The Sinister Truth of Mega-Sporting Event Preparations

Grace E. George
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INTRODUCTION

In 2014, construction workers working on projects related to the 2016 Brazil Summer Olympics went to work and were “advised that their normal collective bargaining rights have been suspended because of the urgency of the projects.”1 Meanwhile, residents in Rio de Janeiro awoke to eviction notices mandating them to leave immediately.2 The purpose of the Olympic Games is to promote world peace and preserve human dignity.3 However, the Olympic Games have historically failed to attain such goals. Now, the Olympic Games represent “something far more sinister throughout the course of their production, namely, the aggressive and systematic deprivation of human rights in designated host cities.”4 Corruption is not a new phenomenon in sports,5 yet the problem often

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1 Megan Corrarino, Law Exclusion Zones: Mega-Events as Sites of Procedural and Substantive Human Rights Violations, 17 YALE HUM. RTS. & DEV. L.J. 180 (2014) (noting that traditional food vendors located across a stadium-adjacent area were also evicted from locations where they had worked for years).
2 Id. (stating that residents of the Vila Harmonia neighborhood were considerably affected by forced evictions).
5 See, VICTOR A. MATHESON ET AL., THE PALGRAVE HANDBOOK ON THE ECONOMICS OF MANIPULATION IN SPORT 257-258 (Markus Breuer & David Forrest eds. 2018) (ancient Greek athletic competitions first played in 776 BCE at Olympia were plagued “in a tale of deceit and corruption”); See also, 1934 FIFA World Cup Italy, FIFA, https://www.fifa.com/tournaments/mens/worldcup/1934italy (last visited Oct. 24, 2023); See also, Holocaust Encyclopedia, Benito Mussolini, UNITED STATES HOLOCAUST MEMORIAL MUSEUM (Sep. 17, 2018), https://encyclopedia.ushmm.org/content/en/article/benito-mussolini-1#:~:text=Benito%20Mussolini%20was%20an%20Italian%20party%20in%20Germany%20(at%20the%20turn%20of%20the%2020th%20Century%2C%20
intersects with issues related to human rights. Host country efforts to divert attention away from human rights violations and corruption scandals that pervade preparations leading up to mega-sporting events are known as "sportswashing."

The problem of "sportswashing" is not exclusive to the International Olympic Committee (hereinafter, "IOC") but also affects the Fédération Internationale de Football Association (hereinafter, "FIFA") and its World Cup preparations. In 2010, Qatar was awarded the bid to host the 2022 World Cup. International stakeholders immediately raised concerns about how Qatar, with a population of merely 2.8 million, could assemble a workforce to construct the adequate facilities and accommodations necessary for hosting a mega-sporting event. Employing nearly an entirely foreign workforce, Qatar became...

World Cup was hosted by Italy in 1934 during the rule of fascist leader, Benito Mussolini); See also, Holocaust Encyclopedia, Adolph Hitler: Key Dates, UNITED STATES HOLOCAUST MEMORIAL MUSEUM (Mar. 8, 2018), https://encyclopedia.ushmm.org/content/en/article/adolf-hitler-key-dates?series=4 (in 1936, the Nazi Regime, led by Adolph Hitler hosted the Berlin Olympics in an attempt to deter attention away from the Holocaust: the mass genocide of Jewish persons across western Europe).

Human rights concern a multitude of issues. See, e.g., What are Human Rights?, UNITED NATIONS, https://www.un.org/en/global-issues/human-rights (last visited Oct. 24, 2023). However, for the purpose of this argument, human rights will exclusively refer to those labor rights conferred onto construction workers by the International Labour Organization. Trista Turley, Note, When the Escape Ends Responsibility of the IOC and FIFA at the Intersection of Sport Law and Human Rights, 6 NOTRE DAME J. INT’L & COMP. L. 145, 148 (2016) (during the Iraq War, it was revealed that from 1994-2003, the Iraq National Olympic Committee headed by Uday Hussein brutally tortured former Olympians if they did not "achieve satisfactory results"); See also, THE TWO ESCOBARS (ESPN film 2010) (five days following Columbia’s elimination from the 1994 World Cup, soccer player Andrés Escobar was assassinated upon his return to his home country after “scoring an own goal.” The assassination occurred while Pablo Escobar, leader of the Medellin cartel, notoriously funded “narco-soccer”).

"Sportswashing" is defined by the Oxford English Dictionary as “[t]he use of sport or a sporting event to promote a positive public image for a sponsor or host (typically a government or commercial organization), and as a means of distracting attention from other activities considered controversial, unethical, or illegal.” Sportswashing, OXFORD ENGLISH DICTIONARY, https://www.oed.com/dictionary/sportswashing_n/?tab=meaning_and_use&lId=true#135965760 (last visited Oct. 24, 2023).

Matheson et al., supra note 5 at 260 (stating that “the World Cup has been plagued by scandals surrounding the selection of host city in the past two decades”).

Id. at 263 (providing evidence to support the theory that FIFA only selected Qatar to host the 2022 World Cup due to a “gifts for votes” bribery scandal). See also, Matheson et al., supra note 5 at 267 (not only is there corruption in host country bidding, but also corruption in awarding construction contracts, stating that “a competition between firms such as this incentivises each to offer the highest quality at the lowest cost, which allows the host to pay as little as possible for the contract”).

See, Qatar National Vision 2030, QATAR GENERAL SECRETARIAT FOR DEVELOPMENT PLANNING 1 (July 2008), https://www.nvo.gov.qa/en/about-qatar/national-vision2030/ (in 2008, Qatar implemented a strategic framework to become a center of economic development and has since become the first country in the Middle East to host a World Cup); But see, Isabel Debre, Remote Desert Camps House World Cup Fans on a Budget, AP NEWS (Nov. 23, 2022), https://apnews.com/article/world-cup-sports-travel-soccer-qatar-3cfbb0de1758e1a1d0a42a025624a6 (Qatar’s incorrect estimate of accommodations and expensive hotel prices has resulted in multiple fans starting their “morning[s] at a barren campsite in the middle of the desert”).
surrounded by controversy due to the deaths, human trafficking, and mistreatment of migrant workers.\textsuperscript{11} For example, in 2013, an average of one migrant worker from Nepal died each day while working on construction projects for the 2022 Qatar World Cup.\textsuperscript{12} Human rights violations at mega-sporting events are attributable to FIFA and the IOC because both governing organizations have the financial resources and power to effectuate change in the world.\textsuperscript{13} Yet, current IOC and FIFA policies on human rights and labor safety are merely symbolic without any substantive enforcement mechanisms.\textsuperscript{14} Therefore, both the IOC and FIFA perpetuate human rights risks by lack of enforcement and condemnation of such egregious behavior.\textsuperscript{15}

There are four steps the IOC and FIFA could respectively adopt, which will strengthen their internal legal safeguards related to human rights during preparations leading up to mega-sporting events. First, the IOC and FIFA could pursue enhanced status under international law by converting their institutions to inter-governmental organizations (hereinafter, “IGOs”).\textsuperscript{16} Second, the IOC and FIFA could independently facilitate an international treaty.\textsuperscript{17} Third, the IOC and FIFA could only select countries to host that have a Tier One Trafficking in Persons Ranking (hereinafter, “TIP”)\textsuperscript{18} at the time of bidding, meaning the country has received the highest rank by the U.S. Department of State for valuing human rights. Or fourth, the IOC and FIFA could include a three-strike provision in their respective human rights policies that mandates the removal of

\textsuperscript{11} See generally, Joe Pompliano, Everything You Need to Know About The 2022 Qatar World Cup, YOUTUBE (Nov. 19, 2022), https://youtu.be/ZZhTiXRCIm0.

\textsuperscript{12} See, Hess & Bishara, supra note 3 at 257 (due to excessive heat, “the International Trade Union Confederation estimated that over 7,000 workers would die before the start of the World Cup”).

\textsuperscript{13} Corrarino, supra note 1 at 181. Workers’ rights violations persist beyond mega-sporting events. For example, in 2009, two construction workers died amid construction for the new NFL Dallas Cowboys stadium. However, the United States has sophisticated federal occupational safety and health laws to protect and remedy construction workers when situations such as this occur. See, Rosenthal, Gregg. Two Workers Fall on Roof of Cowboys Stadium, NBC SPORTS (Dec. 3, 2009, 10:06 AM), https://profootballtalk.nbcsports.com/2009/12/03/two-workers-fall-on-roof-of-cowboys-stadium/. In contrast, many countries in the world do not have these legal structures in place. Therefore, this argument focuses only on mega-sporting events due to the lack of international legal protections afforded to construction workers.

\textsuperscript{14} See generally, Tracy Wolf, Working as Team: A Collaborative Grievance and Remedy Mechanism for Migrant Labor Abuse in International Mega-Sporting Events, 53 GEO. WASH. INT’L L. REV. 403 (2021) (noting that both the IOC and FIFA have extremely sophisticated adjudicatory systems but currently do not use them to enforce human rights violations).

\textsuperscript{15} Crout, supra note 4, at 53.

\textsuperscript{16} See, Turley, supra note 6, at 161-162 (noting that if the IOC and FIFA were to become IGOs, they would have enhanced status under international law – meaning that the two entities can sue and be sued).

\textsuperscript{17} Id. at 160.

\textsuperscript{18} See, Christenson, infra note 50, at 101 (discussing that a Tier One TIP Ranking is the highest ranking a country may receive from the U.S. Department of State and demonstrates that a country is making the requisite efforts to address human rights violations).
host bid awards if three human rights violations occur during preparations leading up to the mega-sporting event.

This argument proceeds in four parts. Part I delineates why human rights violations are on the rise leading up to mega-sporting events. Part I also outlines the current International Conventions on labor rights set forth by the International Labour Organization (hereinafter, “ILO”) and the most recent international case law related to the issue. Part II provides recommendations for the IOC and FIFA to strengthen legal safeguards related to construction worker labor rights associated with mega-sporting events. Part III analyzes the IOC’s current policies regarding labor rights through the case study of the 2016 Brazil Summer Olympics. Part III also evaluates whether the proposed recommendations would have prevented or mitigated human rights violations from occurring in Brazil. Part IV analyzes FIFA’s current policies regarding labor rights through the case study of the 2022 Qatar World Cup. Likewise, Part IV evaluates whether the proposed recommendations would have prevented or mitigated human rights violations from occurring in Qatar, in comparison to the Brazil case study. Lastly, Part V concludes the analysis by reemphasizing the notion that the objectives of mega-sporting events are unattainable while the IOC and FIFA continue to blatantly disregard human rights violations and labor rights.

I. BACKGROUND INFORMATION

There has been a well-documented rise of human rights violations which have occurred in tandem with construction projects associated with mega-sporting events. The escalation can be attributed to two factors. First, the prevalence of media coverage has become problematic. The twenty-four-hour news media cycle has contributed to increased visibility of the Olympic Games and FIFA World Cup in real-time. Similarly, social media has enabled the world to become interconnected at the touch of a button. Increased media
coverage has coaxed the IOC and FIFA to purposefully selects host countries 
that do not protect speech to the extent that countries such as the United States 
do.\textsuperscript{29} For example, the IOC now requires bidders to ""[s]pecify, if applicable, 
any restrictions or regulations concerning the use of media material produced 
on the national territory intended principally for broadcast outside the 
territory.""\textsuperscript{30}

Second, the IOC and FIFA have recently attempted to be more inclusive by 
awarding bids to several countries that have never hosted a mega-sporting event. 
The countries awarded recent bids have often been non-democratic nations.\textsuperscript{31} 
The purpose of this argument is not to suggest that only democratic countries 
should host mega-sporting events. That would be directly opposed to the efforts 
that the IOC and FIFA have made to become more inclusive.\textsuperscript{32} However, the 
increased prevalence of human rights issues at mega-sporting events can no 
longer be overlooked and disregarded.\textsuperscript{33} Action must be taken. But who has the 
responsibility to mitigate the problem?

The answer is unequivocal. International stakeholders are appropriately 
positioned to remedy the issue. Founded in 1919 by the League of Nations, the 
ILO is an agency whose aims are to ""promote rights at work, encourage decent 
employment opportunities, enhance social protection and strengthen dialogue 
on work-related issues.""\textsuperscript{34} The ILO remains the principal contributor to 
international labor law. The ILO’s principal function is to draft, implement, and 
monitor International Conventions among member states which form the basis

\textsuperscript{29} U.S. CONST. amend. I ("Congress shall make no law…abridging the freedom of speech, or of the press; or 
the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."). 
In 2013, former FIFA Secretary General, Jerome Valcke stated, ""[I]ess democracy is sometimes better for 
organizing a World Cup…when you have a very strong head of state who can decide, as maybe Putin can do 
in 2018…that is easier for us organizers than a country such as Germany, where you have to negotiate at 
different levels."" Pompliano, supra note 11.

\textsuperscript{30} Ryan Gauthier, Olympic Game Host Selection and The Law: A Qualitative Analysis, 23 JEFFREY S. 
MOORAD SPORTS L.J. 1, 41 (2016) (quoting INT’L OLYMPIC COMM., 2020 CANDIDATURE ACCEPTANCE 
elections/2020_CAP.pdf).

\textsuperscript{31} See, Pompliano, supra note 11. But see, Turley, supra note 6, at 148-149 (acknowledging that human rights 
issues are not "exclusive to these new sites").

\textsuperscript{32} Id. at 149 (asserting that the IOC and FIFA have a duty and the financial means to protect human rights at 
the international level to “make international sporting events truly global and inclusive”).

\textsuperscript{33} Id. (noting that FIFA and the IOC must act if they “wish to continue these efforts to make international 
sporting events truly global and inclusive”).

\textsuperscript{34} Comprised of 187 member states, the ILO became the first specialized and only tripartite agency of the 
INTERNATIONAL LABOUR ORGANIZATION, https://www.iolo.org/global/about-the-ilo/history/lang--
of international law on the subject of labor rights.35 “Since 1919, the ILO has promulgated 184 International Conventions on a wide range of” workplace related issues, eight of which have been classified as fundamental.36

For example, ILO Conventions provide for multiple regulations agreed upon by member states concerning hours, weekly rest periods, wages, and safety.37 First, the ILO’s Hours of Work (Industry) Convention of 1919 established the precedent of the forty-eight-hour work week for those in the industrial undertaking, such as construction.38 Second, the ILO’s Weekly Rest Convention of 1921 entitles all employees to “enjoy in every period of seven days a period of rest comprising at least twenty-four consecutive hours.”39 Third, the ILO’s Minimum Wage Fixing Convention of 1970 requires each member state to establish a minimum wage appropriate for the national living conditions.40 Fourth, the Safety and Health in Construction Convention of 1988 specifies a myriad of occupational health and safety standards that member states are obligated to enforce at construction projects.41 The Convention mandates that employers comply with national laws, and “remain responsible

37 Id. at 174.
38 Although dated, the Convention currently has never been formally denounced by the ILO, rendering the Convention as the present legal standard. Hours of Work (Industry) Convention of 1919 (No. 1), June 13, 1921, 1st International Labour Conference [hereinafter, “ILC”]] Sess. But see, Int’l Law Comm’n, Gen. Survey of the reports concerning the Hours of Work (Industry) Convention, 1919 (No. 1), and the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), U.N. Doc 93, at 44 (2005). (in construction work, “regular working hours can be arranged so that they do not exceed 120 hours during a three-week period or 80 hours during a two-week period”).
40 Int’l Labour Org., Minimum Wage Fixing Convention (No. 131), 54th ILC Sess (June 22, 1970) (Article 3 of the Convention allows member states to consider factors such as living standards, cost of living, economic development, and desirability of attaining a high level of employment when establishing minimum wage standards).
for the application of the prescribed measures in respect of the workers placed under his authority."

Those International Conventions have positioned the ILO as the most capable and suitable stakeholder to influence labor standards at mega-sporting events. Under its governing Constitution, the ILO has the ability to institute legal proceedings against member states for failure to comply with International Conventions. In addition to Conventions, the ILO also publishes Declarations with the strategic intent to reaffirm its commitment to labor rights. For example, in 1998, the ILO adopted its Declaration on Fundamental Principles and Rights at Work, which commands member states “to respect, to promote and to realize fundamental principles.” In the Declaration’s 2022 Amendment, the International Labour Conference included a fifth principle and right: member states are to provide employees with safe and healthy working environments.

Since its establishment, the ILO has always recognized the unique intersection between labor rights and mega-sporting events. At the individual level, sports participation is often categorized as a leisure activity for individuals, commonly associated with benefits for one’s mental, emotional, social, and physical health. At the international level, mega-sporting events

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43 Le, supra note 36, at 174 (the ILO has a highly sophisticated internal adjudicatory system that monitors compliance of member states who have ratified the specific Convention). See also, Claire La Hovary, Article 37 of the ILO Constitution: An Unattainable Solution to the Issue of Interpretation, 38 COMP. LAB. L. & POL’Y J. 337, 337 (2017) (Article 37 of the ILO’s Constitution enables the governing body to institute legal action in the International Court of Justice; however, the ILO has never instituted legal action in the International Court of Justice). But see, Complaints, INT’L LABOUR ORG., https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/complaints/lang--en/index.htm (last visited Oct. 24, 2023) (The ILO has internally enforced economic sanctions against countries for violating Conventions. For example, in 2000, Article 33 was invoked for the first time in the ILO’s history when the governing body asked the ILC to take measures to lead Myanmar to end the use of forced labor).

44 Int’l Labour Org., ILO Declaration on Fundamental Principles and Rights at Work, U.N. Doc., 86th ILC Sess. at 3 (amended 2022) (an International Convention is not synonymous with a Declaration. An International Convention is an agreement between member states to bind themselves under international law, whereas a Declaration is merely a statement of principles set forth by an UN agency).

45 Id. at 1 (the ILO states in its Declaration that “[a] safe and healthy working environment proved to be an essential element of the response to the [COVID-19] pandemic as well as of longer-term recovery.”).

46 Le, supra note 36, at 175 (declaring that in 1921, the ILO met with Baron Pierre de Coubertin, the founder of the modern Olympic Games, to “discuss the importance of sports and workers’ leisure”).

47 Id. (the ILO surveyed 250 sports-related projects which unveiled that sports participation improves “the skills and social abilities of all people involved, consequently contributing to the enhancement of their employability and participation in the labor market.”).
often are considered a symbol of transnational unity. However, mega-sporting events now represent a blatant disregard for human life. In recent years, countries have ignored these International Conventions and Declarations when constructing facilities for mega-sporting events.

The ILO has attempted to solve these issues through implementing various programs. In 2015, the ILO launched the Centre for Sport and Human Rights to promote the importance of human rights in the sports industry. During a 2018 speech, former ILO Director General, Guy Ryder, affirmed the ILO and Centre for Sport and Human Rights’ commitment to protect “not only on star athletes…but on the work of the millions who build the sports parks, construct the stadia, manufacture the panoply of sporting goods (often in very complex supply chains), and provide the services and catering that make mega-sporting events possible.” The same year, UN agencies jointly published the 2018 Sporting Chance Principles, which requires mega-sporting events to always consider human rights implications.

Although the ILO has made substantive strides to proactively mitigate labor violations from occurring at mega-sporting events, such progress is undermined without simultaneous efforts from relevant stakeholders. Following the precedent established by the ILO, within the last five years, the two largest

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48 See, Crout, supra note 4, at 36 (during the 1936 Olympics, German fans cheered for African American sprinter and long jumper Jesse Owens protesting the Nazi Regime and Adolph Hitler’s “attempt to ensure Aryan superiority”).
49 Id. at 37.
50 Id. at 39 (“as of November 2015, 4,120 families have been removed, and 2,486 families may still face the threat of displacement in connection with the 2016 Summer Olympics.”); see Joshua Thomas, Qatar World Cup stadiums 2022: Cost, name, sizes and capacity for every pitch, THE SPORTING NEWS (Nov. 18, 2022), https://www.sportingnews.com/us/soccer/news/qatar-world-cup-stadiums-2022-cost-names-size-capacity-pitch/oyhamtoorwhildmq5eq2u; see also Haley Christenson, Comment, For the Game. For the World. But What About the Workers? Evaluating FIFA’s Human Rights Policy in Relation to International Standards, 20 SAN DIEGO INT’L L.J. 93, 97 (2018) (in total, seven stadiums were built in preparation of the 2022 Qatar World Cup by migrant workers in conditions that resemble “modern day slavery”).
52 Id. (stating in his speech that the complexity of the issue is also “why the multi-stakeholder approach that we are putting together is so important[]” in order to prevent future human rights and labor rights violations from occurring).
MEGA SPORTING EVENTS TRUTHS

international sports associations, the IOC and FIFA have enacted human rights policies aimed at combatting labor violations. The governing bodies have attempted to incorporate ILO principles and language into their governing policies by referencing the 1998 version of the Declaration on Fundamental Principles and Rights at Work. However, both governing organizations have failed to enforce their human rights policies, as illustrated through the two case studies of the 2016 Brazil Summer Olympics and the 2022 Qatar World Cup.

These wrongdoings were contested in the Courts of the Canton of Zurich, which handle administrative authorities regarding laws on construction. But, the Swiss Court has categorically dismissed the claims. For example, FIFA was recently sued by the Netherlands Trade Union Confederation (FNV), the Bangladesh Free Trade Union Congress (BFTUC), and the Bangladesh Building and Wood Workers Federation (BBWWF). The lawsuit alleged egregious labor violations that a migrant worker, Nadim Alam, suffered while working on construction projects for the 2022 Qatar World Cup. The Swiss Court dismissed the lawsuit for lack of standing, holding that “only Qatar, not FIFA, could bring a direct change to human and labor rights issues in Qatar.”


55 In 2017, FIFA published its most recent human rights policy, which specifically details the governing body’s commitment to labor rights, land acquisition, construction, and housing rights. Fédération Internationale De Football Ass’n, FIFA’s Human Rights Policy, at 6, https://digitalhub.fifa.com/m/1a876ec60a3f0496d/ original/kwz5dy3w1shy2h6r.pdf.pdf (May 2017 ed.) [hereinafter, “FIFA’s Human Rights Policy”].

56 See, supra note 4, at 52 (leading up to the Olympic Games the former Vice President of the IOC, John Coates, “called the preparation for the Summer Games in Rio de Janeiro ‘the worst he’s ever seen.’”). See also, Pompiana, supra note 11 (despite never qualifying for a World Cup, in 2010 Qatar was awarded the host bid for the 2022 World Cup. Leading many to speculate that the host bid award was corrupt, unprecedented, and preposterous).

57 See generally, The Courts of the Canton of Zurich, https://www.zh.ch/en/gerichte-notariate.html (last visited Oct. 24, 2023) (stating that the Construction Court is “the first-tier court of the canton for the revision of decisions made by the cantonal administrative authorities and the municipalities regarding the laws on construction and protection of the environment”).


59 Id.

60 Id.

61 Id.

62 Christenson, supra note 50, at 99.
While the IOC and FIFA have not been held responsible under a Court of Law for labor violations, those two international governing organizations are best positioned to mitigate the problem. The governing bodies could enforce legal safeguards to prevent future labor violations from occurring during preparations associated with mega-sporting events. But why should the IOC and FIFA have a duty to effectuate change? First, the IOC Charter and FIFA governing statute affirm both organizations’ commitment to promoting and enforcing human rights. If the IOC and FIFA are sincere about their objectives, “a proactive stance on the promotion and enforcement of human rights in host nations seems a bare minimum requirement.”

Second, the Olympic Games and FIFA World Cup attract significant opportunities for host countries. The international sports industry operates in a niche position: at the center of cultural and economic power. For example, FIFA reported that 1.5 billion people watched the 2022 Qatar World Cup live on television. International sports organizations like the IOC and FIFA have such an extensive global reach that it would be counterintuitive to their respective missions to not take an active role in advancing human rights. The IOC and FIFA are uniquely positioned and have expressly committed to protecting and preserving human rights. Mega-sporting events have an unequivocal obligation to “pursue the development and enforcement of human rights.”

See, Int’l Olympic Comm., Olympic Charter at 16-17 (Sept. 9, 2013) [hereinafter, “Olympic Charter”] (the Olympic Charter provides that the mission of the organization is to include “cooperat[ion] with the competent public or private organisations and authorities in the endeavour to place sport at the service of humanity and thereby to promote peace” as well as “to act against any form of discrimination affecting the Olympic movement” and “to oppose any political or commercial abuse of sport and athletes”).

See, FIFA, FIFA Statutes: Regulations Governing the Application of the Statutes, Standing Orders of the Congress, at 6 (July 2013) [hereinafter, “FIFA Statutes”] (the governing Statute of FIFA provides that its objectives aim at “improv[ing] the game of football constantly and promot[ing] it globally in the light of its unifying, educational, cultural, and humanitarian values”).

Turley, supra note 6, at 150 (stating that the IOC and FIFA have already publicly devoted their organizations to promoting humanitarian causes).

Id. at 151 (Illustrating empirical evidence to support the many economic benefits associated with hosting a World Cup or the Olympic Games for the first time. For example, media coverage “has the potential to shape viewers’ perceptions of a host nation.”).

Robert Summerscales, FIFA World Cup Final Beat Super Bowl LVI by More Than ONE BILLION Viewers in TV Ratings, SPORTS ILLUSTRATED (Jan. 18, 2023), https://www.si.com/fannation/soccer/futbol/news/how-fifa-world-cup-final-beat-super-bowl-lvi-in-tv-ratings (Sports Illustrated reported that “FIFA claimed that the tournament resulted in ‘almost six billion engagements on social media.’” Conversely, the National Football League’s 2023 Super Bowl had less than 200 million viewers).

See, supra notes 63-64 (stating the respective mission statements for the IOC and FIFA with regard to their human rights policies).

Turley, supra note 6, at 152.
Thus, the IOC and FIFA can and should adopt legal safeguards to prevent human rights violations from occurring during facility construction for their events.

II. RECOMMENDATIONS

The IOC and FIFA could adopt four steps to strengthen legal safeguards related to labor rights during construction preparations leading up to mega-sporting events. First, the IOC and FIFA could “pursue enhanced status under international law.” Presently, the IOC and FIFA are categorized as non-governmental organizations (hereinafter, “NGOs”), which means that the International Court of Justice has no force of law against the governing bodies. To obtain enhanced status, the IOC and FIFA would have to convert to IGOs. The IOC and FIFA would have to revise their present founding charters so that the organizations will “no longer consist of member committees and federations, but rather of member states.” If the IOC and FIFA were to respectively pursue this option, the two organizations could seek reparations for human rights violations that occur before and during mega-sporting events.

This enhanced status would enable any nation state or individual to institute

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70 Id. at 149 (asserting that the IOC and FIFA have an unequivocal duty to take “an active role in the promotion and protection of human rights”).
71 Id. at 160 (describing enhanced status under international law as creating a “legal personality”).
72 See, Non-Governmental Organizations, BLACK’S LAW DICTIONARY (11th ed. 2019) (defining NGOs as “any . . . organization that is [not] affiliated with . . . [the] government”).
73 See, International Court of Justice, UN, https://www.un.org/en/model-united-nations/international-court-justice (last visited Oct. 27, 2023). Located in the Hague of the country of the Netherlands, the International Court of Justice is known as the “World Court.” Since it was established in 1945, the Court has functioned as the main judicial organ of the UN. The Court is composed of fifteen judges elected to nine-year terms selected by the UN General Assembly. See e.g., Turley, supra note 6, at 160 (revealing that currently, nation-states have the “strongest status” under international law, meaning that a nation-state can sue and be sued before the International Court of Justice).
75 Turley, supra note 6, at 161-62.
76 Id. at 160 (this enhanced status would “allow the International Court of Justice to bring claims on behalf of any individual whose human rights are violated in the course of participation in an international sporting event”).
legal action in the International Court of Justice for causes of action accruing from an international sporting event.\textsuperscript{77}

This option is the most contentious recommendation that the IOC and FIFA could adopt, as seeking enhanced status under international law will be an arduous task.\textsuperscript{78} It would require an extensive overhaul of both organizations’ institutional structure and the re-establishment of both organizations under international law.\textsuperscript{79} This status change would impose greater international responsibility for the IOC and FIFA under the law. This option poses a significant encumbrance that will hinder the governing bodies’ ability to achieve enhanced status under international law. The IOC and FIFA must receive approval from all nation-states to convert to IGOs.\textsuperscript{80} This procedural obstacle alone may render the first option impracticable.

Second, the IOC and FIFA could independently facilitate a treaty\textsuperscript{81} imposing a legal obligation on states to respect human rights at mega-sporting events.\textsuperscript{82} The IOC and FIFA could incorporate language into the treaty that requires host countries to provide safe working conditions for construction workers\textsuperscript{83} in addition to enforcement mechanisms aimed at preventing egregious wrongdoings. This option would result in significantly fewer procedural complications than the prior suggestion. However, this option would still require all nation-states to ratify the treaty.\textsuperscript{84} If the IOC and FIFA facilitated such a treaty, this would signal on a global scale, the organizations’ affirmation

\textsuperscript{77} Christenson, supra note 50, at 98-100 (if the IOC and FIFA were to seek enhanced status, then the International Court of Justice and Courts of the Canton of Zurich would more readily be able to attain standing over disputes arising out of human rights violations perpetrated during preparations for mega-sporting events).

\textsuperscript{78} See, Turley, supra note 6, at 161-62 (stating that “unlike the United Nations charter, neither the Olympic Charter nor the FIFA Statutes define the legal powers and rights as between the organizations and constituent states.”). Therefore, if the IOC and FIFA were to elect to become IGOs, it would be financially burdensome and time-consuming for the organizations to re-draft their entire pre-existing Charters and Statutes).

\textsuperscript{79} Id. at 162.

\textsuperscript{80} Id. (noting that “IOC and FIFA would have to convince nation-states to assume a significantly more deferential attitude by actually acceding rights and powers to organizations via international agreement.” Thus, the IOC and FIFA may opt to avoid the massive undertaking).

\textsuperscript{81} \textit{See Treaty}, BLACK’S LAW DICTIONARY (11th ed. 2019). In international law, a treaty is defined as “[a]n agreement . . . between two or more [independent] states.”

\textsuperscript{82} Turley, supra note 6, at 160.

\textsuperscript{83} Id. at 163 (stating that the treaty could also include language to bind the organizations to prevent the occurrences of other human rights violations that commonly transpire at international sporting events, such as spectator harassment).

\textsuperscript{84} Id. at 160 (contending that this approach would enable the IOC and FIFA to independently strengthen their pre-existing policies while adding legal safeguards to ensure enforcement of such provisions). \textit{See also} Corrarino, supra note 1, at 204 (stating that “[i]n light of the transnational character of most mega-events, the emphasis on legal protections during mega-events will likely need to come from a multiplicity of actors, ranging from grassroots organizers to institutional bodies.”).
to respect human rights at mega-sporting events. The treaty should also include enforcement provisions with stringent monitoring and compliance.

A substantive pitfall to this option is that many countries may not agree to sign such a treaty. Several recent World Cup hosts and Olympic Games hosts were scrutinized for human rights violations before the sporting events. If the IOC and FIFA had ratified treaties, those countries would have been precluded from hosting. Thus, it can be speculated that a multi-lateral treaty of such magnitude may not be signed by all nation states. Countries recent actions illustrate their unwillingness “to engage in dialogue and make progress on human rights issues.”

Another problem is that the IOC and FIFA would have very limited oversight in the enforcement of the treaty, placing responsibility in the hands of the signatory states. Host countries may be reluctant to report violations if it would result in negative repercussions under the treaty’s provisions.

Third, the IOC and FIFA could select countries to host based on their annual TIP Ranking. Although other UN metrics exist that could be useful for FIFA and the IOC to consider, this option is most appropriate due to the proliferation of migrant workers who are human trafficked. Human rights violations exist simultaneously with increasing levels of labor trafficking because countries often employ a migrant workforce for construction projects related to

See Turley, supra note 6, at 163. The IOC and FIFA cannot force any nation-state to accept the terms of the treaty; however, “the influence of their massive global audience to pressure nation-states to come to the bargaining table and negotiate a treaty respecting the rights of participants in global sporting events.”

See Ryan Gauthier & Gigi Alford, Will Human Rights Ever Be Olympic Values?: Evaluating the Responses to Human Rights Violations at the Olympic Games, 35 CONN. J. INT’L L. 19, 21 (2019) (describing how the 2020 Olympic Games were plagued with labor violations as “workers on the Olympic venues in Tokyo are laboring with few days off and in unsafe conditions.”). See also Daniela Heerdt, A Rights-Holder View on Human Rights Provisions in Olympic Bidding and Hosting Regulations, 114 AJIL UNBOUND 356 (2020) (illustrating the catastrophic effect that the 2016 Brazil Olympics had causing “the displacement of thousands of people, which in some cases, were evicted forcefully, to make room for the large-scale construction projects connected to hosting the event.”).

Turley, supra note 6, at 164.


The UN Human Rights Council has published both quantitative and qualitative metrics that the IOC and FIFA could additionally consider. For example, the UN annually publishes a human rights score of countries through the Universal Human Rights Index. Similarly, the Universal Periodic Review is a searchable database that accumulates countries democratized human rights reports. See generally Welcome to the Universal Human Rights Index (UHRI), UNITED NATIONS HUMAN RIGHTS, https://uhri.ohchr.org/en/ (last visited Oct. 23, 2023).
international sporting events.\textsuperscript{92} For example, leading up to the 2018 Russia World Cup, the country was scrutinized for the working conditions of migrant construction workers.\textsuperscript{93} To prevent labor violations like that from occurring in the future, the IOC and FIFA should only select countries with a Tier One TIP Ranking which is the highest ranking that a country may receive.\textsuperscript{94} A Tier One TIP Ranking “indicates that a government has made efforts to address the problem that meet the TVPA’s minimum standards.”\textsuperscript{95} By selecting countries that already value human rights, this legal safeguard will prevent the exploitation of migrant workers.

However, adopting this option would be in stark opposition to the IOC and FIFA’s principal objective of allowing many first-time countries to host mega-sporting events.\textsuperscript{96} This policy would exclude many countries from bidding on hosting the World Cup or Olympic Games simply because of their TIP Ranking. This would disadvantage many non-democratic nations that often do not receive a Tier One TIP Ranking.\textsuperscript{97} Another issue with this policy is that countries are often selected to host mega-sporting events many years in advance. For example, Qatar was selected twelve years before the 2022 World Cup due to the country’s lack of adequate infrastructure. Imposing such a restriction on the host selection process may preclude a country’s likelihood of winning such an award.\textsuperscript{98}

Fourth, the IOC and FIFA could adopt a three-strike policy which requires immediate removal of host bid awards if human rights violations occur. This alternative would communicate a clear message: the IOC and FIFA will not tolerate egregious labor violations in construction projects related to their

\textsuperscript{92} See Christenson, supra note 50, at 95 (reporting that “[t]he International Labor Office (ILO) estimates that on any given day in 2016, 25 million people were victims of forced labor.” The Author refers to this practice as “modern slavery.”).

\textsuperscript{93} See id. at 95-96 (a United Nations official reported that during preparations before the 2018 Russia World Cup, “as many as six to eight workers were living in one construction caravan, working at least eleven hours per day and seven days per week, for as little as ten to fifteen U.S. dollars per day.”).

\textsuperscript{94} Nonetheless, a Tier One TIP Ranking does not signify that a country has no human trafficking. \textit{See} 2022 \textit{Trafficking in Persons Report}, supra note 90, at 52. For example, the United States has a Tier One TIP Ranking despite having substantial issues with human trafficking along the country’s border with Mexico. \textit{See e.g.}, id. at 49.

\textsuperscript{95} Id. at 52. \textit{See also} Victims of Trafficking and Violence Protection Act of 2000, 2000 Enacted H.R. 3244, 106 Enacted H.R. 3244, 114 Stat. 1464 (which is a U.S. statute with the principal purposes of protecting, preventing, and prosecuting human trafficking); \textit{see also} 2022 \textit{Trafficking in Persons Report}, supra note 90, at 52.

\textsuperscript{96} Turley, supra note 6, at 148-149.

\textsuperscript{97} \textit{See e.g.}, 2022 \textit{Trafficking in Persons Report}, supra note 90, at 69 (reporting that countries such as the United States, Germany, the Netherlands, Sweden, France, Iceland, the United Kingdom, and several other democratic nations received a Tier One TIP Ranking in 2022).

\textsuperscript{98} \textit{See generally} Pompliano, supra note 11 (illustrating the drastic changes Qatar made over twelve years while preparing to host the 2022 World Cup).
events.\textsuperscript{99} Academics have acknowledged that “the potential for revocation of hosting rights should be used as an incentive for host countries to have continued oversight in the preparation for the event.”\textsuperscript{100} This policy would operate as a deterrent mandating that host countries comply with the IOC’s and FIFA’s policies rather than engaging in “sportswashing.”

The three-strike policy option would be a nuisance and costly for the IOC and FIFA. If three labor violations occurred amid the construction of a new facility, the host bid award would automatically be removed. This would force the IOC or FIFA to then restart the entire bidding and selection process.\textsuperscript{101} The IOC or FIFA would incur massive costs if the event had to switch to a new country in the weeks or months leading up to the mega-sporting event. In that case, the governing bodies should favor selection of a country who has previously hosted and has the adequate infrastructure.\textsuperscript{102} Another potential issue with this proposal is determining when a host bid should be removed. Should one violation be counted as a “strike” if it is one remedial violation, such as making employees work an hour over the ILO’s standard of hourly work. Or would a “strike” only occur when an egregious violation, such as a death on a construction site, occurs?

One strike should only occur when an egregious human rights violation occurs. The IOC and FIFA should strategically draft their policies to preclude accidental occupational injuries\textsuperscript{103} from constituting a violation. The IOC and FIFA must also assess whether to defer to countries for monitoring or if a third

\textsuperscript{99} See Christenson, supra note 50, at 100 (proposing that “FIFA should provide specific goals and rules it intends to implement to show that human rights violations, and specifically labor trafficking, are actions that FIFA will not tolerate.”).

\textsuperscript{100} MATHESON ET AL., supra note 5, at 273.

\textsuperscript{101} See Christenson, supra note 50, at 117 (asserting that presently, FIFA “requires host countries guarantee compliance with human rights and labor standards provided by the government, and that contractors conducting construction and renovation for the World Cup abide by these standards.” However, this proposed suggestion adds an additional layer of protection by forcing the IOC and FIFA to mandate removal automatically).

\textsuperscript{102} The IOC and FIFA have selected countries that have previously hosted the Games and World Cup to host upcoming mega-sporting events. For example, the IOC has selected Paris, France, to host the 2024 Summer Olympics and Los Angeles, United States, to host the 2028 Summer Olympics. See 2024/2028 Host City Election, INT’L OLYMPIC COMMITTEE, https://olympics.com/ioc/2024-2028-host-cityelection#:~:text=The%20agreement%20was%20ratified%20by%20the%20Olympic%20Games%20in%202028%20(January%2023, 2023). Similarly, FIFA has selected Canada, the United States, and Mexico to host the 2026 World Cup in a joint bid. See FIFA World Cup 2026, FIFA, https://www.fifa.com/tournaments/mens/worldcup/canadamexicouusa2026/destination (last visited Oct. 23, 2023). However, this may undermine the IOC and FIFA’s goals of allowing first-time countries to host the Games or World Cup. See Turley, supra note 6, at 149-49.

party should decide when to remove a host bid.\textsuperscript{104} For example, the IOC and FIFA could defer enforcement and adjudication of the three-strike policy to the Court of Arbitration of Sport.\textsuperscript{105} This enforcement procedure would enable an objective body to decide when to remove a host bid. Alternatively, the IOC and FIFA could also employ individuals who will oversee host countries’ compliance with the new regulations. In an ideal world, the IOC and FIFA would adopt this policy. However, host countries would likely protest this option.\textsuperscript{106} It is also highly unlikely that the IOC and FIFA would adopt such an economically adverse approach. But, if the touted goals of the IOC and FIFA are to respect human rights, this action would be the most suitable option to reaffirm those objectives.

Ultimately, all four recommendations have their advantages and disadvantages. For example, difficulties may arise in enforcing each of the four recommendations. However, the IOC and FIFA may mitigate these concerns by selecting the Court of Arbitration of Sport to enforce and adjudicate the abovementioned options. This choice would allow the IOC and FIFA to defer decision-making to an objective third party to mitigate the concerns over lack of enforcement.\textsuperscript{107} Considering these recommendations, the following analysis describes the events that occurred in Brazil and Qatar and evaluates whether applying any of the options would have altered the labor violations that occurred before the 2016 Summer Olympics and the 2022 World Cup.\textsuperscript{108}

\textsuperscript{104} The governing bodies currently defer to host countries. For example, current FIFA policy requires that host countries “express its commitment to ensuring that access to effective remedies [are] available where such rights violations occur, including judicial and non-judicial complaint mechanisms with the power to investigate, punish and redress human rights violations.” See, Christenson, supra note 50, at 117 (citing FIFA, Overview of Government Guarantees and the Government Declaration 11-12, https://www.fifa.com/about-fifa/official-documents).

\textsuperscript{105} Established in 1984, the Court of Arbitration of Sport resolves sports disputes through arbitration procedures. An entity may submit two types of claims to the Court of Arbitration of Sport: commercial or disciplinary. Removal of a host bid award would be both a commercial dispute and a disciplinary dispute. As such, the IOC or FIFA could submit a dispute like this directly to the Court of Arbitration of Sport. See, History of the CAS, COURT OF ARBITRATION FOR SPORT, https://www.tas-cas.org/en/general-information/history-of-the-cas.html (last visited Oct 26, 2023).

\textsuperscript{106} Turley, supra note 6, at 154 (criticizing implementing exclusivity in host bid awards, the Author stated, “[s]uch an approach might undermine the goal of advancing human rights by inadvertently ignoring human rights abuses by Western countries or long-established superpowers.”).

\textsuperscript{107} Deference to the Court of Arbitration for Sport would not be without precedent. The IOC and FIFA have previously resolved disputes in the Court of Arbitration for Sport. For example, in 1996, ad hoc divisions of the Court were created for the Olympic Games. Additionally, beginning in 2006, ad hoc divisions of the Court were created for the FIFA World Cup. See History of the CAS, supra note 105.

\textsuperscript{108} See, infra Parts III-IV.
III. IOC

The five different colored rings symbolize the oldest and most recognizable international sporting event, the Olympic Games. But the rings signify much more than merely a competition of athletic prowess. The Olympic Games previously represented the global values of inclusivity and the promotion of world peace. In recent years, the Olympic Games have been eclipsed by evil and plagued by human rights violations. After the disastrous events surrounding the 2016 Brazil Summer Olympics, the IOC implemented a Strategic Human Rights Framework aimed at protecting, respecting, and remediing human rights violations. The IOC stated that the organization would “pay attention to” four groups: athletes, volunteers and game delegations, construction workers, and communities who may be displaced.

In addition to publishing its Strategic Human Rights Framework, in 2017, the IOC established a Host City Contract, which will be effective for the 2024 Paris Olympics, which imposes $4 million in damages against the host country if a human rights violation occurs. Principal 13.2.b. of the Host City Contract outlines the expectations for host countries:

[to] protect and respect human rights and ensure any violation of human rights is remedied in a manner consistent with international agreements, laws and regulations applicable in the Host Country and in a manner consistent with all internationally-recognised human rights standards and principles, including the United Nations Guiding Principles on

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109 The Olympic Rings, INT’L OLYMPIC COMM., https://olympics.com/ioc/olympic-rings (last visited Oct 26, 2023) (noting that according to the Olympic Charter, the five different colored rings of the Olympics symbol are to represent the five continents of the world).

110 Hess & Bishara, supra note 3, at 252 (stating that a Fundamental Principle of Olympism is to preserve human dignity).

111 See id. at 250 (asserting that “sporting events billed as promoting peace are staged through corruption and built on a foundation of human rights violations.”).

112 IOC Strategic Framework on Human Rights, supra note 54, at 46 (the IOC’s Strategic Framework on Human Rights uses many visual aids to illustrate the complicated institutional hierarchy of the Human Rights Management System). But see, GLENN M. WONG. ESSENTIALS OF SPORTS LAW (4th ed. 2010) at 198-99 (explaining the institutional adjudicatory framework of the IOC is relatively simple. “In the context of the Olympic movement, the Ethics Commission can request sanctions against IOC members and honorary members, International Federations, National Olympic Committees, and host cities.”).

113 See IOC Strategic Framework on Human Rights, supra note 54, at 32. Coincidentally, the IOC’s Strategic Framework on Human Rights mentions construction workers merely one time, in small font, buried thirty-two pages into the fifty page document.

114 Gauthier & Alford, supra note 87, at 27-28 (noting that the Host City Contract provides for the IOC to “withhold other payments due to the hosts as liquidated damages” and that the contract also states that the IOC is entitled to withdrawal the Games from the host country as a result of a breach of the contract).
Business and Human Rights, applicable in the Host Country.

The Host City Contract also institutes new bidding regulations, which have the force of law. In addition to the Host City Contract, the IOC has formally established Human Rights Advisory Committee to support the IOC in meeting its “human rights provisions in the new HCC as one factor among others.” While the IOC’s efforts are certainly a step in the appropriate direction, these actions are merely words without meaningful enforcement. Thus, the IOC could still adopt steps to ensure further accountability for its actions, as evidenced by the case study of the 2016 Brazil Summer Olympics.

Imagine this hypothetical: you save up to buy your first home, raise your family there, and have cherished life memories there with the intention of retiring there. You go to work one day and come home and see a paper attached to the front of your door. “As you approach the door, from a distance you see in big letters the word ‘NOTICE.’” You have just been evicted from your home so your country can build a stadium for the Olympic Games. This happened to thousands of Brazilian residents due to construction related to the 2016 Summer Olympics. Brazil contended that its actions in evicting residents in historically impoverished neighborhoods were justified due to the financial gain the country would incur from hosting the Games.

The human rights violations that occurred in Brazil were not exclusive to forced evictions but also impacted construction workers who lost their collective bargaining rights. Brazil declared that its actions were necessary to complete projects on time. However, the government’s decision provoked

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116 Heerdt, supra note 87, at 359.
117 Id.
118 Gauthier & Alford, supra note 87, at 34 (stating that “[i]f the Olympic Games are to be seen as one of the world’s great celebrations, and one with the support of liberal democratic states, the IOC needs to work with others to align Olympic values with internationally recognized human rights standards.”).
120 See id. at 781-82.
121 See Turley, supra note 6, at 148 (stating that the majority of the displacement of Brazilian residents occurred “[i]n the city’s slums.”); See also Corrarino, supra note 1, at 180-181 (noting that traditional food sellers adjacent from stadiums were also evicted due to construction related projects).
122 Crout, supra note 4, at 46-47 (stating that the 2014 Sochi Winter Olympic Games “generated more than $53 million USD in profits.”).
123 See Corrarino, supra note 1, at 180.
unenforced safety standards and a proliferation of labor violations.  

The emerging assertion is evident: Brazil was going to do what it wanted regardless of the fatal effect. This is illustrated by the 2014 Brazilian Senate Bill PLS 728/11, which predominately centered on restricting construction workers’ ability “to strike before and during the upcoming events.” Yet, Brazil is not solely to blame.  

Despite having a responsibility to effectuate change, the IOC has “done little to rectify the flagrant abuses of human rights.”

In the preceding section, reforms were suggested that the IOC could adopt to remedy the problem. The following analysis evaluates whether any of the four recommendations would have helped remedy the labor violations in Brazil leading up to the 2016 Summer Olympics. First, if the IOC had become an IGO, the IOC could have independently sought reparations against Brazil for the forced evictions of residents from historically impoverished communities. Enhanced status would have allowed any individual affected by wrongful eviction to institute legal action under the International Court of Justice.

This option is limited because its effect is only retroactive. It only provides a remedy after wrongdoing has already occurred. But would this recommendation have prevented the mass evictions of Brazilian residents? It is questionable. The IOC’s enhanced status could have acted as a deterrent. However, it is less clear whether the threat of future litigation would have dissuaded Brazil from displacing thousands of its citizens. After all, the country still needed to build adequate facilities for the Games.

Alternatively, the IOC could have facilitated a multi-lateral treaty affirming its commitment to human rights. This procedural safeguard would operate as

124 See id. at 198 (noting that despite two deaths of construction workers on projects related to a 2014 World Cup Stadium and a 2016 Olympic Stadium, the Brazilian government responded by enacting “laws curtailing the right to engage in protected concerted activities like strikes and labor organizing.”).

125 Id. at 198-99 (revealing that the Bill mandated that construction workers give employers fifteen days’ notice before a strike).

126 Id. at 182 (stating that the Olympic Games, establishes a “[law exclusion zone]” wherein “regimes often undermine normal human rights protections, allowing a few to profit at the expense of the many.”).

127 Crout, supra note 4, at 52.

128 Infra Part II.

129 See supra notes 76-77.

130 See Turley, supra note 6, at 161 (stating that “an organization may bring before the ICJ claims against states for harm caused to the organization’s agents in carrying out these rights and duties.”).

131 But see Crout, supra note 4, at 41-42 (revealing that Brazil’s efforts went beyond that of simply building facilities for the Games, rather, “[t]here is some concern that the administration of Rio de Janeiro is attempting to unethically ‘beautify’ its city prior to the Olympics through the systematic displacement of an already marginalized community.”).

132 See Turley, supra note 6, at 163.
a preventative mechanism to deter wrongful conduct. Also, the treaty would have the force of law since relevant stakeholders could seek reparations for violations of its provisions. If the IOC had adopted an international treaty regarding human rights before the 2016 Summer Olympics, it would have significantly impacted the course of events. For example, a treaty would require monitoring and compliance. Thus, the treaty’s provisions could have prevented the country from issuing forced evictions with no notice. The treaty’s requirements could have also prohibited restrictions on construction workers’ rights to collective bargaining.

However, the treaty’s provisions would likely designate oversight of monitoring and compliance to nation-states due to convenience and cost. This would leave the IOC with little to no actual oversight of the treaty. Instead, the IOC would have to rely on countries individually reporting human rights violations within their own borders related to construction projects for the Olympics. It seems unrealistic to expect Brazil to report internal wrongdoing. Due to this option’s retroactive effect, it is difficult to ascertain whether a treaty would have prevented the human rights violations that occurred in Brazil leading up to the 2016 Summer Olympics. Conversely, it is evident that if adopted, a treaty would have, at a minimum, provided a remedy for the human rights violations that occurred leading up to the Games.

Third, the IOC could consider only selecting countries to host that have a Tier One TIP Ranking. This option would have significantly impacted the 2016 Summer Olympics. In 2016, Brazil had a TIP Ranking of Tier Two, which means that Brazil “[did] not fully meet the [TVPA’s] minimum standards . . . [but are] making significant efforts to [bring themselves into compliance with those

133 But see id. at 162 (noting that the IOC cannot mandate nations to accept the terms of a treaty or enforce its provisions).
134 Id. (noting that a treaty option is only effective if it is ratified by nation-states. As previously mentioned, although considered an appropriate solution to the problem, it seems unrealistic to believe that countries would be willing to acquiesce).
135 See Corrarino, supra note 1, at 180.
136 See Turley, supra note 6, at 164.
137 See Corrarino, supra note 1, at 195-196 (noting that Brazilian officials were comfortable with their decision to evict thousands from historically impoverished communities due to the financial gain the country would incur from hosting the Olympic Games. Therefore, it can be speculated that if presented with the opportunity to confess wrongdoings within their own country leading up to the Games, Brazil would have been willing to turn a blind eye to such human rights violations if reporting resulted in lost profits).
138 See Turley, supra note 6, at 163 (stating that “the organizations may urge the adoption of expansive enforcement provisions enabling any state to seek enforcement of the treaty against a violator.”).
139 See 2022 Trafficking in Persons Report, supra note 90 (noting that Tier One TIP Rankings are awarded to countries who already value human rights and have made efforts to mitigate human rights violations from occurring within its own nation).
standards].” Under this proposed recommendation, Brazil would have been ineligible to host the 2016 Olympic Games. Therefore, the wrongful gentrification and forced displacement of thousands of Brazilian citizens would not have occurred. Construction workers would also not have been impacted, because construction projects would have ceased to exist. This proposed option would have prevented the human rights violations which occurred in preparations related to the 2016 Summer Olympics. However, this alternative is disadvantageous because it would undermine the IOC’s objective of global inclusivity by limiting the available host country options.

Fourth, the IOC could consider adding language to either its Host City Contract or Strategic Framework on Human Rights that includes a three-strike policy requiring mandatory removal of host bid awards if human rights violations occur. Due to the IOC already having a highly sophisticated adjudicatory structure, enacting this proposed change would be relatively unchallenging. However, complications may arise in the enforcement of the provision and its costs associated with switching to a new country in the weeks or months leading up to the Olympics.

If the IOC had adopted this policy before the 2016 Summer Olympics and properly enforced it, no more than three human rights violations would have occurred. Plain and simple: Brazil would not have been the host country of the 2016 Summer Olympics. The outstanding question is when would Brazil have lost its host country rights? The answer depends on how and when the IOC selects to adjudicate its three-strike policy, which the governing body would determine at its discretion.

If the IOC adopted one of the four proposed recommendations, it could have prevented or at least remedied wrongdoings that transpired in Brazil leading up

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141 Thus, the IOC should consider if implementing this recommendation defeats its recent efforts to allow countries to host the Games for the first time. See Turley, supra note 6, at 148-149.

142 See Heerdt, supra note 87, at 358 (noting that the human rights concepts articulated in the IOC’s current Host City Contract impose a legal obligation “made during the candidate process become binding once the event has been awarded.” Therefore, the IOC’s current structure already has established a feasible framework that could impose the force of law upon host cities and countries alike).

143 But see Turley, supra note 6, at 154 (considering that the high cost of replacing a host city would likely deter the IOC from implementing such a radical proposal).

144 See Heerdt, supra note 87, at 359 (stating that “[u]sually, the organization of events like the Olympics take place in different stages, from the bidding, to the planning, to the delivery, and the leverage stage.” Therefore, the IOC would have to internally consider its approach to enforcing such a provision that results in the removal of the host bid award).
to the 2016 Olympic Games. Nevertheless, the problem is not exclusive to the Olympic Games and persists in other international sporting events, such as the FIFA World Cup, often at a more egregious level. The following analysis describes the events in Qatar leading up to the 2022 World Cup and evaluates whether any of the four recommendations would have helped prevent or remedy the problem.  

IV. FIFA

Founded in 1904, FIFA is the most notoriously corrupt global sports organization. Yet, FIFA is simultaneously one of the most influential NGOs and one of the most financially successful enterprises in the world. It was once said that “with great power, comes great responsibility.” And that is what is at issue today concerning FIFA. In recent years, international stakeholders have criticized FIFA for its failure to respond to egregious violations of human rights in preparations leading up to its mega-sporting events. In response, in 2017, FIFA published its most recent human rights policy, which details the governing body’s commitment to labor rights, land acquisition, construction, and housing rights. The policy imposed revised bidding regulations upon all of FIFA’s member associations mandating stakeholders to merely “respect Internationally Recognised Human Rights, including workers’ rights, in all aspects of its/their activities relating to this

145 See Corrarino, supra note 1, at 198 (stating that “Brazil’s track record on construction fatalities is not among the worst; Greece and Beijing saw fourteen and ten construction fatalities, respectively, in their Olympic Games preparations, and, as of February 2014, a shocking 400 Nepalese construction workers had died on 2022 World Cup projects in Qatar.”).
146 See infra Part IV.
147 Matheson ET AL., supra note 5, at 259 (describing that FIFA was formed “a few years after the IOC” after various attempts to create soccer associations failed); Bruce W. Bean, FIFA—Where Crime Pays, in The Palgrave Handbook on the Economics of Manipulation in Sport, in PALGRAVE MACMILLAN (Markus Breuer & David Forrest eds., 2018), 301 (stating that the Washington Post once called FIFA “notoriously corrupt.”).
148 See Hess & Bishara, supra note 3, at 250 (noting that mega-sporting events “often involve numerous public contracts and infrastructure projects and have immense amounts of money at stake for sponsors, advertisers, and host countries and their business and political leaders.”).
149 Spider-Man (Marvel Enterprises 2002) (quoting a line from the critically acclaimed film).
151 FIFA’s Human Rights Policy, supra note 55, at 6.
Bidding Process in accordance with the UN Guiding Principles.” FIFA has not enacted any other mechanisms to combat human rights violations since the above policy.

FIFA’s recent efforts were a reactionary attempt to deter attention away from the egregious human rights violations that occurred in Qatar during preparations leading up to the 2022 World Cup. In 2018, Qatar won the bid to host the World Cup, and shortly thereafter, preparation began. With a population of merely 2.8 million, the country recruited a predominately migrant workforce to build seven new stadiums in anticipation of the World Cup. Qatar has a unique system known as the “Kafala” system which allows for an employer to sponsor migrant workers. The system instills “modern-day slavery” wherein the migrant worker is forced to remain in Qatar at the will of the employer. The worker cannot “work for any other employer, nor can he leave the country without his or her sponsor’s approval.”

In addition to the “Kafala” system, the lack of oversight by FIFA precipitated the human rights violations that occurred in Qatar. For example, the Human Rights Watch reported that “[the] unsafe working conditions, such as requiring work during excessive heat” resulted in hundreds of deaths per year in Qatar directly related to construction projects for the 2022 Qatar World Cup. Human rights stakeholders and NGOs protested the conditions and pressured Qatar to change their law to provide protections for workers. The country reluctantly passed legislation a few weeks before the ILO decided whether to investigate Qatar. Although not legally responsible for human

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152 See Heerdt, supra note 87, at 359 (quoting FIFA, FIFA Regulations for the Selection of the Venue for the Final Competition of the 2026 FIFA World Cup art. 8(2) (2017)).
153 See Christenson, supra note 50, at 100 (acknowledging that “FIFA's new policy makes progress towards battling labor trafficking, but there is more that can be done to alleviate the problem.”).
154 Id. at 96 (stating that Qatar won its bid to host the 2022 World Cup, the same day as Russia was awarding its bid to host the 2018 World Cup likely due to the time it would take for Qatar to prepare the adequate infrastructure to host an international sporting event of such magnitude).
155 Id.
156 Id. at 97 (divulging that Qatar predominately “recruited workers primarily from India, Nepal, and Sri Lanka” to work on construction-related projects).
157 Id.
158 Id.
159 See Hess & Bishara, supra note 3, at 256-257.
160 See Christenson, supra note 50, at 98.
161 Christenson, supra note 50, at 97-98 (disclosing that the changes did not resolve the ongoing problem. For example, “[u]nder the new law, workers remain within their employer's control and may not, without their employer's permission, change jobs during contracted periods.”).
rights violations which occur in host countries, FIFA should take responsibility for such conduct as a matter of public policy by taking steps to introduce more protective safeguards. The following analysis evaluates whether any of the four recommendations would have helped remedy the labor violations that occurred in Qatar leading up to the 2022 World Cup. The analysis also explains how the application of the recommendations to Qatar contrasts with the 2016 Brazil Summer Olympics.

First, if FIFA gained enhanced status under international law, any migrant worker affected by the labor violations could have initiated legal action against FIFA or Qatar under the International Court of Justice. For example, lawsuits brought on behalf of migrant workers would not be dismissed for lack of standing if FIFA had gained enhanced status under international law. However, similar to the application of this option to the Brazil case study, this proposed reform would not have prevented any of the labor violations from occurring in Qatar because this remedy has a vast retroactive effect. The application to Qatar differs from Brazil, because Qatar was a first-time host country and was the first-ever Middle Eastern nation to host a World Cup.

Therefore, if FIFA had gained enhanced status before the 2022 World Cup, it certainly would have played a larger role in deterring Qatar from engaging in complicitous conduct. Qatar simply had too much to lose as a first-time host country and the sole representative of the entire Middle East. While Brazil also was a first-time host country of the Olympic Games in 2016, the nation has had athletes compete in international sporting events dating all the way back to 1920. Conversely, Qatar had never even qualified for a World Cup until 2022. It is difficult to speculate whether this reform would have changed what happened in Qatar. But fear of legal action could have altered Qatar’s actions leading up to the 2022 World Cup.

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162 See id. at 98-99 (noting that the Courts of the Canton of Zurich dismissed a lawsuit brought by the Netherlands Trade Union Confederation (FNV), the Bangladesh Free Trade Union Congress (BFTUC), and the Bangladesh Building and Wood Workers Federation (BBWWF) on behalf of a migrant worker for labor violations he suffered in Qatar while working on construction projects associated with the 2022 World Cup).
163 Corrarino, supra note 1, at 201.
164 See supra notes 76-77.
166 See Debre, supra note 10.
Second, if FIFA facilitated an international treaty affirming its human rights commitment before the 2022 Qatar World Cup, it would have significantly impacted the course of events. If a treaty provision was violated, relevant stakeholders could have initiated legal action against Qatar.\textsuperscript{169} If this were the case, Qatar likely would have violated the treaty when construction workers died working on stadium projects for the World Cup. The treaty would likely specify that individual nation-states would monitor their own internal compliance with treaty provisions.\textsuperscript{170} The issue is that countries may provide misinformation to shield themselves from the treaty’s enforcement and adjudication. If the treaty had been enacted before the 2022 World Cup, Qatar, like Brazil, likely would have reported that the country complied with treaty provisions regardless of whether that was falsified. Nevertheless, if a treaty provision was violated, reported, and investigated, FIFA could use the force of law against Qatar, providing a remedy for the country’s wrongful conduct.\textsuperscript{171}

Third, FIFA could have imposed an exclusive selection requirement on countries that bid to have a Tier One TIP Ranking; otherwise, the nation would be unable to bid. For example, if FIFA were to have adopted this strategy, Qatar would have been ineligible to host the World Cup due to its TIP Ranking. In 2010 when Qatar was selected to host the 2022 World Cup, it had a Tier Three TIP Ranking.\textsuperscript{172} The U.S. Department of State defines a Tier Three TIP Ranking as “[c]ountries whose governments do not fully meet the TVPA’s minimum standards and are not making significant efforts to do so.”\textsuperscript{173} If FIFA implemented the proposed recommendation, similar to the Brazil case study, it would have prevented human rights violations from occurring in Qatar leading up to the 2022 World Cup. Nevertheless, this proposed recommendation may be objectively adverse to the mission of FIFA, which is to promote inclusivity. However, human rights violations are also against policies which both governing organizations have adopted.\textsuperscript{174}

\textsuperscript{169} See Turley, supra note 6 (revealing that the IOC and FIFA could use their influence on force nation-states to ratify such a treaty).

\textsuperscript{170} Turley, supra note 6, at 164 (noting that this approach would require nation-states to enforce the treaty’s terms, with FIFA and the IOC having little oversight).

\textsuperscript{171} See Hess & Bishara, supra note 3 (commenting on the speculated deaths that occurred in Qatar due to construction-related projects for the 2022 World Cup).


\textsuperscript{173} See 2022 Trafficking in Persons Report, supra note 90, at 55.

\textsuperscript{174} See supra notes 54-55 (highlighting the IOC and FIFA’s current policies concerning human rights).
As a final option, FIFA could add language to its current Human Rights Policy that requires mandatory removal of host bid awards if three human rights violations occur in the host country related to construction preparations for the World Cup. If FIFA had enacted this policy before the 2022 Qatar World Cup, this provision would have revoked Qatar’s host bid. Similar to the Brazil case study, it is not clear when Qatar would have lost its host country rights and what country would have been awarded the bid instead. Although this option would have significant expenses, it is undisputed that Qatar’s conduct resulted in substantial, egregious fatalities, which also resulted in costs – the lives of human beings. FIFA must decide whether the cost is worth preventing such atrocities from occurring.

This case study illustrates FIFA’s complete and utter disregard for human life. FIFA has a responsibility to effectuate change with regard to human rights. And each option would have prevented or remedied egregious labor violations from occurring in Qatar. Accordingly, FIFA should consider the preceding recommendations that the organization could enact.

V. CONCLUSION

Nothing is more precious than human life. Unfortunately, international sporting events have systematically failed to preserve human life, specifically the lives of construction workers who build the stadiums for the events. The IOC and FIFA have a duty to strengthen their pre-existing policies on human rights and labor violations. By proactively engaging with international stakeholders to evaluate the human rights risks that may occur at mega-sporting events, the IOC and FIFA can be part of the solution – not the problem. The 2016 Brazil Summer Olympics and 2022 Qatar World Cup provide illustrative examples of such failures. This argument proposed four options that the IOC and FIFA could adopt that would have prevented or at least remedied the human rights violations that occurred in Brazil and Qatar. Although each proposal

175 Supra Part II.
176 See Heerdt, supra note 87, at 359 (noting the many different phases of preparation in advance of a mega-sporting event. Thus, FIFA’s policy would have to provide that labor violations related to the construction of facilities for the World Cup still result in a violation of human rights).
177 See id.; FIFA, Regulations for the Selection of the Venue for the Final Competition of the 2026 FIFA World Cup art. 8(2)(a) (2017) (FIFA’s revised bidding regulations specifically provide for respect of human rights, “including workers’ rights.” Therefore, the events that transpired in Qatar completely disregard that policy).
178 See Heerdt, supra note 87, at 361 (stating that “obligations are meaningless if they are not accompanied by opportunities for rights-holders to enforce their rights.”).
179 Supra Parts III and IV.
180 Id.
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has disadvantages, the most critical benefit of each reform is the added legal protection afforded to construction workers. As previously mentioned, mega-sporting events aim to promote world peace and improve humanitarian values. But such objectives are unattainable when FIFA and the IOC blatantly disregard human rights violations during preparation for mega-sporting events. Ultimately, change must happen, and the IOC and FIFA can and must do so.

181 Supra Part II.
182 See Hess & Bishara, supra note 3.