
**SUBMISSION TO FIFA REGARDING SAUDI ARABIA'S
BID TO HOST THE MEN'S 2034 WORLD CUP**

A. INTRODUCTION

1. This submission to the Fédération Internationale de Football Association (“**FIFA**”) is made in response to Saudi Arabia’s current bid to host the men’s 2034 World Cup (the “**2034 World Cup**”). It has been prepared by legal experts on behalf of persons who are suffering from serious violations of their basic human rights and freedoms by Saudi Arabia. It is submitted to highlight these ongoing abuses to ensure that they are taken into account when considering the standing and integrity of Saudi Arabia’s bid.
2. FIFA’s President Gianni Infantino announced on 31 October 2023 that this bid was unopposed. Accordingly, Saudi Arabia has until July 2024 to submit its full bid. FIFA will then publish its assessment by the end of 2024, following which a vote is to be held at FIFA’s next Congress.
3. It is plainly incumbent upon FIFA to ensure that fundamental human rights are not being violated by those nations hosting its events. FIFA has put in place a laudable Human Rights Policy (the “**Policy**”) for this very purpose in May 2017. It represents a very positive step forward. FIFA must now establish that the Policy has real impact, and that it is more than a paper exercise. As outlined in this submission, Saudi Arabia’s present disregard for human rights in several crucial areas undoubtedly violates that Policy. The central point is that FIFA simply cannot, in particular given the terms of its own Policy, permit Saudi Arabia to host the World Cup as matters currently stand.
4. It is therefore submitted that there are certain minimum requirements which Saudi Arabia must at least meet in order for FIFA to consider its bid (see §§27 – 58). These are shaped by FIFA’s own statutory obligations (see §§5 - 21). This submission accordingly delineates a set of clear and practical baseline requirements that must be met before FIFA can even consider Saudi Arabia’s bid. They are founded on universally accepted international instruments on human rights. Those requirements, as a

minimum, must be addressed with a well-defined action plan in the coming months, meaningfully progressed thereafter, and be subject to monitoring by an independent board of experts (as proposed below). The authors of this submission are ready with all interested parties to constructively engage further with FIFA on how to implement these minimum requirements without further delay in its consideration of Saudi Arabia's bid. The authors look forward to FIFA's response to this submission.

B. FIFA'S LEGAL FRAMEWORK

The Policy

5. FIFA's President Gianni Infantino, together with FIFA's Secretary General, Fatma Samoura, emphasised their commitment to human rights at the outset of the Policy. They "*...recognise [FIFA's] obligation to uphold the inherent dignity and equal rights of everyone affected by its activities.*"
6. They also explicitly promise that the Policy extends to entities with which FIFA engages, which would include bidding nations such as Saudi Arabia. They state as follows: "*Besides defining a standard of conduct for FIFA and all of its bodies and employees, this policy also reflects our expectations of a wide range of entities in their activities relating to FIFA, including all events organised by, or under the auspices of, FIFA. These groups include ...other entities that are linked to FIFA through its business relationships.*"
7. The breadth of the commitment is reinforced by Infantino and Samoura's final pledge, which reads as follows: "*We are committed to embedding this policy across our activities through ongoing due-diligence processes, which includes anchoring respect for human rights in the bidding and hosting of our events and throughout our relationships with third parties...We call upon everyone to join our ongoing efforts to put this policy into practice...*".
8. FIFA's human rights commitments are then set out in more detail in the main text of the Policy. The FIFA Statutes of May 2022: Regulations Governing the Application of

the Statutes (the “**FIFA Statutes**”), together with the Policy, set out the statutory requirements on FIFA in respect of human rights.

9. The FIFA Statutes outline the association’s overarching ambitions. Article 3 is entitled ‘human rights’ and provides as follows: “*FIFA is committed to respecting all internationally recognised human rights and shall strive to promote the protection of these rights*” (on which, see more below at §§18 - 21).
10. Paragraph 5 of the Policy recognises that the nature of FIFA’s operations means that its involvement with “*...adverse human rights impacts is most likely to occur through its relationships with entities*” and identifies its salient human rights risks as (i) labour rights, (ii) land acquisition and housing rights, (iii) discrimination, (iv) security, and (v) players’ rights.
11. Paragraph 6 of the Policy obliges FIFA to engage in “*ongoing due diligence*” with regards to human rights risks and “*remediation*” where it has caused or contributed to adverse human rights impacts:

“6. Guided by its human rights approach...FIFA embeds its commitment throughout the organisation and engages in an ongoing due diligence process to identify, address, evaluate and communicate the risks of involvement with adverse human rights impacts. FIFA is committed to providing for or cooperating in remediation where it has caused or contributed to adverse human rights impacts and will seek to promote or cooperate in access to remediation where it is otherwise linked to adverse impacts through its relationships with third parties, including by exploring all options available to it.”

12. Paragraph 7 of the Policy sets out the requirement on FIFA to follow higher human rights standards:

“7. Where national laws and regulations and international human rights standards differ or are in conflict with each other, FIFA will follow the higher standard without infringing upon domestic laws and regulations. Where the national context risks undermining FIFA’s ability to ensure respect for internationally recognised human rights, FIFA will constructively engage with the relevant authorities and other stakeholders and make every effort to uphold its international human rights responsibilities.”

13. Paragraphs 8 to 12 of the Policy identifies the four pillars to this human rights approach: (I) commit and embed, (II) identify and address, (III) protect and remedy, (IV) engage and communicate. Pillar II is of particular significance:

“Pillar II. Identify and address

10. FIFA continuously identifies potential and actual adverse human rights impacts associated with its activities and addresses such risks through adequate prevention and mitigation measures. As part of these efforts, FIFA incorporates risks to people in its risk assessments and identifies its most salient risks. It also encourages and, where appropriate, requires entities tasked with organising FIFA competitions, confederations, member associations, commercial affiliates and entities in its supply chains to do the same with respect to activities directly linked to their relationship with FIFA. In particular, FIFA appropriately reflects its human rights commitment in the requirements for the bidding and hosting of FIFA competitions, notably by including in such requirements a clause committing to the principles of this policy, and takes human rights into account in the selection of host countries. Moreover, FIFA defines and implements action plans to address salient human rights risks and tracks the effectiveness of measures taken.” [emphasis added]

14. Pillar IV is also relevant insofar as it explains FIFA’s approach to consulting on its efforts to uphold human rights:

“Pillar IV. Engage and communicate

12. FIFA will engage with external stakeholders in a structured manner and will communicate regularly and transparently with its stakeholders and the general public about its efforts to ensure respect for human rights. In this regard, FIFA will work constructively with an independent, expert Human Rights Advisory Board and consult a wide range of stakeholders, including potentially affected groups and individuals and their legitimate representatives, on a regular basis. Furthermore, FIFA will communicate on its human rights-related efforts in line with international reporting standards, including via reports linked to specific FIFA events, take part in international and national debates on human rights in sport and participate in specialist platforms to share lessons learnt.” [emphasis added]

15. Finally, paragraph 13 of the Policy confirms *inter alia* that “*human rights commitments are binding on all FIFA bodies and officials when exercising their respective powers and competences, including when interpreting and enforcing FIFA rules.*”

16. Taken together, in the submission of the authors, the FIFA Statutes and the terms of FIFA’s Policy require the following in the context of Saudi Arabia’s bid to host the 2034 World Cup. As a matter of statutory obligation, FIFA must:

- a. Anchor FIFA’s respect for internationally recognised human rights in its relationships with third parties, as well as the bidding and hosting of events (in this instance, the 2034 World Cup).¹ FIFA is explicitly required to take human rights into account in the selection of host countries.
- b. Require those who bid and host FIFA events to commit to the principles of the Policy.
- c. Conduct ongoing due diligence to identify, address, evaluate and communicate the potential and actual human rights impacts (and, where FIFA might have already caused or contributed to the same, to provide for or cooperate in remediation). This includes, where appropriate, requiring entities tasked with organising FIFA competitions to incorporate risks to people in its risk assessments and to identify the most salient risk.
- d. Define and implement action plans to address salient human rights risks and then track the effectiveness of measures taken.

The Bidding Regulations

17. This commitment to human rights is reiterated again in its FIFA World Cup 2030 and FIFA World Cup 2034 Bidding Regulations (the “**Bidding Regulations**”), which derive their power from the FIFA Statutes. The Bidding Regulations apply to, *inter alia*, the bidding process for the final competition of the 2034 World Cup and “*establish the criteria by which member associations participating in the [bidding process] will be assessed, and the host association(s) ultimately selected, to host the competitions of the...[2034 World Cup]*” (Article 2 i. c) al. 4 of the Bidding Regulations). In pursuit of achieving the overriding objective of the bidding processes, the FIFA General

¹ Where international human rights standards and national laws and regulations conflict, FIFA must follow the higher standard.

Secretariat commits to ensuring that all aspects of the bidding process are conducted in accordance with a number of principles, which relevantly include, a “*commitment to human rights and sustainable events management*”. This criterion confirms that “*FIFA is fully committed to conducting its activities in connection with the bidding for and hosting of the final competitions of the [2034 World Cup] in accordance with sustainable event management standards and practices (in line with ISO 20121), safeguarding principles for the protection of children and adults at risk and to respecting internationally recognised human rights in accordance with the United Nations Guiding Principles on Business and Human Rights*”. (Article 4 i. d) of the Bidding Regulations).

Internationally recognised human rights

18. The Policy and Bidding Regulations clearly commit to incorporate ‘internationally recognised human rights’. This covers a broad range of universal human rights instruments recognised by the international community. These are the universally agreed standards against which FIFA needs to measure Saudi Arabia. This submission to FIFA makes reference to certain of these where relevant to the proposed minimum standard with which Saudi Arabia must comply, but it is emphasised from the outset that this does not necessarily constitute an exhaustive list of all relevant instruments.
19. At the overarching level, these instruments include the Universal Declaration of Human Rights (“**UDHR**”).² That is the cornerstone document setting out the catalogue of rights which protection is the aim of instruments such as the International Covenant on Civil and Political Rights (“**ICCPR**”)³, and the International Covenant on Economic, Social and Cultural Rights (“**ICESCR**”).⁴ Certain of the principles enshrined in the ICCPR and ICESCR are of particular relevance to Saudi Arabia’s breaches of human rights, including the right to: equality and non-discrimination (Arts. 2(1), 3, 14(1) and 26 ICCPR; Arts. 2(2) and 3 ICESCR); freedom from torture and other inhuman treatment

² Adopted by GA Res 217(III) (text available [here](#)).

³ Adopted by GA Res 2200A(XXI) (text available [here](#)).

⁴ Adopted by GA Res 2200A(XXI) (text available [here](#)). Saudi Arabia abstained from the United Nations vote adopting the UDHR and has not ratified the ICCPR or the ICESCR. That is not relevant where the Policy requires FIFA to apply internationally recognised human rights standards to bidding countries. Moreover, and in any event, many of the human rights which are relevant to these minimum standards are also included in the Arab Charter on Human Rights which Saudi Arabia signed on 1 August 2008 and ratified on 15 April 2009.

(Art. 7 ICCPR); freedom from slavery (Art. 8 ICCPR); liberty and security of person, and the treatment of those deprived of their liberty with humanity and respect for the inherent dignity of the human person (Arts. 9 – 10 ICCPR); freedom of movement (Art. 12 ICCPR); due process (Arts. 14 – 16 ICCPR); freedom of expression (Art. 19 ICCPR); and freedom of assembly and association, including the right to form and join trade unions (Arts. 21 – 22 ICCPR).

20. These rights are accepted by the international community as a whole, and many are again specifically reinforced at the regional level. The Arab Charter on Human Rights (“ACHR”),⁵ which was ratified by Saudi Arabia on 15 April 2009, affirms the principles contained in the UN Charter, the UDHR, the ICCPR and the ICESCR (as well as the Cairo Declaration on Human Rights in Islam). It recognises the rights to: equality and non-discrimination, including equality between men and women at least in respect of human dignity, rights and obligations within the framework of the Islamic Shariah (Art. 3); freedom from torture and other inhuman treatment (Art. 8); freedom from slavery (Art. 10); due process, judicial independence and a fair trial (Arts. 11 – 13); liberty and security of person and the treatment of those deprived of their liberty with humanity and respect for the inherent dignity of the human person (Arts. 14 and 20); freedom of expression (Art. 32); freedom of assembly and association (Art. 24); and freedom to form or join trade unions (Art. 35). The ACHR in fact goes further insofar as it recognises certain rights relating to families, including the requirement that a child’s best interests are the basic criterion for all measures taken in their regard (Art. 33(3)).

21. There are also specific instruments which identify the rights afforded to marginalised groups in more detail. Those which are of particular relevance to Saudi Arabia’s treatment of women (see below at §§55 - 58) are the Istanbul Convention (the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence)⁶ and the Convention on the Elimination of All Forms of Discrimination Against Women⁷, the latter of which was ratified by Saudi Arabia on 7 September 2000. The International Convention on the Protection of the Rights of All

⁵ Translated text available [here](#).

⁶ Full text available [here](#).

⁷ Full text available [here](#).

Migrant Workers and Members of their Families is also relevant to Saudi Arabia's treatment of migrant workers under the *kafala* system (see below at §§49 - 54).⁸

C. SAUDI ARABIA'S BID TO HOST THE 2034 WORLD CUP

22. Under its own Policy, the only way in which FIFA can permit Saudi Arabia to host the 2034 World Cup is if its actions at least meet certain fundamental international human rights standards. FIFA must take human rights into account when selecting a host country for the 2034 World Cup, as well as requiring host countries themselves to commit to the principles of the Policy.
23. Saudi Arabia's flagrant disregard for human rights clearly breaches the Policy. Its violations encompass a broad range of issues, from the repression of freedom of expression, peaceful assembly and association, to the disregard for principles of due process and fair trial. Saudi Arabia continues to employ the death penalty and oppress non-dominant groups such as women, foreign workers and stateless individuals. Freedom House in 2023 afforded Saudi Arabia a spot on its "Worst of the Worst" list of 16 countries with the lowest scores for political rights and civil liberties.⁹
24. FIFA is required by its own Policy to identify these human rights risks through its own due diligence, and put in place a clear and compelling action plan to address those risks. That action plan must be implemented and FIFA must then track its effectiveness. If Saudi Arabia's human rights record does not sufficiently improve, FIFA's Policy precludes it from considering its bid to host the 2034 World Cup.
25. This submission should assist FIFA in conducting that mandatory exercise. It sets out some key human rights violations in Saudi Arabia and then identifies a set of minimum requirements in respect of each category which must be achieved in order for FIFA to seriously consider its bid. This is an important opportunity for FIFA to assuage the

⁸ Adopted by GA Res 45/158 (text available [here](#)). Whilst Saudi Arabia has not ratified the Istanbul Convention or the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, that is again not relevant where the Policy requires FIFA to apply internationally recognised human rights standards to bidding countries.

⁹ Freedom House, 'Freedom in the World: 2023' (available [here](#)).

concerns of the international community and prove that it has, in fact, not “...*failed to learn the lesson that awarding multi-billion dollar events without due diligence and transparency can risk corruption and major human rights abuses*” and that its commitment to human rights is not a “*sham*”.¹⁰

26. FIFA’s degree of compliance with the FIFA Statutes and Policy cannot be modified because Saudi Arabia is currently the only bidder to host the 2034 World Cup. In addition to FIFA’s legal obligations, the practical situation is simply too severe for that. If the minimum standards set out herein are not met, FIFA must be willing to walk away from Saudi Arabia’s bid. As observed by Mindy Worden, the director of global initiatives at Human Rights Watch: “...*if there’s to be any integrity in what remains of this process, FIFA needs to immediately delay and open the bidding process for the 2034 World Cup, make public its labor, human rights, and environment policies, and then make sure protections are fully carried out.*”¹¹

Minimum requirements in respect of Saudi Arabia’s key human rights violations

27. It is emphasised that these requirements are the bare minimum needed in order for FIFA to comply with the terms of its Policy. FIFA is strongly encouraged to work together with Saudi Arabia, at a time where it has leverage, to enforce as much necessary change as can be achieved.

Freedom of expression, peaceful assembly and association

28. Saudi Arabia routinely violates individuals’ rights to freedom of expression, peaceful assembly and association. Perhaps the most infamous recent example is Jamal Khashoggi, a US-based Saudi journalist and critic of the regime, who was killed on 2 October 2018 in the Saudi consulate in Istanbul. His killing was investigated by Prof. Agnès Callamard in her role as the United Nations Special Rapporteur on Extrajudicial Killings, Summary or Arbitrary Executions who concluded in a report dated 19 June 2019 that it “*constituted an extrajudicial killing for which the State of the Kingdom of Saudi Arabia is responsible*” and moreover, that “[i]n killing a journalist, the State of

¹⁰ Human Rights Watch, ‘FIFA Broke Own Human Rights Rules for World Cup Hosts: Saudi Arabia Shouldn’t be Rewarded for its Repression’, 27 October 2023 (available [here](#)).

¹¹ Human Rights Watch, ‘FIFA Broke Own Human Rights Rules for World Cup Hosts: Saudi Arabia Shouldn’t be Rewarded for its Repression’, 27 October 2023 (available [here](#)).

Saudi Arabia also committed an act inconsistent with a core tenet of the United Nations, the protection of freedom of expression.”¹² She also observed that the trial underway at that point in Saudi Arabia for the execution of Khashoggi would not “deliver credible accountability”.¹³

29. Prof. Callamard has in 2023 since observed as follows in the context of her current role as Secretary General of Amnesty International:

“Five years after Jamal Khashoggi’s brutal assassination sent shockwaves around the world, the path to justice for his killing remains fully blocked. An independent and impartial criminal investigation into the role played by high level officials is yet to take place and instead, Saudi authorities are continuing their relentless crackdown on freedom of speech with complete impunity...Khashoggi’s enforced disappearance, torture and extrajudicial execution are crimes under international law, which must be urgently investigated and may be prosecuted by any state through universal jurisdiction. It is appalling that instead of pushing for justice for his murder, the international community continues to roll out the red carpet for Saudi Arabia’s leaders at any opportunity, placing diplomatic and economic interests before human rights.”¹⁴

30. Jamal Khashoggi is only one amongst many whose rights to life and to freedom of expression have been violated. Saudi Arabian authorities are increasingly cracking down on free expression over social media. To take a few of these recent examples, Saudi Arabia’s Specialised Criminal Court (the “SCC”) has sentenced Salma Al-Shehab and Nourah al-Qahtani for their peaceful Twitter activity in support of women’s rights. Al-Shehab was a PhD student at Leeds University. She had been vocal on Twitter in support of human rights and women’s rights activists in Saudi Arabia. She was charged with ‘undermining public order’ and ‘destabilising the security of society and the stability of the state’. Al-Qahtani had been active on Twitter through two anonymous accounts on which she advocated for human rights in Saudi Arabia, called

¹² UN Human Rights Council, ‘Annex to the Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions: Investigation into the unlawful death of Mr Jamal Khashoggi’, 19 June 2019 (available from Middle East Eye [here](#)), Executive Summary.

¹³ Ibid.

¹⁴ Amnesty International, ‘Saudi Arabia: Still no justice for state-sanctioned murder of Jamal Khashoggi five years on’, 29 September 2023 (available [here](#)).

for the release of political detainees and criticised human rights abuses committed by the Saudi authorities.¹⁵

31. Al-Shehab was first arrested in January 2021 on a visit to Saudi Arabia and underwent months of interrogation, after which she was put on trial in the SCC. She was sentenced to six years in prison in March 2022.¹⁶ That was increased on appeal to 34 years on 9 August 2022, which was the same date on which al-Qahtani was sentenced to 45 years in prison. Both individuals' sentences were then to be followed by a travel ban of the same length.¹⁷ Al-Shehab's sentence was then decreased to 27 years in January 2023.
32. Five organisations representing the two women (ALQST, Democracy for the Arab World Now (“DAWN”), Freedom Initiative, Human Rights Foundation, and the MENA Rights Group) submitted a complaint to the UN Working Group on Arbitrary Detention and asked them to issue an Opinion. That Opinion held that the Government of Saudi Arabia had failed to establish a legal basis for the arrest and detention of al-Shehab and al-Qahtani.¹⁸
33. The SCC separately convicted a retired 54-year old Saudi teacher Muhammad al-Ghamdi and sentenced him to death on 10 July 2023 on the basis of his peaceful expression online, using his social media activity as the evidence against him.
34. Human Rights Watch researcher has said of al-Ghamdi's sentence that “[r]epression in Saudi Arabia has reached a terrifying new stage when a court can hand down the death penalty for nothing more than peaceful tweets...Saudi Arabia have escalated their campaign against all dissent to mind-boggling levels and should reject this travesty of justice.”¹⁹
35. Freedom House's 2022 report on Saudi Arabia explains that such killings and arrests have brought about a turning point in the climate for free expression which has

¹⁵ DAWN, ‘UN Working Group on Arbitrary Detention calls for immediate release of Saudi women's rights activists Salma al-Shehab and Nourah al-Qahtani’, 8 July 2023 (available [here](#)).

¹⁶ ALQST, ‘Saudi crackdown on free speech turns farcical, with Salma al-Shehab resentenced yet again and other women jailed for up to 40 years’, 9 March 2023 (available [here](#)).

¹⁷ DAWN, ‘UN Working Group on Arbitrary Detention calls for immediate release of Saudi women's rights activists Salma al-Shehab and Nourah al-Qahtani’, 8 July 2023 (available [here](#)).

¹⁸ Ibid.

¹⁹ Human Rights Watch, ‘Saudi Arabia: Man Sentenced to Death for Tweets, Peaceful Criticism on Social Media Brings Death Penalty’, 29 August 2023 (available [here](#)).

*“deteriorated sharply since the 2018 assassination of Jamal Khashoggi and the arrests of many prominent writers and activists, which served as warnings to ordinary Saudis to avoid dissent. Self-censorship is virtually ubiquitous.”*²⁰

36. In a November 2021 memorandum to Saudi Arabia regarding the alleged arbitrary arrest and ill-treatment of certain human rights defenders, UN experts expressed *“their grave concern at what appears to be a pattern of widespread and systematic arbitrary arrests and detentions of persons in [Saudi Arabia], including human rights defenders. This is for their peaceful exercise of their legitimate human rights to freedom of opinion, expression, belief, assembly and association.”* The experts also *“stressed that nonviolent criticism of state policies or institutions, including the judiciary, cannot be considered a criminal offence in any society governed by law and committed to human rights principles and obligations, and constitutes a violation of the right to freedom of opinion and expression.”*²¹

37. Saudi Arabia has facilitated this hindrance of freedom of expression and association through the passage of restrictive laws. Two are of particular note: the 2007 Anti-Cyber Crime Law and the 2017 Counter-Terrorism Law, amended on 19 June 2020.

38. Article 6 of the 2007 Anti-Cyber Crime Law criminalises *“producing something that harms public order, religious values, public morals, the sanctity of private life, or authoring, sending or storing it via an information network”*. Amnesty International reports that Saudi prosecutors and judges have used that vague provision to charge and try citizens for peaceful tweets and social media comments.²²

39. Article 1 of the 2017 Counter-Terrorism Law includes a definition of terrorism which Human Rights Watch has described as *“vague and overly broad”*.²³ Of the version promulgated in 2017, the UN special rapporteur on human rights and counterterrorism is reported to have said in May 2017 that he was *“concerned about the unacceptably*

²⁰ Freedom House, ‘Freedom in the World 2022: Saudi Arabia’ (available [here](#)).

²¹ Committee for Justice, ‘UN concerned about arbitrary arrest and violations against human rights defenders in Saudi Arabia, 1 February 2022 (available [here](#)).

²² Human Rights Watch, ‘Saudi Arabia: Assault on Online Expression, Lawyers, Activists Under Scrutiny for Criticising Authorities’, 22 November 2014 (available [here](#)).

²³ Human Rights Watch, ‘Saudi Arabia: New Counterterrorism Law Enables Abuse, Criminalises Criticisms of King and Crown Prince as Terrorism Offence’, 23 November 2017 (available [here](#)).

broad definition of terrorism and the use of Saudi Arabia's 2014 counter-terrorism law and other national security provisions against human rights defenders, writers, bloggers, journalists and other peaceful critics".²⁴

40. The view of UN officials did not change following the amendments to the Counter-Terrorism Law in 2020. In a letter sent to the Government of Saudi Arabia dated 17 December 2020, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the UN Special Rapporteur on the situation of human rights defenders, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Working Group on Arbitrary Detention, and the Working Group on Enforced or Involuntary Disappearances said as follows:

"In the context of our review of this law, and the legislation it draws and builds upon, we consider its application might negatively affect the enjoyment of human rights and fundamental liberties in the Kingdom of Saudi Arabia (Saudi Arabia). It could perpetuate a worrying trend... We are troubled by the fact that various articles of this law, despite recent amendments, would appear to be contrary to the obligations of your Excellency's Government under international human rights norms, in particular in relation to the Universal Declaration of Human Rights (UDHR), the Arab Charter on Human Rights (ACHR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. As a result, we are concerned that these articles, and their potentially severe punishments for ambiguously defined crimes (which include the death penalty and extended deprivations of liberty), rather than advance human rights complaint counter-terrorism efforts, may be used in a manner that may severely restrict the legitimate and internationally protected activities of certain political or religious groups, human rights defenders, journalists, and others. In this regard, we are deeply concerned with the practices of extended administrative detention in so-called "Correction and Rehabilitation" Centres, which appear to pose a serious risk of violations of the absolute right to freedom of opinion. We are also troubled by violations of the law which seem to permit violations of internationally recognised fair trial standards, enable temporary incommunicado detention or extended pre-trial detention, potentially putting individuals at risk of enforced disappearance, and generally provide the Executive Branch seemingly unconstrained power in the field of counter-terrorism...we encourage review and

²⁴ Ibid.

reconsideration of this law so as to ensure its compliance with Saudi Arabia's international human rights obligations."²⁵

Minimum requirements

41. Saudi Arabia cannot continue to arbitrarily punish those who speak out against the State authorities. Its actions in this regard are facilitated by a restrictive legislative framework, specifically the 2007 Anti-Cyber Crime Law and the 2017 Counter-Terrorism Law, amended on 19 June 2020. It must:

- a. Release all political prisoners immediately, and in any event by the time that Saudi Arabia submits its final bid to FIFA in July 2024. As exemplified by the excessive sentences imposed upon Al-Shehab and Al-Qahtani, in respect of whom the UN Working Group on Arbitrary Detention held that Saudi Arabia had failed to establish a legal basis for their arrest and detention, Saudi Arabia's actions against political prisoners amount to arbitrary arrest. This contravenes the minimum requirement on all nations to uphold the liberty of the person, enshrined in Art. 9 ICCPR and Art. 14 ACHR, as well as the rights to freedom of expression, assembly and association (Arts. 19, 21 – 22 ICCPR and Arts. 24 and 34 ACHR).
- b. Immediately stop arbitrarily detaining individuals, whether they are human rights defenders or otherwise (see more at §44).
- c. Pass amended versions of the 2007 Anti-Cyber Crime Law and the 2017 Counter-Terrorism Law by June 2025. These must narrow the scope of 'terrorism' under the 2017 Counter-Terrorism Law and the broad criminal offences under the 2007 Anti-Cyber Crime Law. In the interim, these laws cannot continue to be used as vehicles to 'legitimise' the arbitrary detention of those speaking out freely (and arbitrary detention must stop immediately in any event). The 2017 Counter-Terrorism Law must only encompass 'terrorism' as understood in relevant international instruments such as, for example, The Arab Convention For The Suppression of Terrorism.²⁶ Moreover, Saudi Arabia must take the advice of relevant UN Special Rapporteurs, particularly in relation to

²⁵ Opinion of the UN Experts, reference OL SAU 12/2020, 17 December 2020 (available [here](#)).

²⁶ Full text available [here](#).

the definition of a relevant crime under the 2007 Anti-Cyber Crime Law and produce an initial draft of these two pieces of legislation before submitting its bid to FIFA in July 2024. Whilst the timeframe for this is expedited, it is necessary where such egregious violations are taking place under the current legislation. Before FIFA considers Saudi Arabia's bid, the UN Special Rapporteurs must confirm to FIFA that they are satisfied with Saudi Arabia's draft. Further, in the event that Saudi Arabia is awarded the bid in 2024 but then fails to pass amended versions of these laws by June 2025, FIFA must revoke its approval.

Arbitrary arrest, detention and mistreatment

42. Arbitrary detentions in Saudi Arabia are not confined to human rights defenders.

Another example is that of four Yemeni nationals who were arrested by the police in Saudi Arabia on 23 April 2022 whilst on their way to Mecca to perform Umrah (a religious pilgrimage). No explanation as to the reason for their arrest was given and no arrest warrant was served at that point. They were subsequently told that they were suspected of being affiliated with Houthi militias. It is reported by the NGO Alkarama that they were held incommunicado in detention for 38 days, during which they were subjected to torture and inhuman and degrading treatment. Following this, they were taken on 30 May 2022 to Al Masara Central Prison in Taif before being transferred again to Dhahban Prison in Jeddah on 22 June 2022. It was only after arriving at the Al Masara Central Prison that they were allowed to contact their families to briefly announce that they were being held. Moreover, it was only on 5 December 2022 i.e. more than seven months after their arrest, that the four men received their first family visit at Dhahban prison in Jeddah.²⁷

43. Saudi Arabia's ill-treatment of those who are detained is also a cause for significant alarm. ALQST conducted a detailed investigation of Saudi Arabia's prison system in 2021. It observed that human rights organisations have communicated many violations of prisoners' rights, including unlawful arrest and detention, prolonged pre-trial detention, systematic use of torture during interrogation, medical neglect and

²⁷ Alkarama, 'Saudi Arabia: Arbitrary Detention of Yemeni Pilgrims brought before the UN', 29 May 2023 (available [here](#)).

malpractice, and failure to observe guarantees of due process. ALQST found that the prison system failed to meet legal requirements, and had chronologically poor conditions characterised by overcrowding, poor hygiene and sanitation, and medical and administrative neglect. It reported that “*one of the hallmarks of the era of King Salman and Crown Prince Mohammed bin Salman has been the systematic use of torture for political purposes*” and, although ALQST did not document any fresh reports of physical torture during 2020, it noted that “*...new information continued to surface concerning torture and ill-treatment in the recent past, often outside the prison system and in informal, private settings. Moreover, given the widespread practice of enforced disappearance and incommunicado detention it is likely that further instances of torture have occurred in secret.*”²⁸

Minimum requirements

44. Saudi Arabia must:

- a. Immediately release all individuals who are arbitrarily detained, be they human rights defenders or otherwise. Saudi Arabia’s current approach contravenes international human rights standards such as Art. 9 ICCPR and Art. 14 ACHR.
- b. Treat prisoners in a manner that fully accords with their human rights. Saudi Arabia must ensure that prisoners’ human rights are no longer violated so flagrantly, or indeed at all. They must, as a bare minimum, no longer be subjected to torture, inhuman and degrading treatment (Art. 7 ICCPR; Art. 8 ACHR). In tandem, Saudi Arabia must improve its prison conditions so that they meet legal requirements. They must allow UN experts to conduct a review of those improvements in order to determine whether they are so compliant.

Judicial independence

45. Article 46 of Saudi Arabia’s Constitution provides for an independent judiciary, stating that “*the judicial authority is an independent power [and that] in discharging their duties, the judges bow to no authority other than that of Islamic Shari’ah.*” The legal framework provides for “*the formation of the supreme judicial council and its functions*

²⁸ ALQST, ‘Shrouded in Secrecy: Prisons and Detention Centres in Saudi Arabia’, 27 July 2021 (available [here](#)).

as well as the organisation and jurisdiction of the courts. Judges are appointed and their service is terminated by a Royal Order upon a proposal by the supreme judicial council as specified by the law” (see Articles 51 and 52 of the Constitution).²⁹

46. However, international human rights NGO Freedom House stated in its 2023 report on Saudi Arabia that this is not reflected in practice. It explained, as also indicated by the Constitution, that judges are appointed by the King and overseen by the Supreme Judicial Council. It notes that the chairman of the Supreme Judicial Council is also the Justice Minister. Moreover, whilst a special commission of judicial experts issues opinions that serve as guidelines, judges have significant discretion over how they interpret the Shari’ah and do not have to publish an explanation of their judgments.³⁰

Minimum requirements

47. It is imperative that Saudi Arabia has an independent judiciary and upholds the rule of law. Given the autocratic nature of the Saudi Arabian political system, judges must be appointed independently by a body that is not connected to the executive in any fashion.
48. To ensure that those judges are able to carry out their work without undue pressure, the terms on which they are appointed must be in accordance with the OSCE Office for Democratic Institutions and Human Rights 2023 Warsaw Recommendations on Judicial Independence and Accountability.³¹ In particular, they must have security of tenure and should not be appointed to limited terms or on probationary terms. They must also not be under threat of removal, or even transfer from one court or tribunal to another. These reforms must be actioned without delay and their implementation must be monitored.

Migrant workers

49. Saudi Arabia’s exploitation of migrant workers is of particular concern. It is ranked 4th in the world by the Global Slavery Index as one of the nations estimated to have the highest prevalence of modern slavery.³²

²⁹ UN Special Rapporteur on the Independence of Judges and Lawyers, ‘Saudi Arabia’ (available [here](#)).

³⁰ Freedom House, ‘Freedom in the World 2023: Saudi Arabia’ (available [here](#)).

³¹ Organization for Security and Co-operation in Europe, ‘Recommendations on Judicial Independence and Accountability (Warsaw Recommendations, 2023)’ (available [here](#)).

³² Walk Free, ‘Global Slavery Index’ (available [here](#)).

50. Saudi Arabia operates a sponsorship, or *kafala* system, whereby workers are tied to a single employer who alone can renew or terminate their residency and work status in the country. The Council on Foreign Relations explains of the kafala system in general that “...*the lack of regulations and protections for migrant workers’ rights often results in low wages, poor working conditions, and employee abuse. Racial discrimination and gender-based violence are endemic.*”³³

51. Changes to the operation of the system in Saudi Arabia in March 2021 ended the requirement that foreign workers obtain their employer’s permission to travel outside of the country or to change employment. However, foreign workers still require permission from the Government to take those actions. Moreover, and fundamentally, the changes to the law do not cover all foreign workers, including some of those who are most vulnerable such as domestic workers and farmers. The deputy Middle East director at Human Rights Watch said of the 2021 reforms that they were “*limited, problematic, and by no means dismantle the kafala system...Millions of domestic workers and other workers are excluded from these reforms, leaving them entirely at their employers’ mercy.*”³⁴

Minimum requirements

52. The *kafala* system cannot continue to exploit such large numbers of individuals. As it stands, it contravenes the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The requirement for Government approval to change employment or travel outside the country also contravenes the ICCPR and must be revoked immediately. Moreover, Saudi Arabia must extend the March 2021 reforms to the kafala system to all foreign workers (including *inter alia* domestic workers and farmers). These reforms must be undertaken by the time that Saudi Arabia submits its bid to FIFA in July 2024.

53. Migrant workers must also be permitted to join legitimate and independent trade unions, in accordance with Art. 22 ICCPR and Art. 35 ACHR.

³³ Council on Foreign Relations, ‘Backgrounder: What is the Kafala System?’, updated 18 November 2022 (available [here](#)).

³⁴ Human Rights Watch, ‘Saudi Arabia: Labor Reforms Insufficient, Abusive Elements Remain; Changes Exclude Domestic Workers’, 25 March 2021 (available [here](#)).

54. Moreover, given Saudi Arabia's record of exploiting foreign workers, it needs to provide a detailed report together with its final bid to FIFA in July 2024 setting out how preparations for, and hosting of, the 2034 World Cup will be conducted in a manner which is compliant with labour rights and the UN's Guiding Principles of Business and Human Rights. Should an independent board of experts (on which, see more below at §§61 - 62) not be satisfied as to this compliance both at the stage of granting any bid and thereafter, FIFA cannot permit Saudi Arabia to host the event.

Women's rights

55. The World Economic Forum's Global Gender Gap Report 2023 ranked Saudi Arabia 131 out of 146 countries worldwide. Indeed, Saudi Arabia made headlines in 2018 with a new law permitting women to drive motor vehicles for the first time. That this was still the case in 2018 is perhaps indicative of the status of women's rights in Saudi Arabia.³⁵

56. More recently, Saudi Arabia's Personal Status Law (the "PSL") was passed on 8 March 2022. It was framed by the authorities as a step towards progress and equality in a number of areas, including women's rights, but human rights organisations consider that it falls far short of this. Amnesty International's Regional Director for the Middle East and North Africa has said of the PSL that it "*...fails to respect women's agency in making crucial decisions about their lives and the lives of their children and perpetuates discrimination against them.*" Indeed, Amnesty International goes one step further and explains that it codifies a discriminatory system.³⁶ The male guardianship is a key feature of this. Only men can be legal guardians under the law. Women must have a male guardian's permission to marry and they are then obliged in law to obey their husband. Women are not adequately protected from domestic violence and marital rape is not criminalised. It also makes women's financial support from their husbands during marriage conditional on wives "*submit[ing]*" themselves to their husbands. Women still need male permission to travel abroad.

³⁵ World Economic Forum, 'Global Gender Gap Report 2023', 20 June 2023 (available [here](#)).

³⁶ Amnesty International, 'Saudi Arabia 2022' (available [here](#)).

57. Moreover, women do not have the right to unilaterally end a marriage and the PSL disadvantages women economically in all cases of marriage dissolution.³⁷ As for arrangements in relation to children, a mother is automatically granted custody but a father is designated as their legal guardian without due consideration of the best interests of the child.

Minimum requirements

58. Discrimination against women is rife in Saudi Arabia. It must at least carry out the following actions without delay while it is preparing its bid:

- a. Amend the PSL to criminalise marital rape (and, relatedly, remove the requirement on women to “*submit*” themselves to their husbands in order to receive financial support). Saudi Arabia must comply with the Istanbul Convention when so amending the law, for example, when identifying how marital rape will be prosecuted (Arts. 49 – 58).
- b. Amend the PSL to ensure that women are adequately protected from domestic violence, again by reference to, and in accordance with, the principles set out in the Istanbul Convention.
- c. Limit the scope of the male guardianship system so that women will be the legal guardian for their child if it is in the child’s best interests as per Art. 33(3) ACHR.

D. CONCLUSION AND OVERSIGHT

59. FIFA’s Policy requires adherence to international human rights standards from those bidding to host its events. It is obvious that Saudi Arabia falls very far short of those requirements. Given this, as matters currently stand FIFA simply cannot properly permit it to host the 2034 World Cup.

³⁷ Amnesty International, ‘Saudi Arabia: New Personal Status Law Codifies Discrimination Against Women’, 8 March 2023 (available [here](#)).

60. In order for FIFA to meet its obligations under the FIFA Statutes it must now prepare a clear action plan. It is submitted that the plan must, as a baseline, include the minimum requirements identified in these submissions. That must be agreed and progressed in the ways that are indicated before the approval of any bid at the end of 2024.
61. That action plan must be reviewed, and progress against it monitored, by an expert independent Human Rights Advisory Board. Independent oversight is required in order for any monitoring to be meaningful and is in any event an explicit requirement of FIFA's Policy. Pillar IV of the Policy obliges FIFA to work constructively with an independent expert Human Rights Advisory Board and consult a wide range of stakeholders, including potentially affected groups and individuals and their legitimate representatives on a regular basis. It is submitted that the monitoring Board must be independent and broadly represented – it should include expert members from victims groups, NGOs, UN agencies, international unions and civil society organisations. FIFA must also ensure that Saudi Arabia provides full access to this Board so that it can properly conduct its monitoring activities. For the avoidance of doubt, the Saudi Human Rights Commission (the “SHRC”) is not an appropriate alternative. The SHRC is in principle responsible for promoting and protecting human rights in Saudi Arabia, and is mandated to, for example, address human rights complaints, engage in legislative work and monitor detention facilities. Whilst it is theoretically an independent body, MENA Rights Group concluded in a November 2023 report that its approach in fact “...creates a distinct impression that the SHRC's role, in essence, is to whitewash [Saudi Arabia's] poor human rights record.”³⁸ The report concludes that there is “clear evidence pointing to the institution's alignment with the government's interests, and its exploitation as a tool to whitewash [Saudi Arabia's] egregious human rights record.”³⁹
62. The monitoring must be meaningful, particularly against a background where FIFA has been inconsistent with its approach to this Board. The mandate of the last iteration of the Board concluded in 2021 and FIFA has not since renewed that mandate, notwithstanding that the Board's final report to FIFA in February 2021 stated as follows: “We believe that there is an urgent need for a body to provide ongoing and independent evaluation of FIFA's human rights efforts through the entire life cycle of

³⁸ MENA Rights Group, ‘The Saudi Human Rights Commission: a whitewashing tool of the Kingdom’, 27 November 2023 (available [here](#)), section 3.4.2.

³⁹ Ibid, section 1.

the FWC 2022”.⁴⁰ FIFA must now act on this requirement and prove that its Policy is more than a rhetorical exercise. FIFA must commit in advance to withdrawing approval for Saudi Arabia to host the 2034 World Cup, notwithstanding that they are presently the sole bidder, if the Board is not satisfied with Saudi Arabia’s progress made against the minimum human rights requirements set out in this submission, and any others.

63. As stressed above, the authors of this submission are ready to engage constructively with FIFA to ensure that these minimum requirements, at least, are achieved. The authors await FIFA’s reply to these submissions.

Respectfully submitted,

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22 May 2024

⁴⁰ Sky News, ‘FIFA disbanded human rights board and did not replace it with independent advisers’, 17 December 2022 (available [here](#)).