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The FIFA World Cup, Human Rights Goals and the Gulf Between

Richard Peltz-Steele

Abstract

With Russia 2018 and Qatar 2022 on the horizon, the process for selecting hosts for the World Cup of men's football has been plagued by charges of corruption and human rights abuses. FIFA celebrated key developing economies with South Africa 2010 and Brazil 2014. But amid the aftermath of the global financial crisis, those sitings surfaced grave and persistent criticism of the social and economic efficacy of sporting mega-events. Meanwhile new norms emerged in global governance, embodied in instruments such as the U.N. Guiding Principles on Business and Human Rights (UNGPs) and the Sustainable Development Goals. These norms posit that commercial aims can be harmonized with socioeconomic good. FIFA seized on the chance to restore public confidence and recommit itself to human exultation in sport, adopting sustainability strategies and engaging the architect of the UNGPs to develop a human rights policy. But a vast gulf stands between FIFA today and its stated intentions for a new model of World Cup 2026. Idle stadiums and civil unrest in Brazil prolong scepticism of mega-event hosting, even as that country readies for the Rio Olympics. The Russian World Cup recalls that country's anti-LGBT law, not to mention the Crimea invasion on the heels of the Sochi Olympics. The vast construction projects upending Qatari cityscapes have spotlighted an alarming human toll in that country's immigration and labour practices, not to mention escalating angst over rampant spending in a depressed oil market. Can FIFA leave behind its money-soaked track record and embrace a new agenda that puts people before profit? This chapter examines a growing incompatibility between World Cup hosting and FIFA sustainability and human rights strategies. This incompatibility illustrates the difficult course that FIFA will have to navigate to make good on its promise to reform.

Key Words: Brazil, due process, equality, football, FIFA, hosting, human rights, labour, LGBT, Russia, Qatar, South Africa, sustainability, World Cup.

1. Introduction

With Russia 2018 and Qatar 2022 on the horizon, host selection for the World Cup of men's football has been plagued by corruption and human rights abuses. FIFA celebrated developing economies with South Africa 2010 and Brazil 2014, but since the global financial crisis, grave critiques have surfaced of sporting mega-events' socioeconomic impact. Meanwhile new norms have emerged, such as the U.N. Guiding Principles on Business and Human Rights (UNGPs).¹ FIFA

has seized on the corporate social responsibility (CSR) movement to recoup public confidence and recommit itself to the human element of sport.

But a vast gulf stands between FIFA today and its stated intentions for a human rights-conscious World Cup 2026. From Brazilian social unrest to Russian anti-gay law to Qatari *kafala* labour, world football and human rights have a troubled partnership. This chapter asks whether FIFA can leave behind its money-soaked track record and embrace a new agenda that puts people before profit. Are FIFA human rights reforms mere lip service, or is FIFA a titanic ship in the laborious process of turning around?

2. FIFA and Human Rights

Football governance today comprises the FIFA mission statement, statutes, ethics, conduct and disciplinary codes, regulations, circulars, policies, manuals, dispute resolutions, contracts, etc. Comparable complexity governs FIFA's 209 member associations and ancillary organizations, such as the charitable Football for Hope. Social responsibility figures prominently in this governance system, and altruistic aims are not new. FIFA suspended the South Africa Football Association for Apartheid in 1961, even before the IOC acted.²

Since the turn of the century, FIFA has striven to develop global football, siting the first tournaments in Asia, Africa, Eastern Europe, and the Middle East. Russia 2018 and Qatar 2022 have been tarnished by 2015 indictments and the scandal that led to President Blatter's disgrace. Nevertheless, from Blatter to the present Infantino administration, FIFA has been engaged with reform.

FIFA's mission revolves around three pillars: football development, tournament organization, and social and environmental benevolence. The development pillar emphasizes 'educational, cultural and humanitarian values', especially for youth. FIFA assumes 'a duty to society that goes beyond football: to improve the lives of young people and their surrounding communities'. Tournaments aim 'to touch, unite and inspire the world'.³

The obligations of World Cup hosts are spelled out in usually secret agreements with football associations and governments. Watchdog Andrew Jennings exposed corruption at worst and enormous leverage at best in FIFA's demands.⁴ Many are inferable by the extraordinary lengths a country goes to in hosting the tournament, whether in infrastructure spending or domestic legislation.⁵ Some are notional, for example, ensuring non-discrimination. Notional demands bear the potential to improve life in host countries by inculcating human rights norms. Previous research has suggested that even fleeting introduction of desired norms can move the ball forward toward reform goals,⁶ especially when complementing domestic social activism.⁷

Focusing on transparency and accountability, the reform process has beefed up FIFA's human rights commitment. In February 2016, human rights and gender equality gained explicit mention in revised FIFA Statutes, which already espoused

a wide-ranging non-discrimination principle.⁸ A FIFA ‘Fact Sheet’ moreover acknowledged the troubled plight of migrant workers in Qatar and promised ‘conditions and accommodations’ meeting international standards.⁹

FIFA put on hold the bidding process for the 2026 World Cup and commissioned a human rights report from John Ruggie, the Harvard professor who developed the UNGP. Ruggie’s independent report called for incorporation of human rights norms across the board in FIFA operations.¹⁰ The norms would derive from ‘all internationally recognized human rights’ instruments, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), and International Labour Organization (ILO) conventions.¹¹ Through bidding and agreements, this incorporation would trickle down to associations, host states, and contractors. The UNGP moreover would require access to effective redress, even when state redress is not available.¹²

Ruggie specifically cited FIFA responsibilities to people displaced by expropriation and to labourers, for health and safety, in Russia and Qatar. He observed that the Russian anti-gay law post-dated the hosting award.¹³ He recognized the adverse impact of commercial protection zones on local vendors,¹⁴ which disrupted small business in South Africa and Brazil.¹⁵ He highlighted the impetus for human trafficking and child exploitation occasioned by mass tourism.¹⁶ And he highlighted gender discrimination and exploitation of players, especially minors, in the world football economy.¹⁷ Of course, FIFA reform has sceptics. Watchdog Transparency International criticized the reforms as window dressing,¹⁸ and a disappointed candidate for the FIFA presidency slung similar accusations.¹⁹

Going forward, it is clear that human rights will play a huge role in world football—at least on paper. What remains to be seen is whether asserted aspirations are realized. The following sections trace human rights on the World Cup stage, from appearance on the pitch in 2010 to major player going forward.

3. South Africa 2010

South Africa 2010 demanded that FIFA make good on its mission. A big-money venture since the almost quarter-century transformative leadership of President Havelange,²⁰ the World Cup had become the province of advanced economies. Evolving the Havelange legacy, an African tournament promised to whet the continent’s titanic appetite for football, and FIFA linked its franchise with development goals.²¹ But the burgeoning extravagance of the quadrennial spectacle was set against a backdrop of high urban crime, poverty along race lines, and xenophobic violence.²²

Anticipating the juxtaposition, FIFA effected a paradigm shift, amping up its social agenda.²³ Partnering with NGOs, FIFA consolidated charitable and CSR activities under the Football for Hope Movement (FHM).²⁴ Its goals include antidiscrimination, health promotion, and children’s rights.²⁵ FIFA channelled

more than US\$14m into 20 Football for Hope Centres in Africa, each complementing a football pitch with public health and education facilities.²⁶ FIFA reported its own investment of US\$170m in ‘sustainable football infrastructure’ and a legacy trust fund for African development.²⁷ FIFA boasted of education and health services, urban green spaces, upgraded transit, tourism promotion, job training, and preferential procurement for apartheid victims, women, disabled persons, and small businesses, all besides environmental impact mitigation.²⁸ FIFA opined in 2014 ‘that South Africa is still benefitting from hosting the World Cup’.²⁹

However, exhaustive assessments of the African World Cup have been less celebratory. Observers reported economic benefits, if any, only at the macro level and not on the street.³⁰ Manzo concluded that the tournament failed to deliver on its pan-African promise.³¹ Serving more to reinforce socioeconomic and racial divisions, infrastructure development favoured middle- and upper-class consumers, while ticket, food, and kit prices marginalized the poor.³² Civic groups alleged evictions from housing to make way for tournament infrastructure and compared tenements of the displaced with concentration camps.³³ Commercial monopolization excluded small food and service providers, crippling the working poor and distorting cultural expression.³⁴

Cornelissen posited a cost to liberty for extreme security measures, such as surveillance technologies, protest zoning, privatized policing, and expedited judicial process.³⁵ Roberts and Bass reported that municipal laws adopted at FIFA’s behest to make spaces tourist friendly, harshly enforced by police with disparate impact on the poor, included ‘civility’ restrictions, for example outlawing loitering and offensive language.³⁶ Doherty lauded the siting and design of a Football for Hope centre, but observed the centre tented and secured for its grand opening, the view of an impoverished township blocked, stirring scepticism of FIFA motives.³⁷

The issues raised by observers implicate concern for the human rights of housing, work, privacy, expression, equality, and due process. Early estimates show economic gains to be no offset to lost liberty, South Africa recovering only a tenth of expenditures after a budget that ballooned from US\$0.33bn to US\$8.6bn, implicating social opportunity cost.³⁸ Long-term and intangible gains notoriously defy calculation, so remain disputed.³⁹

4. Brazil 2014

In 2007 FIFA announced the World Cup’s return to Brazil, where it had been absent since 1950, before live international television broadcasts. Brazil’s infamously impoverished favelas begged for social activism even before the U.S. housing bubble burst. By 2014, Brazil was waist-deep in promised infrastructure investments, and the economy was coming apart at the seams.

FIFA responded by redoubling its development efforts. FIFA organized Football for Hope Forum 2013 on grassroots social development, prioritizing female empowerment, violence prevention, HIV/AIDS awareness, integration, and youth unemployment.⁴⁰ FIFA energized its commitment to antidiscrimination with a background report, a task force, heftier penalties, and a rebooted awareness campaign.⁴¹ Again FIFA created a US\$100m legacy trust fund for job training, youth education, and public health.⁴²

Nevertheless, reports of development impact have been gloomy. Protestors did bring global attention to poverty and wealth disparity, if with waning ferocity,⁴³ but their activism is difficult to disentangle from the ongoing political crisis.⁴⁴ A Swiss NGO reported 170,000 people forcibly displaced from their homes in tournament preparations, and local merchants economically excluded, if for purported sake of security.⁴⁵ Four of 12 stadiums fell into disuse after the tournament, and others are underutilized, while all rack up maintenance bills.⁴⁶ The government's rosy estimate of 710,000 permanent new jobs seems not to have panned out. Brazil had optimistically projected a US\$90bn economic boost from tourism over 10 years, so it is early to take stock.⁴⁷ But returns so far are unpromising with tourism flat and industrial productivity in the red.⁴⁸

5. Russia 2018

World Cup planning in Russia and Qatar is steaming ahead with mind-boggling construction and enthusiastic public relations. But the endeavours have been tormented by oil market depression and corruption charges. And the human rights picture has changed radically since the 2010 tournament awards.

Sochi placed in issue the 2013 Russian anti-gay law. Purporting to protect minors, the law punishes expression that '[p]romot[es] non-traditional sexual relations', equates 'traditional and non-traditional sexual relations', or 'propagate[es] information on non-traditional sexual relations making them appear interesting'. Individuals may be fined modestly; fines for corporate violators range upward of US\$27,000 and 90 days' operating suspension.⁴⁹ On its face the law violates the principle of non-discrimination, which extends to sexual orientation by FIFA's own statutes and policies. Olympics commentators also pointed out that a same-sex embrace, such as that of Abby Wambach and her spouse at the conclusion of Women's World Cup 2015, could jeopardize both the couple and broadcasters, impinging on the freedom of expression.⁵⁰

The law's most measurable adverse impact arises from its chill on services such as HIV testing, which authorities construe as propagandizing homosexuality.⁵¹ The World Health Organization (WHO) and partners documented a range of human rights implications in this vein.⁵² Most fundamentally, impediments to testing and counselling violate the right to health. ICESCR article 12 promises 'the right of everyone to the enjoyment of the highest attainable standard of physical and mental health', including 'prevention, treatment and control of epidemic'.

WHO moreover found rights such as privacy and non-discrimination implicated by an absence of confidential counselling by a non-judgmental professional.⁵³

Racism has long been a known evil in football, but Russia in recent years has seen a surge. Racism harassment plainly offends FIFA antidiscrimination policy and human rights norms. The paradigm case is striker Vieira ‘Hulk’ de Sousa, who said he faces ‘monkey chants’ in nearly every match for Zenit St. Petersburg.⁵⁴ Zenit supporters once petitioned for a white-only hiring policy.⁵⁵ FIFA demanded explanation in 2015 when a black player in Russia was punished for responding to racist taunts with his middle finger, but no fan or side faced reprisal.⁵⁶ The FIFA Disciplinary Code holds associations strictly liable for spectator misconduct.⁵⁷ Football Against Racism in Europe (FARE) documented a doubling in racist incidents involving Russian supporters from 2013-14 to 2014-15, including chants and Nazi imagery, prompting FARE’s executive director to regard racist incidents as inevitable in 2018.⁵⁸

FIFA has published antidiscrimination good practices and implemented an observation and reporting system for 2018 qualifiers.⁵⁹ But FIFA’s record in discipline is mixed,⁶⁰ and Russian response to the problem has been equivocal. Russia appointed an antiracism inspector, but in a media interview, he equivocated on whether monkey chants are racist and whether there is even a serious problem.⁶¹

Finally, Müller reported concerning changes in Russian domestic law. Labor code amendments risk exploitation by waiving permit requirements for foreign workers and suspending overtime compensation. These changes arguably run afoul of the ICESCR articles 23-24, which promises non-discrimination, just remuneration, and limited working hours. Another change accelerated takings of property, encumbering compensation claims.⁶² Customary international law requires just compensation for expropriation.⁶³

6. Qatar 2022

The Qatari bid for 2022 contemplated US\$200bn in spending, four times what Sochi cost Russia, and dubious sustainability logistics, such as untried cooling technology and modular stadium design.⁶⁴ Since, corruption allegations, detailed by Blake and Calvert,⁶⁵ along with economic exigencies and cultural compromises, have fostered frustration among a people who were not big football supporters to begin with.⁶⁶

It should have been obvious that Qatar would lean heavily on its 90% foreign population to build World Cup infrastructure, but FIFA’s bid evaluation did not mention labour. Investigations by *The Guardian* and NGOs exposed near slave conditions for migrant workers under the *kafala* system, employers confiscating passports and failing to pay wages, effectively trapping workers in unhygienic living and dangerous working conditions.⁶⁷ Amnesty International enumerated the human rights offenses, noting Qatar’s ratification of the ICESCR, the ICCPR, five ILO conventions, and a U.N. anti-human trafficking protocol. Reports implicate

additional ILO conventions concerning collective bargaining, remuneration, and free association.⁶⁸ The ILO in March 2016 gave Qatar one year to clean up its act.⁶⁹

Employing a mix of Sharia and civil law, Qatar allows for corporal and capital punishment. Alcohol consumption, adultery, and apostasy are punishable by flogging for Muslims.⁷⁰ The sentence is problematic under the 1984 Convention Against Torture, article 1, and the ICCPR article 7 prohibition on ‘cruel, inhuman or degrading treatment’. Blasphemy and proselytization draw prison sentences, which compromises freedoms of expression and religion. Qatari officials have said that alcohol will be sold to tourists in World Cup venues, as it is now in Western hotels, subject to identity check.⁷¹ For gentle handling of supporters’ alcohol-related offenses, Qatar is considering special courts after the dubious South African example.⁷² Even so, abundant brew will place local Muslims at greater risk of criminal entanglement.

Most concerning in Qatar is LGBT policy. Civil Law No. 11 promises imprisonment of one to three years for female adultery, male sodomy, and ‘illegal or immoral actions’ by anyone, as well as ‘[i]nducing or seducing’ to that end.⁷³ Sharia law authorizes the death penalty for Muslim men who commit homosexual acts, though current Qatari policy on capital punishment is ambiguous.⁷⁴ Bizarrely, Gulf countries discussed somehow testing for homosexuality at their borders to ban gay immigration (Mezzofiore, 2013), implicating further the ICCPR article 12 freedom of movement. Blatter after the Qatar award insensitively quipped that gay tournament-goers should ‘refrain from any sexual activities’.⁷⁵ He then reiterated FIFA’s commitment to non-discrimination, but the record since has been equivocal. FIFA has sanctioned national teams for supporters’ homophobic chants, recently levying heavy penalties.⁷⁶ At the same time, Qatari statements on the issue have been vague.⁷⁷ FIFA raised the issue with Russia and Qatar, but has made no clear statement.⁷⁸

7. Reckoning 2026

World Cup 2026 and contemporary human rights today stand a gulf apart. Linking the two has been complicated by corruption, economic distress, and cultural relativism, but most of all, by lack of a bridge.

FIFA has professed its intention to build that bridge. But doing so will require the resolute imposition of human rights norms on future host nations. Potential patrons of dubious rectitude might have to be eschewed in favour of more enlightened allies, even if that means tamping down extravagance for the world’s premier sporting event.

Meanwhile FIFA will have to manage extant human rights issues in Russia and Qatar, lest reform be rendered an empty promise. Challenges surround housing and labour, sexual identity, racism and equality, due process and criminal punishment, and religious and expressive freedom.

The course ahead is daunting. But only when the World Cup symbolizes the exaltation of human dignity can the world's game be beautiful again.

Notes

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