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HRW.org

May 3, 2017

Gianni Infantino
President
Fédération Internationale de Football Association
Zurich, Switzerland

Sent by email to: gianni.infantino@fifa.org

Dear Mr. Infantino,

We are writing to share our findings related to human rights based on research conducted in six 2018 FIFA World Cup host cities in Russia.

Concerns related to Workers' Rights

Human Rights Watch interviewed Russian and migrant workers engaged in construction of World Cup 2018 sites in Moscow, St. Petersburg, Kaliningrad, Ekaterinburg, and Rostov-on-Don. Interviewees included local workers residing in World Cup host cities, workers from different cities in Russia migrating internally for World Cup construction work, and migrant workers from Belarus, Tajikistan, Kyrgyzstan, Uzbekistan, Serbia, and Turkey.

We documented exploitation of and abuse against these workers including: non-provision of contracts and other documentation required for legal employment; non-payment of wages; 2-3 month delays in wages; employer retaliation against workers who protest non-payment of wages, such as firing or financial penalties; and workers required to work outdoors in temperatures well below freezing.

Interference from state authorities and serious security threats posed by that interference forced us to stop our efforts to conduct interviews with workers in Volgograd.

Exploitation and abuse of workers are pervasive problems in Russia's construction industry. Human Rights Watch extensively documented the same types of abuses during Russia's preparations for the Sochi 2014 Winter Olympics, in a February 2013 report, "Race to the Bottom: Exploitation of Migrant Workers ahead of Russia's 2014 Winter Olympic Games in Sochi." Human Rights Watch also documented abuses against migrant construction workers in Moscow, St. Petersburg, Ekaterinburg, and other cities, in a 2009 report, "Are You Happy to Cheat Us? Exploitation of Migrant Workers in Russia."

Despite these long-standing and well-documented issues, the Russian government has not done enough to monitor and curb abusive practices in the construction sector and hold employers accountable. In Sochi, when Russian authorities conducted a wide-scale investigation into workers' rights on Olympic construction sites in December 2013, they uncovered over US\$8.3 million in unpaid wages to workers. The inspections, just two months before the start of the Games, came too late to benefit many workers who had faced similar abuses during at least five years of Olympic preparations. Human Rights Watch had raised concerns about exploitation and other human rights concerns with the International Olympic Committee and the Russian authorities starting in 2008.

Recommendations

We are aware that FIFA's "Sustainability Strategy of the 2018 FWC" includes clauses related to decent work, and that FIFA and the Russian Local Organizing Committee, in collaboration with Building and Wood Workers' International (BWI), and the Russian Construction Workers Union (RBWU) have undertaken a project to monitor working conditions at World Cup stadiums in Russia.

We recognize that this is the first initiative of its kind for FIFA. At present, there is no public information available about the terms, nature, or scope of this monitoring, or of the results to date. We would welcome more information about the monitoring procedures.

Specifically:

- What are the specific roles of each of the parties to the MOU?

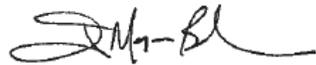
- What is the role of the Klinsky Institute of Labour Protection and Working Conditions and who has hired them?
- What is the nature of the inspections conducted on 2018 World Cup Stadium sites? Information detailing the nature of the inspections would include topics such as:
 - Who conducts the inspections?
 - Are the inspections announced or unannounced?
 - How frequent are the inspections?
 - What specific topics are examined during the inspections?
 - What are the standards used to measure compliance or non-compliance, such as Russian labor and other laws and international labor and human rights standards?
 - What information are inspectors required to record?
 - Do the inspectors conduct such interviews?
 - If inspectors interview workers, is there capacity for inspectors to interview workers who do not speak Russian, and capacity to interview them in privacy from their supervisors?
- Are there inspections of other sites related to 2018 World Cup preparations?
- How many inspections have been conducted to date, on what dates, and on what sites?
- What are the results of the inspections? How many violations have been found? On which sites? What types of violations?
- How do FIFA and the Local Organizing Committee (LOC) act on the results of the inspections? What are the specific steps FIFA and the LOC take to remedy violations? What are the concrete outcomes and remedies concerning violations documented to date?
- What are FIFA's plans regarding publication of detailed information about the inspections, their results, remedies taken, and outcomes?

The UN Guiding Principles on Business and Human Rights call on businesses to ensure transparency as part of a credible response to human rights concerns, or “both know and show that they respect human rights in practice.”

Specifically, the Guiding Principles state: “business enterprises whose operations or operating contexts pose risks of severe human rights impacts should report formally on how they address them” including by providing “information that is sufficient to evaluate the adequacy of an enterprise’s response to the particular human rights impact involved...” (Guiding Principle no. 21).

We look forward to your response to these questions. We request that you share this information by June 1, 2017 to ensure that we may accurately reflect FIFA's position in Human Rights Watch's reporting.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jane Buchanan'.

Jane Buchanan
Associate Director
Europe & Central Asia Division
Human Rights Watch

A handwritten signature in black ink, appearing to read 'Minky Worden'.

Minky Worden
Director, Global Initiatives
Human Rights Watch

Jane Buchanan,
Associate Director Europe & Central Asia Division
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350 Fifth avenue, 34th Floor
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Sent via email to:
Jane Buchanan (buchanj@hrw.org) and
Minky Worden (wordenm@hrw.org)

Zurich, 8 June 2017

Response to your letter requesting information on FIFA's Decent Work Monitoring System in Russia
fad/agr

Dear Jane, dear Minky

Thank you for the letter sent to FIFA President Gianni Infantino on 3 May 2017 and for sharing elements of the findings of your research conducted in six 2018 FIFA World Cup host cities in Russia. Given that the topic of human and labour rights is part of my Department's responsibility, the FIFA President and the FIFA Secretary General asked me to provide you with FIFA's response.

First, let me assure you that we share your objective to ensure decent working conditions on all construction sites related to FIFA's activities. Over the past years, FIFA has taken great strides forward in its work in this regard. As you know, we set-up a dedicated Decent Work Monitoring System in Russia in April 2016. The six stadiums as well as the issues you mention in your letter are covered by our system. Over the past year, we have seen significant improvements in the application of labour standards on FIFA World Cup stadium construction sites in Russia and we are confident that our system is an important driver for these developments. The quarterly monitoring visits carried out by an independent expert organisation on all stadium construction sites for the 2018 FIFA World Cup have allowed us to identify issues and take steps to address them. This process and its results have also been validated by national and international trade unions through joint inspections.

That said, we acknowledge the challenges involved in the continuous effort to ensure decent working conditions on construction sites. The constant review of the system is as important as the constructive exchange about human and labour rights with key stakeholders such as your organisations. We are committed to continue working hard in both of these areas.

Further details about our system in response to your questions on the monitoring procedures can be found below.

A) The Decent Work Monitoring System

As part of the preparation for the FIFA Confederations Cup 2017 and the 2018 FIFA World Cup in Russia, seven stadiums will have been newly built and three stadiums will have undergone

significant renovation work. To date, construction and renovation, respectively, of two of those ten stadiums has been completed. Mindful of the human and labour rights risks inevitably involved in construction projects of that magnitude, we identified decent working conditions as one of the key priority areas in our joint FIFA-LOC [Sustainability Strategy](#) for the 2018 FIFA World Cup, published in July 2015. The Decent Work Monitoring System is a key programme to achieve our strategic objective of ensuring decent working conditions for FIFA World Cup stadium construction workers.

FIFA and the LOC started working on the Decent Work Monitoring System in 2015. In April 2016, the LOC hired the independent expert organisation Klinsky Institute of Labour Protection and Working Conditions (Klinsky Institute) to lead the development and implementation of the system after a competitive bidding process. In a first phase, the Klinsky Institute, with the support of FIFA and the LOC, developed a detailed methodology for the monitoring system. The companies working on the construction sites are evaluated against standards in four areas: rights at work, working conditions, health and safety, and housing conditions and catering. These areas are sub-divided into 55 topics. The detailed requirements on all of these topics follow standards set by Russian legislation (comprising more than 300 pieces of legislation in total), the conventions of the International Labour Organisation (ILO) ratified by the Russian Federation, as well as FIFA requirements.

In April 2016, the Klinsky Institute started with the first round of monitoring visits. In line with the methodology, the monitoring teams carry out two-day visits on all construction sites on a quarterly basis. All monitoring visits are announced and comprise:

- the analysis of a series of documents provided by the companies ahead of the visit,
- an introductory workshop with representatives from all monitored companies,
- a one-hour group interview with workers from all monitored companies,
- site visits of the construction site and the accommodation facilities including random on-site interviews with individual workers,
- a comprehensive review of further documents such as time sheets, health and safety regulations, employment contracts and pay slips,
- a final workshop with representatives from all monitored companies with the presentation of the initial monitoring report and respective results, and
- a detailed report, sent to the main contractor and written by the Klinsky Institute, which includes incompliances and recommendations on how to rectify them.

Where particularly severe or recurring issues are identified, the Klinsky Institute escalates the issues to FIFA and the LOC. Where applicable, FIFA and LOC may then also involve the competent Russian authorities. The monitoring visits are regularly accompanied by FIFA and LOC representatives from the Moscow and Zurich offices.

In an effort to verify and further strengthen the system's robustness, FIFA and LOC signed a Memorandum of Understanding with the Building and Woodworkers' International (BWI) and the Russian trade union for construction workers (RBWU) in August 2016. As part of that collaboration, BWI and RBWU have provided input to the monitoring methodology. Moreover, representatives of the trade unions frequently participate in the monitoring visits of the FIFA/LOC Decent Work Monitoring System. During these visits, the trade union representatives work together with the Klinsky Institute experts and review and sign the initial report provided to the companies at the end of the monitoring visit. To date, trade union representatives participated in a total of 16 monitoring visits. In all of these visits, the trade union representatives agreed

with the assessment made by the Klinsky Institute experts and co-signed the initial monitoring report.

B) Information on the system's scope and effectiveness

Since April 2016, the Klinsky Institute has completed six series of monitoring visits. Each series foresees visits to all ten construction sites. So far, two out of 60 planned visits did not take place. One monitoring visit in St. Petersburg in August 2016 had to be cancelled due to a change in the main contractor. The most recent monitoring visit to Sochi was cancelled because the renovation work had already been completed. Thus, a total of six series and 58 monitoring visits have been carried out since April 2016.

The following numbers based on the first five series of visits provide an overview on the scope of the system and the information gathered (the results of the sixth series of visits that ended very recently are currently being analysed):

- An average of 101 companies were reviewed on each series of visits. This means that 10 companies were reviewed on average during each monitoring visit at each stadium.
- On average, the monitoring visits covered 58 percent of the companies present on the construction sites. On 36 out of the 48 visits during the first five series of visits, more than 80 percent of the companies present on the respective construction sites were reviewed.
- The working conditions of an average of 8,984 workers were reviewed on each series of visits. This equates to close to 900 workers per monitoring visit per stadium.
- On average, 236 workers were interviewed through individual one-on-one and group interviews on the construction sites during each series of visits. This is an average of 24 workers per monitoring visit per stadium and a total of approximately 1,400 workers in all monitoring visits carried out by the Klinsky Institute to date.

The monitoring teams continue to find inconsistencies with the above-mentioned standards, which are used as the reference for the monitoring system. However, FIFA and the LOC are very confident that the Decent Work Monitoring System has an important impact on improving the workers' health, safety and working conditions. This assessment is based on three main sources of evidence:

Firstly, the results of the monitoring visits are generated by independent experts from the Klinsky Institute and, when they are present, validated by the trade union representatives accompanying the visits. According to these results, the average number of inconsistencies and incompliances found per monitoring visit has been reduced by 72 percent from the first to the fifth round of monitoring visits. Moreover, during the fourth and fifth monitoring visits, the monitoring teams found that approximately 80 percent of the issues found in the previous visits have been rectified (82 percent in the fifth series and 77 percent in the fourth series).

A second source of evidence for the effectiveness of the Decent Work Monitoring System is the fact that the monitoring visits have allowed FIFA and the LOC to identify key issues and take steps to address them. For example, it was at one of the monitoring visits that evidence was found for the presence of workers from North Korea on the stadium construction site in St. Petersburg in November 2016. FIFA and the LOC discussed the issue with the respective company and the main contractor and, according to our subsequent monitoring as well as to various other sources, no North Korean workers were employed anymore on that construction site by December 2016. In the wake of that incident, FIFA and the LOC added systematic checks

on the presence of North Korean workers in the monitoring of all FIFA World Cup construction sites. This includes a requirement for general contractors to provide a written statement regarding the presence of North Korean workers, additional checks during the monitoring visits and a discussion of the issue at the highest levels of the LOC and with the Russian authorities. To date, FIFA has found no further evidence of North Korean nationals working on other 2018 FIFA World Cup construction sites. A second example is a labour dispute on the construction site in Rostov-on-Don in April 2016. According to data gathered through the system, the payment of the bonus part of the salary for workers of one subcontracting company working on that construction site was delayed by one month. FIFA and the LOC worked closely with the respective company, the main contractor and law enforcement authorities for the issue to be resolved in a timely manner. The outstanding bonus payments were then paid within ten days after the workers had raised their concern at a staff meeting on 12 April 2017.

And the third source of evidence for the monitoring system's effectiveness is the validation provided by the trade union representatives who accompany some of the monitoring visits and review and co-sign the initial monitoring reports. They thereby confirm the adequacy of the results compiled by the Klinsky Institute, from which the numbers above on the reduction of inconsistencies and the rectification rate are based. Moreover, various trade union representatives who have accompanied the monitoring visits have commended the functioning of the monitoring system, its impact on the labour standards on the FIFA World Cup construction sites and its effect on the general awareness amongst the involved companies of the importance of decent working conditions.

C) Reflections on Human Rights Watch research and the exchange between our organisations

As you know, FIFA is committed to respecting internationally recognised human rights throughout its activities. This commitment, which is enshrined in article 3 of the FIFA Statutes, was further elaborated on in [FIFA's Human Rights Policy](#) that was adopted by the FIFA Council on 9 May 2017 (see also the recently published [FIFA Activity Update](#) report on human rights). As part of that work, FIFA engages in an ongoing human rights due diligence process to identify and address its human rights risks, track the effectiveness of the measures taken and communicate about its human rights-related efforts. As explained above, we consider to have a robust system in place to identify and address adverse impacts on human and labour rights on FIFA World Cup stadium construction sites in Russia. Furthermore, we consider it our responsibility to act on all credible information available to us that may point to risks to the rights of workers.

With this in mind, I would like to take this opportunity to reiterate our disappointment, which we had already expressed as part of a prior email exchange with you, over the course of action you chose to take during the process leading to the publishing of the upcoming report. According to the information you provided to FIFA, you conducted the first interviews on labour conditions on construction sites for the 2018 FIFA World Cup nearly a year ago, in July 2016, and carried out the last series of interviews of your research in Ekaterinburg in January 2017. For months, you chose to keep the information on what you consider to be serious violations of labour rights to yourself and will publish a report at a stage when the construction of a number of the stadiums is already finished and when the work on the other stadiums is at advanced stages. As a consequence, the research is likely to have a very limited concrete positive impact on the lives of these construction workers. Up to eleven months after you obtained the respective information, it will naturally be very difficult and in most cases impossible to address and even remedy potential adverse impacts.

At the same time, we had shown openness and an interest to engage with you as soon as you provided us with initial information on possible upcoming reports on the 2018 FIFA World Cup in September 2016. You chose to be very restrictive with sharing information that would have allowed us to verify your interview results and address issues in a meaningful way. We therefore consider that there is significant room for improvement in the way our organisations engage if the common objective is to have effective positive impacts on the lives of construction workers and other rights-holders. We hope that we will find better ways to collaborate and deliver on that ambition in similar situations in the future.

We would appreciate if the explanations on the Decent Work Monitoring System provided above are adequately reflected in your report and remain at your disposal for further clarifications.

With best regards,
Fédération Internationale de Football Association



Federico Addiechi
Head Sustainability & Diversity