Freedom of Speech at the FIFA World Cup 2026

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On 11 June 2026, the FIFA World Cup hosted by Canada, Mexico and the USA will be launched by the opening match between Mexico and South Africa in the *Estadio Azteca* of Mexico City. It is the most important sports event worldwide, reuniting for the first time 48 national teams and their supporters for more than five weeks. Attracting a lot of media attention, it is an ideal opportunity to bring up political and social issues. Past editions have regularly given rise to public controversies. One might remember the debate about the rainbow armband in Qatar in support of the LGBTI+ community at the 2022 World Cup.

Considering the current international context, in particular ongoing tensions and armed conflicts, it is likely that FIFA and the three host countries will also face certain incidents during this year's tournament. In principle, the international sports movement, including FIFA, aims to be ideologically, politically, and religiously neutral, which can provoke tensions with players' and fans' legitimate activism.

This article argues, first of all, that a certain type of expression, in particular hate speech, is not compatible with the spirit of football and must be banned from the stadiums. Hate speech is, however, not defined universally, which creates a grey zone where vivid discussion might arise on whether a certain speech or gesture should be authorized or banned. In response, it will be demonstrated, secondly, that various aspects and circumstances of a concrete situation would have to be taken into consideration, but that recent case law of the Court of Arbitration for Sport ("CAS") and the European Court of Human Rights ("ECtHR") help finding the appropriate solutions between, on the one hand, the legitimate expression of players and fans and, on the other, the protection of individuals or groups against offending or defamatory speech. Thirdly, the cases that will be referred to indicate that, as a general rule, FIFA and UEFA have struck an appropriate balance in that exercise.

It is relevant to refer to the ECtHR, even for a tournament taking place in Canada, Mexico and the USA, because potential sanctions imposed by FIFA on players and national football federations can be challenged before CAS, followed by a possible appeal to the Swiss Federal Tribunal, whose judgments might end up before the ECtHR (see, for a recent sports arbitration case that took that avenue, *Semenya v. Switzerland*).

Hate speech: not so easy to define

Freedom of expression (Article 10 ECHR) is not an absolute human right and can be restricted. There is a common understanding that hate speech constitutes the red line that shall not be overstepped. However, no universally recognized definition of hate speech exists. We can refer, for the purpose of the present analysis, to the definition included in the Policy Recommendation n° 15 adopted by the European Commission against Racism and Intolerance (ECRI), where hate speech is understood:

"as the advocacy, promotion or incitement, in any form, of the denigration, hatred or vilification of a person or group of persons, as well as any harassment, insult, negative stereotyping, stigmatization or threat in respect of such a person or group of persons and the justification of all the preceding types of expression, on the ground of 'race', colour, descent, national or ethnic origin, age, disability, language, religion or belief, sex, gender, gender identity, sexual orientation and other personal characteristics or status."

There have been instances in sports where players or fans abused their position to express hate against a certain group of people. They have been sanctioned for their behaviour either by domestic courts or by FIFA/UEFA.

Players

The leading case in football is *Simunic v. Croatia*, decided by the ECtHR in 2019. Josip Šimunić is a former international football player from Croatia, who was sanctioned for using an official greeting of the Ustaše movement, the totalitarian fascist regime of the Independent State of Croatia. He was convicted by the Croatian authorities of a minor criminal offence for addressing messages to spectators at a football match, the content of which expressed or incited hatred on the basis of race, nationality, and faith. After having exhausted local remedies, he brought his criminal convictions before the ECtHR, claiming that his right to freedom of expression had been violated. The Court declared the applicant's complaint inadmissible, finding that the Croatian authorities had struck a fair balance between his right to free speech, on the one hand, and society's interest in promoting tolerance and mutual respect at sports events as well as combating discrimination in sport on the other hand. The Court noted in particular that the applicant, as a famous footballer and a role-model for fans and players, should have been aware of the possible negative impact of provocative chanting on spectators' behaviour.

Fans

Abusive, discriminatory and offensive speech is rare among professional football players, but more frequent among fans.

A positive development in the fight against racism has already been mentioned in an earlier post: After Real Madrid player Vinícius Júnior had become the victim of racist chants, *inter alia*, during a game in Valencia on 21 May 2023, three individuals were found guilty by sentence of a trial court of a "crime against moral integrity" with "aggravating circumstance of discrimination based on racist motives" and were imprisoned for eight months and banned from attending football matches for two years.

Another recent case, involving not racism but homophobia, confirms that the competent sports bodies – here the UEFA – make serious efforts to fulfil their commitments against intolerance and discrimination. The case has its origin in a UEFA Champions League Playoff match between Real Madrid and Manchester City at the Bernabéu Stadium in Madrid on 19 February 2025. A couple of days later, UEFA received external information according to which Real Madrid Fans chanted a homophobic chant targeting Manchester City manager Pep Guardiola (translation: "*Guardiola, Guardiola, how thin you look, first it was the drugs and we will see you in Chueca today*!"), insinuating that Guardiola is homosexual and visits Chueca, known as a gay area in Madrid. Real Madrid was sanctioned by UEFA based on Article 14 of its Disciplinary Regulations with 30 000 EUR and a partial closure of its stadium for one UEFA competition match. CAS confirmed the sanction in an award of 14 April 2026 (CAS 2025/A/11261). The expert witnesses assisting CAS added that the message was directed towards people with addictions and the LGBTI+ community, including stereotypes related to HIV/AIDS. Therefore, it had to be qualified as hate speech, as it was homophobic, discriminatory and stigmatising towards a certain group of people. For these reasons, CAS found the sanctions imposed by UEFA proportionate and confirmed them (CAS award, § 55).

The fine line between hate speech and legitimate activism

As it has been observed above, there is no universally recognized definition of hate speech. As a result, sports governing bodies, such as FIFA or UEFA, must seek the right balance between, on the one hand, individual freedom of expression and, on the other, the protection of others, in particular vulnerable people, against discrimination and racism. This exercise might turn out difficult in practice, in particular considering the fact that it is exactly speech capable of contributing to a political debate or concerning a matter of public interest that is considered particularly valuable in a democratic society and benefits, as a result, from a special status under the ECHR (e.g. *Morice v. France* [GC], § 125, and cases referred to).

The strong reactions to Lamine Yamal, FC Barcelona's young prodigy, holding and waving a flag of the State of Palestine when celebrating the "*La Liga*" title on 11th May 2026, illustrate this dilemma: Israeli leaders and ministers qualified the behaviour as

hate speech and urged the Spanish Football Federation to sanction the player. On the other hand, Spanish Prime Minister Pedro Sánchez stood behind Barca's young superstar, writing in X: *"Those who consider waving the flag of a State to be 'inciting hatred' have either lost their judgment or been blinded by their own ignominy. Lamine has only expressed the solidarity with Palestine felt by millions of Spaniards. Another reason to be proud of him."*

The discussion around Yamal's gesture shows that the issue is sensitive and capable of polarizing society. The episode can nevertheless be contrasted with a case that had been decided by CAS: the case of *Jibril Rajoub v. FIFA*, in which the President of the Palestine Football Association was fined a sum of 20 000 CHF and was banned from attending matches for 12 months for inciting a blatant protest during a match of the Israeli national team in Jerusalem. Rajoub publicly called for members of the Argentina national team to boycott a friendly match against Israel, which was set to be played in Israel. Furthermore, as pointed out by the CAS, Rajoub intentionally targeted the football icon Lionel Messi in the following words:

> *"...we will launch, as of today, a campaign targeting the Argentinian (Football) Federation, and in particular targeting (Lionel) Messi, who has tens of millions of fans in Arab and Islamic countries... (For his fans) he used to be a symbol and big deal. We are going to target Messi, and we are going to ask everybody to burn their Messi t-shirts and pictures, and to wash their hands of him..." (CAS award, § 5)*

CAS held that the statement could indeed be qualified as inciting hatred, as Mr. Rajoub had called upon "everyone", and the Arabic and Islamic world in particular, to undertake a violent act (burning t-shirts and pictures), specifically targeting one well-known individual (L. Messi). Using mass media to convey his message and considering his official position, Mr. Rajoub's statements had of course a much higher impact than coming from an anonymous citizen or fan.

The ECtHR has not dealt with a Lamine Yamal type of situation, but some parallels and conclusions might be drawn with and from the case of *Baldassi and Others v. France*, where it held that the boycott against products from Israel was primarily a means of expressing a protest and, as a result, covered in principle by Article 10 ECHR. Even though the position of Lamine Yamal, as a famous football player and, as such, a role-model for millions, is not comparable with the applicants in that case, who were members of a local collective supporting the Palestinian cause by calling for a boycott of products from Israel, the Court's key message remains relevant for the present discussion, namely that it might be legitimate, under Article 10 ECHR, to express solidarity with a protest conducted by peaceful means of expression or gesture.

This does, however, not mean that the competent dispute settlement bodies, including the ECtHR, would and should endorse any behaviour of players or fans based on expression not entailing hate speech. In case a Lamine Yamal type of situation (a player or fan wearing a Palestine flag or t-shirt) occurs during the 2026 FIFA World Cup, various aspects would have to be taken into consideration, such as the author of the message (famous footballer as a role model, or anonymous fan?), the content and form of the message (message of solidarity or political/religious content?), the place and time where it occurs (outside or inside the stadium, or even as part of a player's celebration after scoring a goal or on the winner's podium ?), as well as the nature and severity of the sanction (match suspension of a player for the ongoing tournament or simply a pecuniary fine?).

In pondering these aspects, the football governing bodies enjoy, as do states and their courts, a certain margin of appreciation.

Concluding remarks

All in all, it can be concluded that, on the one hand, hate speech and any other form of expression that is capable of provoking violence are, *per se,* not compatible with the spirit of football and must be banned from stadiums. Peaceful means of expression, on the other hand, should be allowed as much as possible, in particular if they contribute to a political debate or a debate on matters of public interest. Hansi Flick, the German

coach of Barcelona, commenting on Yamal's act, who had turned 18 last July, brought it probably rightly to the point:

"This, I don't normally like. I spoke with him. I said if he wants this, it is his decision. He is old enough."

In other words, famous professional football players should have the autonomy and freedom to decide whether they would like to speak up, or remain silent, on causes that are important for them, of course within the general limits applicable to freedom of expression and relevant FIFA rules.

In the past, FIFA and UEFA have rather successfully tried to accommodate conflicting interests – it will have to be seen whether this will also be the case during the 2026 World Cup, of which an important part will take place in the USA, traditionally considered as one of the cradles of free speech.

The author expresses his personal views.

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