams, national and local, suffer from shortfalls in funding, which leads to inadequate playing conditions, including equipment and health services, access to training facilities, and significant differences in remuneration and prize money.³³ Moreover, it is very likely that due to the financial crisis caused by the COVID 19 pandemic, women’s football will face an ‘almost existential threat’.³⁴

In the past years, women’s national teams around the world started to speak up about these issues.³⁵ The chanting for ‘equal pay’ in the stadium during the 2019 Women’s World Cup final highlighted that this is a structural issue in women’s football.³⁶ Two cases are of particular interest in that context. In 2019, members of the US women’s national teams filed a lawsuit against the US Soccer Federation (USSF) with a US federal court for “its continuing policies and practices of gender discrimination”.³⁷ This legal action, which by now has been dismissed, followed the breakdown of negotiations between the players and USSF and a similar complaint from 2016, filed with the Equal Employment Opportunity Commission.³⁸ Back then, the claimants could provide evidence that showed that they were earning 40% less than the men’s team, while being considerably more successful.³⁹ In 2014, a number of players on national teams participating in the Women’s World Cup 2015 filed a complaint against the Canadian Soccer Association and FIFA. The complaint was filed

³² John G Ruggie, *supra* note 1, at 24.

³³ Lemmon, Marlaina, ‘Evening the playing field: women’s sport as a vehicle for human rights’ 19 *International Sports Law Journal* 19 (2019) 238, at 245.

³⁴ FIFPRO, COVID-19: Implications for Professional Women’s Football (2020), available at <https://fifpro.org/media/zp3izxhc/fifpro-wf-covid19-new.pdf>, at 2.

³⁵ Centre for Sport and Human Rights, *2018 Sporting Chance Forum: The Human Right to Non-Discrimination and Equality* - Nicole Rodriguez (2018), available at <https://www.youtube.com/watch?v=LXBNcK0wnf4&t=1017s>.

³⁶ BBC, *Women’s World Cup: What Is the Pay Gap?* in *BBC News* (2019), available at <https://www.bbc.com/news/world-48530498>.

³⁷ *Case No 2:19-CV-01717*.

³⁸ Andrew Das, *Mediation Talks Between U.S. Women’s Team and U.S. Soccer Break Down* in *The New York Times* (2019), available at <https://www.nytimes.com/2019/08/14/sports/uswnt-mediation-us-soccer.html>.

³⁹ Lemmon, Marlaina, *supra* note 32, at 246

with the Human Rights Tribunal of Ontario based on unequal treatment, following the decision of the defendants to hold the tournament on artificial turf, which poses significant risks for the health of players and the quality of the game.⁴⁰ Later on, the claimants filed a request for interim remedy due to reprisals, threats of reprisals and intimidation against the players for bringing the complaint.

Finally, human rights are also at risk in relation to football players with different sex development. FIFA's rules of the game, like many other competitive sport rules, are based on binary categories of male and female, while in reality a person's gender identity might differ from its biological gender.⁴¹ In 2011, FIFA introduced gender verification regulations, which according to FIFA was necessary to protect the integrity of football.⁴² These regulations give associations but also appointed Medical Officers and the Chief Medical Officer the right to request a gender verification procedure. This procedure consists of an investigation into the medical history of the respective player and where the Chief Medical Officer finds it necessary a physical examination. If the player refuses to undergo this examination, the Disciplinary Committee imposes sanctions, such as a suspension from the next competition.⁴³

C. FIFA's Practices

FIFA can be directly linked to these issues of discrimination but also cause or contribute to them. FIFA's gender verification regulations can be discriminatory and lead to exclusion, as well as to intrusive examinations that violate privacy rights, which provides an example of FIFA causing or contributing to abuses. Where it concerns the Women's World Cup, it could be argued that by offering unequal prize money and unequal playing conditions resulting from lower standards for accommodation, gear, or equipment, FIFA causes adverse women's rights impacts. Finally, FIFA can be directly linked to women's rights abuses where these abuses are caused by one of its MAs or confederations, even if FIFA took measures that are aimed at avoiding these

⁴⁰ *Abby Wambach and Players on National Teams participating in the FIFA Women's World Cup Canada 2015 v Canadian Soccer Association (CSA) and Fédération Internationale de Football Association* (2014) 2014-18923.

⁴¹ Doriane Lambelet Cleman, *Sex in Sport*, 80 *Law and Contemporary Problems* (2017), 63

⁴² FIFA, *Regulations FIFA Gender Verification* (2011), available at <https://img.fifa.com/image/upload/ihf3yx6kw3insqt6r0i6.pdf>

⁴³ *Ibid.* Art 16

abuses. In fact, as the brief account of recent cases reveals, FIFA engaged with the respective MA and took measures to address some of those cases, which led to the suspension of officials in Afghanistan, and a temporary and conditional lift of the stadium ban against women in Iran.

To follow the argument put forward in this article, it is important to understand while MAs and confederations are independent and separate legal entities, FIFA has considerable leverage over its 211 MAs and six confederations through various channels. Most obviously, FIFA provides substantive financial assistance to not only MAs but also confederations as well as technical assistance in form of courses and seminars. In return, MAs have to comply with the statutes, aims and ideals of FIFA and promote and manage football accordingly.⁴⁴ FIFA as the umbrella organization, the international sports governing body, holds the sole rights to the World Cup, which is a major income source for FIFA. About a fourth of FIFA's revenues go back to the MAs and confederations through the FIFA Forward Development Programme.⁴⁵ Although FIFA is not an enterprise, the relationship between FIFA and MAs as depicted above shows parallels to that of a parent company with its subsidiaries. However, unlike normal supply chain or parent company-subsidary relationships, MAs have a say in FIFA governance, by sitting on the FIFA Council and voting in the Congress. Confederations as well have an influence on FIFA governance. An important difference between the relationship of FIFA and MAs and FIFA and confederations is that MAs are obliged to respect the FIFA Statutes and asked to align their Statutes with certain fundamental principles of FIFA's own Statutes by means of 'Standard Statutes', while confederations do not share this obligation, but can be asked to take into account certain requirements.⁴⁶

In theory, this influence provides a simple but effective opportunity to ensure that in particular MAs make statutory commitments to women's rights. There is even a so-called Associations Committee that monitors the evolution of the Statutes and regulations of FIFA, and its members. However, the Standard Statutes have last been

⁴⁴ FIFA, *Associations and Confederations* (2019), available at <https://www.fifa.com/associations/>.

⁴⁵ FIFA, *FIFA Financial Report 2018* (2019), available at <https://resources.fifa.com/image/upload/xzshsoe2ayttyquuxhq0.pdf>, at 17, 41.

⁴⁶ John G Ruggie, *supra* note 1, at 16

updated in 2005, well before FIFA started its human rights journey and therefore, no mention of human rights let alone women's rights can be found. In addition, FIFA recently adopted new requirements for confederations' Statutes, but a provision on human rights which would mirror FIFA's own statutory commitment stipulated in Article 3 of its Statutes is not part of these requirements.⁴⁷ In addition to pushing for statutory commitments, there are more ways through which FIFA could try to influence its partners to ensure that women's international human rights are upheld in national laws and respected in policies and practices of its MAs and confederations.⁴⁸ For instance, FIFA's bidding requirements for tournaments could include commitments regarding the respect for women's rights. In addition, while the revised 'FIFA Forward Regulations' already oblige those MAs and confederations that receive funding to 'ensure that the principles of anti-discrimination, diversity, accessibility and inclusion, and human rights for all are protected and promoted', and require a certain amount to be spent on women in football, such requirements provide more opportunities to make FIFA's efforts meaningful.⁴⁹

Despite these options and FIFA's recent efforts to address some of the cases mentioned above, the reality is that many of FIFA's human and women's rights risks remain largely unaddressed and the leverage FIFA has remains unexploited. Consequently, it has even been argued that "FIFA's human rights and gender equality rhetoric is primarily a marketing strategy, by which these normative commitments are pursued only insofar as they provide FIFA with greater regulatory power and prestige, substantial financial gain, and a better reputation for good governance".⁵⁰ To what extent this reflects FIFA's true motivation behind its efforts cannot be verified based on this overview. Nevertheless, two conclusions can be drawn. Firstly, tangible structures to address the whole range of adverse women's rights impacts caused by or linked to FIFA are not part of its human rights framework yet. Secondly, much of

⁴⁷ *Ibid*, at 29.

⁴⁸ *Ibid*.

⁴⁹ FIFA, *FIFA Forward Development Programme - Regulations (FIFA Forward 2.0)* (2019), available at <https://resources.fifa.com/image/upload/fifa-forward-development-programme-2-0-regulations.pdf?cloudid=vk3xntbth7boicflu4vw>, Arts 6 & 8(s).

⁵⁰ Michele Krech, *FIFA for Women or Women for FIFA? The Inherent Tensions of FIFA's Women's Football Strategy* (2019) in *Verfassungsblog*, available at <https://verfassungsblog.de/author/michele-krech/>.

FIFA's women's rights related efforts are focused on discrimination and gender equality, while in reality a whole range of women's rights can be adversely impacted by football and FIFA's activities. This hints at a mismatch of FIFA's assessment of the risks and the actual risks.

3. FIFA and the UNGPs' Gender Framework: Elements for a Feminist Transformation

The UNGPs are gradually being recognized as the authoritative standard by sports bodies and other relevant stakeholders in the context of sports and human rights.⁵¹ However, the UNGPs are ill-suited to address gender-specific rights abuses.⁵² Simons and Handl have analyzed the UNGPs from a feminist legal perspective, and anchored their work to feminist critiques of international human rights law (first articulated by Bunch and Binion⁵³), and generally to feminist approaches to international law challenging assumptions of gender neutrality and objectivity.⁵⁴ They note: 'one would be hard-pressed to say that a gender perspective has been integrated throughout the text of [the UNGPs]'.⁵⁵ Worse, they argue, the UNGPs

are a step backward for the protection and empowerment of women. Not only do they fail to recognize and address the systemic and structural nature of discrimination against women, and the everyday experiences of women, including with respect to violence, but they also replicate and support the androcentric bias of traditional international human rights law.⁵⁶

⁵¹ Sylvia Schenk, *Harmonious Development of Humankind: It's Time to Walk the Talk!* (2019), available at https://www.playthegame.org/news/comments/2019/083_harmonious-development-of-humankind-its-time-to-walk-the-talk/.

⁵² Barrientos, Stephanie, Bianchi, Lara, Berman, Cindy, Gender and Governance of Global Value Chains: Promoting the Rights of Women Workers" 158 *International Labour Review* (2019) 731.

⁵³ Bunch, Women's Rights as Human Rights: Toward a Re-Vision of Human Rights", 12 *Human Rights Quarterly* (1990) 486; Binion, Human Rights: A Feminist Perspective', 17 *Human Rights Quarterly* (1995) 509.

⁵⁴ Charlesworth et al., Feminist Approaches to International Law" , 85 *American Journal of International Law* (1991) 613; Charlesworth, Chinkin, *Boundaries of International Law: A Feminist Analysis* (2000); Heathcote, *Feminist Dialogues on International Law. Successes, tensions, failures*, (2019).

⁵⁵ Penelope Simons and Melisa Handl, 'Relations of Ruling: A Feminist Critique of the United Nations Guiding Principles on Business and Human Rights and Violence against Women in the Context of Resource Extraction', 31 *Canadian Journal of Women and the Law*(2019) 113 , at 129.

⁵⁶ *Ibid*, 134.

To address this criticism, the Working Group adopted a Gender Framework and Gender Guidance for the Guiding Principles, published in 2019.⁵⁷ The Working Group started by identifying the references to gender and women in the Guiding Principles and grouped them into three 'gender windows'. First, the UNGPs should be implemented in a non-discriminatory manner; second, certain provisions require integrating a gender perspective at certain places; third, businesses should consider additional standards if the circumstances require particular attention to specific groups, such as women and girls.⁵⁸

Based on this approach, the Working Group developed the Gender Framework, a three-step cycle that is relevant for all principles: gender-responsive assessment, gender-transformative measures, and gender-transformative remedies.⁵⁹ In practice, through a gender-responsive assessment, states and business enterprises should review their laws and policies to assess whether they are discriminatory to or otherwise adversely affect women, while engaging women in this assessment. Gender-transformative measures could include public commitments to gender equality, empowerment of women, or engaging gender-sensitive experts for instance. In the context of remedies, gender-transformative measures amount to the engagement of women's organization in identifying appropriate remedies or adopting remedy mechanisms that are capable of changing power structures and reducing violence against women.⁶⁰ Applying this framework to the Guiding Principles, the Working Group then developed Gender Guidance for each of the 31 principles. Each principle is rephrased, and illustrative actions are proposed.

Examining FIFA's human rights-related policies and practices against the gender framework brings to the fore important elements for a feminist transformation of the organization. First, this exercise gives direction on how to intervene; and second, it highlights areas where intervention is needed.

⁵⁷ UN Working Group on the issue of human rights and transnational corporations and other business enterprises, *supra* note 7.

⁵⁸ *Ibid*, paras 36-38.

⁵⁹ *Ibid*, para 39.

⁶⁰ *Ibid*, 11.

A. How to Intervene?

The first take away from the Working Group's Gender Framework and Gender Guidance on how to design feminist interventions is the need to reflect on and take distance from the narrative of depicting women only as victims. Although this idea is not explicitly articulated, the framework and guidance insist on the full participation of women in the design and implementation of measures aiming to tackle abuses of their rights. For example, they mention the Beijing Declaration and Platform for Action, the Women's Empowerment Principles, the Sustainable Development Goals, all of which champion participation. Talking about gender issues in resource extraction, Simons and Handl noted:

we recognize the importance of not reproducing the stereotype of the monolithic woman as the quintessential victim, one who must always be protected from "evil" corporations and predatory subjects and entities alike. Women's roles within, and experiences with respect to, resource extraction are varied; they may be victims or not and/or may be agents, workers, leaders, community members, activists, and/or beneficiaries.⁶¹

Interventions aiming to address FIFA's women's rights' issues should empower as well as pay special attention to women. A feminist approach does not focus solely on protection against male-dominated structures, of which FIFA is a glaring example, but also positively advances the rights of all women, including transwomen. This requires a change in mindset, and to avoid looking at women's rights solely through the lens of anti-discrimination. Staying away from the 'add women and stir' approach, a feminist transformation requires a fresh perspective. Certainly existing efforts should be taken into account and built upon but the problem is, as Merry points out, that relying on old approaches or experiences can create a biased approach.⁶² Experience usually comes from those that have the resources to collect data and create expertise, while those that do not have the same means 'are squeezed out of the discussion, and their perspectives

⁶¹ Meyersfeld, *supra* note **Error! Bookmark not defined.**, at 121

⁶² Sally Engle Merry, *The Seductions of Quantification: Measuring Human Rights, Gender Violence, and Sex Trafficking* (2016) at 71–72.

have little influence'.⁶³ Furthermore, it can lead to a biased definition of the problem, which influences the way the problem is being responded to. Therefore, a comprehensive approach is essential.⁶⁴ In fact, a feminist way of framing an issue is to define it in its broadest sense and include its social context.⁶⁵ This is a key element which should shape interventions in the world of football.

Secondly, on the very first page of its report on the gender dimensions of the UNGPs, the Working Group notes the existence of 'intersecting and multiple forms of discrimination' against women.⁶⁶ This means that 'different women may be affected differently by business activities in view of their age, colour, caste, class, ethnicity, religion, language, literacy, access to economic resources, marital status, sexual orientation, gender identity, disability, residence in a rural location, and migration, indigenous or minority status'.⁶⁷ Intersectionality must drive feminist interventions, lest such interventions will only scratch the surface of the problem, namely abuses of women's rights in, or related to, football. This is particularly important in light of the well-documented role of sports in furthering social inclusion, particularly for marginalized groups.⁶⁸ An intersectional transformation is desired, acknowledging and going beyond white feminist privilege. As Moreton-Robinson argues, an intersectional approach entails 'theoris[ing] the relinquishment of power so that feminist practice can contribute to changing the racial order. Until this challenge is addressed, the subject position middle-class white woman will remain the central side of dominance'.⁶⁹ Not all women are the same and not all women face the same (football-related) human rights risks. Rights abuses can deteriorate when different forms of discrimination cumulate and overlap. This can mean for example that the

⁶³ *Ibid.*, 72.

⁶⁴ *Ibid.*, 45–46.

⁶⁵ *Ibid.*, 64.

⁶⁶ UN Working Group on the issue of human rights and transnational corporations and other business enterprises, *supra* note 7, para 2.

⁶⁷ *Ibid.*

⁶⁸ Ekholm, David, Dahlstedt, Magnus, Rönnbäck, Julia, 'Problematizing the absent girl: sport as a means of emancipation and social inclusion', 22 *Sports in Society*, (2019) at 1043-1061; Ekholm, David, Dahlstedt, Magnus, 'Football for Inclusion: Examining the Pedagogic Rationalities and the Technologies of Solidarity of a Sports-Based Intervention in Sweden', 5 *Social Inclusion* (2017), at 232-240; Collins, Mike, Haudenhuyse, Reinhard, 'Social Exclusion and Austerity Policies in England: The Role of Sports in a New Area of Social Polarisation and Inequality?', 3 *Social Inclusion* (2015), at 5-18.

⁶⁹ Moreton-Robinson, *Talking up to the white woman: Indigenous Women and Feminism* (2000), at 186.

rights of women belonging to minority groups such as indigenous women, transwomen, women with differences in sex characteristics, or women with disability, are even more at risk. This must be borne in mind when designing interventions, for example indicators.

A third key element stemming from the Working Group's work on gender is the need to go beyond the 'do no harm' approach. The 'do no harm' approach seemingly embraced in the UNGPs appears problematic from a feminist perspective because it assumes an existing situation of non-violation of rights (i.e. gender neutrality) when in fact the default position is gendered patterns of oppression in football. It is telling that when looking at this issue in their gender framework, the UN Working Group re-wrote General Principle 11 and stated: 'enterprises should contribute to achieving substantive gender equality'. They also added, in para. 22(c): 'should explore innovative ways to promote women's rights'.⁷⁰ This highlights the limits of "do no harm" approach in the original Principle. The gender framework urges companies not only to avoid infringing on rights but also to be proactive and promote them. This is a significant difference from the original understanding of the corporate responsibility to respect human rights. This understanding has attracted criticism since the adoption of the UNGPs, including from authors who did not specifically approach the issue from a feminist perspective. Karp in particular has convincingly criticized the UNGPs' understanding of the do no harm principle, which, he argues, is too narrow, and cannot be equated with a proper responsibility for human rights.⁷¹ In a similar way, FIFA cannot efficiently address its women's rights' risks highlighted above through a passive, do no harm approach.

B. *Where to Intervene?*

As the Working Group explained in their report, the gender lens project is 'aimed at embedding gender as a cross-cutting issue in the business and human rights field'.⁷² A

⁷⁰ UN Working Group on the issue of human rights and transnational corporations and other business enterprises, supra note 7, para 22(c).

⁷¹ Karp, *Responsibility for Human Rights, Transnational Corporations in Imperfect States*, (2014).

⁷² UN Working Group on the issue of human rights and transnational corporations and other business enterprises, supra note 7, para 4.

feminist transformation of FIFA requires intervention in two main areas: to prevent and to remedy women's rights abuses in the world of football.

Regarding prevention, the gender framework calls for “meaningful participation in all stages of human rights due diligence” (HRDD) and specifies that this means to ‘explicitly integrate a gender perspective in carrying out all steps of human rights due diligence’.⁷³ This gender perspective should go beyond simply ‘putting on a gender lens’. As Bourke Martignoni and Umlas argue, ‘the often-used “lens” metaphor is not useful, as it implies laying a filter over “regular HRDD”’.⁷⁴ In general, a feminist transformation of FIFA's policies cannot be a top down, normative analysis of existing standards and policies against the gender framework as a checklist or ‘tick-off’ exercise. While this theoretical and academic exercise is helpful to lay the groundwork, the practical transformation has to be based on stakeholder engagement and consultation. More specifically, FIFA's due diligence practice should engage women as ‘experts in their own lives’ and draw on additional tools and guidance.⁷⁵ Thereby, a ‘gender-responsive or sensitive’ human rights due diligence framework can be shaped. Other useful tools and guidance that could help FIFA with creating a gender-responsive due diligence framework are the OECD Due Diligence Guidance for Responsible Business Conduct and gender equality-related goals of the UN Sustainable Development Goals.⁷⁶

As per Guiding Principle 17, ‘in order to identify, prevent, mitigate and account for how they address their impacts on human rights’ organizations ‘should carry out’ HRDD. The text continues, ‘the process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed’. For each separate step of HRDD, a number of recommendations can be drawn from the gender framework and supporting literature. First, FIFA's women's rights risk identification and assessment has to go beyond the issue of discrimination and FIFA should assess to what extent any of its

⁷³ *Ibid*, para 45(d) & Annex (p.20).

⁷⁴ Bourke Martignoni, Joanna & Umlas, Elizabeth, ‘Gender-Responsive Due Diligence for Business Actors: Human Rights-Based Approaches’ (2018), Geneva Academy, Academy Briefing No. 12, available at <https://www.geneva-academy.ch/joomlatools-files/docman-files/Academy%20Briefing%2012-interactive-V3.pdf>, 8.

⁷⁵ Meyersfeld, *supra* note **Error! Bookmark not defined.**, at 149.

⁷⁶ *Ibid*, at 24-25

activities and events could lead to actual and potential adverse women's rights impacts. This includes how its practices can reinforce existing women's rights risks and the identification of potential risks related to their presence in certain countries and specifically the risks related to hosting their tournaments in certain countries. It is essential that FIFA takes into account cultural settings. In some countries, such as Brazil, football is still considered mainly a men's sport and women footballers are mocked or even excluded from communities.⁷⁷ Diverse cultural norms regarding women and sports in general and women and football in particular require FIFA to find a balance between respecting culture and respecting the rights of women, without using cultural norms or traditions as justification for football-related harms that women are experiencing.⁷⁸ Identifying their potential impact requires 'draw[ing] on gender experts, and conduct[ing] meaningful consultations with potentially affected women, women's organizations (including grass-roots organizations) and women human rights defenders.'⁷⁹ When examining the impact of a project, for example the organization of a World Cup, meaningful means that consultations must take place before the start of the project.⁸⁰ The Gender Guidance also recommends the use of indicators 'to assess the true impact of their activities on women'.⁸¹

Second, FIFA should integrate and act upon the findings, and take gender-transformative measures, such as revising their policies and supporting their partners in developing gender-responsive management systems and effectively handling sexual harassment and gender-based violence. The Gender Guidance, which was designed for states and companies, speaks about 'business partners' which in the case of FIFA should include confederations and MAs.

Third, FIFA should track the effectiveness of their response. The Gender Guidance suggests that organizations do so 'by using sex-disaggregated data, collected in line with a human rights-based approach, and outcome indicators developed in

⁷⁷ Lemmon, Marlaina, 19 *Int Sports Law J* (2019), 238, at 242

⁷⁸ Meyersfeld, *supra* note **Error! Bookmark not defined.**, at 215-216

⁷⁹ UN Working Group on the issue of human rights and transnational corporations and other business enterprises, *supra* note 7, 21.

⁸⁰ *Ibid.*

⁸¹ *Ibid.*

consultation with affected women, women's organizations and gender experts'.⁸² This process too should involve women and women's organizations.

Finally, FIFA should be transparent and communicate how impacts are addressed in a way that is accessible to marginalized women, bearing in mind privacy concerns in sexual harassment situations or other situations in which disclosure might endanger people. For instance, making a decision of FIFA to investigate an MA official public can bring risks to the life of victims or whistleblowers that brought the issue to the attention of FIFA in the first place. A gender transformation of FIFA's HRDD needs to take these challenges into account and offer sufficient flexibility.

Regarding remedy of women's rights abuses, the UNGP gender framework, the report by the Human Rights Council on gender discrimination in sport and related literature point out that women and girls can face additional barriers in accessing them.⁸³ These barriers are diverse. OECD Watch for instance stressed that women lack support in organizing themselves and while unions are usually experienced in helping victims to seek remedy, they as well are largely male-dominated, which can discourage women from seeking their support.⁸⁴ The greatest challenge for FIFA is that accountability and remedy mechanisms relevant in the broader sport and human rights context have significant gaps in providing those adversely affected with access to remedy.⁸⁵ While for many cases there simply is no mechanism available, rights-holders in general face tremendous obstacles in accessing mechanisms that would in theory be available, and many of those available are not human rights compatible. CAS arbitrators for instance generally lack human rights expertise.⁸⁶ Furthermore, the CAS

⁸² *Ibid*, para 39.

⁸³ UN Working Group on the issue of human rights and transnational corporations and other business enterprises, *supra* note 7; UN Human Rights Council, Intersection of race and gender discrimination in sport, A/HRC/44/26, 2020, paras 39-50; OECD Watch, *Submission to the UNWG on BHR: The Gender Lens to the UN Guiding Principles* (2018), available at https://www.ohchr.org/Documents/Issues/Business/Gender/OECD_Watch.pdf;

⁸⁴ OECD Watch, *Submission to the UNWG on BHR: The Gender Lens to the UN Guiding Principles* (2018), available at https://www.ohchr.org/Documents/Issues/Business/Gender/OECD_Watch.pdf, 4.

⁸⁵ Mega Sporting Events Platform for Human Rights, *Remedy Mechanisms for Human Rights in the Sports Context* (2017), available at https://www.ihrb.org/uploads/reports/MSE_Platform%2C_Remedies_Mechanisms_for_Human_Rights_in_the_Sports_Context%2C_Jan-2017.pdf; Daniela Heerdt, *Mapping Accountability and Remedy Mechanisms for Sport* (2019), available at <https://www.sporhumanrights.org/en/resources/mapping-accountability-and-remedy-mechanisms-for-sport>.

⁸⁶ John G Ruggie, *supra* note 1, at 26.

arbitrator and mediator lists are also male-dominated.⁸⁷ The same can be argued for FIFA's internal judicial bodies and mechanisms. Since female representation among FIFA staff is still underdeveloped⁸⁸, women might find it more difficult to access mechanisms administered and overseen mainly by men. It has also been argued that external mechanisms like the NCPs or NHRIs are likely to lack 'gender-sensitivity', in terms of the procedures and operators in place.⁸⁹ The main challenges are the lack of training on gender-specific risks and direct engagement with women complainants, as well as gender-insensitive rules of procedure.

While as part of a gender-transformative approach states have a significant role to play to ensure that all judicial and non-judicial mechanisms are gender-responsive, accessible for women and not presenting additional barriers, FIFA as well can take a number of measures to integrate a gender perspective into its remedy efforts. Firstly, the UNGP gender framework suggests that women, women's organizations and women human rights defenders should participate in the design and administration of operational-level grievance mechanisms.⁹⁰ That would for instance mean that FIFA consults and includes women into the administration of their Ethics Committee, which actually deals with allegations of sexual harassment by officials, while not being sufficiently qualified to do so. Furthermore, women should be consulted for the design of the 'Complaints Mechanism for Human Rights Defenders and Media Representatives' and any other operational-level grievance mechanism to be established. It would also mean that FIFA engages with civil society actors that can point out cases of abuse. As Barrientos et al argue,

Trade unions and civil society organizations (particularly women's rights NGOs and experts) can highlight rights abuses experienced by women workers and support them in accessing remedy; challenge the business models of multinational

⁸⁷ Court of Arbitration for Sport, *List of Arbitrators (General List) - Tribunal Arbitral Du Sport / Court of Arbitration for Sport* (2018), available at <http://www.tas-cas.org/en/arbitration/list-of-arbitrators-general-list.html>.

⁸⁸ See n28

⁸⁹ See n56 4.

⁹⁰ See nError! Bookmark not defined. 25

companies that pressure suppliers and reinforce precarious work and gender discrimination.⁹¹

Secondly, some of the materialized risks require specific responses and remedy. This is in particular true in the context of cases of sexual abuse, such as the case of the Afghan's women national team. Here, it is important that available mechanisms, and FIFA's Ethics Committee in particular, are sensitive to women's experiences. Furthermore, while making sure that the perpetrators are being convicted and victims are provided with remedy for the harm suffered as much as that is possible, gender-responsive approach to remedy in these cases also needs to take into account the institutional structures that existed around the main perpetrator and allowed these abuses to occur. As Lemmon observed in the context of the USA gymnastics scandal triggered by the Larry Nassar cases, 'Sexual assault survivors are not always able to find closure through courts and the legal process'.⁹² Hence, providing remedy in those cases requires going beyond providing a gender-responsive mechanism and reparation and could require FIFA to take measures to suspend, sanction and reform entire football associations. Moreover, access to remedy should not be confined by excluding access to other judicial or non-judicial mechanisms⁹³ or non-disclosure agreements if not requested by women. Arbitration as dispute settlement method works for minor or commercial issues related to sport but when it comes to human and women's rights issues, Hence, the current practice of excluding ordinary courts as potential mechanism to address football-related disputes as stipulated in FIFA's Statutes⁹⁴, should be omitted.

Addressing in particular gender-discrimination-related risks can also be supported if from the outset FIFA is subject to the highest standard of gender equality in its own activities and if these standards apply regardless of the place in which FIFA operates. In other words, when considering some of the countries in which FIFA hosts events and or engages otherwise with national football associations, such as Iran or Saudi

⁹¹ Stephanie BARRIENTOS, Lara BIANCHI and Cindy BERMAN, 'Gender and Governance of Global Value Chains: Promoting the Rights of Women Workers' (2019) 158 *International Labour Review* 729, 732 <<https://onlinelibrary.wiley.com/doi/abs/10.1111/ilr.12150>> accessed 13 May 2020.

⁹² Lemmon, Marlaina, *Int Sports Law J* (2019) 19: 238, 247

⁹³ See **nError! Bookmark not defined.** 25.

⁹⁴ See n98

Arabia, the extraterritorial application of Swiss standards for non-discrimination and gender equality could help to address and remedy any harm that occurred but also help prevent these risks from materializing in the first place.⁹⁵

This is not to say that FIFA's internal system, the Ethics Committee and the Disciplinary Committee, as well as the Dispute Resolution Chamber cannot play significant roles here.⁹⁶ Its Disciplinary Committee can for instance impose sanctions against associations for not following FIFA's Disciplinary Code. Furthermore, the Court of Arbitration for Sport (CAS) arguably is mandated to deal with football-related human rights issues, following the adoption of new bidding regulations for the FIFA World Cup, which include human rights requirements and an arbitration clause with explicit reference to the CAS.⁹⁷ However, a gender transformation in this area would mean that FIFA has to get rid of its statutory prohibition on the recourse to ordinary courts.⁹⁸ While there have been exceptions to this rule, as seen in the case that was filed with the Human Rights Tribunal of Ontario, it still presents a burden to affected women in access to remedy. Not only ordinary courts but also other external mechanisms can improve access to remedy, such as OECD National Contact Points (NCPs) and National Human Rights Institutions (NHRIs). In fact, the Swiss NCP has dealt with two cases against FIFA, however not related to women's rights.⁹⁹

4. Indicators for a Gender Transformation

The next question is how these elements can lead to a gender transformation of FIFA's policies and practices in a way that includes FIFA's MAs and confederations. Various

⁹⁵ Meyersfeld, "Business, human rights and gender: a legal approach to external and internal considerations" in Deva & Bilchitz, *Human rights obligations of business: beyond the corporate responsibility to respect?*, Cambridge: Cambridge University Press (2013), 211

⁹⁶ See n1 15-16.

⁹⁷ Fédération Internationale de Football Association, 'FIFA Regulations for the Selection of the Venue for the Final Competition of the 2026 FIFA World Cup' (2017) Rules 8 & 12.17 <http://resources.fifa.com/mm/document/affederation/administration/02/91/60/99/biddingregulation_sandregistration_neutral.pdf> accessed 3 January 2018.

⁹⁸ FIFA, 'FIFA Statutes' (2019), Art 59.

⁹⁹ *Specific Instance regarding the Fédération Internationale de Football Association (FIFA) submitted by the Building and Wood Workers' International (BWI) - Final Statement; Initial Assessment - Specific Instance regarding the Fédération Internationale de Football Association (FIFA) submitted by Americans for Democracy and Human Rights in Bahrain (ADHRB)*.

options are available, but this paper explores the use of indicators¹⁰⁰ as the appropriate form of intervention, not least because the UNGPs and its Gender Framework encourage it. The underlying argument is that by using indicators to measure gender transformation in football, FIFA comes closer to meeting its responsibilities under the UNGPs.

The following sections first elaborate on why we propose indicators as the appropriate form of intervention in this case, and then discuss what kind of indicators could be useful, followed by a brief reflection on the challenges connected to using indicators as intervention. The final section provides some thoughts on how this could play out in practice.

A. *Why Indicators?*

The use of indicators to measure and compare performance of states regarding a particular problem or to assess compliance with certain standards is a widespread technique in global governance.¹⁰¹ Measuring performance is an inherent feature of the sporting world, and it also knows indicators, such as the Sports Political Power Index, which 'ranks the political influence that nations have in the field of sports'.¹⁰² More relevant examples for the present study are the use of 'human rights indicators' by the IOC to evaluate the candidates for the hosting of the 2026 Olympic Games; and the initiative started by the Commonwealth in 2018 to develop indicators to measure the contribution of sport to the Sustainable Development Goals.¹⁰³

¹⁰⁰ As defined by Davis and Kingsbury: "an indicator is a collection of named, rank-ordered, simplified and processed data that purports to represent the past or projected performance of different units. An indicator simplifies and processes data about a named social phenomenon in a way that makes it possible to compare and evaluate units such as countries, communities, organizations, or individuals. Indicators can be used to monitor and evaluate the extent of problems and the success of interventions". See Kevin E Davis and Benedict Kingsbury, 'Indicators as Interventions: Pitfalls and Prospects in Supporting Development Initiatives' (2011) ii.

¹⁰¹ Merry (n 61); Davis and Kingsbury (n 99).

¹⁰² Mikkel (primary author) Larsen, 'The Sports Political Power Index' (2019) <https://8ade9a85-fc3c-4023-b164-5a2d96d2060d.usrfiles.com/ugd/8ade9a_2eb653e0c3b64559b1dfcf091993cc5f.pdf> accessed 6 June 2020.

¹⁰³ The Commonwealth, 'Measuring the Contribution of Sport, Physical Education and Physical Activity to the Sustainable Development Goals', (2019) <<https://thecommonwealth.org/sites/default/files/inline/Sport-SDGs-Indicator-Framework.pdf>> accessed 8 June 2020.

The use of indicators has also become a widespread phenomenon in the business and human rights field.¹⁰⁴ Well-known examples are the Corporate Human Rights Benchmark, and the Global Reporting Initiative.¹⁰⁵ The recent prevalence of business and human rights indicators is unsurprising. In 2012 the Working Group argued that ‘States and business enterprises should scale up and sustain efforts to implement the Guiding Principles, including [...] by establishing measurable and transparent indicators to assess their effective implementation’.¹⁰⁶ Furthermore, UNGP 20 states that ‘In order to verify whether adverse human rights impacts are being addressed, business enterprises should track the effectiveness. Tracking should: a) be based on appropriate qualitative and quantitative indicators’ and the commentary to UNGP 21 further clarifies that indicators also play a role regarding how enterprises identify and address adverse impacts on human rights and that ‘Sector-specific indicators can provide helpful additional detail’.¹⁰⁷ A set of indicators for FIFA’s gender transformation would be specific in two ways: it specifically addresses *football-related* human rights risks and it specifically addresses football-related *women’s* rights risks.

Different characteristics make indicators a powerful tool for intervention.¹⁰⁸ For the present study, three are of particular relevance. Firstly, indicators generally work because the actors that are being assessed care about their reputation and the comparative dimension in the assessment.¹⁰⁹ Actors strive to move up in the ranking, not only out of their own motivation but also through social pressure.¹¹⁰ This concern for reputation certainly applies to FIFA, which becomes evident from the reform processes FIFA underwent in the past years. It also surfaces in FIFA’s public statement on its ‘high’ ranking in the latest governance evaluation report of the Association of

¹⁰⁴ de Felice (n 98) 513, 519; Galit A Sarfaty, ‘Measuring Corporate Accountability through Global Indicators’ in Sally Engle Merry, Kevin E David and Benedict Kingsbury (eds), *The Quiet Power of Indicators* (Cambridge University Press 2015) 106.

¹⁰⁵ See <https://www.corporatebenchmark.org/> and <https://www.globalreporting.org/Pages/default.aspx>

¹⁰⁶ UNGA, ‘A/67/285 - Human Rights and Transnational Corporations and Other Business Enterprises’ (2012) para 79 <<https://undocs.org/A/67/285>> accessed 10 June 2020.

¹⁰⁷ Human Rights Council, ‘A/HRC/17/31 - Guiding Principles on Business and Human Rights’ (2011) Principles 20 & 21.

¹⁰⁸ Sarfaty (n 103); Merry (n 61); Davis and Kingsbury (n 99).

¹⁰⁹ Judith G Kelley and Beth A Simmons, ‘Introduction: The Power of Global Performance Indicators’, *International Organization* (Cambridge University Press 2019) 495.

¹¹⁰ Rush Doshi, Judith G Kelley and Beth A Simmons, ‘The Power of Ranking: The Ease of Doing Business Indicator and Global Regulatory Behavior’, *International Organization* (Cambridge University Press 2019) 615.

Summer Olympic International Federations.¹¹¹ While this initiative presents another example for indicators being used in the context of sport, the measured performance does not include women's nor human rights beyond a count of women represented on the board of international federations.¹¹²

It is less certain how the concern for reputation applies to its confederations and MAs. Indeed, despite increasing pressure from the sports and human rights movement in general, changes on those levels have been minuscule. The power of indicators generally and extent to which they would be effective in the present context also depend on who is using the indicators and how. Assuming that the information will be publicly available, which is elaborated in the following section, then indicators can indeed be a powerful intervention to spark gender transformation in football, as not only civil society but also grass-roots level clubs can use the information as pressure for change on higher levels but also within their own organization.

Secondly, it has been argued that indicators have the power to provoke institutional action and change.¹¹³ This is in essence what is needed for a gender transformation of FIFA, its confederations and MAs, and change of institutional approach to relevant actions and policies. Moreover, this characteristic makes indicators a suitable intervention in the broader framework of the UNGPs. One of their objectives in particular with regard to the second pillar is to bring about cultural change within an institution, towards embedding human rights into their daily work where there is a risk of adverse human rights impacts.

Thirdly, indicators can be a useful tool in the present context due to their power to 'influence how people understand problems by providing starting points for dialogue'.¹¹⁴ Hence, indicators not only measure the existence of, or how a certain problem is addressed, but they can also raise initial attention to the existence of a

¹¹¹ FIFA, 'FIFA Welcomes Findings on Governance Following Publication of Third Annual ASOIF Review on IF Governance' (*FIFA News*, 2020) <<https://www.fifa.com/who-we-are/news/fifa-welcomes-findings-on-governance-following-publication-of-third-annual-asoif>> accessed 30 July 2020.

¹¹² ASOIF Governance Taskforce, 'THIRD REVIEW OF INTERNATIONAL FEDERATION GOVERNANCE' (2020) 29 <https://www.asoif.com/sites/default/files/download/asoif_third_review_of_if_governance_fv-0616.pdf> accessed 30 July 2020.

¹¹³ Davis and Kingsbury (n 99) iii, v.

¹¹⁴ *ibid* vi.

problem.¹¹⁵ This characteristic is useful in the context of those MAs that have a different approach to gender based on different culture and traditions and therefore might not see any problems in that context. In those cases, indicators can ‘influence action by alerting people to the existence of a problem, helping them to understand its magnitude, and pointing them toward means of addressing it’.¹¹⁶ The inclusion of confederations is also important here, as a regional approach can further support cultural changes where necessary.

B. What Type of Indicators?

Types of indicators vary greatly and for the purpose of the present study, the types used in the business and human rights (BHR) field seem more relevant than global governance indicators.¹¹⁷ In the BHR field, indicators can take the form of management tools, reporting frameworks, sustainability indices and standards, human rights impact assessment tools, or ethical ratings.¹¹⁸ More concretely, indicators can be simple yes or no questions regarding human rights policy statements. They can also create a scale of importance of human rights to the company, measure the percentage of suppliers screened on human rights performance, count the number of human rights-related lawsuits against a company, or be an independent rating by experts on a company’s human rights record or compliance.¹¹⁹

Using indicators in the context of FIFA’s gender transformation would primarily serve the purpose of assessing the level of gender transformation of FIFA itself, its confederations and its MAs. This would mean that such indicators would need to generate knowledge regarding their women’s rights policies and practices and, based on that knowledge, assess progress. Furthermore, to unlock their power through comparison, and their power to spark institutional change, indicators also need to check and compare performance, over time, and between the different actors.

¹¹⁵ *ibid* viii.

¹¹⁶ *ibid* 37.

¹¹⁷ Merry (n 61) 13 ff.

¹¹⁸ de Felice (n 98) 521–527.

¹¹⁹ *ibid* 519.

More specifically, the following features are suggested for indicators for FIFA's gender transformation. First, they should be based on a solid normative framework.¹²⁰ An OHCHR guide on human rights indicators stresses that 'it is important to have a solid conceptual basis for the indicators and not to reduce the exercise to a random listing of options'.¹²¹ However, this normative framework is not only needed to have a robust conceptual basis, but also to be able to measure accountability regarding certain standards and norms.¹²² For the present study, the appropriate normative framework is naturally the UNGPs gender framework..

Secondly, indicators for gender transformation need to be accurate and provide the intended information rather than meaningless numbers. The Global Reporting Initiative (GRI) provides an interesting example in this regard. As Sarfaty observes,

a company receives an A if it reports on at least fifty indicators, a B for twenty, and a C for ten. That means that a company that is destroying the environment could nevertheless get an A for reporting on fifty or more indicators... Thus, the application levels are based on the level of disclosure, rather than on the quality and accuracy of a firm's actual performance.¹²³

Similarly, the human rights indicator used in the GRI apparently measures the total hours that employees are trained and the percentage of employees trained on policies and procedures concerning aspects of human rights that are relevant to operations.¹²⁴ As Sarfaty rightly points out, a high quantity of hours of employee training does not automatically lead to a positive human rights outcome.¹²⁵ However, while indicators should be as accurate as possible,¹²⁶ they should not be too narrow if they are to lead to constructive action that promotes gender transformation. This is because 'indicators that are framed too narrowly can begin to define what they were intended only to

¹²⁰ *ibid* 531.

¹²¹ Office of the United Nations High Commissioner and for Human Rights, 'HUMAN RIGHTS INDICATORS A Guide to Measurement and Implementation' (2012) 29 <https://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf> accessed 3 April 2020.

¹²² Sarfaty (n 103) 104.

¹²³ *ibid* 118.

¹²⁴ *ibid* 121.

¹²⁵ *ibid*.

¹²⁶ Merry (n 61) 30.

proxy'.¹²⁷ Moreover, their formulation should reflect a feminist way of thinking about an issue, which as pointed out above means to define it in its broadest sense and seeing the social context.¹²⁸ In other words, a comprehensive approach is needed when defining indicators for FIFA's gender transformation and the elements suggested in section 2 of this paper embrace such a comprehensive approach.¹²⁹

Thirdly, due to the multifaceted nature of the issue of women's rights in football, it is clear that there should be more than one overall indicator to assess gender transformation of FIFA, its confederations and MAs. In other words, measuring the issue of discrimination only would not suffice to account for the range of women's rights but also the different ways in which they are affected. This means that a mere practice of 'gender-mainstreaming', as defined for instance by the Council of Europe, would not provide a sufficient way for addressing women's rights risks.¹³⁰ Instead, a more comprehensive approach is needed. Another reason for using multiple indicators is that some MAs or confederations might score high on some indicators but low on others and it is this comprehensiveness, which will allow the full picture to emerge for each MA and confederation.

Taking all these features together implies that indicators for FIFA's gender transformation should comprise a mix of numerical and qualitative indicators. The framework developed by OHCHR for their indicators is a valuable learning tool in this context. They use structural indicators that reflect the ratification of legal instruments, process indicators that assess state policies to promote the right, and outcome indicators to assess realization of the right.¹³¹ Applied to FIFA, structural indicators could be developed to look at institutional structures, such as the adoption of a human rights policy that reflects women's rights, the adoption of a women's strategy, or the existence of a women's department. Process indicators could look at how such a policy or strategy is used to address the range of women's rights risks in football. Outcome

¹²⁷ Davis and Kingsbury (n 99) vii.

¹²⁸ Merry (n 61) 64.

¹²⁹ *ibid* 46.

¹³⁰ The Council of Europe defines gender mainstreaming as "the (re)organization, improvement, development and evaluation of policy processes, so that a gender-equality perspective is incorporated in all policies at all levels and all stages, by the actors normally involved in policy making". See <https://www.coe.int/en/web/genderequality/what-is-gender-mainstreaming>

¹³¹ Office of the United Nations High Commissioner and for Human Rights (n 120) 34–38.

indicators should be developed to measure the extent to which these risks have improved or deteriorated. This framework is useful because it allows for comparison of performance not only between the assessed actors, but also over time, which is what a transformation is all about. Moreover, it is general enough to also be applied to the development of indicators to assess other football-related human rights risks.

In concrete terms, qualitative indicators for FIFA's gender transformation could for instance assess how the UNGPs and women's rights are being integrated in the confederations' and MA's policies and practices. Another qualitative indicator could look at the extent to which MAs and confederations work with civil society actors to address women's rights (risks). A more specific indicator could ask about training and playing conditions on national, regional and international levels. In addition, there should also be an indicator related to grievance mechanisms for football-related women's rights abuses.¹³² These qualitative indicators could be supported by numerical ones assessing the share of funding going into women's football, the number of cases or issues that have come up with adverse impacts on women's rights, or the investments made to solve these issues, but also more basic figures, such as the number of women and girls playing football, the number of clubs with women's football teams, or the number of national, regional and international tournaments organized for women's football, including information on prize money. To bring this information and these numbers into perspective, the indicators should entail a comparative element with the equivalent numbers for men's football where appropriate, the numbers from previous assessments, and targets that have been identified in a strategy.

The purpose of this analysis is not to develop a defined set of indicators that is ready to use but rather to provide initial thoughts on this form of intervention. In this context, it is also useful to consider examples of how developing indicators should not be done. For instance, the IOC includes indicators in its assessment of human rights issues within bids it receives. In the annex of the evaluation report, the IOC considers "high

¹³² The Working Group observed that "[T]he development of performance indicators that can be used by stakeholders to encourage proper functioning of grievance mechanisms is important and can be used by stakeholders to understand how grievance mechanisms at the operational level are working and to hold business enterprises accountable." See Working Group on the issue of human rights and transnational corporations and other business enterprises, 'A/68/279 - Human Rights and Transnational Corporations and Other Business Enterprises' (2013) para 41 <<https://www.ohchr.org/Documents/Issues/Business/A-68-279.pdf>> accessed 6 December 2019.

level human rights indicators”, which include the number of ratified human rights treaties and ILO Core Conventions, but also the Rule of Law Indicator or the Corruption Perception Index.¹³³ While they are certainly related to human rights, these indicators are much broader and it is questionable how they can form the basis of a thorough human rights risk assessment.

C. What Are the Challenges?

The literature on indicators discusses a number of warnings against the use of indicators and highlights the challenges in creating effective indicators, from methodological and practical challenges to the ‘myth of objectivity’.¹³⁴ Sarfaty warns of the ‘unintended consequences’ when using ‘indicators to translate legal norms into quantifiable metrics’.¹³⁵ While a thorough analysis of these warnings and unintended consequences would go beyond the scope of this paper, the following discussion focusses on a selection of warnings in relation to indicators as such, and the process of producing indicators.

Indicators can turn complex problems into accessible information, which can be useful as such. However, not everything is countable.¹³⁶ Kingsbury observes that ‘indicators are simplifications. It is thus extremely difficult to produce indicators that frame complex wicked problems in a way that is identical to an independent “gold-standard” framing of the problem, especially if the gold-standard framing is not quantitative’.¹³⁷ Human rights in general is a complex concept and human rights issues are difficult to quantify. Quantification might not provide the relevant information. It might even distort the legal norms on which indicators are based, and raise questions about the usefulness of these tools to evaluate performance.¹³⁸ In practice, this means that indicators should not incentivize measuring numbers over understanding whether or not the outcomes are better. In other words, it is not the amount of complaints that

¹³³ IOC, ‘REPORT IOC EVALUATION COMMISSION OLYMPIC WINTER GAMES 2026’ (2019) 126–127 <https://stillmed.olympic.org/media/Document_Library/OlympicOrg/Games/Winter-Games/Games-2026-Winter-Olympic-Games/Report-of-the-IOC-Evaluation-Commission-2026-LO-RES.pdf#_ga=2.241995202.17446865.1590668492-1090094817.1587547475> accessed 6 June 2020.

¹³⁴ Merry (n 61) Chapter1, 166–167; de Felice (n 98) 540 ff; Davis and Kingsbury (n 99) 33–34.

¹³⁵ Sarfaty (n 103) 105.

¹³⁶ Merry (n 61) 20.

¹³⁷ Davis and Kingsbury (n 99) vii.

¹³⁸ Sarfaty (n 103) 103, 121, 123.

should be measured, but rather how many of the complaints have been effectively handled from the perspective of the complainants. This also implies that it is important to carefully think about targets.

Furthermore, indicators frame the problems they measure, which comes with the risks of misframing the problem and lack of validity.¹³⁹ As Kingsbury and Davis clarify, 'whether or not an indicator is valid depends upon the theoretical and empirical connections between the indicator and the phenomenon it claims to measure'.¹⁴⁰ In addition, while an indicator can be the entry point to a dialogue on a certain issue with a certain actor, there is no guarantee that a common understanding of the problem is promoted.¹⁴¹ To address this and related warnings, a set of indicators for FIFA's gender transformation has to be contextualized and should not give preference to easily measurable issues thereby risk ignoring women's rights abuses.¹⁴²

Regarding the process of producing indicators, a common warning is that the process promotes box ticking, and only superficial compliance.¹⁴³ If this is the case, no meaningful assessment can take place. The problem is that not every actor has the resources and capacity to produce the required information. In fact, collecting and processing data can be expensive.¹⁴⁴ It is even more so when an independent third party is involved to counter-act the pitfalls of self-reporting, which can lead to manipulation and distortion of the information.¹⁴⁵

D. What Are the Practical Considerations?

When implementing this form of intervention, a number of considerations must be borne in mind, and many options are possible. Questions include who should design the indicators, how results are presented, what exactly they are used for, who has access to the information they produce, whether FIFA should make funding dependent on the performance of MAs and confederations, and the consequences, if any, of low ranking. Another important consideration is how often the assessment takes place. To be able

¹³⁹ Davis and Kingsbury (n 99) 19.

¹⁴⁰ *ibid* 20.

¹⁴¹ Davis and Kingsbury (n 99).

¹⁴² de Felice (n 98) 515; Merry (n 61) 21.

¹⁴³ Sarfaty (n 103) 105.

¹⁴⁴ Merry (n 61) 7, 73.

¹⁴⁵ Sarfaty (n 103) 105.

to compare MA's, confederations', and FIFA's performance over time as opposed to against each other, there should be sufficient time in between assessments to allow for transformation to take place. Moreover, it is of utmost importance that the not only the results but also the process of developing and producing the indicators is transparent and publicly available.¹⁴⁶ If this is not guaranteed, there will not be any accountability, as no public response and pressure may be exercised.¹⁴⁷

In practice, it seems natural that FIFA's Human Rights Advisory Board should play a role. In fact, their latest reports use a ranking system to assess the measures FIFA has taken to implement their recommendations. The scores are on a scale of one to five, 'one' meaning no implementation, 'two' meaning ongoing implementation, 'three' referring to advanced implementation, 'four' to full or "closed out" implementation, and 'five' recognizing situations where FIFA decides not to implement a particular recommendation.¹⁴⁸ Perhaps a similar ranking system could work to assess FIFA's gender transformation, combined with a framework of structural or institutional indicators, process indicators, and outcome indicators. The Advisory Board could also play a more substantial role, and become the independent party that supports the design of indicators, oversees the production of indicators, or has the authority to produce the indicators. In any case, it is important to carefully think about who has the authority to rank and why.¹⁴⁹ An independent third party could ensure legitimacy of the process and avoid self-assessment by FIFA as the umbrella organization. Furthermore, making use of the Advisory Board in that context can enhance the collaboration with other stakeholders, most notably civil society organizations that have a more critical look on MAs, confederations and FIFA.

¹⁴⁶ Merry (n 61) 20.

¹⁴⁷ Doshi, Kelley and Simmons (n 109) 615.

¹⁴⁸ FIFA's Human Rights Advisory Board, 'Second Report by the FIFA Human Rights Advisory Board' (2018) 5 <<https://resources.fifa.com/image/upload/fifa-second-human-rights-advisory-board-report.pdf?cloudid=hwl34aljrosbxevkvh>> accessed 10 June 2019; FIFA's Human Rights Advisory Board, 'Third Report by the FIFA Human Rights Advisory Board' (2019) 5 <[https://www.business-humanrights.org/sites/default/files/FIFA Human Rights Advisory Board Third-report_June 2019.pdf](https://www.business-humanrights.org/sites/default/files/FIFA%20Human%20Rights%20Advisory%20Board%20Third-report_June%202019.pdf)>.

¹⁴⁹ Doshi, Kelley and Simmons (n 109) 640–641.

A natural starting point could be the 2019 'Women's Football Member Associations Survey Report'.¹⁵⁰ This survey contains a lot of information regarding the status of women's football at the level of MA. While the information provided is accurate, it is too narrow to be used as indicators for a gender transformation. It only looks at numbers, which can point out that there might be women's rights issues at stake in a certain MA, but this does not suffice to reflect the level of gender transformation. In that sense, the information can be used as proxies.¹⁵¹ Moreover, the very existence of this report shows that FIFA has the capacity to collect data and process it, which are the first steps in the course of producing indicators.¹⁵² Hence, the survey and its underlying framework can be used as a basis, which should be expanded to integrate indicators that speak to the gender transformation of football. Here the latest report by FIFPRO on the women's game, in which FIFPRO documents the perspective of players and key stakeholders regarding recent growth patterns and trends, best practices, policies and regulations relevant to the sustainability of the professional football industry, could be helpful.¹⁵³

Finally, it should be stressed that there is no need to reinvent the wheel. There is ample opportunity to learn from other evaluation systems in the human rights and sport field. For instance, to support numbers retrieved through a survey, a self-reporting mechanism could be implemented, similar to those used by the UN human rights treaty bodies. On a rotating basis, MAs, confederations and FIFA could be called upon to fill out the survey and report on their efforts regarding gender transformation based on a defined set of numerical and qualitative indicators. Also in the context of evaluation of the retrieved information there is opportunity to repurpose the system

¹⁵⁰ FIFA, 'Women's Football - Member Associations Survey Report' (2019) <<https://resources.fifa.com/image/upload/fifa-women-s-survey-report-confederations-global-mas.pdf?cloudid=nq3ensohyxpuxovcovj0>> accessed 20 May 2020.

¹⁵¹ Davis and Kingsbury (n 99) v.

¹⁵² *ibid* iv, 8–9.

¹⁵³ FIFPRO, 'Raising Our Game - Women's Football Report' (2020) <https://www.fifpro.org/media/vd1pbtbj/fifpro-womens-report_eng-lowres.pdf> accessed 20 May 2020.

used in the bid evaluation, where a bidder can have a low, medium or high risk regarding human and labour rights.¹⁵⁴

5. Conclusion

This article analyzed how the 2019 UNGP gender framework can help FIFA engage in a feminist transformation of their human rights policies and practices in a way that includes FIFA's confederations and MAs. It highlighted that the UNGPs Gender Framework provides relevant guidance on how to intervene to execute a gender transformation and argued based on the assessment of current policies and practices that FIFA's intervention is most needed in two main areas: prevention and remedy women's rights abuses in the world of football.

Subsequently, this article proposed intervention by the use of indicators. It highlighted that using indicators to trigger and measure gender transformation as discussed in this paper presents a realistic and feasible option to address women's rights issues in the world of football. It is essential that this kind of intervention is backed by a comprehensive approach. The proposed 'elements for intervention' (covered in section 3) ultimately allow for a comprehensive intervention that touches upon all necessary areas by including risk identification, risk assessment, risk management and remedy. Thereby, the proposed intervention could be regarded as a proof of concept for an intervention that might also be a conceivable option to address other human rights issues. However, further research would be needed to verify this hypothesis and identify suitable issues.

Finally, this article reveals that FIFA can do more than what is current practice to effectively address women's rights risks in football. The recently published report of the UN Human Rights Council on the intersection of race and gender discrimination in sport stressed the responsibilities of sporting bodies towards women and girl athletes.¹⁵⁵ For any future efforts, it is recommended that FIFA realizes that making a commitment is one step, while implementing this commitment and changing practices

¹⁵⁴ FIFA, 'BID EVALUATION REPORT 2026 FIFA WORLD CUP™' (2018) <<https://resources.fifa.com/image/upload/2026-fifa-world-cup-bid-evaluation-report.pdf?cloudid=yx76lnat3oingsmnlvzf>> accessed 6 June 2020.

¹⁵⁵ UN Human Rights Council, Intersection of race and gender discrimination in sport, A/HRC/44/26, 2020, para 3.

is another and one that needs to follow closely.¹⁵⁶ However, any additional efforts should not lead to the creation of an entirely parallel “universe of considerations and policies”.¹⁵⁷ Conveniently, useful measures upon which this gender transformation can be built are already in place, be it the MAs survey, or FIFA’s Human Rights Advisory Board. It is time for FIFA to make use of these measure and moreover exploit its leverage over MAs and confederations to trigger a much needed gender transformation in the world of football.

¹⁵⁶ Waylen G. (2008) *Transforming Global Governance: Challenges and Opportunities*. In: Rai S.M., Waylen G. (eds) *Global Governance*. Palgrave Macmillan, London, 267.

¹⁵⁷ Meyersfeld, “Business, human rights and gender: a legal approach to external and internal considerations” in Deva & Bilchitz, *Human rights obligations of business: beyond the corporate responsibility to respect?*, Cambridge: Cambridge University Press (2013), 217.