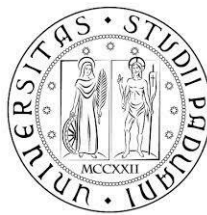


UNIVERSITÀ DEGLI STUDI DI PADOVA

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AND INTERNATIONAL STUDIES

**Master's degree in
Human Rights and Multi-level Governance**



THE CONSEQUENCES OF MEGA SPORT EVENTS ON
HUMAN RIGHTS

HOW THE OLYMPIC GAMES AND THE FOOTBALL WORLD CUP
IMPACTED HOST COUNTRIES

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Abstract

Mega Sport Events (MSEs) as the Summer Olympic Games and the Men's Football World Cup have profound impacts not only on the city they are hosted in, but also on the people who reside and work there. Human rights concerns have indeed been associated with these kinds of events for the last decades, however always considered violations and abuses. My research, through the case studies of Beijing 2008, Rio 2016, and Qatar 2022, is therefore aimed at analyzing whether, in light of such violations, national authorities and sport governing bodies managed to enhance the human rights situation in host countries and thus, whether MSEs can have positive impacts.

Concerning methodology, I analyzed the work of some key non-governmental organizations to identify the main human rights violations, then I examined the official documents of the federation involved, in order to assess whether and how they addressed the violations. As for the governmental response, I studied national policies and laws adopted by authorities, as well as recommendations they accepted at the international level.

As a result, while negative outcomes prevailed and violations were addressed in an occasional and targeted manner, let alone remedied, both by sport governing bodies and governments, positive aspects were also registered in all three cases. Therefore, even if in a minor way, MSEs can lead to human rights enhancements, not only for whom is affected by them, but more in general for the entire population of the host country.

Keywords: Mega Sport Events, Human Rights, Olympic Games, FIFA World Cup, human rights violations, human rights enhancements, 2008 Beijing Olympics, 2016 Rio Olympics, 2022 Qatar World Cup.

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Acronyms

AI	Amnesty International
FIFA	Fédération Internationale de Football Association
HCC	Host City Contract
HRW	Human Rights Watch
ILO	International Labour Organization
IOC	International Olympic Committee
MSE	Mega Sport Event
NGO	Non-governmental organization
OCOG	Organizing Committee for the Olympic Games
OG	Olympic Games
Q22	Qatar 2022 Organizing Committee
SC	Supreme Committee for Delivery & Legacy
UDHR	Universal Declaration of Human Rights
UNGPs	United Nations Guiding Principles on Business and Human Rights
UPP	Units of Pacification Police
UPR	Universal Periodic Review
WC	World Cup
WHO	World Health Organization

Introduction

When someone thinks about a Mega Sport Event (MSE), the first things that comes to mind are the gigantic stadiums full of cheering people, lights, and show, with the best athletes in the world delivering the greatest performances ever seen. The increasing visibility of such events, in particular of the Olympic Games and the FIFA World Cup, force host countries to plan massive events in short periods of time, affecting the life of people who reside there.

Human rights issues before and during Mega Sport Events are gaining progressively more attention, but while negative impacts of MSEs as forced evictions and displacements, restrictions on media freedom, violations of labour rights and environmental issues have thoroughly been analyzed by scholars, the overall consequences, and in particular the positive aspects of such events on the situation of human rights in the host country were not taken into consideration. My research is therefore aimed, through the examination of three case studies, at assessing whether, and at to what extent, MSEs can improve the lives of the inhabitants of those countries in which Mega Sport Events are held.

In order to analyze this, the first chapter will focus on the definition of MSEs, starting from the four key elements which define a sporting event as ‘mega’, meaning visitor attractiveness, media reach, costs, and urban transformation. After identifying as MSEs the Summer Olympic Games (OG) and the Men’s Football World Cup (WC), the successive section will concentrate on the sport governing bodies which regulate these MSEs, in particular on their structure, purposes and historical developments. The third section will lastly examine the output of MSEs, which are the general socio-economical, socio-cultural, physical, and political effects they have on hosts.

Focusing on sport and human rights, the second chapter will analyze the relationship between the two, in particular with regard to the values of sport and its duties towards human rights, focusing later on the main violations of human rights which can occur in the context of MSEs and on the possible positive achievements they can reach. Consequently, the second section focuses on how the involved sport governing bodies introduced provisions not only in their statutes, but also in the bidding documents required to apply for the awarding of MSEs. After an analysis of the critical points of such

documents, the third section of the chapter centers on the relation between these events and the Organization of the United Nations, in particular with regard to the sport governing bodies and their adherence to the UN Guiding Principles on Business and Human Rights.

As aforementioned, the third, fourth, and fifth chapter will analyze each an MSE, namely the 2008 edition of the Olympic Games in Beijing, the 2016 edition in Rio de Janeiro, and the 2022 edition of the Football World Cup in Qatar. The chapters' structure, which is the same for the three case studies, includes a first assessment of the situation of the country at the time of the MSE awarding and its general human rights situation, to focus later on the more specific violations of human rights reported in the context of the MSE. The second section analyzes whether the concerned sport governing body dealt with these issues in its relationship with both the organizers and the outside world to enhance the situation in the host country, while the third section centers on whether and how central and local governments adopted laws or provisions to cope with human rights violations and enhance the living conditions of their citizens. Ultimately, the section on conclusions will summarize the results, to state whether MSEs can improve the human rights situation of its host people.

Concerning methodology, I analyzed the work of some key non-governmental organizations through their annual reports and specific documents related to that MSE edition, as well as the investigative reports of journalists, to identify the main human rights violations; then I examined the official documents and statements of the federation – or their members – involved, in order to assess whether and how they addressed the violations. As for the governmental response, I studied statements of authorities, national policies or laws they adopted, and recommendations they accepted at the international level, as for example while undergoing the Universal Periodic Review of the Human Rights Council of the United Nations.

CHAPTER 1 – Defining Mega Sport Events

This first chapter focuses on three specific objectives, all of which are central to define what a Mega Sport Event (MSE) is. After laying down and analyzing the key factors to differentiate a ‘normal’ sport event from a ‘mega’ one, the second section highlights the main structure, characteristics, and purposes of the federations in charge of their organization, as well as the historical milestones which influenced the development of such events to their current status. The third section, consequently, concentrates on the ‘output’ perspective of MSEs, which is the impact they have on host countries and host cities, from a multi-dimensional point of view.

1. Definition and characteristics of Mega Sport Events

The Oxford Dictionary defines the adjective ‘mega’ as “very large or impressive”¹, therefore we can assume that a Mega Sport Event is a large or impressive event involving sports. In fact, when considering how often MSEs are discussed, it is interesting to see that there is not a universal, clear definition of the term. Some scholars do not consider Winter Olympics as Mega Sport Events², others only include multi-sport events, however, there are different factors that need to be analyzed. For instance, if we consider size, a mega event is just a larger event than the regular one, but larger how?

If we focus on attendance, in every football league some regular matches are ‘larger’ than others, depending on the clubs competing or on the stadium’s capacity, but this cannot be a sufficient element to define a mega event. Moreover, it is difficult to compare different sports, as for example the largest tennis court³ has a 23.771 seats capacity, while the biggest cricket stadium⁴ counts more than 130.000, implying that a regular Indian Premier League cricket match qualifies as a MSE while the US Open Final does not. The same reasoning can be applied to the number of athletes who participate in the event, as for

¹ Oxford Advanced Learner’s Dictionaries, Oxford University Press.

² Horne, J.; *The four “knowns” of sports mega-events*. Leisure Studies, 26(1), 2007.

³ Arthur Ashe Stadium in New York City (US), the main court of the US Open Tennis Championship.

⁴ Narendra Modi Stadium, Ahmedabad, Gujarat, India.

example 2.897 athletes attended the Beijing Winter Olympics⁵, while the New York City Marathon features more than 50.000 runners every year⁶.

Another commonly considered standard is television viewership, which has to be analyzed through numbers of viewers, percentage of audience coming from outside the host country and transmission duration. Moreover, events that attract broader audience, both from the media and in physical attendance, generate greater revenue, which is often considered a sufficient factor, in some observers' perspective, to define an event as mega.⁷

As for the main literature⁸, it is therefore clear how to give a definition of MSE we need to examine and link together four key factors: visitor attractiveness, media reach, costs, and transformative impact.

1.1 Visitor attractiveness

If we consider that the first time the term 'mega event' appeared, it was at the 37th Congress of the *Association Internationale d'Experts Scientifiques du Tourisme* in Calgary in 1987⁹, the importance of visitors is evident. In fact, for a long time this kind of events were primarily considered, and studied, as tourist attractions¹⁰. On the premises that there is not a commonly agreed method to determine the attendance to an event, the tickets sold seem to be the 'best proxy variable'¹¹ to identify the number of visitors, even though in some cases it may be an overestimation, as several unique visitors may go to multiple competitions. However, which is the tickets' threshold dividing mega events and regular ones? Some scholars suggested a minimum of 1 million visitors¹². If we take into consideration the last edition¹³ of the most important global and regional sport events¹⁴,

⁵ International Olympic Committee, *Beijing 2022 Facts and Figures*.

⁶ Lorge Butler, S.; *The 2019 New York City Marathon Is World's Largest 26.2*, Runner's world, 2019.

⁷ Maenning, W., Zimbalist, A.; *International Handbook on the Economics of Mega Sporting Events, What is a mega sporting event?*, pp. 9-14, Edward Elgar Publishing, 2012.

⁸ Müller, M.; *What makes an event a mega-event? Definitions and sizes*, Routledge Taylor & Francis, 2015

⁹ The Congress was in fact named "The Role and Impact of Mega-Events and Attractions on Regional and National Tourism Development".

¹⁰ Supra note Müller

¹¹ Supra note Müller

¹² Marris, T.; *The Role and impact of mega-events and attractions on regional and national tourism development resolutions*, Tourism Review, 1987.

¹³ Prior to the COVID-19 pandemic, as from 2021 the attendance to the events has been limited.

¹⁴ Supra note Müller

we can see that even large events differ substantially in the number of tickets sold, mainly depending on the duration of the events and the capacity of venues.

Type of event	Edition	Tickets sold (mill.)
Olympic Games	Rio 2016	6.2 ¹⁵
Winter Olympic Games	Pyeongchang 2018	1.1 ¹⁶
Men's Football World Cup	Russia 2018	3.0 ¹⁷
Universiade	Napoli 2019	0.3 ¹⁸
Asian Games	Jakarta 2018	1.3 ¹⁹
Commonwealth Games	Australia 2018	1.2 ²⁰
Pan-American Games	Peru 2019	0.5 ²¹
Men's European Football Championship	France 2016	2.4 ²²
Africa Cup of Nations	Egypt 2019	0.9

By examining these numbers, some events, especially regional ones, do not meet the minimum threshold to be considered 'mega'.

1.2 Media reach

In order to experience a MSE however, it is not necessary to watch it *in loco*, mainly thanks to the evolution of technology and mass media, which permitted the wide-reaching and rapid development of broadcasting of these events. According to the International Olympic Committee (IOC), more than 3 billion people watched the Tokyo 2020 Olympics²³, meaning approximately half the world's population, stating the importance of this mean to the point that an "unmediated mega-event would be a contradiction in

¹⁵ International Olympic Committee, *OLYMPIC MARKETING FACT FILE 2020 EDITION*, 2020.

¹⁶ Supra note IOC.

¹⁷ RTL, (sport.de), *WM-Zuschauer: Russland fällt gegenüber Brasilien ab*, 2018.

¹⁸ FISU, International University Sport Federation, *Napoli 2019 Summer Universiade ends with bravado!*, 2019.

¹⁹ The Ticketing Business News, *Asian Games 18 targets 1.3M ticket sales*, 2018.

²⁰ Halloran, E.; *140,000 tickets unsold one day out from Commonwealth Games*, Brisbane Times, 2018.

²¹ Gillen, N.; *Lima 2019 claim 450,000 tickets sold for Pan American Games*, inside the games, 2019.

²² Burke, C.; *UEFA EURO 2016 by numbers*, UEFA.com, 2016.

²³ International Olympic Committee, Press Release, *Olympic Games Tokyo 2020 watched by more than 3 billion people*, 2021.

terms”²⁴. Media coverage is in fact not only about the transmission of information, but it plays a vital role in the creation of a “celebratory atmosphere and emotional attachment to mega-events”, as well as country image.

As for the visitor attractiveness, even this key factor can be analyzed from different perspectives, as the value of broadcasting rights, the number of accredited media personnel or the total global viewership. Although the latter is considered unreliable, because of exaggeration, rough approximation and due to differences in the estimation methods, and broadcasting rights are considered to be a better proxy variable because they reflect the commercial value of the event, it is also important to highlight the significant differences between the two variables.

Type of event	Edition	Viewers (bill.)	Broadcasting rights (USD bill²⁵.)
Olympic Games	Rio 2016	3.2 ²⁶	2.8 ²⁷
Men’s Football World Cup	Russia 2018	3.5 ²⁸	2.8 ²⁹
Winter Olympics	Pyeongchang 2018	1.9 ³⁰	1.4 ³¹
Asian Games	Jakarta 2018	0.07	0.07
Commonwealth Games	Australia 2018	1.5 ³²	0.06 ³³
Men’s European Football Championship	France 2016	2 ³⁴	1.0 ³⁵

Not including the events which did not meet the attendance threshold, the figures only partly reflect the first key factor, with significant differences mainly in the regional

²⁴ Supra note Müller

²⁵ Broadcasting rights and other monetary figures are to be addressed in USD currency.

²⁶ International Olympic Committee, OLYMPIC MARKETING FACT FILE 2022 EDITION, p.21-22, 2022.

²⁷ Supra note IOC

²⁸ FIFA, *2018 FIFA World Cup Russia™, Global broadcast and audience summary*, 2018

²⁹ FIFA, *World Football Report 2018*, 2018.

³⁰ Supra note IOC

³¹ Supra note IOC

³² Gold Coast 2018, *Broadcasting, On the world stage*, 2018.

³³ Becken, S.; Pham, T. D.; Powell, M.; *The economic impacts of the Gold Coast 2018 Commonwealth Games, 2018 Post-Games Report*, Griffith University, 2018.

³⁴ ESPN, Associated Press, *Euro 2016 seen by 2 billion on TV; 600m watch final*, 2016.

³⁵ UEFA, *UEFA Euro 2016 France Le Rendez-Vous*, 2015.

events. However, there is still not a minimum level to define which events can be defined as ‘mega’.

1.3 Costs

To use as mere defining factors visitor attractiveness and media reach means to focus on the output perspective of MSE, on the spectacle they create. However, mega events also have an important input side, which is, indeed, their cost, which amounts to hundreds of millions, up to several billions of dollars. Clearly, such a sum incorporates both the organizational cost, which means salaries, security, and temporary overlays³⁶ and the cost to build the necessary infrastructures (transport and facilities) to host the event. Whereas some authors specifically link the definition of mega events to the “creation of infrastructure and event facilities often carrying long-term debts and always requiring long-term use-programming”³⁷, this cannot be the sole defining feature as, firstly, infrastructures are to be used for longer periods than the event and secondly, costs for the same event change considerably depending on the host country they are held in.

Therefore, the figures in the table specifically take into consideration the cost induced by the event, as they include operational and capital expenditures connected to it, and not the unique cost of the event.

Type of event	Edition	Cost (USD bill.)
Olympic Games	Rio 2016	13.2 ³⁸
Men’s Football World Cup	Russia 2018	14 ³⁹
Winter Olympics	Pyeongchang 2018	12.9 ⁴⁰
Asian Games	Jakarta 2018	3.2 ⁴¹
Commonwealth Games	Australia 2018	1.6 ⁴²
Men’s European Football Championship	France 2016	0.7 ⁴³

³⁶ Supra note Müller

³⁷ Roche, M.; *Mega-events and urban policy*, Annals of Tourism Research, 21, 1994.

³⁸ Reuters, Reuters Staff, *Sports News, Rio 2016 price tag rises to \$13.2 billion*, 2017.

³⁹ Ellyatt, H.; *The World Cup will give Russia’s economy a boost — just don’t expect it to last*, CNBC, 2018.

⁴⁰ Settimi, C.; *By The Numbers: The 2018 Pyeongchang Winter Olympics*, Forbes, 2018.

⁴¹ Mahadeo, T.; *2018 Asian Games: Time for Indonesia to shine*, the Jakarta Post, 2018.

⁴² Supra note Becken et al.

⁴³ Klebnikov, S.; *UEFA Euro 2016 By The Numbers*, Forbes, 2016.

However, as for the previous factor, there is not a minimum cost to define an event as mega.

1.4 Urban Transformation

As aforementioned, the expenditure on mega events has strong impact on the environment of host cities and countries, because of the construction of new transportation and facilities, hence, urban transformation is the last feature to appear when defining mega events. As for the literature⁴⁴, a mega event must have “long-term consequences for [...] cities”, meaning that it has to intervene to a substantial extent in it. A thorough way to assess the transformative dimension of MSE is to look at the “share of capital investments in total costs”⁴⁵.

Type of event	Edition	Capital Investment (USD bill.)	Share of capital investment
Olympic Games	Rio 2016	13 ⁴⁶	98.4%
Men's Football World Cup	Russia 2018	10 ⁴⁷	71.4%
Winter Olympics	Pyeongchang 2018	8.8 ⁴⁸	68%
Asian Games	Jakarta 2018	2.4 ⁴⁹	75%
Commonwealth Games	Australia 2018	0.5 ⁵⁰	31%
Men's European Football Championship	France 2016	0.2 ⁵¹	28%

⁴⁴ Supra note Roche.

⁴⁵ Supra note Müller.

⁴⁶ NBCSports, Associated Press, *Rio Olympics cost \$13.1 billion*, 2017.

⁴⁷ We Build Value, Digital Magazine, *Russia sets new record with billion-dollar investments for World Cup, Investments in transport infrastructure and stadium*, 2018.

⁴⁸ Meng, S.; Wood, J.; *The economic impacts of the 2018 Winter Olympics*, Tourism Economics Vol. 27(7), 2020.

⁴⁹ Supra note Mahadeo.

⁵⁰ Supra note Becken et al.

⁵¹ The Local, *Euro 2016 gave France billion euro boost to struggling economy*, 2017.

It is important to note that high total expenditure is not always associated with high percentage of capital investment, above all for events in high-income countries. Hence, developing countries are more ‘urbanely transformed’ by mega events⁵².

To consider an event truly ‘mega’, in conclusion, it should be large on each of the four dimensions. By analyzing the figures, we can see that the Summer Olympic Games are at the top in all four categories, followed in second by the Men’s Football World Cup. While the Winter Olympics scored high in costs and media reach, their visitor attractiveness was relatively low. On the other hand, the Men’s European Football Champions did not match its very high ‘output perspective’ to the ‘input’ one, while the Asian Games, despite a very high urban transformation, were low on media reach and costs. For these reasons, for the scope of this thesis, only Summer Olympic Games and the Men’s Football World Cup will be considered Mega Sport Events.

2. History of Mega Sport Events and Federations involved

As lengthily shown in the previous pages, both the Football World Cup (WC) and the Olympic Games (OG) are attractive, costly, and transformative events which need a close interaction and cooperation of numerous international actors for their realization on a four-year basis. Understandably, there is the need for a precise organization with the main scope of their appointment, regulation, and organization, which is the International Olympic Committee (IOC) for the Olympic Games and the *Fédération internationale de Football Association*⁵³ (FIFA) for the World Cup.

2.1 IOC and Olympic Games

It is well-known that the Olympics were born in Greece almost 3000 years ago, however, the Games as we know them today, saw their first edition in Athens in 1896, and were attended by 300 athletes from 11 countries⁵⁴.

⁵² Supra note Müller.

⁵³ International Federation of Association Football

⁵⁴ Findling, J. E.; Pelle, K. D.; *Encyclopedia of the Modern Olympic Movement*, Greenwood Publishing Group, 2004.

This was possible thanks to the ideas and work of Pierre de Coubertin, a French man who believed that the Games would help in creating a community that could go beyond national differences, through their display of “physical and moral excellence”, to be an inspiration for young people⁵⁵. He explained these ideas in 1894, when he held the first International Athletic Congress of Paris, from which, on the 23rd of June of the same year, the International Olympic Committee was born⁵⁶ as the “leader of the Olympic Movement and the guardian of the Olympic Games”⁵⁷.

Based in Lausanne since 1914⁵⁸, the IOC is a permanent, international, non-governmental not-for-profit organization⁵⁹ governed in its structure, actions and functioning by the Olympic Charter, which was first published in 1908. Nowadays, the Charter is divided into 6 chapters and serves three main objectives: by virtue of its constitutional nature sets forth Fundamental Principles and essential values of Olympism, serves as statute for the IOC and “defines the main reciprocal rights and obligations of the three main constituents of the Olympic Movement, namely the International Olympic Committee, the International Federations and the National Olympic Committees”⁶⁰.

There can be a maximum of 115 members of IOC⁶¹, of which 70 individuals, 15 current athletes, 15 national Olympic committee presidents and 15 international sports federation presidents, who serve eight years terms up until their 70th year of age.⁶² They promote and represent the interests of the IOC in their countries or in the organization in which they operate. Besides complying with the Charter and the regulations of the Committee, the members participate in Sessions and in the Commissions they are appointed to, and they monitor and report on the development and promotion of the Olympic Movement in their countries.

⁵⁵ Supra note Findling.

⁵⁶ International Olympic Committee, *Olympic Charter*, 2021, Preamble.

⁵⁷ International Olympic Committee, *Key milestones in the IOC's history*.

⁵⁸ De Coubertin moved the Headquarters from Paris to Switzerland because of the first World War, and they did not move since.

⁵⁹ Supra note *Olympic Charter*, Art. 15.1

⁶⁰ International Olympic Committee, *Olympic Charter*, 2021, Introduction to the Olympic Charter

⁶¹ As of 2022 there are 102 member, 44 honorary members (any member who retires after serving for at least 10 years and having rendered exceptional services) and 1 honour member (eminent personalities from outside the IOC who have rendered particularly outstanding services to it. The only one is Henry Kissinger).

⁶² 80th if they were elected before 2000s.

The International Olympic Committee is now composed of three organs exercising its powers⁶³, which are the President, the Session and the Executive Board. The President, currently Thomas Bach, is elected by the Session through a secret ballot and his mandate is of 4 years, renewable once. He oversees all the activities, and he can “take any action or decision on behalf of the IOC when circumstances prevent it from being taken” by the other organs⁶⁴. The Session is the general meeting of all members and the Committee’s supreme organ, making final decisions, its ordinary session is held once a year and extraordinary ones may be convened. The Session has the power of electing members⁶⁵ and the host country of the Olympic Games, approving annual reports and financial statements, deciding on the recognition of National Olympic Committees (NOC) and International Federations (IF) and deciding on all other matters in the Olympic Charter. The Executive Board, which includes the IOC President, four Vice-Presidents and ten other members, manages the affairs of the Committee, in particular by monitoring the observance of the Olympic Charter, approving regulations on the IOC’s organization, supervising the procedure for the organization of the Games and by issuing legally binding regulations aimed at the implementation of the Charter. In addition to the principal organs, permanent or *ad hoc* Commissions and working groups may be created by the President, who appoints all the members and determines the terms of reference. The only Commission regulated by the Charter is the Ethic Commission, whose aim is to update “a framework of ethical principles, including a Code of Ethics, based upon the values and principles enshrined in the Olympic Charter”⁶⁶ and who can investigate breaches of the ethical principles.

As aforementioned, it is the role of the International Olympic Committee to ensure the regular celebration of the Olympic Games⁶⁷, which are “competitions between athletes in individual or team events and not between countries”⁶⁸ and are carried out during the first year of an Olympiad⁶⁹. Athletes from all 206 National Olympic Committees and the IOC

⁶³ Supra note *Olympic Charter*, Art.17

⁶⁴ Supra note *Olympic Charter*, Art. 20.3

⁶⁵ Honorary President, honorary members and honour members; President, the Vice-Presidents and all other members of the IOC Executive Board.

⁶⁶ Supra note *Olympic Charter*, Art. 22

⁶⁷ Supra note *Olympic Charter*, Art. 2.3

⁶⁸ Supra note *Olympic Charter*, Art. 6.1

⁶⁹ An Olympiad is a 4-year period between games. The Summer Games are celebrated in the first year, while the Winter Games are held during the third year (although they were in the first year from 1924, their

Olympic Refugee Team are eligible to compete in the 32⁷⁰ sports, some of which including various disciplines, which are agreed between the IOC and the corresponding IFs.

With 205 nations and 11.420 athletes competing⁷¹, the Olympic Games are the largest sport competition gathering people together in the spirit of friendly competition, however, their history of increasing sportsmanship, greatness, friendship, cooperation, and solidarity cannot be divided from the equally significant nationalism, manipulation, and propaganda associated their international stage and politicization. The first example can be traced up to the first edition, when “the British compelled an Australian athlete to declare himself British”⁷², but the Berlin edition of 1936 were certainly politically tense at a more general level, as Hitler’s Nazi politics triggered the discourse about boycott. The IOC had to intervene by demanding the German government not to promote their ideology and to guarantee the participation of every athlete, notwithstanding their religious or ethnical background, however, the Committee also expelled one of his members⁷³ for speaking against the exploitation of the Berlin Games⁷⁴. Despite that, the German edition was a big step in the growth of the Olympic Games, as more than 4.000 athletes participated⁷⁵ and the media coverage featured telex and television transmissions to theatres. The Olympic torch relay was also introduced.

Eight teams boycotted the 1956 Melbourne edition because of political reasons, namely for the Suez Crisis and the Soviet repressions in Hungary, but the largest one in the history of the Olympics was certainly during the edition of Moscow in 1980, when the United States led more than 60 other countries in avoiding the Games following the previous

first edition, to 1992). In 1916, 1940 and 1944 the Games did not take place because of the World Wars, while they were postponed to 2021 due to COVID-19.

⁷⁰As for 2020: archery, artistic swimming, athletics, badminton, baseball, basketball, boxing, canoeing and kayaking, cycling, diving, equestrian sports, fencing, field hockey, football, golf, gymnastics, handball, judo, modern pentathlon, rowing, rugby, sailing, shooting, skateboarding, softball, sport climbing, surfing, swimming, table tennis, taekwondo, tennis, triathlon, volleyball, water polo, weightlifting and wrestling.

⁷¹ In Tokyo 2020

⁷² Abrahams, H. M.; *Olympic Games*, Encyclopædia Britannica, 2022.

⁷³ Ernest Lee Jahncke, a former assistant secretary of the Navy, of German Protestant descent.

⁷⁴ Jewish Virtual Library, *The Nazi Party: The Nazi Olympics, (August 1936)*, U.S. Holocaust Memorial Museum.

⁷⁵ They were 1.300 4 years before.

year's soviet invasion of Afghanistan⁷⁶. The boycott was reiterated four years later by the Soviet bloc during the edition in Los Angeles.

The massacre of Munich, in 1972, was carried out in the context of what can be defined the longest and bloodiest political crisis of the Post War period, which is the Israeli-Palestinian conflict, and it is surely the darkest page of Olympic history, nonetheless, it was operated by terrorists and did not involve the IOC or other State actors first-handedly.

Another strong political act was the banning of South Africa from 1964 to 1988, with the International Olympic Committee expelling the South African Olympic Committee in 1970 due to its racial segregation policies. The regime of apartheid, in fact, saw non-white South Africans “widely discriminated against in all aspects of life, including sport where only white athletes could represent the country”⁷⁷. It was the first time a National Olympic Committee was expelled due to violations of human rights, but from the second half of the 20th century the IOC began a more active campaign towards the respect of human rights and peace through sport.

Despite criticism and politicization, the Olympic Games grew in time to become a spectacular manifestation with heritage and traditions that billions of people know and look forward to. From the torch relay and the opening ceremony with its flag bearers and fireworks, to its universal symbols as the rings and mascots, it is not difficult to understand the appeal of this event, which in its centurial history brought together people from all around the world in a joyful, exciting atmosphere, turning it into the quintessential Mega Sport Event.

2.2 FIFA and World Cup

Even though early forms of ball games can be traced back to the ancient Roman and Greek times, football as we know it today developed in Britain from the 8th century, with the first rules and association, the English Football Association, being established a

⁷⁶ Corthon, P.; *The Cold War and British debates over the boycott of the 1980 Moscow Olympics*, Routledge, 2012.

⁷⁷ Schoeman, R., Cloete, H.; *Find Out Why South Africa Was Barred From the Olympics for 32 Years*, International Olympic Committee, 2021.

millennium later, in 1863⁷⁸. From then it spread rapidly, especially across Europe, and at the beginning of 20th century it was in need of an international organization. Therefore, in 1904, at the *Union Française de Sports Athlétiques*, a French sport federation founded among others by Pierre de Coubertin, the representatives of Belgium, Denmark, France, the Netherlands, Spain, Sweden, and Switzerland established the *Fédération Internationale de Football Association*, to unify the interpretation of the rules⁷⁹. However, even before the outbreak of the First World War, associations from North and South America, Africa, Asia, and Oceania had entered the federation, giving a global perspective to the game. As soon as the federation was founded, its Statute was put on paper, even though it only had “a provisional nature, in order to simplify the acceptance of additional members”⁸⁰, as Germany, Austria, Italy, Hungary and England, who joined in 1905. Nowadays, the Statutes and the accompanying regulations form the ‘Constitution’ of football, as they control the basic laws for competitions, transfers and doping and other important issues⁸¹.

As per today, FIFA is an association based in Zurich, Switzerland, whose principal aim is to improve the game of football and promote globally its educational and humanitarian value by organizing international competitions⁸².

Its renewed Statutes includes a section on the Regulations governing its application and a section on the orders of the Congress, however its core part is divided into fifteen chapters defying, after the general provisions, its membership and confederations, the organization, the tribunal and arbitration and the competitions.

FIFA membership is not based on individuals, like it is in the IOC, but rather on associations, specifically the sole one which, in a country, is capable of organizing football “in all of its forms”⁸³, subordinating clubs and leagues to it⁸⁴. Moreover,

⁷⁸ Dietschy, P.; *Making football global? FIFA, Europe, and the non-European football world, 1912–74*, Cambridge University Press, 2013.

⁷⁹ Eisenberg, C.; *FIFA 1975-2000: the Business of a Football Development Organisation*, GESIS - Leibniz Institute for the Social Sciences, 2006.

⁸⁰ FIFA, *History of FIFA – Foundation, About FIFA*, 2015.

⁸¹ FIFA, *FIFA Statutes, About FIFA*, 2015.

⁸² FIFA, *Statutes*, Regulations governing the application of the Statutes standing orders of the Congress, 2022. Art.2

⁸³ Supra note *Statutes*, Art. 11.1

⁸⁴ Supra note *Statutes*, Art. 20.1

membership is granted only prior to confederation membership⁸⁵, and if the association's statutes comply with FIFA Statutes, regulations and the Laws of the Game⁸⁶. Members can take part in the Congress, cast their votes at elections and take part in competitions and development programmes organized by FIFA, while their obligations include to comply – and make their members comply – with the Statutes, regulations, directives and decisions of FIFA bodies at any time as well as the decisions of the Court of Arbitration for Sport⁸⁷, take part in competitions, respect the Laws of the Game and manage their affairs independently⁸⁸. Member associations which violate their obligations can be suspended or expelled at the request of the Council⁸⁹. Confederations also have their rights and obligations, which include to cooperate closely with FIFA in compliance with its Statutes and regulations, organize interclub and international competitions and to grant membership to associations⁹⁰.

The organization of FIFA involves three main bodies, which are the Congress, the Council and the general secretariat, as well as standing⁹¹, ad hoc and independent⁹² committees, the Football Tribunal and independent auditors (only for financial statements, as required by the Swiss law⁹³).

The Congress, which can be ordinary or extraordinary, is to be held every year, and includes each member association through its delegates⁹⁴. Each association has one vote, while confederation members can only participate as observers⁹⁵. Every Congress has an agenda, which must include some mandatory issues, as the possible suspension or expulsion of members, an activity report, the approval of financial statements and budget,

⁸⁵ Supra note *Statutes*, Art. 11.2. The Confederations are: Asian Football Confederation (AFC), Confederation of African Football (CAF), Confederation of North, Central American and Caribbean Association Football (CONCACAF), Confederación Sudamericana de Fútbol (CONMEBOL), Oceania Football Confederation (OFC), Union of European Football Associations (UEFA).

⁸⁶ Supra note *Statutes*, Art. 11.4

⁸⁷ Supra note *Statutes*, Art. 14.1(a)

⁸⁸ Supra note *Statutes*, Art. 14.1

⁸⁹ Supra note *Statutes*, Artt. 16.1, 17.1

⁹⁰ Supra note *Statutes*, Art. 22.3

⁹¹ They are: Finance Committee, Development Committee, Organising Committee for FIFA Competitions, Football Stakeholders Committee, Member Associations Committee, Referees Committee, Medical Committee.

⁹² They are: Governance, Audit and Compliance Committee, and the Disciplinary Committee, Ethics Committee and Appeal Committee, which form the Judicial Bodies.

⁹³ Supra note *Statutes*, Art. 24.7

⁹⁴ Supra note *Statutes*, Art. 25

⁹⁵ Supra note *Statutes*, Art. 26

the possible admission of new members, the voting for amending the Statutes, the election of the President, chairpersons and committees' members and the voting for the World Cup's host countries⁹⁶. These issues are indeed the principal tasks of the Congress.

The Council is composed of 37 members, of which 1 is the President (elected by the Congress), 8 are vice-presidents. The President, who represents FIFA and is its most prominent member⁹⁷, has to promote a positive image of the federation and ensure that its policies and values are enhanced, by relating with confederations and member associations as well as political bodies and international organizations⁹⁸. He leads the Congress, where he has no right to vote, and the Council⁹⁹. Vice-presidents and the 28 other members are elected on a geographical basis, depending on the confederations¹⁰⁰, at least one member for every confederation has to be a woman and no more than one representative from the same association is allowed. All of the members, including the President, are elected on a four-year basis and can serve three mandates¹⁰¹. The Council "defines FIFA's mission, strategic direction, policies and values"¹⁰², in particular by defining the standards for matters related to business and finance, by appointing chairpersons, members of the standing committees and of the Football Tribunal, by establishing ad hoc committees and by appointing the Secretary General¹⁰³. In addition, the Bureau of the Council, composed by seven members, deals with matters requiring immediate decision between two meeting of the Council.¹⁰⁴

The general secretariat organizes competitions, executes commercial contracts, supports the committees and manages the day-to-day business of the *Fédération Internationale de Football Association*, all under the direction of the Secretary General¹⁰⁵, who is the chief executive officer of FIFA and is appointed by the Council¹⁰⁶.

⁹⁶ Supra note *Statutes*, Art. 28.2

⁹⁷ Supra note *Statutes*, Art. 35.1. As per 2022 the President is Gianni Infantino.

⁹⁸ Supra note *Statutes*, Artt. 35.2, 35.3

⁹⁹ Supra note *Statutes*, Art. 35.4

¹⁰⁰ CONMEBOL (VP 1/M 4), AFC (VP 1/M 6), UEFA (VP 3/M 6), CAF (VP 1/M 6), Concacaf (VP 1/M 4), OFC (VP 1/M 2).

¹⁰¹ Supra note *Statutes*, Art. 33

¹⁰² Supra note *Statutes*, Art. 34.1

¹⁰³ Supra note *Statutes*, Art. 34

¹⁰⁴ Supra note *Statutes*, Art. 38

¹⁰⁵ Supra note *Statutes*, Art. 36.1

¹⁰⁶ Supra note *Statutes*, Art. 37

The FIFA World Cup saw its first edition in 1930 in Uruguay, but it was not the first football international tournament, as from 1900 to 1928 it was included in the Olympic Games. Only thirteen nations competed, and only 4 of them were European teams, as some renounced because of the long journey and others because of a boycott after Italy was not elected as host nation¹⁰⁷. The first World Cup was won by its host Uruguay. Despite its scarce attendance, this first edition was a success, and enshrined the tournament as the main competition, leading 32 teams to participate in its second edition in Italy, in 1934, where the Italian team won under the sight of Mussolini who, as Hitler had done with the Olympics, used the tournament as propaganda¹⁰⁸.

After the French 1938 edition, won back-to-back by Italy, the tournament was suspended due to the outbreak of World War II, and the subsequent edition took place in Brazil in 1950, who was the only country willing to host the tournament with the endorsement of FIFA, who was relying on the “carnival-like atmosphere”¹⁰⁹ to draw attention.

The growing importance of the World Cup was demonstrated with the construction of the biggest stadium of the world¹¹⁰, the Maracanã, which hosted the final match, when Brazil lost to Uruguay, and from the subsequent edition, 4 years later in Switzerland, the tournament began to be televised. The number of teams attempting qualification was 70 in 1966, leading to another milestone in the growing of the competition, but the number of participating nations was upgraded to 24 only in 1982, then again to 32 in 1998 and will be 48 with the 2026 edition¹¹¹.

As the World Cup is made up of nations battling each other, tensions and rivalries have grown with time, and, as for the Olympic Games, tournaments have been strongly influenced by the international, and domestic, political scenario. The Austrian team could not take part in the 1938 edition despite its qualification due to the annexation to Germany, the same German team, together with Japan, were banned from the Brazilian edition while the South African team was disqualified in 1964 for “violating

¹⁰⁷ Lisi, C. A.; *A History of the World Cup, 1930-2014*, Rowman & Littlefield, 2015.

¹⁰⁸ Supra note Lisi.

¹⁰⁹ Supra note Lisi.

¹¹⁰ As per 2015 it still was the largest stadium in the world. Nowadays, however, it is not even among the top 20 stadiums in terms of capacity.

¹¹¹ FIFA, FIFA Council, About FIFA, *Unanimous decision expands FIFA World Cup™ to 48 teams from 2026*, 2017.

antidiscrimination laws as outlined in FIFA's constitution"¹¹². The qualifying tournament in 1969 saw the outbreak of the "Soccer War" between Honduras and El Salvador, a six-days conflict fueled by a riot during the game, while the 1978 Argentinian edition was overshadowed by the precarious political situation under the military dictatorship. Thousands of people had already been murdered by the *junta*, and teams feared for their safety, but the tournament went on, even if with the striking absence of some of the greatest players, as the Dutch Johan Cruyff, who boycotted the competition because of the human rights situation in the country. Certainly, that edition was one of the most controversial, among speculations of game fixing, threats and doping to help Argentina win.

Argentina again was the protagonist of "one of the most tension-filled games ever played at a World Cup"¹¹³ when, in 1986, played against England in a match which wanted to be the vindication of the Falkland War of 1982, connecting football and politics at a brand-new level.

Surely, the most recent scandal connected to the World Cup did not involve national teams, but rather host countries and FIFA officials, with the arrest, in 2015, of several people on corruption charges, especially in regard to the award of the 2010, 2018 and above all 2022 editions of the tournament¹¹⁴ and the investigation on President Blatter's dispense of hosting rights and institutional manipulations to ensure his re-election¹¹⁵, however, with 206 national teams competing for a spot in the 2022 edition and billions of viewers and revenues expected, the Men's Football World Cup has not lost its appeal, nor challenged its status as "the" non multi-sport Mega Sport Event.

3. Impact of MSEs on host countries

As it was written in the previous paragraphs, the urban transformative impact of MSEs on host countries or cities is one of the core-defining factors, leaving long-term substantial consequences on the surrounding environment, however such effects do not only concern

¹¹² Supra note Lisi.

¹¹³ Supra note Lisi.

¹¹⁴ Gibson, O., Gayle, D.; *Fifa officials arrested on corruption charges as World Cup inquiry launched*, The Guardian, 2015.

¹¹⁵ Tomlinson, A.; *FIFA (Fédération Internationale de Football Association), The Men, the Myths and the Money*, Routledge, 2014.

the sphere of construction and infrastructure, but rather they involve wider socio-economic effects, as well as socio-cultural, physical, and political ones.

One of the essential perspectives to consider when deciding to host a MSE is the potential positive impact on the local economy, which can subsequently enhance the social status of the social community¹¹⁶. This economic development does not derive from the direct income of the event, therefore from ticket sales, broadcasting rights and sponsors, as this type of income usually manages to cover the mere organizational costs, but rather the economic contribution entails the awareness of the city as a tourism destination and the potential for commercial investment. Hence, by attracting more investments and tourists, MSEs can create new jobs, both directly associated with the event in itself and with tourism, retail, and construction industries, influencing the unemployment rate of the host region¹¹⁷. Although examples show that the unemployment rate did in fact decrease¹¹⁸, the quality and duration of these type of jobs should be also taken into consideration, as service-related jobs are usually part-time and low-paying¹¹⁹.

The increase of tourist activity is clearly connected with job creation, and host countries or cities have shown evidence of higher numbers both in visitors and their related expenditures in the period of the MSEs, however, in the long-term, visitors may avoid those destinations fearing public works in preparation of the event¹²⁰. Therefore, MSEs do have a positive economic impact on the hosts, yet such impact is confined to the event period, losing its effect in time.

To determine if the economic growth brought along by MSEs has benefits on the host community, it is important to analyze its effects on house market and land values, in fact, new infrastructure require new land, which could entail housing relocation or rises in rents and prices, causing problems for low-income inhabitants¹²¹. Evidence show how public housing projects were demolished, public funds for social housing were diverted¹²²

¹¹⁶ Houlihan, B., Malfas, M., Theodoraki, E.; *Impacts of the Olympic Games as mega-events*, ICE Proceedings Municipal Engineer, 2004.

¹¹⁷ Supra note Houlihan.

¹¹⁸ Barcelona, which hosted the OG in 1992, saw the unemployment rate shift from 18.4% to 9.6% in the years between 1986 and 1992 while Beijing saw it drop from 4,1% to 3,9% in the 2002-2008 period.

¹¹⁹ Tavakkoli, M.; *Leveraging of the Olympic Games on Mega-Sporting Events: A Strategic Framework for the Development of Sport*, American Journal of Sports Science and Medicine, 2016.

¹²⁰ Supra note Houlihan et al.

¹²¹ Supra note Houlihan et al.

¹²² Atlanta 1996.

and rents increased up to 20%¹²³, as when governments organize MESs, they unavoidably use public money. Therefore, to assess the socio-economic impact of a Mega Sport Event, it is essential to examine whether the host manages to use the economic impulse to change in a self-sustaining way through “long-term tourism, planning to derive long-term legacies from hosting an event, industrial settlements, systematic follow-up events”¹²⁴.

From a socio-cultural perspective, MSEs enhance regional interest and participation in sports, strengthening local traditions and ideals, bonding communities through pride and spirit. Furthermore, by increasing sport participation, individual and community quality of life have positive repercussions, as sport provides sense of well-being through fun and joy, guiding to self-fulfillment and prosperity, and motivates social interaction and interrelation for those who may feel socially excluded¹²⁵.

Physical impact is perhaps the easier element to *see*, as the construction of new sporting facilities, roads, public transportation and even leisure and commercial centers take up not only wide spaces but, most importantly, as seen in the previous section, the majority of the budget. MSEs are in fact the ‘excuse’ used by local authorities to fund long-term projects as airports or undergrounds, which would else remain unresolved¹²⁶. On the other hand, in the case of major construction projects under strict deadlines, the risk of bypassing the required stages of application as environmental assessment or public hearings is well-founded. Besides, when the majority of public funding is devoted to such projects, infrastructure projects in suburban areas and other regions are neglected¹²⁷.

As aforementioned, the decision to bid for the hosting of a MSE is a political decision, as it has to be backed by local or central governments, however it does not only involve authorities, but also other “private, profit-oriented organizations”¹²⁸. Consequently, authorities tend to adopt more “entrepreneurial-driven” forms of governance involving business corporations, and MSEs bring together corporate elites and local politicians in alliances that generate benefits at higher levels of governments¹²⁹. In fact, organizing

¹²³ Sydney 2000.

¹²⁴ Gardiner, S., Chalip, L.; *Leveraging a mega-event when not the host city: Lessons from pre-Olympic training*, CRC for Sustainable Tourism Pty Ltd, 2006.

¹²⁵ Jarvie, G.; *Sport, Culture and Society, an Introduction*, Routledge, 2006.

¹²⁶ Supra note Houlihan et al.

¹²⁷ Supra note Tavakkoli.

¹²⁸ Supra note Houlihan et al.

¹²⁹ Supra note Tavakkoli.

committees are required to connect with institutions, trade unions, and federations to obtain financial and human resources and expert knowledge and for these reasons, and for a matter of legitimacy, often include politicians, who have the complex task of representing both the interests of citizens and corporations. Hence, it is indisputable that MSEs can benefit the “managerial practices and capacities of the organizing authorities”¹³⁰ and the practices of the public administration.

The benefits deriving from Mega Sport Events can be various for host cities, starting from the promotion of economic activity, urban renewal, and new investments for the city, and despite the growing criticism, MSEs “continuously grow in magnitude and significance”¹³¹.

Conclusions

Although it is difficult to define what an MSE is, there are four key defining factors which can be analyzed, namely visitor attractiveness, media reach – both in number of people watching and broadcasting rights – costs, and urban transformation – including capital investments and its share of the total cost. Therefore, it is also important to examine how the Olympic Games and the Football World Cup became MSEs, starting from the establishment of their sport governing bodies – the IOC and FIFA respectively, in 1894 and 1904 – with their structure and purposes, which include education and humanitarian aspects.

It is clear how MSEs nowadays influence and structurally change the cities they are held in, as well as their socio-economic, socio-cultural, physical and political impact, which intrinsically involve the population, not only during the event and concerning the organizational aspects, but also in the previous and subsequent years, and to the level of their day-to-day needs and fundamental rights. For this reason, it is important to analyze the link between sport and human rights, more specifically concerning MSEs, and how the federations work to protect them.

¹³⁰ Supra note Houlihan et al.

¹³¹ Supra note Houlihan et al.

CHAPTER 2 – Mega Sport Events and Human Rights

This chapter focuses on the relation between MSEs and human rights, beginning from the definitions and core values of sport, the duties of federations towards fundamental rights in the context of MSEs, the main violations which can occur and the positive aspects connected to them. The second section analyzes how the IOC and FIFA introduced human rights provisions in their organizations and, in particular, in the bidding processes for MSEs, with an analysis on the critical points of such documents. The third section centers on the relation between MSEs and the United Nations, in particular with regard to the UN Guiding Principles on Business and Human Rights.

Therefore, starting from the main violations connected to MSEs, I analyze whether the two sport governing bodies, together with the United Nations, introduced enough provisions to prevent such abuses to happen again, and, in case they do occur, to give access to remedial mechanisms.

1. The relations between sport and Human Rights

1.1 Values and rights

In the words of Nelson Mandela, “sport has the power to change the world. It has the power to inspire, it has the power to unite people in a way that little else does [...] Sport can create hope, where once there was only despair. It is more powerful than governments in breaking down racial barriers. It laughs in the face of all types of discrimination”.¹³²

The discourse around the moral value of sports is not a recent one, but rather it traces back to Aristotle’s philosophical treatises¹³³, therefore at the birth of sport itself and evolved to the second half of the nineteenth century, when international sporting competitions were said to promote peace, teach fair play and mutual understanding, combat “racial, ethnic, gender, religious, and national discrimination”. Nowadays,

¹³² Speaking at the Laureus World Sports Awards 2000 at the Sporting Club in Monte Carlo.

¹³³ David, P.; *Human Rights in Youth Sport*, Routledge, Taylor & Francis group, 2005.

international sport bodies claim to fight poverty, protect the environment, and promote human rights¹³⁴.

When referring to the term human rights, the *Universal Declaration of Human Rights* (UDHR)¹³⁵, which is a milestone document in the history of human rights, includes those rights inherent to all human beings, regardless of “race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”¹³⁶. It includes the right to life, liberty, and security¹³⁷, freedom from slavery and torture¹³⁸, equality before the law¹³⁹, freedom of thought, opinion, and assembly¹⁴⁰, the right to an adequate standard of living¹⁴¹, and many more. Every human being is entitled to these rights and freedoms without discriminations and, as per the obligations laid down in international instruments, governments have to act in certain positive ways, or to refrain from acting, in order to protect and promote human rights and fundamental freedoms of individuals and groups.

However, is sport – and its practice – a human right? As per the United Nations it is, meaning that “all forms of physical activity that contribute to physical fitness, mental well-being, and social interaction”, including “play, recreation, organized, casual, or competitive sport, and indigenous sports and/or games”¹⁴², are fundamental, inherent rights. This principle is also extensively underlined by the IOC, in particular in the Fundamental Principles of Olympism of the Olympic Charter, where it is stated that:

“The practice of sport is a human right. Every individual must have the possibility of practising sport, without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play”¹⁴³.

¹³⁴ Keys, B. J.; *The Ideals of Global Sport, From Peace to Human Rights*, University of Pennsylvania Press, 2019.

¹³⁵ United Nations, General Assembly, *Universal Declaration of Human Rights*, A/RES/217(III), 1948.

¹³⁶ Supra note UDHR, Art.2.

¹³⁷ Supra note UDHR, Art.3.

¹³⁸ Supra note UDHR, Artt. 4-5.

¹³⁹ Supra note UDHR, Art.7.

¹⁴⁰ Supra note UDHR, Artt. 18-19-20.

¹⁴¹ Supra note UDHR, Art. 25.

¹⁴² United Nations, United Nations Office on Sport for Development and Peace, *Achieving the Objectives of the United Nations through Sport*.

¹⁴³ Supra note *Olympic Charter*, Fundamental Principles of Olympism (3).

The term Olympism is indeed the representation of the non-athletic dimension of the OG, therefore it includes the values and goals of the Olympic movement¹⁴⁴, and it was included as soon as in the first draft of the Charter by De Coubertin, giving legitimacy to it and leading its use into the vocabulary of the IOC.¹⁴⁵ In fact, the other principles vital to understand the nature of Olympism are:

(1) Olympism is a philosophy of life, exalting and combining in a balanced whole the qualities of body, will and mind. Blending sport with culture and education, Olympism seeks to create a way of life based on the joy of effort, the educational value of good example, social responsibility and respect for universal fundamental ethical principles.

(2) The goal of Olympism is to place sport at the service of the harmonious development of humankind, with a view to promoting a peaceful society concerned with the preservation of human dignity.

(6) The enjoyment of the rights and freedoms set forth in this Olympic Charter shall be secured without discrimination of any kind, such as race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status.¹⁴⁶

Similar principles are laid down in the FIFA Statutes:

FIFA is committed to respecting all internationally recognised human rights and shall strive to promote the protection of these rights.¹⁴⁷

Discrimination of any kind against a country, private person or group of people on account of race, skin colour, ethnic, national or social origin, gender, disability, language, religion, political opinion or any other opinion, wealth, birth or any other status, sexual orientation or any other reason is strictly prohibited and punishable by suspension or expulsion.¹⁴⁸

¹⁴⁴ To which, as written in the previous chapter, international federations (therefore FIFA) belong.

¹⁴⁵ Teetzel, S. J.; *Optimizing Olympic education: a comprehensive approach to understanding and teaching the philosophy of Olympism*, Educational Review, 64:3, 2012.

¹⁴⁶ Supra note *Olympic Charter*, Fundamental Principles of Olympism.

¹⁴⁷ Supra note *Statutes*, Art.3.

¹⁴⁸ Supra note *Statutes*, Art. 4.1.

It is thus evident how human rights and fundamental ethical principles are emphasized in the first part of the Charter and the Statutes, however, there is no explanation in the rest of the documents on how to implement those principles, which are often condensed in “fairness, equality and ethical behavior”¹⁴⁹. While fairness, or fair play, concerns respect for competitors and for the rules of the game, and equality means same opportunities and treatment, ethical behavior intersects with the promotion and respect of human rights¹⁵⁰. Even considering that the readings from the UDHR at the 1994 edition of the Games¹⁵¹ linked permanently human rights and the OG, both the Olympic movement and FIFA have been often accused of ignoring, or neglecting, fundamental rights and freedoms, challenging the idea that MSEs and philosophy of Olympism necessarily promote ethical behaviors¹⁵².

1.2 Duties

The growing attention to human rights issues relating to MSEs is largely related to two factors: the increasing coverage, both of traditional and social media, and the fact that the events are being held in first-time, often developing, host countries.¹⁵³ Hence, as international sport and human rights concerns are increasingly merging, the governing bodies bear a responsibility in actively protecting and promoting human rights. Firstly, because both the IOC and FIFA explicitly commit their organization to such aim in their statutes, as written above.

Moreover, their duty also arises from the fact that MSEs are built on the “participation of thousands of individuals who must assume any risks associated with laws and policies of host nations”¹⁵⁴, in fact athletes and their staff have to travel and live in host countries, and they are, consequently, bound to their laws. At the same time, athletes rely on non-interference of the hosts’ governments, granted by the federations, which have an obligation in guaranteeing basic human rights. In addition, sports’ governing bodies depend on the work of people residing in host countries, who, in some cases, have been

¹⁴⁹ Supra note Teetzel.

¹⁵⁰ Supra note Teetzel.

¹⁵¹ Winter Olympic Games in Lillehammer, Norway.

¹⁵² Supra note Teetzel.

¹⁵³ Turley, T.; *When the 'Escape Ends Responsibility of the IOC and FIFA at the Intersection of Sport Law and Human Rights*, Notre Dame Journal of International & Comparative Law 6, 2016.

¹⁵⁴ Supra note Turley.

subjected to violations of their rights in preparing for sport events. Although there is no direct relationship between federations and workers, the formers benefit from the latter, stemming the need for protection¹⁵⁵.

The third reason why federations should have an active role in the field of human rights derives from the central position of sport in the international consciousness. As MSEs attract billions of viewers, they also have “an enormous power to convey educational messages to diverse global audiences”¹⁵⁶, shaping the viewers’ image of host nations. The global mediatic reach, combined with the emotions linked to sporting events, creates an unmatched universal stage on which federations should advance the cause of human rights and pursue a more active role in the drafting and enforcement of international human rights law.

However, even assuming that IOC and FIFA have a duty to promote and protect human rights through international law, their mission and size limit this responsibility, as their primary aim is to organize sporting events¹⁵⁷. Given the fact that they are not humanitarian organizations, their duties are limited to addressing human rights issues deriving from those events which fall within their competences and, even considering that they are willing to better use international law to their scopes, the norms of international law “largely limit their ability to participate in the creation or enforcement of human rights laws beyond the extent necessary to fulfill the objectives”¹⁵⁸ dictated in their statutes.

Moreover, another arising issue concerns which rights IOC and FIFA should protect. The starting point are *jus cogens* norms, which are peremptory norms, accepted and recognized by the international community, from which no derogation is permitted, and include prohibitions against slavery, genocide, torture, and apartheid¹⁵⁹. In addition to these, federations can look for guidance in the already mentioned UDHR, although most of those rights fall outside the contained scope of their human rights responsibilities.¹⁶⁰

¹⁵⁵ Supra note Turley.

¹⁵⁶ Mitten, M. J.; Opie, H.; *Sports Law: Implications for the Development of International, Comparative, and National Law and Global Dispute Resolution*, 85 TUL. L. REV. 269, 2010.

¹⁵⁷ As well as the other goals explained in the previous chapter.

¹⁵⁸ Supra note Turley.

¹⁵⁹ Shelton, D. L.; *Advanced Introduction to International Human Rights Law*, Second Edition, Edward Elgar Publishing Limited, 2020.

¹⁶⁰ Supra note Turley.

Surely, the most logical solution to the “dilemma created by the clash of human rights and sport” would be to restrict the hosting of MSEs only to those countries with strong human rights protection; however, such a strategy would undermine the goal of advancing human rights, as well as the promotion of cultural and educational values of sport worldwide, which is a principle of both federations. As MSEs reach a global audience and put the host country in the spotlight, the general situation of human rights is going to be monitored by NGOs and more generally by the international community, like it was in Beijing both in 2008 and 2022, in Russia in 2018 and in Qatar in 2022, leading the hosts to be more careful on the matter. Moreover, limiting MSEs to specific host sites in order to avoid human rights issues, plays no positive role in resolving them, evading an opportunity to make progress. Hence, restricting the range of host cities would be an “evasion of responsibility rather than a meaningful attempt to address the clash of human rights and international sport¹⁶¹”.

Therefore, in order to achieve their goal of promotion and protection of human rights, international federations set certain standards that host cities have to meet in order to be awarded with MSEs.

1.3 Violations

There are several human rights violations and risks associated with the organization of MSEs, as well as some within the event itself.

Firstly, among the reasons to host MSEs, there are “the generation of ‘soft power’ on a global political stage; pressing claims of ideological superiority; and using the event to boost domestic identity politics”¹⁶². In fact, authoritarian states tend to use investments and tourism opportunities tailored in MSEs standards in order to shadow the anti-democratic aspects of their domestic politics¹⁶³. This phenomenon is referred to as ‘sportswashing’ and denotes the political dimension of state behaviour as the clouded

¹⁶¹ Supra note Turley.

¹⁶² Heerdt, D.; Naess, H. E.; *Large Sporting Events: Human Rights as a Game Changer?*, European Parliament, Policy Department, Directorate-General for external policies, 2021.

¹⁶³ Kobierecki, M. M.; Strożek, P.; *Sports mega-events and shaping the international image of states: how hosting the Olympic Games and FIFA World Cups affects interest in host nations*, International Politics 58, 2021.

awarding of this type of events to countries with serious human rights issues contradicts not only democratic values, but those of the federations themselves¹⁶⁴.

Restrictions in freedom of expression and political engagement for journalists, civil activists, and public intellectuals in relation to MSEs have been largely documented, taking both soft and hard forms. As the Olympic Charter states that “no kind of demonstration or political, religious or racial propaganda is permitted in any Olympic sites, venues, or other areas”¹⁶⁵, host authorities may consider themselves entitled to restrict freedom of expression or freedom of peaceful assembly; moreover, the organization of MSEs in countries “with a track record of repressing opponents and restricting the right to freedom of expression”¹⁶⁶ may cause further problems, like preventive arrests¹⁶⁷ and fines for publishing false information¹⁶⁸. The same article of the Olympic Charter also applies to athletes and team officials, who cannot wear any form of propaganda¹⁶⁹ or make political statements in the Olympic venues.

The most widespread violations when considering the construction of sport venues and other related infrastructure are certainly connected to welfare and labour rights, with the absence of minimum salaries, unsafe work conditions, anti-union policies and exploitation of migrant workers¹⁷⁰. Thousands of workers, coming from the host country as well as from abroad, are employed in construction sites to ensure that the venues are built and delivered on time; however, in doing so, they are often subjected to multiple violations of their rights, as for example frequent delays in payment of their wages, denial of services linked to housing, restrictions in joining trade unions, excessive working hours or even the withholding of identity documents¹⁷¹. Surely, however, the most impressive statistic is the one regarding deaths: only the infrastructures constructed for the 2012

¹⁶⁴ Tomlinson, A.; *The supreme leader sails on: leadership, ethics and governance in FIFA*, Sport in Society, 17(9), 2014.

¹⁶⁵ Supra note *Olympic Charter*, Art.50.2.

¹⁶⁶ Grell, T.; *The International Olympic Committee and human rights reforms: game changer or mere window dressing?*, The International Sports Law Journal, Springer, 2018.

¹⁶⁷ LGBT+ activists in Sochi in 2014.

¹⁶⁸ New and more restrictive legislation in Qatar ahead of the 2022 World Cup.

¹⁶⁹ Supra note *Olympic Charter*, Bye-law to Art. 50.1

¹⁷⁰ International labour standards, which are laid down in the principal international instruments regarding human rights, include: freedom of association and collective bargaining, elimination of all forms of forced labour, abolition of child labour, elimination of discrimination in respect of employment and occupation, and the right to rest, leisure, fair wages, or safe and healthy working conditions.

¹⁷¹ Supra note Grell.

London Olympic Games were implemented without casualties, whereas all other MSEs have a high human cost tied to their organization¹⁷². Thus, the violations of workers' rights need to be considered in the perspective of the migration life cycle, from when they decide to work abroad, to their employment and subsequent return at home¹⁷³.

Nonetheless, workers are not the only category of people impacted by the construction of sports related facilities, as another crucial human rights issue arises from forced evictions and displacements. The matter of space for venues, either related directly to the event, as stadiums and athletes' housings are, or indirectly related, as hotels for tourists are, is often used by national and regional authorities to accelerate urban development; however, affected parties are often ignored in the process, and there have been several cases of citizens being relocated against their will¹⁷⁴. Even considering that forced evictions may be permissible, on the premises that individuals concerned have access to an adequate relocation or compensation, some editions of MSEs saw whole communities being displaced to make space for stadiums, accommodations, and infrastructure. Whether these people were provided with an adequate compensation and other guarantees, it is not clear.

Gender equality initiatives, on the other hand, are affected by double standards and, whereas several governing bodies adopted reforms to balance the percentage of female executives, improved the gender portrayal of media during the events and enhanced economic and social conditions of female athletes, there still are countries, federations and media that breach gender equality principles and overpower women's rights as individuals in relation to MSEs¹⁷⁵. There are even cases in which gender equality issues are worsened by the political agenda related to these events¹⁷⁶. Moreover, related to gender equality is also the problem of trafficking and sexual exploitation, as MSEs not only increase the short-term request for prostitution and sexual exploitation around the

¹⁷² Prado da Graça, M.; *Changing the Game: A critical analysis of labour exploitation Mega Sport Event infrastructure projects*, Engineering against poverty (EAP), 2020.

¹⁷³ Supra note Heerdt et al.

¹⁷⁴ Supra note Heerdt et al.

¹⁷⁵ Supra note Heerdt et al.

¹⁷⁶ Van Rheenen, D.; *A skunk at the garden party: the Sochi Olympics, state-sponsored homophobia and prospects for human rights through mega sporting events*, Journal of Sport and Tourism, Vol 19, No 2, 2015.

event, but also “facilitate the entry of trafficked persons as 'visitors' before they are transited to other cities or countries where they are exploited”¹⁷⁷.

Children’s rights are often an intersectional issue combining many other violations. To start, the lack of stakeholder inclusion, which is a common problem for vulnerable groups who are not heard and involved in the development of MSEs, is especially crucial for children as their acknowledgment is often ignored. More important is however, their vulnerability in the process of forced evictions, as they can lose access to education, health, and other social services, as well as experience long-lasting trauma, anxiety, and panic¹⁷⁸. In addition, child labour has been part of the sporting industry since the 1980s¹⁷⁹, and MSEs increase direct and indirect implications in this perspective, as not only the right to be protected from harmful and exploitative work¹⁸⁰ is in some cases violated, but also the right to an adequate standard of living¹⁸¹ and “to be with or able to contact their parents”¹⁸² all of which are jeopardized if the labour rights of their parents are violated”¹⁸³. Indeed, child labour remains a lingering and hindering issue in event supply chain, where poor conditions “risk children’s survival, development, protection and participation rights”¹⁸⁴. Besides, from an indirect perspective, children ‘left-behind’ from migrant workers parents may experience physical and psychological harm, and such situations disproportionately impact children of poor families. Children become also exposed to trafficking and sexual exploitation, both in a direct way and indirectly through their mothers¹⁸⁵.

Environmental rights are relatively new in the human rights field, however they cannot be overlooked when analyzing MSEs, as the practice of ‘greenwashing’, which implies the inclusion of ‘eco’ or ‘sustainable’ related words in marketing without proper action

¹⁷⁷ Mentor-Lalu, V.; *Lies, Misrepresentation and Unfulfilled Expectations: Sex Work and the 2010 Soccer World Cup*, E. Cottle’ (Ed.) South Africa’s World Cup: Legacy for Whom?, Durban: University Of KwaZulu-Natal Press, 2011.

¹⁷⁸ Dowse, S.; Powell, S.; Weed, M.; *Children’s Rights and Mega Sporting Events: An Evidence-based Review of Selected Intersecting Themes*, Terre des Hommes and the Oak Foundation, Canterbury Christ Church University, 2015.

¹⁷⁹ Supra note Heerdt et al.

¹⁸⁰ Guaranteed by Art. 32 of the United Nations *Convention on the Rights of the Child*, (CRC) 1989.

¹⁸¹ Guaranteed by Art. 27 of the CRC.

¹⁸² Guaranteed by Artt. 9-10 of the CRC.

¹⁸³ Supra note Dowse et al.

¹⁸⁴ Supra note Dowse et al.

¹⁸⁵ Supra note Mentor-Lalu.

on it, is widespread. Despite environmental awareness being introduced by the IOC¹⁸⁶ and FIFA¹⁸⁷ in the design of MSEs, their organization still strongly impacts the environment, and the immense use of energy, likewise claims of biodiversity loss and water pollution reinforces the accusations.

1.4 Positive achievements

Clearly, MSEs are not only related to human rights for what concerns violations, on the contrary, there are also positive aspects. Indeed, the rhetoric of the power of sport ‘to do good’ is common in the bidding process, as past bid speeches included for example the possibility of reaching young people, inspiring them to participate and celebrate humanity¹⁸⁸, or the enhancement of all social sectors: education, medical care, and human rights¹⁸⁹. However, the divergence between such benefits and the reality of MSEs has been an increasingly studied issue, and the majority of literature – which is quite scarce on this topic – concentrates on the fact that sport is a relatively weak force in improving human rights.

Nonetheless, the very same fundamental rights which are negatively impacted on, can also be positively enhanced, given the fact that MSEs also represent high-profile mediatic platforms where violations can be uncovered, contestation can be made visible and interchange about progressive transformation can be enabled¹⁹⁰. To consider MSEs a vehicle for the protection and promotion of human rights, then principles, protocols and penalties must be more efficiently delineated in the governance arrangements for these events, as NGO and activists have argued; therefore institutional and non-institutional actors involved in the organization started focusing on how to bid for, plan and deliver MSEs in a way that positively contributes to social outcomes, as for example empowering disadvantaged groups, enhancing local community infrastructures and increasing community and sport participation. Such initiatives emphasize the effective opportunities associated with working collaboratively to address human rights issues and the progress

¹⁸⁶ International Olympic Committee, *Sustainability Essentials. A series of practical guides for the Olympic Movement*.

¹⁸⁷ FIFA, *FIFA World Cup Qatar 2022, Sustainability strategy*.

¹⁸⁸ Lord Sebastian Coe’s 2005 Olympic bid for London.

¹⁸⁹ The Chinese government in 2001.

¹⁹⁰ Caudwell, J., McGee, D.; *From promotion to protection: Human rights and events, leisure and sport*, Leisure Studies, Volume 37(1), 2018.

achieved in this field has been based on the work of NGOs and advocacy groups and their effective use of media to draw the wider public's attention to human rights infringements. On the other hand, sport governing bodies, host cities and governments need to be monitored more efficiently to ensure their pledges are converted into significant and sustainable outcomes, as vague commitments, good intentions, and future promises do little to effectively change the situation of human rights in host countries. In this context, the development of clear pathways within MSE bidding, planning and delivery could make this process more likely to succeed¹⁹¹.

The first main pathway for progressive human rights outcomes has to be identified with the quality of governance arrangements of the MSE, indeed positive achievements are dependent on the good governance of the event, and the degree of openness – by sport governing bodies and host cities – of such governance to whomever represents vulnerable and excluded populations is an indicator of the democratization and accountability of the event to promote and protect the rights of affected groups. In addition to good governance, the second pathway concentrates on how MSEs delivering actors engage with local stakeholders to ensure the democratization of goals and practices, which is a growing demand of host populations seeking the upholding of basic democratic principles and procedures in decision-making so that organizers can be held accountable. Meaningful stakeholder participation – including information to the public, comment on decisions, or have a say in the decision itself – is indeed helpful in advancing the democratization of MSEs planning and thus in improving rights-based agendas. The third pathway focuses on the commitment of MSEs planners to enact policies that intentionally target positive human rights outcomes, enshrining institutional responsibilities to achieve them. In this context, the extent to which awarding bodies can ensure and implement a progressive, rights-focused agenda is crucial. The final pathway concentrates on the sphere of urban development, which is often connected to several human rights abuses, as labour practices, rights to the city, freedom of assembly and access to public space; in fact, one of the main problems about MSEs is that they allow host governments to pass exceptional legislations which allows for the suspension of conventional planning procedures,

¹⁹¹ McGillivray, D.; Edwards, M. B.; Brittain, I.; Bocarro, J.; Koenigstorfer, J.; *A conceptual model and research agenda for bidding, planning and delivering Major sport events that lever human rights*, Leisure Studies, 38:2, 2019.

bypassing the participatory decision-making processes and favoring privileged stakeholders seeking exclusive economic gains. It is thus important to consider the extent to which “MSE planning enables the development of more inclusive public spaces, including the potential role of cultural programmes and spaces in enabling greater dialogue in relation to sensitive issues”, developing policies to guarantee that the rights of vulnerable groups are not damagingly affected by MSEs related infrastructure. Therefore, when MSEs include good governance, democratic participation of stakeholders, formalization of human rights agendas and urban development for strengthening human rights, the likelihood of positive social changes may be higher than when these factors are not taken into account¹⁹².

On a more concrete level for example, Athens Olympic Games in 2004 encouraged investments in numerous cultural and heritage works, such as visitor facilities and archaeological sites, contributing to people’s ability to express and frame their cultural identity, with the improvements in the environment also contributing to their sense of well-being¹⁹³. Concerning labour rights, during the London OG, the Commission for a Sustainable London was created to ensure human rights were respected, building partnerships with non-profits to improve workers’ skills. Moreover, the system of assurance established by the London’s Olympic Delivery Authority to monitor the construction of infrastructure, with health and safety training and on-site union representation, helped in achieving the absence of workers’ deaths¹⁹⁴. For the 2006 edition of the World Cup in Germany, human trafficking and sex work were tackled with clear strategies of prosecution, protection, and prevention, as well as rescue, rehabilitation, and reintegration. Awareness campaigns and security precautions were put in place and mechanisms to regulate the industry and monitor the violence were enacted¹⁹⁵. The subsequent edition in South Africa was one of the key events in the process of nation building and reconciliation, like its reinstatement in the Olympics in 1992 had been.

¹⁹² Supra note McGillivray et al.

¹⁹³ Adams, A.; Piekarz, M.; *Sport events and human rights: positive promotion or negative erosion?*, Journal of Policy Research in Tourism, Leisure and Events, 7:3, 2015.

¹⁹⁴ Supra note Prado da Graça.

¹⁹⁵ Hicks, J.; *A gendered response to the 2010 World Cup: Insights from the South African Commission for Gender Equality*, Agenda: Empowering Women for Gender Equity, 85, 2010 FIFA World Cup: Gender, Politics And Sport, 2010.

More in general, MSEs can contribute to social and psychological health benefits, as source of stimulation and happiness which can “contribute to individual human rights to maintain their sense of social and psychological well-being, whilst also creating the freedom of opportunity for collective identity and cultural expressions”. In addition to this, athletes also have the potential to gain many new freedoms and opportunities to enhance the quality of their lives. Through employment opportunities, providing money and a better quality of life, rights can be enhanced; and the type of infrastructural development can shape communities’ quality of life by creating opportunities for cultural expression and association. Education can also be a handle to change behavior, in fact no MSE progresses without a variety of educational campaigns leading up to, during, and after the event, with sport organizations or athletes endorsing initiatives intertwined with human rights, such as campaigns against racial discrimination¹⁹⁶.

Even considering that the majority of research in the field of MSEs and human rights has focused mainly on the negative aspects, positive sides have the potential to be enhanced, in particular through human rights provisions of sport governing bodies.

2. Human Rights standards in the bidding process

As largely explained before, MSEs do carry human rights risks, however they also treasure the potential for their promotion. The growing awareness and evidence of violations related to MSEs induced the principal sport governing bodies to introduce human rights standards to their organization, as for example the United Nations’ Guiding Principles on Business and Human Rights (UNGPs), according to which they revised their statutes introducing human rights strategies. Consequently, they also integrated human rights into the bidding and hosting regulations for MSEs.¹⁹⁷

The legal framework establishing the grounds for organizing MSEs relies on bidding and hosting regulations adopted by IOC and FIFA, as well as additional documents specifying “operational requirements, principles, obligations, together with government guarantees and declarations”¹⁹⁸ which, for a long time, did not include human rights. The situation

¹⁹⁶ Supra note Adams et al.

¹⁹⁷ Supra note Heerdt et al.

¹⁹⁸ Supra note Heerdt et al.

only changed in 2017, when several sport governing bodies¹⁹⁹ included human rights provisions following the reports and concerns of civil society organizations.²⁰⁰

2.1 IOC's Host City Contract

In 2017 the IOC introduced explicit human rights obligations in the Host City Contract (HCC), which is the most important document for the organization of the OG. After the completion of the process - regulated by the Executive Board - to decide the host for the Olympic Games - which is prerogative of the Session²⁰¹ - the IOC and the National Olympic Committee (NOC) of the host nation adopt the HCC and, within five months, form the Organising Committee of the Olympic Games (OCOG), which in its turn must adhere to the HCC²⁰². The Contract is divided in four different documents which apply in a specific order of preference, and they are:

1. The HCC – Principles
2. The HCC – Operational Requirements (providing the deliverables and obligations of the host city, the NOC and the OCOG)
3. The Games Delivery Plan (outlining the framework, timeline, and milestones the host city, NOC and OCOG must respect)
4. The Candidature Commitments (concerning all guarantees and other commitments contained in the candidature documentation of the hosts)²⁰³

The most important provisions regarding human rights are included in the first part, which also requires the parties to respect the Olympic Charter and the IOC Code of Ethics. Moreover, under the Core Requirements section, Art.13.1 states:

The Host City, the Host NOC and the OCOG undertake to abide by the provisions of the Olympic Charter and the IOC Code of Ethics and agree to conduct their activities related to the organisation of the Games in a manner which promotes and enhances the fundamental principles and

¹⁹⁹ Not only IOC and FIFA, but also UEFA and Commonwealth Sport.

²⁰⁰ Supra note Grell.

²⁰¹ Supra note *Olympic Charter*, Art. 33.

²⁰² Supra note Grell.

²⁰³ International Olympic Committee; *Host City Contract – Principles, Games of the XXXIII Olympiad in 2024, 2017*, General Responsibilities of the Parties, Art. 1.1.

values of Olympism, as well as the development of the Olympic Movement.²⁰⁴

More specific provisions are enunciated in Art. 13.2, where it is highlighted how such actors, in their activities related to the organisation of the Games, shall:

- a. prohibit any form of discrimination with regard to a country or a person on grounds of race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status;
- b. 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 Business and Human Rights, applicable in the Host Country.

Therefore, these clauses bind together various actors, which include the IOC, the host city through its government, the NOC of the host country and the respective OCOG, however those are only the public authorities involved in the organization of the Games, and the HCC does not express similar requirements for any private actor comprised in both the bidding and the delivering process²⁰⁵.

On the other hand, the inclusion of a means for remedy is significant, even though the clause limits human rights obligations to those already applicable in the host country, thus to those the national governments already agreed to at the international level²⁰⁶.

With Art.13.3, in order to keep track of these human rights obligations, the HCC envisages a reporting mechanism that the IOC itself is supposed to establish:

The IOC, through its Coordination Commission referred to in §27, shall establish a reporting mechanism to address the obligations referred to in

²⁰⁴ Supra note *Host City Contract*, Art. 13.1.

²⁰⁵ Supra note Heerdt et al.

²⁰⁶ Supra note Heerdt et al.

§13.1 and §13.2 in connection with the activities of the Host City, the Host NOC and the OCOG related to the organisation of the Games.

Notwithstanding the inclusion of such clauses, a number of important issues remain unaddressed, or without further explanation²⁰⁷.

2.2 FIFA's bidding process

As aforementioned, FIFA first introduced human rights provisions in 2017, and those regarding sustainability and human rights first appear in the guidelines for the bidding process of the 2026 World Cup²⁰⁸. The tournament's guide asks for commitments in the field of human rights and in labour standards, as enshrined in the Statutes²⁰⁹ and in FIFA's Human Rights Policy, in fact:

FIFA is fully committed to conducting its activities in connection with hosting the FIFA World Cup based on sustainable event management principles and to respecting international human rights and labour standards in accordance with the United Nations' Guiding Principles on Business and Human Rights. Based on this, FIFA also requires the implementation of human rights and labour standards by the bidding member associations, the government and other entities involved in the organisation of the tournament, such as those responsible for the construction and renovation of stadiums, training sites, hotels and airports.²¹⁰

In particular, the document requires the member associations to provide:

- an explicit public commitment to respect all internationally recognised human rights in line with the United Nations' Guiding Principles on Business and Human Rights;

²⁰⁷ Supra note Grell.

²⁰⁸ Adopted in 2017.

²⁰⁹ Supra note *Statutes*, Art.3 states: FIFA is committed to respecting all internationally recognised human rights and shall strive to promote the protection of these rights.

²¹⁰ FIFA, *Guide to the bidding process for the 2026 FIFA World Cup*, 2017.

- a proposal for a human rights strategy on how to identify and address the risks of adverse impacts on human rights and labour standards. The strategy must include:
 - a comprehensive report identifying and assessing any risks of adverse impacts on human rights and labour standards that is informed by a study by an independent expert institution assessing the respective country's human rights context;
 - mechanisms that will be put in place to address all of the identified human rights risks;
 - a concept outlining ways in which the member associations will provide for or cooperate in access to remedy in the event that adverse human rights impacts have occurred.
- guarantees of compliance with international human rights and labour standards from the government and host cities (see the Government Declaration and Host City Declaration templates in the Documents section below), as well as from the entities responsible for the construction and renovation of stadiums, training sites, hotels and airports.'

As these were mere guidelines for the bidding process, more detailed and comprehensive provisions are articulated in the FIFA Regulations for the selection of the venue for the final competition of the 2026 FIFA World Cup²¹¹, where, “due to the magnitude, complexity and significant environmental, social and economic impact of the FIFA World Cup in the Host Country/Host Countries, special attention and efforts are required by all involved stakeholders with a view to hosting and staging the FIFA World Cup in a sustainable manner that does not involve adverse impacts on human rights and labour standards²¹²”. In particular, member associations shall respect internationally recognized human rights, including workers' rights, taking adequate measure in order to:

²¹¹ FIFA, *FIFA Regulations for the selection of the venue for the final competition of the 2026 FIFA World Cup*, 2017.

²¹² Supra note *FIFA Regulations*, Section 8.1(i), Sustainable Event Management and Human Rights.

- a) avoid causing or contributing to any adverse human rights, including workers' rights, impacts through its/their own activities, and address such impacts when they occur; and
- b) seek to prevent or mitigate adverse human rights impacts that are directly linked to its/their operations, products or services by its/their business relationships even if the Member Association(s) has/have not caused or contributed to such impacts, because a significant part of human rights risk may be associated with the activities of third parties.

Even considering that these documents do not include provisions with obligations for a remedy, as it is in the IOC's HCC, this is mentioned in the government and host city declarations²¹³, which require the authorities, as organs of the state, to comply with their international obligations to "respect, protect and fulfil human rights, ensuring that effective remedy mechanisms are put in place"²¹⁴. Moreover, the host city has to execute formal agreements with authorities responsible for stadiums, training sites, airports, and hotels²¹⁵. As per the sport governing body, the respect for human rights, as well as the support and collaboration with complaint mechanisms, are included in the agreements; therefore, even considering that the principal responsibility for implementing human rights and labour standards, along with the provision of remedy mechanisms relies with the member associations as bidders, such accountability is extended to third parties, which can be private ones.²¹⁶

2.3 Analysis

As aforementioned, human rights provisions in the bidding documents fail to specify which rights the host authorities should respect, protect, and promote. As for the HCC, it is asserted that the hosts are bound only by human rights applicable in their country, including, from an international law perspective, the international instruments they ratified and those norms which acquired customary law status; however, problems arise where the host country has not ratified, or has made reservations to, the principal human

²¹³ FIFA, *Host City Declaration Template* and FIFA, *Government Declaration*, which are two templates in which national and local authorities welcome the possibility of hosting the World Cup.

²¹⁴ Supra note Heerdt et al.

²¹⁵ Supra note *FIFA Regulations*, clause 2.1.5, Hosting Documents.

²¹⁶ Supra note Heerdt et al.

rights treaties²¹⁷, meaning that the level of human rights protection will be different in the various editions of the Games²¹⁸, giving rise to a dangerous morally relativistic approach²¹⁹.

The situation is different when considering the Football WC, as the bidding regulations declare that depending on the sort of activities and their potential effect, “the scope and consideration of internationally recognized human rights may be enlarged to include, for instance, the United Nations instruments on the rights of indigenous peoples; women; national or ethnic, religious and linguistic minorities; children; persons with disabilities; and migrant workers and their families²²⁰”.

For this reason, even considering that the IOC could not violate the sovereignty of the host country by imposing on it human rights obligations to which it has not adhered, it does force countries to adopt domestic legislation designed to protect its commercial interests as, likewise, does FIFA. Clearly, these two organizations carry a great power in their relations with countries hosting MSEs and, as FIFA did, the IOC should too clarify the scope of applicable human rights in the HCC, identifying a more precise and universal standard for human rights protection²²¹.

On the other hand, even if hosts usually protect fundamental rights, as for example freedom of expression and assembly, they still set local restrictions in the context of MSEs, as the example of the hosts²²² of the 2026 edition of the Football WC shows, when highlighting that specific rules may be applied in private spaces – stadiums, fan zones and other non-public zones – which affect these freedoms²²³, that free speech zones may be

²¹⁷ As it is for the United States, hosts of the 2028 edition of the Olympic Games, who have not ratified the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child, the Convention for the Protection of all Persons from Enforced Disappearance, the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. The latter treaty is the only one not ratified by France, host of the 2024 edition of the OG.

²¹⁸ Supra note Grell.

²¹⁹ Supra note Heerdt et al.

²²⁰ Supra note *FIFA Regulations*, Annexe 1, Internationally Recognised Human Rights.

²²¹ Supra note Grell.

²²² U.S.A., Canada and Mexico.

²²³ United 2026, *Proposal for a United Human Rights Strategy*, ANNEX 1 Salient Human Rights Risks (7), United as One, 2018.

established, and that rules on statements, banners and other limitations of free speech and expression may be defined²²⁴.

Further issues are to be taken into consideration when analyzing remedies, which mean “making good a harm a person has suffered²²⁵”; however, when remedy mechanisms are to be established and carried out by host authorities, as the IOC’s HCC indicates, there is a risk of violations not being investigated, as such mechanisms only work when who is in charge of them acknowledges that victims’ rights have been violated in the first place²²⁶. Both federations included remedies for MSEs related violations and abuses in their newest bidding and hosting regulations, but while both bids²²⁷ for the 2026 edition of the Football WC included human rights strategies comprehensive of remedies, this same importance was not evaluated in the bids²²⁸ for the OG²²⁹.

Apart from the general comparative analysis, it is important to examine to what extent these commitments can ensure a remediation for MSEs related violations, either by enabling access to an already established remedy mechanism, or by providing a new one. Although neither the initiative of IOC nor the FIFA one entails the creation of new mechanisms, both of them require human rights reporting which, even if as such can barely be considered a remedy mechanism, can offer a valuable source of information and evidence for victims, if they are structured in a way that enables accessible information for all the affected groups²³⁰.

Other provisions addressing the issues related to access to remedy concern the “binding nature of these legal agreements of private law nature”²³¹, in fact, as the regulations are binding on bidders and private parties, also non-state actors have contractual obligations to respect human rights. Furthermore, as written before, the approach of FIFA could bestow the means for addressing remedies concerning multiple actors, as it convenes the scenario in which not one sole actor is responsible of human rights violations. On the

²²⁴ Supra note United 2026, Freedom of Expression & Assembly (B).

²²⁵ Supra note Heerdt et al.

²²⁶ Supra note Heerdt et al.

²²⁷ The awarded United 2026 one and the Moroccan one.

²²⁸ Both Paris 2024 and Los Angeles 2028.

²²⁹ Heerdt, D.; *Tapping the potential of human rights provisions in mega-sporting events’ bidding and hosting agreements*, The International Sports Law Journal, Springer, 2018.

²³⁰ Supra note Heerdt.

²³¹ Supra note Heerdt.

other hand, it urges the individual responsibilities of each actor to cooperate with remedy mechanisms, hence leaving the victims to identify the accountable ones²³².

The enforceability of these provisions is another concerning issue, as, for example, it is important to determine whether the obligations are specific enough to judge their relative breach, given that a general reference to the respect and protection of human rights is not measurable or enforceable in court²³³. Therefore, it is important to include more specific obligations easier to enforce, as human rights strategies and public commitments are.

With regard to whom would be entitled to test the fulfillment of such clauses, contractual law holds that an agreement between two or more parties only has consequences for the contracting parties and, consequently, those who can enforce the contract are the parties themselves²³⁴. Even when agreements between two or more parties have consequences on others, which is particularly frequent when dealing with human rights, and as it is in this case, neither the IOC nor FIFA provides for rights of third parties. It is paradoxical that even if these clauses deal with human rights, and thus assume that victims should claim their rights, practically they do not offer a way to do it²³⁵.

A conventional way to guarantee that the parties fulfill their contractual obligations is the inclusion, in case of breach, of specific consequences, which, in the new regulations, appear of two kinds: the elimination of bidders or hosts or the opportunity to challenge the breach through negotiation and/or arbitration.

Taking into consideration the first option, in the case of FIFA the bidder can be eliminated as a potential candidate; however, once the MSE is awarded, the consequences are significantly different. In fact, in the case of the OG, even if both the Olympic Charter and the HCC reserve the right to withdraw the Games pursuant a violation of contractual obligations²³⁶, the likelihood of this happening decreases the further the preparations proceed, as it would impose exponential costs on both the hosts and IOC²³⁷. Moreover,

²³² Supra note Heerdt.

²³³ Crockett, A.; *Human Rights Clauses in Commercial Contracts*, LSE - Laboratory for Advanced Research on the Global Economy - Investment and Human Rights Project, 2014.

²³⁴ Vytopil, L.; *Contractual control in the supply chain: on corporate social responsibility, codes of conduct, contracts and (avoiding) liability*, Eleven International Publishing, The Hague, 2015.

²³⁵ Supra note Heerdt.

²³⁶ Supra note *Olympic Charter*, Art.36; Supra note *Host City Contract*, Principle 38(2)(d).

²³⁷ The Games have indeed been cancelled only twice, due to the outbreak of the two World Wars, and postponed of one year due to the pandemic of Covid-19 in 2020.

the termination of the contract, and consequently of the whole project in light of human rights violations, could do more harm to the victims whose rights had already been violated, as they could see the complete loss of wages, employment, or opportunities for compensation²³⁸.

For what concerns the second option, there is indeed the “opportunity to challenge the non-performance of a contractual obligation or binding requirement without the consequence of losing the bid or even the event²³⁹”, as both FIFA²⁴⁰ and the IOC²⁴¹ provide the recourse to the Court of Arbitration of Sport (CAS). Whereas challenging the performance of contractual obligations clearly helps in enforcing them, it is less obvious how the CAS would achieve that in relation to human rights provisions, as not only there are not precedents, but more importantly the CAS principally deals with sports related disputes of private nature, lacking therefore the necessary expertise of arbitrators in the field of human rights²⁴².

3. MSEs and Human Rights in the context of the United Nations

The most important global entity concerned with human rights is certainly the intergovernmental organization of the United Nations, with its main and subsidiary organs and specialized agencies, and, in particular, the Human Rights Council, established in 2006 by the General Assembly following a proposal by Secretary-General Kofi Annan²⁴³. Its mandate is to “be guided by the principles of universality, impartiality, objectivity and non-selectivity, with a view to enhancing the promotion and protection of all²⁴⁴”, and can make recommendations on human rights situations, address gross and systemic violations, and scrutinize the human rights record of every member of the UN through a peer review mechanism, the Universal Periodic Review (UPR)²⁴⁵.

²³⁸ Supra note Crockett.

²³⁹ Supra note Heerdt.

²⁴⁰ Supra note *FIFA Regulations*, Clause 12.17. FIFA also provides the option, prior to the recourse to the CAS, to enter into negotiations with FIFA itself.

²⁴¹ Supra note *Host City Contract*, Principle 51(2).

²⁴² Supra note Heerdt.

²⁴³ Resolution 60/251 established the Council, replacing the previous Human Rights Commission, accused of being too political.

²⁴⁴ United Nations, General Assembly, A/RES/60/251, Resolution adopted by the General Assembly 60/251. Human Rights Council, 2006.

²⁴⁵ Supra note Shelton.

Other than the already mentioned UDHR, the UN refers to nine core human rights treaties: the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), the International Convention for the Protection of All Persons from Enforced Disappearance (CPED), and the Convention on the Rights of Persons with Disabilities (CRPD). Each of these treaties establishes a monitoring body to supervise compliance by the State Parties, even if they have been reluctant to include binding measures and sanctions for non-compliance.

Clearly, the United Nations and its treaty bodies only refer to the States which adopted them, therefore, in the context of MSEs related human rights violations, only the host country, and not the federations or private parties, and only if it is member of that specific treaty, can be put under the scrutiny of the monitoring body to receive suggestions or general recommendations. For what concerns the UPR, the Council adopts a report and makes recommendations to the State²⁴⁶.

However, in 2011 the Human Rights Council unanimously endorsed the Guiding Principles on Business and Human Rights (UNGPs)²⁴⁷, which still constitutes the sole guidance for States and business enterprises on their respective obligations regarding business and human rights²⁴⁸. The UNGPs are built on a three-pillar “Protect, Respect and Remedy” framework: the duty States have, to protect against human rights abuses by third parties – including businesses – through policies, regulation, legislation and effective enforcement; the independent responsibility of business enterprises to respect human rights, both by avoiding violations and abuses through their actions and by addressing harms that do happen; the access to effective remedy, in cases where violations

²⁴⁶ Supra note Shelton.

²⁴⁷ United Nations, Office of the High Commissioner for Human Rights, *Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework*, 2011.

²⁴⁸ Ruggie, J. G.; *The Social Construction of the UN Guiding Principles on Business & Human Rights*, Cambridge, MA: John F. Kennedy School of Government, Harvard University, 2017.

occur, enabled by states and enterprises. The document is composed of 31 principles which embody all internationally recognized rights and apply to *all* States and *all* business enterprises. Although they do not establish new legally binding obligations, they draw their normative force from their endorsement by States and other key stakeholders²⁴⁹.

Therefore, enterprises do not sign up to, or adopt UNGPs, but rather they are expected to follow them, regardless of their size, sector, location, or ownership structure. Thus, to show that it respects UNGPs, a business should have in place a public commitment to respect human rights, a process of human rights due diligence through which the enterprise assesses risks²⁵⁰, and processes to help in providing remedy to the victims of violations or abuses resulting from the enterprise's actions or decisions. In fact, companies can cause negative impacts, but also contribute or be linked to them, and consequently should take steps to avoid doing so²⁵¹.

On the other hand, enterprises can also have positive impacts on human rights, including through the creation of jobs and consequently contribute to economic growth and development and this is particularly appropriate for international sport enterprises whose positive influences can include raising awareness on racism, gender equality or promoting healthy lifestyles and social inclusion²⁵².

In this context the main question is whether FIFA and the IOC can be considered enterprises and, as the Swiss federal office ruled, as they are “involved in commercial activities, independently of their legal form or sector of activity”²⁵³, they can be considered as such²⁵⁴. Both federations, as mentioned in the previous section, include references to the UNGPs in their bidding documents, but FIFA was among the firsts in recognizing the Guiding Principles as an aid to avoid being involved in violations of

²⁴⁹ Supra note Ruggie (2017).

²⁵⁰ And then integrates the findings into its decision-making and actions in order to mitigate the risks, tracks the effectiveness of these measures, and communicates its efforts internally and externally

²⁵¹ Ruggie, J. G.; *For the Game. For the World. Fifa and Human Rights*. Cambridge, MA: Harvard Kennedy School, 2016.

²⁵² Supra note Ruggie (2016).

²⁵³ National Contact Point of Switzerland, *Initial Assessment Specific Instance regarding the Fédération Internationale de Football Association (FIFA) submitted by the Building and Wood Workers' International (BWI)*, 2015.

²⁵⁴ Supra note Ruggie (2016).

human rights²⁵⁵, while the IOC later included them in the HCC. In this case, as the UNGPs provide that:

The responsibility of business enterprises to respect human rights refers to internationally recognized human rights – understood, at a minimum, as those expressed in the International Bill of Human Rights²⁵⁶ and the principles concerning fundamental rights set out in the International Labour Organization’s Declaration on Fundamental Principles and Rights at Work²⁵⁷.

And, as the HCC is binding on the host country, it should derive that every actor adopting the document must abide to these fundamental rights independently from the host country’s obligations under international law; however, had this been the intention, they would have made it clear in the text²⁵⁸.

Conclusions

The relationship between sport and human rights is a long-lasting one, which evolved in time up to the point where the most important sport federations highlighted the importance of human rights by introducing references in their statutes. As reports from violations of human rights in the context of MSEs grew in the last decade, mainly with respect to freedom of expression, forced evictions and labour rights, as well as women and children’s rights, the duty of sport governing bodies to protect and promote such fundamental rights and freedom increased, thanks to the pressures of activists, non-governmental organizations, and the general public. Consequently, both the IOC and FIFA responded to criticism by incorporating human rights provisions in their legally binding bidding documents, including the reference to the UNGPs, which is specifically addressed to private corporations.

As analyzed, such provisions tend to still be too general in the requirements for the promotion and protection of human rights, as well as for what concerns the prevention of such abuses. Moreover, the access to remedial mechanisms for victims is not

²⁵⁵ Supra note Ruggie (2016).

²⁵⁶ UDHR, ICCPR and ICESCR

²⁵⁷ Supra note *Guiding Principles*, Art.12

²⁵⁸ Supra note Grell.

straightforward, or, at times, is not even present, and consequences for actors who breach human rights, are often not investigated by the sport governing bodies lacking therefore a way to hold them accountable.

It is therefore important to study in precise situations which violations have occurred, and how, or if, federations and governments reacted to solve the issue.

CHAPTER 3 – 2008 Beijing Olympic Games

This chapter analyzes the specific case of the 2008 edition of the Olympic Games in Beijing, China. In fact, this was the first time in which MSEs and human rights were intrinsically intertwined, not only for what concerns the event related violations, but more generically the situation of the whole country. Even considering that the human rights provisions of the IOC which were analyzed in the previous chapter did not apply for this edition of the OG, these issues were indeed mentioned in the bidding process, and it is thus important to highlight how the development of this situation led the sport governing body to start the discourse about human rights and their subsequent inclusion in the HCC.

Therefore, this chapter primarily focuses on the human rights situation of China at the moment of the awarding of the OG and in the period up to the event in itself, highlighting human rights abuses connected to it, brought to the public attention in particular by the reports of Amnesty International and Human Rights Watch. The second section analyzes whether, and to what extent, the IOC dealt with such human rights issues in its relationship with the organizers, while the third section concentrates on the role of the Chinese government and how it responded to criticism by adopting policies or reforms to enhance the human rights situation.

1. Human Rights' situation and MSEs related violations

1.1 General situation in the country

After a failed attempt at hosting the Games in 2000, China managed to secure the 2008 edition, and was awarded the organization of the event by the IOC in 2001²⁵⁹. Chinese leaders had understood that the OG could help both with economic growth and, above all, in showing a form of nationalism not hostile to the rest of the world, as the Games provided, and still do, a vital opportunity to create an appealing and progressive image for the host city, and to enhance its postindustrial economy by attracting investments, residents, and visitors. For this reason, the bidding process had become a real promotional

²⁵⁹ Riding, A.; *Olympics; 2000 Olympics Go to Sydney In Surprise Setback for China*, New York Times, 1993.

act, which, however, was in contrast with the antforeign popular nationalism triggered by the previous failed bid²⁶⁰.

The proposed slogan in itself, 'New Beijing, Great Olympics', highlighted the project of the hosts of showing themselves as a modern country, through green, high-tech and people's Games. Indeed, the three main objectives of the OCOG, were a 'Green Olympics', in order to connect²⁶¹ a sustainable use of the environment to human existence, in particular by protecting the environment in the building of the OG's related infrastructure, by applying energy-saving technologies and raising public awareness; 'High-tech Olympics', in the preparation of the event, in its duration and to benefit the whole society; and 'People's Olympics', to promote "harmony, exchange and development" through cultural exchange and participation of athletes²⁶².

Notwithstanding the effort, which clearly convinced the IOC, several protests sparked around the world on the ground of the alleged human rights violations of the hosts, starting from institutions like the U.S. House of Representatives Foreign Affairs Subcommittee on International Organizations, Human Rights and Oversight, which asked the government to boycott the Games, or the European Parliament, which called for China to end abuses and the IOC to reconsider its decision and include provisions to respect human rights²⁶³. The press was not less critical, as newspaper suggested too to boycott the OG because of the country's "appalling human rights record", mainly concerning forced labour camps in which prisoners were to be re-educated, and the use of cruel and inhuman treatment, as well as death penalty²⁶⁴; however, the more influential and effective actors in this field were non-governmental organizations (NGOs), in particular Amnesty International (AI) and Human Rights Watch (HRW) which, together with other 26 others²⁶⁵ had planned to use the Games to underline political issues. With their reports,

²⁶⁰ Haugen, H. O.; "A Very Natural Choice", *The Construction of Beijing as an Olympic City during the Bid Period*, in *Owning the Olympics, Narratives of the New China*, The University of Michigan Press, 2008.

²⁶¹ As in line with the Olympic Movement

²⁶² Beijing Organising Committee for the Games of the XXIX Olympiad, *Bid Documents and Analysis: Passion behind the Bid Official Report of the Beijing 2008 Olympic Games*, Volume I, 2009.

²⁶³ Adi, A., Miah, A.; *Open Source Protest: Human Rights, Online Activism and the Beijing 2008 Olympic Games.*, in *Transnational Protest and the Media*, Peter Lang, 2011.

²⁶⁴ Grayling, A. C.; *Shame them, If China is chosen to host the Olympics we should all stay away*, The Guardian, 2001.

²⁶⁵ The IOC identified 28 NGOs, among them: Reporters without Borders, Students for a Free Tibet, Coalition to Investigate the Persecution of Falungong, Support the Monks, and Save Darfur Coalition.

press releases, protests and general relentless work, NGOs managed to create a transnational debate on the situation of human rights in China, influencing in at brand new level the Olympic context²⁶⁶.

During the months prior to the Olympics, NGOs credited to the IOC the capacity to influence human rights in China, referencing to the promises the country made in the bidding process and in the HCC, however, while the formers were not legally binding statements, the latter did not yet include human rights provisions, but rather only the requirement to abide to the Olympic Charter.

1.2 MSEs related violations

Therefore, in order to analyze the situation of the country in the field of human rights, AI and HRW published, together with their annual reports, specific documents regarding China, to assess the legacy of the Games for human rights in the country, in particular by monitoring the development of key issues. In this context, it is challenging to separate ‘regular’ human rights violations from specific, MSEs related ones, as the authorities established a ‘clean-up’ plan ahead of the OG, comprehensive of house arrests, torture, and unfair trials of activists, likewise the extension of systems for detention without trials²⁶⁷. In fact, to ensure harmony and stability in the Olympic period, Chinese officials implemented a need to “strike hard” against anyone who was perceived as a threat for that situation, including peaceful activists, journalists, lawyers, and human rights defenders²⁶⁸.

The first major issue concerned death penalty, in fact, in the sole year prior to the Games, at least 470 people got executed and other 1.860 were sentenced to death, according to official reports (the real figures were believed to be much higher). These high numbers were connected to the fact that China used to impose the death penalty for 68 offences,

²⁶⁶ Brownell, S.; *Human rights and the Beijing Olympics: imagined global community and the transnational public sphere*, The British Journal of Sociology 63(2), London School of Economics and Political Science, 2012.

²⁶⁷ Amnesty International; *People’s Republic of China: The Olympics countdown – one year left to fulfil human rights promises*, ASA 17/024/2007, 2007.

²⁶⁸ Amnesty International; *People’s Republic of China: The Olympics countdown – repression of activists overshadows death penalty and media reforms*, ASA 17/015/2007, 2007.

including several non-violent crimes, and to the fact that not only trials were conducted behind closed doors, but also prisoners were denied the access to a lawyer²⁶⁹.

More relevant to MSEs, were the reports of authorities using the OG as an excuse to extend the two principal forms of detention without trial, namely reeducation through labour and enforced drug rehabilitation. In fact, as the deputy director of the Beijing Public Security Bureau stated: “We do not rule out the possibility of compelling all drug abusers in the capital to give up their addictions before the Olympics²⁷⁰”, and that resulted in the detention of 500.000 petty criminals, vagrants, drug addicts and others without charge, trial, or judicial review, violating thus their international fair trial standards. Moreover, authorities shifted their efforts from public entertainment venues toward targeting individual users, specifically by extending the period of enforced rehabilitation from 6 months to a year, both to clean up the city for the Games and to use them as a pretext to expand abusive forms of punishment breaching international human rights standards, including the ICCPR which China had signed and intended to ratify.

Torture in detention was also widespread, and human rights defenders were specifically targeted, as it was for a man who helped gathering signatures for a petition titled “We want human rights, not the Olympics”, who was detained for subversion of state power, and for this reason he was repeatedly tortured and refused access to his lawyer; or a housing rights activist who died shortly after being released. More in general, defenders and their families, including their offspring, were increasingly subjected to harassment, surveillance, and beatings by officers who criminalized their work by charging them with various offences²⁷¹.

In fact, in April 2008, three months before the Games, the Ministry of Public Security reportedly ordered the investigation of all those attending the Games, barring 43 categories of people, defined as “troublemakers”, which included migrant workers, petitioners, ethnic minorities, activists, rights defenders, religious leaders, and others, cracking them down intensively in the period up to the event²⁷².

²⁶⁹ Amnesty International; *Amnesty International Report 2008, The State of the World's Human Rights*, POL 10/001/2008, 2008.

²⁷⁰ Supra note AI, ASA 17/015/2007.

²⁷¹ Supra note AI, POL 10/001/2008.

²⁷² Congressional-Executive Commission on China, *The Human Toll of the Olympics*, 2008.

Freedom of expression was problematic way before the OG, as it was already impairing national individuals, journalists, and editors who did not conform to the extremely restrictive and erratically implemented regulations aimed at the control of both print and online forms of expression. Some journalists were demoted, beaten, and murdered because of reportages on taboo subjects, and many others were dismissed or incarcerated for sending stories outside the country or criticizing the political system²⁷³. An independent publication focusing on development and civil society, who was directed by a British national and read broadly by civil society groups and international aid donors was forced to close, and another one was seen its distribution restricted²⁷⁴. Moreover, the country's system of internet censorship and surveillance was and still is the more advanced in the world, with filters, blocks, and monitoring technologies provided by private companies and corporations and controlled ceaselessly by the police. With the approach of the OG, the threshold of the 'sensitive' content had been increasingly lowered, and censors blocked thousands of websites²⁷⁵, such as Wikipedia, in the sole year prior to the Olympics, extending from topics as the 1989 Tiananmen Massacre and content related to Tibet or Xinjiang, to include "unauthorized" coverage of natural disasters and corruption scandals in domestic politics.

In this context, new regulations for foreign journalists were introduced, in order to enhance their freedom to cover news in the period up to, and during the OG²⁷⁶, by allowing them to conduct investigations or interviews not anymore prior authorization from local authorities, but rather only prior to the individual's consent. Nonetheless, even if some journalists were indeed able to cover 'once prohibited' stories, others were still detained by police, barred, or expelled from certain areas. Several reports of bureaucratic issues by Chinese officials were also collected, as broadcasters were seen their uncensored live coverage of the Games limited on the grounds of security²⁷⁷. Moreover, while foreign journalists were promised more freedom, the same permission did not apply to domestic ones, who experienced even more repression²⁷⁸. Although the Beijing OCOG,

²⁷³ Human Rights Watch, *World Report*, 2008.

²⁷⁴ Supra note AI, ASA 17/024/2007.

²⁷⁵ The estimated number is 18.000.

²⁷⁶ Article 9 of the regulations made it clear that it was a temporary measure, expiring shortly after the Games, in October 2008.

²⁷⁷ Supra note Congressional-Executive Commission on China.

²⁷⁸ Supra note AI, ASA 17/024/2007.

as per its HCC, had assured that Internet access for foreign reporters during the Olympics would be uncensored, in reality certain websites – such as those of AI and HRW, but also the BBC – were blocked inside Olympic venues.

As written before, China went over and beyond to establish itself as a superpower through the Olympics, and the creation of this image required a thorough transformation, with new venues, infrastructure, and transportation. This process had clearly an enormous impact on the local population and the housing system, in particular due to large scale forced evictions, displacements, and, as aforementioned, repression of housing rights defenders. As expressed by the Beijing OCOG in its bidding program, the preparation for the OG included a huge infrastructural change, comprising more than 60 roads, bridges, more than 30 competition venues, as many training venues, and athletes and media's villages, in Beijing and in the 6 co-host cities²⁷⁹. Moreover, projects less related to the MSE were accelerated, as for example the expansion of the transportation system (airport, subway, light rail network), the demolition of housing neighborhoods to build expensive residential developments, the construction of luxury shopping complexes and entertainment districts, and, as part of an environmental remediation project, the relocation of a steel factory which at the time was the largest single employer in the capital city²⁸⁰. In this context, reports show that a total of 1.5 million people have been displaced in the years prior to the Games due to Olympic-related development, and an unknown part of that number has been evicted illegally and violently. Even if this number is difficult to calculate, it is clear that the majority of these evictions have not complied with the requirements of international human rights law, as they have been characterized by no public participation, no notice to residents, and by the relocation to sites far from sources of livelihoods. Therefore, the precariousness of the living conditions of thousands of people, especially the more vulnerable members of the population, such as migrants, has increased, leading to significant economic, social, and psychological damage as a result.

²⁷⁹ Qingdao, Hong Kong, Tianjin, Shanghai, Shenyang, and Qinhuangdao.

²⁸⁰ Centre On Housing Rights and Evictions (COHRE), *Fair Play for Housing Rights: Mega-Events, Olympic Games and Housing Rights, Opportunities for the Olympic Movement and others*, Geneva International Academic Network, 2007.

Clearly, “a number of evictions”²⁸¹ from Olympics venues sites have been met with residents’ protests, leading to violence and repression, even though, facing coercion, residents had no choice but to comply. Demolition companies used to hire eviction squads in order to impose people to leave, at times by disconnecting the utilities or by damaging the house and making it uninhabitable, up to physical threats and beatings for the most stubborn. Reports of night raids were also collected, concerning people who were forcibly removed and saw their house demolished with all their possessions inside²⁸². Housing rights activists and lawyers were also heavily targeted, and some were detained, tortured, or had their license revoked. In particular, as a result of the oppressive situation, both lawyers and rights defenders were discouraged from taking on cases involving forced evictions, and lower courts were forced by authorities to stop the hearings of such cases. In addition to this, residents turned to self-harm in order to resist eviction, threatening suicide and setting themselves on fire²⁸³.

Social groups were affected in a significantly different way by forced evictions and displacements, as it was the case of migrants, who because of the workforce needed for the construction of Olympic venues, were increasing in numbers. As the housing options were scarce, they lived mainly in urban villages which – due to the OG – were set to be demolished, leaving half a million people without a place to live, as the city plans did not include their relocation, given that they did not own property legally. Moreover, given the fact that these villages were built illegally, migrants not only did not have right to a resettlement allowance, but they also had no protection against evictions, giving the impression that these relocations were especially designed to expel the city migrant workers for the Games. The majority of people affected by forced evictions were already living on low incomes, public assistance, and old age pensions, were employed in unstable informal sectors, or were receiving help from family members, sometimes even begging; hence these events pushed them further into poverty, and at times into the reeducation through labour system²⁸⁴.

²⁸¹ Supra note COHRE.

²⁸² Broudehoux, A. M.; *Spectacular Beijing: The Conspicuous Construction of an Olympic Metropolis*, Journal of Urban Affairs, Volume 29, Number 4, 2007.

²⁸³ Human Rights Watch; *Demolished: Forced Evictions and the Tenants’ Rights Movement in China*, Human Rights Watch, Vol. 16, No. 4 (c), 2004.

²⁸⁴ Supra note COHRE.

Migrant workers did not see their rights violated only with respect to housing, as the labour conditions in the Olympic venues replicated those common in the rest of the country, characterized by unpaid wages and abuse²⁸⁵. In fact, the building of such a high number of sport venues and accommodation in such a short amount of time was possible mainly thanks to the “exploitation of a vast, pliant and disposable labour force²⁸⁶”, as migrant workers offered an extremely low-cost army, working relentlessly under extreme conditions. Official reports indicate that 10 workers died in the construction of the sites for the OG, while 17.000 workers, mostly migrants, complained of contract denial and wage exploitation²⁸⁷. They were often forced to live in the construction site, in temporary barracks and unfinished floors, their full citizenship rights denied. Several of them were owed over a year’s worth of wages or had been injured and received no compensation. In fact, the construction boom had left debts between developers and contractors, which often resulted in workers not getting paid²⁸⁸. As HRW reported, getting access to information regarding workers’ situation in the Olympic sites was nearly impossible, however it was clear that the problems in the rest of the country did not spare the Games²⁸⁹.

Concerns about sex trafficking were not highlighted during the Beijing OG, although the country was both a source and a destination for sexual exploitation, as many women were also internally moved for prostitution purposes. The Chinese government did criminalize prostitution, nevertheless the industry was, at the time, constantly expanding, because of the authorities’ approval and lack of law enforcement. Even considering that there were no reports of increased sex trafficking for the Olympics, this does not mean it did not occur, whereas prostitution continued to take place. It is possible that the permissive enforcement of sex work policies in China enabled sex trafficking to go undetected, however, giving the international community and NGOs’ constant vigilance of human

²⁸⁵ Human Rights Watch; *One Year of My Blood: Exploitation of Migrant Construction Workers in Beijing*, Volume 20, No. 3(C), 2008.

²⁸⁶ Supra note Broudehoux.

²⁸⁷ Supra note Prado da Graça.

²⁸⁸ Supra note Broudehoux.

²⁸⁹ Supra note Human Rights Watch 20/3(C).

rights violations, a drastic increase in trafficking for sexual exploitation would have been detected²⁹⁰.

As the Olympic slogan addressed the ‘green’ factor, it is important to focus on environmental rights. In fact, Beijing was comprised in one of the most polluted areas in the world and needed to meet the standards of the World Health Organization (WHO) with respect to air quality. To this respect, in its bid the host city had projects to include infrastructure improvements addressing air and water quality, as well as waste and energy management, however, in the months prior to the Games the levels of particulate matter were still considerably high, risking adverse health effects. Concerning was, moreover, the authorities’ censorship on reports on air quality made available to the public and the scientific community²⁹¹. Even more troubling was the situation of the four water reservoirs tapped to meet the demand during the Games. As the consumption was expected to increase up to 5%, whole villages outside the capital were forced to stop using their usual water source and told to dig a well at their own expenses. Even though studies showed that such a water transfer, combined with growing ultra-deep wells, could likely lead to environmental calamities, the need for water, also to clean Olympic venues and to flush out the city's polluted canals and lakes, prevailed. Once again, reporters and activists trying to investigate were tailed by the police, and residents were intimidated from talking²⁹².

Environmental issues also affected children, as poor air and water conditions lead to cases of dysentery and cancer, which are a major cause of death for children under five. Given that the quality of life of children, likewise their emotional and physical health and well-being, are connected to their environment in several and different aspects, it is important to take into consideration their perspective as MSEs stakeholders. Moreover, as children are particularly affected by forced evictions, as explained in the previous chapter, and given that the number of people impacted by this phenomenon was particularly high in Beijing, it is plausible to assume that a number of them had their fundamental rights –

²⁹⁰ Hayes, V.; *Human Trafficking for Sexual Exploitation at World Sporting Events*, Chicago-Kent Law Review, Volume 85, Issue 3 (8), 2010.

²⁹¹ Congressional-Executive Commission on China; *"Green Olympics" Commitments Raise Concerns Over Transparency and Implementation*, 2008.

²⁹² McLaughlin, K. E.; *Olympics suck up China's already scarce water*, The 2008 Beijing Olympics, Chronicle Foreign Service, San Francisco Chronicle, 2008.

housing, education, health – violated, exposing them not only to conditions of poverty, but also to life-long trauma²⁹³. Children left behind by migrant workers were also an issue, as the country's housing system meant they struggled to get services such as education in the cities and remained thus at home. As studies conducted in China on the general situation showed that the yearlong separation resulted in half of them ending up suffering from anxiety and depression²⁹⁴, it is clear that the offspring of migrant MSEs workers were particularly affected. Another issue regarded labour, as an NGO discovered that more than 20 child workers – the youngest was 12 years of age – were being used in the production of Olympic merchandise, earning half the legal minimum wage and working up to 15 hours per day, seven days a week, notwithstanding the illegality of such practice²⁹⁵.

2. IOC response to the situation

During the bidding process, the IOC did not demand specific information on human rights except for those required in the “political structure” of the candidature file, and Beijing was thus not invited to make promises²⁹⁶; however, at the IOC Session in Moscow, the Chinese bidding team was reluctant on whether to mention the term ‘human rights’ or not, but eventually, the Mayor of Beijing in his speech stated that the Games would have helped “promote our economic and social progress and also benefit the further development of our human rights cause”. Nevertheless, the IOC members who voted for Beijing did not do so because they believed the OG would have enhanced the human rights situation, but rather because they wanted to take the event to a place it had never been before. Certainly, although, the fact that Chinese officials showed awareness of the importance of the issue and were not as defensive and unfriendly as they had been with the previous failed bid, was an important point in helping them win²⁹⁷.

After the awarding of the Games and the creation of the Beijing OCOG, the IOC's Coordination Commission for the Beijing Olympics, whose chairman was Hein

²⁹³ Supra note Dowse et al.

²⁹⁴ Branigan, T.; *China struggles with mental health problems of 'left-behind' children: Youngsters have been isolated by government one-child policy and parents moving to find work*, The Guardian, The Observer, China, 2014.

²⁹⁵ Reuters; *China says investigates child labour accusation*, 2007.

²⁹⁶ Brownell, S.; *The View from China: Two Olympic Bids, One Olympic Games, and China's Changing Rights Consciousness*, in supra note Keys, 2019.

²⁹⁷ Supra note Brownell (2012).

Verbruggen²⁹⁸, had the task to maintain the connections between the hosts and the sport governing body, in order to review the preparatory work; however, as Verbruggen was a long-time member of Amnesty International, he was pressured by the NGO to act on the basis of the “failing commitments” of Chinese authorities in the field of human rights. In this occasion, he underlined that the government of China did not make “commitments”, but rather it had expressed “convictions” or “beliefs”, hence the hosts had kept every promise made to the IOC. Subsequently, AI²⁹⁹ replied that as the President of the IOC had in fact promised to supervise the progress of the human rights situation, Verbruggen was sending the wrong signals to Chinese leaders. The IOC was not prepared to the new, increasing public influence of NGOs, but if in the previous decade it had responded to environmental criticism by adding initiatives in its mandate, it did not do the same with respect to human rights, as a broad global consensus was lacking³⁰⁰.

When AI mentioned the authority of the IOC on the Chinese government, it mainly referred to the HCC which, however, as already explained, did not contain human rights clauses. On the other hand, the HCC did contain the commitments and promises made during the candidature phase, which, theoretically, meant that the sentence pronounced by the Beijing mayor was indeed binding, but the ‘binding clause’ was included more “as a response to past situations in which bid cities had promised a competition venue or an Olympic village that was never built”, rather than for “vague, grand pronouncements about human rights issued in the heat of a promotional campaign³⁰¹”. Moreover, the IOC had never sued a host city over the breach of the HCC, even considering that all of them had violated it to various extent. Both the internet blocking of certain websites and the restrictions on journalists reporting on the Games were said to violate the HCC, but while the former was not included in the document or in the candidature file, the latter only applied to those accredited for the two weeks period of the OG, leaving the IOC with little leverage on the issue.

The IOC defended itself from the pressure of NGOs by declaring that it was engaging in silent diplomacy with the Beijing OCOG and the Chinese authorities, and had several

²⁹⁸ He was a Dutch sport administrator, president of the International Cycling Union and of the Global Association of International Sports Federations, as well as honorary member of the IOC since 2008.

²⁹⁹ Through the director of Amnesty International Netherlands, Eduard Nazarski, in an interview in 2007.

³⁰⁰ Supra note Brownell (2012).

³⁰¹ Supra note Brownell (2012).

meetings with the President, the Premier, the Mayor of Beijing and OCOG officials in the years up to the Games; however, IOC leaders were not aggressive and did not employ threats in asking about the human rights situation, but rather focused on establishing a relationship of trust, after which Verbruggen could bring to their attention the negative impact the image of the Games was receiving. NGOs accused the IOC of failing at their silent diplomacy attempts, specifying that in several areas the Games had worsened the human rights situation, but actually, they did reach some results. For example, after the sport governing body asked for the cessation of executions in sport stadiums – it was a misunderstanding, in fact only public rallies at death sentences were held in stadiums – the prospect of further international scrutiny accelerated the death penalty reform, and the government rehabilitated the meetings with representatives of the Dalai Lama after being pressured to. In the early meetings with the OCOG officials, the Coordination Commission never mentioned the term human rights, debating instead about ‘disruptions’ or ‘demonstrations’, but then in 2007 the organizers brought up the discourse themselves, making it easier to talk about sensitive issues. The personal relationships and common trust Verbruggen had thoroughly created led thus to very open discussions about human rights issues³⁰².

On the contrary, when IOC President Rogge incited to respect the “moral engagements to advance social change”, a government official responded that the IOC had to reference its own Charter and not bring “any irrelevant political factors into the Beijing Olympics”³⁰³. This fact proves that the Chinese government did not accept the interference of the IOC, and a bottom line did exist³⁰⁴.

When asked what would have happened if the IOC had started to publicly criticize China, Verbruggen answered that the situation would have escalated immediately, setting the two actors one against the other, as on certain issues the Chinese could not give in. He continued by stating that the problem would have escalated to a war, which would have ended nowhere, as the two parts needed each other to organize the OG. In the end, the IOC “operates in a no-man’s land where few supra-national governance structures exist”, and it had no real jurisdiction over the matters it was pressured to resolve, meaning that

³⁰² Supra note Brownell (2019).

³⁰³ Sportsnet, The Associated Press; Rogge: *Olympics in ‘crisis’ over protests*, 2009.

³⁰⁴ Supra note Brownell (2012).

also its public power was very limited³⁰⁵. Even considering that the IOC did not do concretely much to resolve the human rights situation as it was evolving, it could have done more to prevent the same violations from happening again in the following editions of the Games by, for example, introducing immediately human rights clauses in the HCC.

3. Government response to human rights violations

“If we proactively spoke about this problem, it was possible that it would ‘draw fire upon us’ and bring trouble³⁰⁶”. The Chinese government was aware of the consequences of being in the spotlight even before the awarding of the Games, and they knew they had to deal with it as they were approaching “the major public arena for announcing the existence of a country to a world audience³⁰⁷”. From a domestic perspective, they managed to produce the highest approval rating ever recorded for an OG – 94% – thanks to the efforts to shape a positive opinion, which involved public assemblies and censorship of who attempted to oppose. From an international perspective, on the contrary, as previously explained, protests arose, and the danger of a boycott was not unrealistic, with NGOs and human rights advocacy groups constructing the idea that Olympic fundamental principles and larger human rights and humanitarian concerns were strictly linked. In particular, HRW and AI stated that the government was to prove itself worthy of hosting the Games, in particular by extending respect for universal fundamental ethical principles to the people of China³⁰⁸. A triumphant Olympic was the main priority of the Chinese government, and success was to be judged also on the basis of how the rest of the world perceived the Games, in fact a mediocre image could have led to inadequate attendance or low TV ratings at the time they most wanted to show off.

For these reasons, and not to tarnish their new image to the world, the government did take steps in order to solve the main issues about human rights violations ahead of the Games. For example, concerning death penalty, in 2007 the government restored the Supreme People’s Court review, aimed at approving all death sentences passed in China. Nevertheless, the lack of clear information about the mechanics of the review process and

³⁰⁵ Supra note Brownell (2012).

³⁰⁶ Yuan Weimin, director of the State Sport General Administration and executive president of the Beijing Olympic Games Bid Committee, in his memoir (supra note Brownell 2019).

³⁰⁷ Supra note Brownell (2012).

³⁰⁸ Supra note Adi et al.

not enough public information on how the reviews were being conducted in practice, sparked debate among intellectuals and international observers, who stated that the reform was mainly focused on confirming that procedures had been followed correctly, rather than determining the facts of the cases resulting in the capital punishment. Indeed, the application of death penalty in a consistent, uniform manner across provinces, rather than the address of individual miscarriages of justice was prevailing. The Supreme People's Court review was however not planned to be a hearing into the facts of the cases, and it had to be included in a broader set of criminal justice reforms to improve the quality of trials. Even considering that it stipulated that first-instance death penalty cases had to be held in open court and that courts had to move towards public trials for appeals in capital cases, they continued to be held behind closed doors. In addition to that, the key judicial organs published a joint directive recommending judicial departments to strictly control and cautiously apply death sentences, to safeguard the legal rights of suspects, underlining that public parading of convicts and obtaining confessions through torture were to be banned³⁰⁹. Although such reforms were not considered to be sufficient by AI and HRW, the figures showed that there was a decrease of 10% in the number of death sentences because of the Supreme People's Court review. Furthermore, since 2001, the rate of prisoner executions had dropped by as much as 45%, and such a reduction was largely the result of the host's attempts to polish its international image in the run-up to the OG³¹⁰. No new measures were adopted to address reeducation through labour and enforced drug rehabilitation, whose use remained extensive in order to clean up for the event.

New regulations concerning freedom of expression were also adopted starting from 2007, up to October 2008, after the Beijing OCOG assessed that most foreign articles about the Chinese edition of the Games were concerned with political issues, instead of economics, preparations, or sport like it had been in the previous ones. For this reason, the organizers had to adopt a more integrated strategy to promote the city image and to communicate with western media in order to be more effective in transmitting their international image to the rest of the world. For some time the negative press related to the situation of lack of media freedom did not appear to bother the government, but the pressure by the IOC and human-rights groups to provide greater freedom and openness likewise the Chinese

³⁰⁹ Supra note AI 17/015/2007.

³¹⁰ Kingsbury, K.; *An Olympic Reprieve for China's Convicts*, Time, 2007.

government's desire to be seen as an increasingly powerful, but benevolent global power convinced the Foreign Minister to relax the regulations temporarily³¹¹. The new procedures aimed at increasing the freedom of foreign journalists – also from Hong Kong, Macau, and Taiwan – to cover news and stories inside the country in the period until the Games and in its two weeks duration; besides they allowed journalists to ask for the sole consent of the individuals or organizations interviewed, while prior to that year the provisions concerning foreign reporters stated that:

Foreign journalists and permanent offices of foreign news agencies shall conduct journalistic activities within the scope of business as registered or within the mutually agreed plan for news coverage. Foreign journalists and permanent offices of foreign news agencies shall observe journalistic ethics and shall not distort facts, fabricate rumors, or carry out news coverage by foul means. Foreign journalists and permanent offices of foreign news agencies shall not engage in activities which are incompatible with their status or tasks, or which endanger China's national security, unity or community and public interests.³¹²

In this context, the most notable article of the new regulations allowed media professionals to travel within China without prior approval, as long as they had an Olympic Identity and Accreditation Card. Moreover, news organizations could also employ Chinese nationals to assist in their activities. Although the Olympic accreditation was necessary, the provisions were to be applied also to news relating to politics, science, technology, and economy. Positive signs were actually seen, as journalists were allowed into political congresses³¹³ to interview lawmakers, and Reporters Without Borders was allowed into the country for the first time.

On the other hand, authorities had the power to intervene in case of emergencies, protests, or other sudden incidents, thus the fear of free access was still present. Besides, travels to Tibet and Xinjiang were ambiguously defined, as controls for security reasons were possible. When announcing the amendment, the Foreign Ministry also recognized that

³¹¹ Smith, B.; *Journalism and the Beijing Olympics: Liminality with Chinese Characteristics*, in *Owning the Olympics, Narratives of the New China*, The University of Michigan Press, 2008.

³¹² Regulations Concerning Foreign Journalists, Art.14, Ministry of Foreign Affairs, 2003.

³¹³ National People's Congress and Chinese People's Political Consultative Conference.

the implementation of such regulations would not go frictionless, above all outside the major cities, and reporters would still have to comply with the Chinese law. An association of foreign journalists in Beijing reported that 40% of them experienced interference, intimidation, detention, or even violence. Despite the easing of restrictions, authorities had contrived new inventive methods to still control information, for example, when trying to interview a human rights activist recently released from prison, journalists were turned away as he was said to be serving an additional year of deprivation of political rights and he was thus not suitable for interviews. Moreover, the local authorities in the Shandong province urged their officials to downscale the impact of negative reporting, and journalists, translators and photographers were still detained and arrested, on the basis that new regulations were only valid for stories linked to the Olympic Games³¹⁴.

Indeed, the new regulations were not taken seriously outside the capital, as inconsistencies could be blamed on accidents or miscommunications. Moreover, as they were temporary, they were not considered as sincere and severe as the permanent ones. It is however possible that such temporariness could have been a test to see “how things went” and, after reviewing how stories were affecting China’s image in the world, determine whether to make them permanent, which, in November 2008 was actually done³¹⁵. Notwithstanding these achievements, since the Olympics the level of journalistic freedom in China has gradually declined, with online trolling, cyber hacking, visa denials and physical assaults being used as disincentives for reporters³¹⁶.

Two weeks before the start of the Games, AI and HRW had their websites still blocked in China, as part of the intensified control during the Games which was explained in the first section. Nonetheless, after a successful campaign of international media pressure, the two websites, together with some others as the BCC one, were accessible during the two weeks period of the Olympics. Despite the accomplishment, such a measure was exceptional and led to no apparent increase in support for human rights during the OG³¹⁷.

³¹⁴ Supra note Smith.

³¹⁵ Human Rights Watch, *China Lifts Reporting Restrictions for Foreign Media*, 2008.

³¹⁶ Madhok, D.; *From visa denials to online trolling, foreign journalists in China say they face ‘unprecedented hurdles’*, CNN Business, 2022.

³¹⁷ Supra note Adi et al.

In the years between the awarding of the Games and the actual edition, more than a million people were relocated, some willingly, others illegally and violently, but the extent to which such evictions were monitored, or reparations for damages were made, has not been clear. Chinese legislation does provide protection against housing rights violations, starting from its Constitution:

State can expropriate land for its use in the public interest and shall make compensation for private property expropriated or requisitioned.³¹⁸

Citizens' lawful private property is inviolable [...] The State, in accordance with law, protects the rights of citizens to private property and to its inheritance [...] The State may, in the public interest and in accordance with law, expropriate or requisition private property for its use and shall make compensation for the private property expropriated or requisitioned.³¹⁹

Nonetheless, in the Constitution are not present specific guidelines on what is to define a justifiable expropriation in the public interest, nor an adequate compensation. Indeed, compensation, relocation, and administrative procedures for evictions, likewise the violation of such procedures are elaborated in a number of national laws³²⁰. Even considering that the Constitution and these two articles were amended in 2004, therefore in the main period of Olympic construction, there is no evidence that it was a response to MSE related violations. Moreover, in the same year, China's highest law-making body issued new directives³²¹ for handling relocations, in order to prevent breaches of residents' rights, in particular by limiting evictions and relocations to areas legally approved by planning offices, guaranteeing that procedures were firmly applied in a fair manner, and consolidating vigilance over organizations executing clearances and relocations. In this perspective, local governments were charged with preventing violent and illegal evictions and the cutting off of essential services to residents in order to compel

³¹⁸ Constitution of the People's Republic of China, adopted on 4 Dec. 1982, Fourth Amendment to Article 10, approved on 14 Mar. 2004 by the Tenth National People's Congress at its Second Session.

³¹⁹ Supra note Constitution, Fourth Amendment to Article 13.

³²⁰ Fowler, D.; *One World, Whose Dream? Housing Rights Violations and The Beijing Olympic Games*, Centre on Housing Rights and Evictions (COHRE), 2008.

³²¹ China's State Council, State Council Office [2004] No. 46.

them to leave³²². However, the new directives were not fully implemented, and while extreme practices were no longer registered – demolitions with residents inside, beatings by hired criminals – reports of similar ones were still recorded.

As MSEs often induce governments to reinvent the image of the host city and transform its human environment through social reforms, authorities pursue to eliminate visible traces of poverty and decay and to produce an obedient population to fit global expectations of civility. Such disciplining programs, however, often bring a tightening of the social control system and the imposition of new restrictions on civil liberties, as well as intense public campaigns encouraging locals to conform to the image of a friendly, persistent society embracing modernity. In Beijing, the main target of this civilization campaign was the mass of migrant workers, described as a major threat to the image of the OG, above all because of their rudimentary manners and unhygienic habits, which were seen as a proof of their need for reform. However, the depiction of migrants as uncivilized, dangerous, and pathological, which had assisted in naturalizing their exploitation and devaluating their labor – justifying their further abuse and legitimating their exclusion from full citizenship rights – led to their total exclusion from the frameworks of the Games, in particular by forcibly sending them back to their hometowns and banning them from the city center, missing the occasion to carry out a proper social reform³²³.

As the Beijing Olympics were presented to be the ‘Green Olympics’, the Chinese OCOG was determined to organize an environmentally friendly event, investing 17 billion US dollars in environmental enhancements and green projects. In the short period, from a purely environmental perspective, the effort met all the international and projected goals, succeeding in cleaning the infamous air pollution far beyond what was expected and improving the vehicle emission standards of the capital city. An almost complete phaseout of greenhouse gases was achieved, thanks to the adoption of strict vehicle fuel quality and emission standards and restrictions on traffic. In addition, officials expanded the amount of open green space planting more than 30 million trees and bushes³²⁴.

³²² Supra note COHRE (2007).

³²³ Supra note Broudehoux.

³²⁴ Gronewold, N.; *Beijing Olympics Met or Exceeded Green Goals: The U.N. Environmental Programme determines that China's Olympics really were green*, Scientific American, 2009.

However, many standards on air quality were met because of a specific industrial pollution control policy, which required power plants to reduce their emissions by 30% from the levels of two months earlier. Furthermore, heavily polluting factories were instructed to reduce their operating capacities, while others were completely shut down. All these measures combined saw the emissions levels, in the two weeks Olympic period, 50% lower than two months before, however, such improvements were only short term as the temporary reduction was due to temporary measures, mainly factory closures and traffic control³²⁵.

Conclusions

As China is infamously known as one of the countries with the worst human rights record, it is maybe not so surprising to ascertain that widespread, various and serious violations related to the Olympic Games occurred in the previous years. With the growing importance of media communications, the public opinion, above all through NGOs, managed to put the human rights situation of the country in the spotlight, demanding enhancing measures from not only the Chinese government, but also from the IOC. While the latter was in a difficult position and had maybe a too marginal role in demanding improvements, the central government had a lot more at stake with respect to the international community. Not many progresses were highlighted, and with regard to certain matters the situation was even worsened, thus it is easy to conclude that MSEs in this case had strong negative consequences on the situation. However, the two bids and the Games in themselves did have a positive impact “in the realm of vocabulary, discourse, and the exchange of ideas³²⁶”, as they helped in the acceptance of Western concepts which were previously hostile to the Chinese government and population. A valuable example was the introduction of the provision “the State respects and preserves human rights” in the 2004 constitutional amendment, and of the more general human rights discourse into policies and speeches. The fact that these changes occurred in close association with Olympic preparations implies that MSEs and human rights discourse were closely intertwined in the country’s efforts to establish greater connections with the rest of the world.

³²⁵ Huijuan, C.; Fujii, H.; Managi, S.; *Environmental impact of the 2008 Beijing Olympic Games*, Economics Discussion Papers, No. 2013-30, Kiel Institute for the World Economy (IfW), Kiel, 2013.

³²⁶ Supra note Brownell (2019).

However, when China submitted its bid for the 2022 Winter Games, its human rights record was well-known, as were the issues and violations the 2008 OG had caused. Moreover, starting from that edition of the Winter Games, the IOC had planned in the HCC the inclusion of human rights and labor rights protections, including non-discrimination. Therefore, when the Committee responsible of evaluating the Chinese candidature drew attention on environmental impacts, conditions of prisoners, media freedom and internet access, right to demonstrate, and freedom of the judicial and electoral systems, authorities replied reassuring on the respect of human rights, right to protest, media freedom and no internet restrictions, labour rights, displacement of communities and environment³²⁷. However, no reference of any of these issues was included in the HCC³²⁸.

³²⁷ International Olympic Committee; *Report of the 2022 Evaluation Commission*, 2015.

³²⁸ International Olympic Committee; *Host City Contract XXIV Olympic Winter Games in 2022*, 2015.

CHAPTER 4 – 2016 Rio Olympic Games

This chapter analyzes another case, namely the 2016 edition of the Olympic Games in Rio de Janeiro, Brazil. Like in the precedent chapter, after a general assessment of the situation of the country, the first section will focus on the main human rights abuses connected to the OG which were highlighted in particular by NGOs and human rights activists, while the second will analyze the response of the IOC to the Olympic situation and its consequences on human rights. The third section will examine how the city and state institutions dealt with such abuses, whether they addressed them, and which measures were consequently adopted, taking also into consideration the UPR Sessions of Brazil and the country's pledges and recommendations specifically dealing with MSEs.

1. Human rights and MSE

1.1 General situation

When in 2009 in Copenhagen the President of the IOC declared that Rio de Janeiro was going to host the Olympic Games seven years later, it was a moment of pure theatre, televised in an Oscar format and celebrated by 30.000 people on Copacabana beach. Southern American countries had tried numerous times to host the world's biggest multi-sport event³²⁹, and this awarding consolidated the concept of MSEs as an exceptional occasion for countries of the so-called Global South to leverage local development and be included on the list of modern countries, meaning also the entire bloc of the planet's emerging economic powers, with China in 2008 and Russia in 2018³³⁰.

Even considering that the city annually organizes the world's largest street carnival, it only had a limited experience concerning sport events, having hosted the Football World Cup in 1950 – together with 5 other cities – and twice the Pan-American Games, in 1963 and 2007. This last event boosted new investments thanks to a 2 billion US dollars budget which, among the other things, allowed not only for improvements of broadcasting facilities and arrangements of newsworthy devices, such as a large-scale torch relay, with

³²⁹ Buenos Aires alone presented 4 bids, Brasilia was shortlisted for the 2000 edition, and Rio bid 3 times, for the 2004, 2012 and 2016 editions.

³³⁰ Vilani R. M., Machado C. J. S.; *The impact of sports mega-events on health and environmental rights in the city of Rio de Janeiro, Brazil*, Cad. Saúde Pública, Rio de Janeiro, 31 Sup: S39-S50, 2015.

an eye to attracting national interest, but also showed organizational and logistic competence in running a large sport event giving the international community a measure of reassurance. The local, regional, and central governments allocated the necessary funding, stadiums were completed in time, the program proceeded efficiently, and security was guaranteed. The legacy of sporting infrastructure for multi-sport events was supplied, and the venues were well connected to highways. Therefore, the successful staging of the Pan-American Games, together with the awarding of the FIFA WC of 2014, reinforced the city's ambition to host the Olympics³³¹. Moreover, the Brazilian economy was strong thanks to export, foreign direct investments were record-high, oil was discovered just outside Rio's coast, and millions of citizens were emerging from poverty, started consuming and fueling further growth. It truly was Brazil's turn, as President Lula Da Silva had stated³³².

Nevertheless, seven years later the state of Rio was broke, the economy was in deep recession, unemployment and inflation were over 10%, and social services were being cut. The already pervasive state of violence was worsening, as state police was raiding favelas on a daily basis, and state government was not able to pay its employees' salaries. Corruption among politicians was spinning out of control, fueled by MSEs related construction and President Rousseff was accused of manipulating the country's budget for political ends, resulting in her suspension just three months before the Games. Clearly, the collapse of services, the disclosure of deep and vast corruption, the widespread dismissals and failure to pay workers, the increasing violence, and the misuse of Olympics spending provoked extensive and aggressive political protests, whereas the Rio OCOG was trying to prepare the city for the event, encountering several problems along the way. Indeed, one month before the opening ceremony it was unclear if the new line of the metro would be functional or if many of the competition and related venues would be ready. The organizing committee had run out of funding, and only 15 percent of the planned promotional, decorative, and directional signage was installed³³³.

³³¹ Gold, J. R.; *Rio de Janeiro 2016*, in *OLYMPIC CITIES: City Agendas, Planning and the World's Games*, 1896–2016, Routledge, Taylor & Francis Group, 2011.

³³² Zimbalist, A.; *RIO 2016: Olympic Myths, Hard Realities*, Brookings Institution Press, 2017.

³³³ Supra note Zimbalist.

In the midst of this Olympic turmoil, Brazil had its own human rights issues to face, as serious violations continued to be reported. Killings by the police were especially concerning, in particular regarding young black men from favelas and marginalized communities, and responsible officials enjoyed almost total impunity. Protests were often suppressed with excessive or unnecessary force, which resulted in injuring and detaining multiple individuals; and severe overcrowding, degrading conditions, torture and violence remained endemic in prisons. Disputes over land and natural resources stemmed the killings of dozens of people, and rural communities and their leaders continued to face threats and attacks by landowners. Notwithstanding the establishment of a national program for the protection of human rights defenders, threats, attacks, and deaths were rarely investigated, not to mention punished³³⁴. In this context, the previous experience with an MSE, together with the ‘usual’ history of human rights abuses in the country, raised concerns about the potential risks of violations prior to and during the 2016 OG.

1.2 MSE related violations

In the run-up to the 2014 Football World Cup, human rights were progressively more restricted and violated by Brazilian security forces, therefore NGOs and human rights defenders were particularly attentive in the Olympic context. Moreover, as the two MSEs were held only 2 years apart and considering that half of the stadiums which were built or renovated for the WC were also utilized for the OG³³⁵, it can be difficult to separate the OG related human rights issues from the WC related ones.

Between 2009 and 2016 more than 2.700 people were killed by the police in the sole city of Rio and, while the number had decreased in those first years, it grew as the Olympic approached – as it did in 2014 when the country hosted the WC – in fact, when comparing numbers of deaths from April to July 2016 with the figures of the previous year, AI found an increase of 103%. In June alone more than 20 people died during large policing operations that took place in several favelas, whereas during the period of the OG there were at least 12 more deaths, including minors. Moreover, when analyzing the data, AI

³³⁴ Amnesty International; *Amnesty International Report 2015/16: The State of The World's Human Rights*, 2016.

³³⁵ Out of the 12 WC stadiums, 6 were used in the OG: clearly the one in Rio, but also the ones in Brasilia, Belo Horizonte, Salvador, São Paulo and Manaus.

found that 99.5% of the victims were men, 79% were black and 75% were young³³⁶. As public safety was one of the main concerns of both the organizers and the public, Brazil continued to implement security policies permeated by institutional racism³³⁷, one of all through the aggravation of militarization resulting in the intensification of the police state and, thus, police lethality. Hence, the militarization of public safety kept in place mechanisms of control and extermination of the black and poor population³³⁸.

Police deployment in Rio was indeed formidable, with a contingent which doubled in numbers the one of London. In fact, Rio's failed bids were criticized for lack of security, but the newly established Police Pacification Units convinced the IOC in 2009. The Rio OCOG and the Brazilian Defense Ministry stockpiled military grade hardware and high-tech weaponry, they hired a security firm to impart guidance, and – as per the candidature file – they deployed the Army, the Air Force, and the Navy to protect the Olympic venues³³⁹. Considering that during the OG a stray bullet pierced the roof of the media tent, two windows of an Olympics bus were struck by projectiles, two rowing coaches – as well as many other fans, athletes and members of the staff – were robbed at knifepoint and Portugal's education minister was assaulted³⁴⁰, the organizers did have a point in requesting so many officers, however, for human rights observers, this was hardly comforting.

Police brutality was also connected to freedom of expression and association, in fact even during the bidding process, the organizers conflated activism and terrorism in a section titled "Activist/Terrorist Risks", although the risk from protest action and domestic terrorism was deemed to be low. MSEs, with their change of urban space, forced evictions and strengthening of militarization, were the most criticized topics and, despite protests being less than in 2014, the pattern of police repression was similar. During the torch relay through the country several peaceful protests were met with unnecessary and excessive force by the police, and in the day of the opening ceremony more than a hundred

³³⁶ Amnesty International; *A Legacy of Violence: Killings by Police and Repression of Protests at the Rio 2016 Olympics*, AMR 19/4780/2016, 2016.

³³⁷ Institutional racism still is a widespread phenomenon in the country, in particular regarding access to health and, from an MSE perspective, unlawful killings and justice system.

³³⁸ World Cup and Olympics Popular Committee of Rio de Janeiro (WCOPC); *Rio 2016 Olympics: The Exclusion Games, Mega-Events and Human Rights Violations in Rio de Janeiro Dossier*, 2015.

³³⁹ Boykoff, J.; *The Olympics in the Twenty-First Century: Where Does Rio 2016 Fit In?*, in *supra* note Zimbalist.

³⁴⁰ *Supra* note Zimbalist.

peaceful protesters, mostly minors, were intimidated, searched, blocked, detained, beaten and tear gassed, while complaining over the negative impacts of the OG. The protests continued during the Games, and more people, again mostly children under the age of 18, were met with stun grenades, tear gas and rubber bullets and detained to be investigated for “crimes under the Football Supporter Statute, which makes it a crime to disturb order or provoke violence within a 5km radius of a sports facility³⁴¹”.

Concerning stakeholders, in particular residents, violations of information rights and lack of transparency was a deep problem in Rio. In fact, when information requests were sent to municipal, federal, and state institutions, they were shelved without further justification. In particular, the report team was seeking information about a project responsible for the removal of hundreds of families and for significant alterations in the urban space and the environment, but despite the insistence and the legal actions, the main information was repeatedly and consistently denied. Furthermore, data on the websites of the institutions involved was analyzed and many irregularities were found, such as absence of basic evidence required by law, propaganda language instead of proper info, wrongful linking to online request forms that did not work, telephone numbers which were not answered, and so on. Considering that access to information was regulated under the Information Access Law, the documented obstruction and disrespect to the federal law perpetrated none other than by governmental institutions was evident and illegal³⁴².

As it had been in Beijing, also in Rio communities were threatened, facing uncertainties, and lack of information, as a strategy to enable their removals. In this context, the projects of the state and municipal governments for MSEs had an important component in the expulsion of the poor from their original locations, and the City Hall acted in these expansion areas as a popular housing destruction machine. Furthermore, the majority of evictions were centered on areas of extreme real estate price increase, and investments for transportation were focused on the same locations, “multiplying opportunities for other investments and for financial rewards in the construction of properties for the middle and upper classes, and for commercial properties”. According to the official reports, a total of more than 22.000 families, meaning more than 77.000 people, were

³⁴¹ Supra note AI, AMR 19/4780/2016.

³⁴² Supra note WCOPC.

evicted in Rio from 2009 to 2015³⁴³, and, although removals took place due to MSEs related development, often the data was concealed by other justifications, as for example geological or environmental risk.

Whole communities were displaced for the implementation of roads and transportation corridors, with countless violations of rights by the public powers, as residents, who at times were been living in those locations for 20 to 40 years³⁴⁴ were relocated some 60 km away³⁴⁵ without receiving fair compensation. In other cases, residents were met with extreme psychological pressure, with threats of losing everything they had, or property rights were not recognized to them. Moreover, at times they were not presented with alternative housing, or with apartments with sufficient units. In this context, the City Hall did not ease the situation, but on the contrary, it threatened the residents by saying they were not to receive any compensation if they sought legal advice, it did not present any documents in the eviction process, and it did not give access to the projects and blueprints. In other cases, families were removed because of “Areas of Special Social Interest” which years after the demolition were still vacant, or due to the social cleansing process of the surroundings aiming at a price increase for real estate in the region. The situation was not different for communities who were displaced because of installation or renovation works of sporting facilities, as for 700 families living in the proximity of the Maracanã stadium, who saw, in 2010, their houses marked for demolition for the construction of a parking lot and who were relocated, after being pressured to, 70 km away from there. In 2014, the City Hall arrived without warning and started the demolition of occupied houses, destroying 12. Some other 500 families were relocated to renovate the area of the harbor, and circa 54.000 people were removed in environmentally risky areas. The situation in these latter cases is an illustrative one of processes and threats related to the ‘beautification’ of the city, in which ejection threats were intensified, notwithstanding the

³⁴³ For the construction of sites for the 2014 WC, considering the whole country, more than 200.000 people were evicted.

³⁴⁴ Like the 27 families of Guáxima Street who had been living there for more than 30 years, the Arroio Pavuna community who had existed for 50 years and the 235 families in the community Vila Recreio II, who saw their houses destroyed after 20 years.

³⁴⁵ Like the 65 families in the Community of Campinho, displaced 60 km away, the 120 of Vila Harmonia Community, or the 40-years community of Metrô Mangueira, whose 700 families were relocated even 70 km away from their original location.

absence of reports confirming environmental risk. Residents claimed that, behind such removals there were powerful real estate interests³⁴⁶.

Notwithstanding the minor differences in the means and procedures adopted by City Hall in the eviction processes, the action pattern of municipal public powers towards low-income families living in informal settlements was evident. In every case, evictions took place without access to information and without the discussion of urbanization projects with residents even if they had high socio-economic impact on thousands of people. Moreover, compensation offered by the City Hall was well below the values of the property market in the region, and it therefore precluded the relocation of residents to other housing units in the same district.

The creation of jobs had been one of the main justifications used by the government to emphasize the large investments in MSEs related development, however, the City Hall of Rio acted very differently from what it had promised, blocking street vendors, and colluding with abusive exploitation practices of workers by large companies. In the constructions of transportation, stadiums, and other sporting venues and facilities in fact, working conditions were precarious, and inspection institutions were remarkably lacking. As the pressure of the IOC – and FIFA above all – was increasing, both institutions and enterprises enabled processes violating the rights of workers. Indeed, only the 17% of the total workforce employed during the preparation of the WC and the OG received above the minimum monthly wage, and even among those who did, the salaries amounted to barely enough to survive. The death toll was also significant, as 11 workers died in Olympic sites, and 14 more while working for the WC, while cases of long hours, dangerous working conditions, retaliation against workers on strike and slave practices were reported³⁴⁷. Furthermore, from 2011 to 2014, workers went on strike in 11 out of 12 construction zones, sometimes more than once³⁴⁸, demanding raises in the food hamper, health insurance or commissions to assess the safety of the construction sites. In a case, more than 20.000 workers went on strike to obtain a pay raise and health insurance, but after 10 days the demands were not fully met. In addition to those violations of rights,

³⁴⁶ Supra note WCOPC.

³⁴⁷ Supra note Prado da Graça.

³⁴⁸ Karadag, B.; *A legal focus: the Brazilian experience*, in *Labour is part of the Team! A manual for campaigning in mega-sporting events*, by Building and Wood Workers' International, 2017.

workers protesting outside a construction site demanding a raise in their monthly 600 US dollars wage were shot at by the Military Police³⁴⁹, and 11 workers kept in conditions similar to slavery – sleeping all together in a place with rats and sewages in the rooms, and with the company unilaterally changing their working contracts – were discovered at the construction company responsible for the building of the Olympic Village³⁵⁰.

Concerning athletes – and residents and tourists too – the main problem they had to face related to their right to health, as some months before the Olympics began, Rio was hit by an outbreak of Zika virus, which generated an international controversy over the continuation of the Games. More than a hundred scientists sent a letter to the WHO asking, in the name of public health, to postpone or to transfer the OG; however, given the fact that the vast majority of healthy individuals who had become infected by Zika virus were asymptomatic, and that that period was not considered as endemic to the transmission of diseases, the WHO concluded that there was no public health justification for postponing or canceling the Games³⁵¹. Notwithstanding the reassurance, many athletes decided to miss the Games³⁵². Health rights overlapped with environmental ones when taking into consideration some of the sites for aquatic sports, as for example the bay in which the sailing courses had to be held, which was the dumping ground of waste from the surrounding communities and factories, while athletes also reported having seen human corpses and dog carcasses floating in its waters. Together with the lake which had to host the rowing events and Copacabana Beach, site of the open water swimming competitions, the waters had to be treated, as they showed “viral levels at up to 1.7 million times what would be considered worrisome” and who was to ingest just a little amount of it was at high risk of infections causing stomach and respiratory illnesses, and heart and brain inflammations. Just a few days before the opening ceremony, less than half of the

³⁴⁹ Konchinski, V.; *Greve paralisa construções olímpicas e ameaça obra mais cara da Copa*, UOL esporte, 2014.

³⁵⁰ Villela, F.; *Jogos Olímpicos: empresa mantinha operários em situação análoga à de escravos*, EBC, 2015.

³⁵¹ Hellmann, F.; De Souza P. R., L.; Rohde, P.; Verdi, M.; Garrafa, V.; Manchola-Castillo, C.; *Social responsibility and global health: lessons from the Rio Olympics Zika controversy*, Indian Journal of Medical Ethics, 2018.

³⁵² As for example the world’s number-one ranked golfer, Jason Day, and basketball star Stephen Curry. Other athletes decided to compete, however they had publicly complained so much that fans in attendance booed or chanted at them during the competitions.

water had been treated, and a Belgian sailor fell sick after falling in the bay³⁵³. Moreover, in the middle of the competition weeks, the water in two pools turned green³⁵⁴.

Additional environmental commitments were not realized, for example, in order to cut emissions, the bidding committee and later the secretary for the environment for the state of Rio de Janeiro had promised to plant 34 million trees by Games time, but in the end they managed to plant only 8. The newest golf course also raised environmental concerns, in fact, even considering that the city already had two elite courses, which had hosted major tournaments³⁵⁵, authorities decided that building a new one was better than renovating those to meet the Olympic standards; however, in doing so, they crossed a natural reserve, home of many endangered species, compromising their habitat and vegetation during the construction. Moreover, activists who were protesting such construction, were significantly repressed by the police³⁵⁶.

Women took the heaviest toll in the fight against evictions, because, as heads of their families, they were the first to protest. Several of them were beaten, even pregnant ones³⁵⁷. Concerning human traffic and sexual exploitation, the first thing to underline is that in Brazil prostitution was not a crime, and sexual tourism was legal, therefore the registered increase of sex workers in MSEs cities was due to a legal increase in the demand of the service. On the other hand, violations of sex workers' rights were still reported, first of all because of the cleansing project of local authorities, missionaries, and prohibitionists who, using the pretext of the event, intended to impede, sometimes brutally, what was actually a legit service; but also because hotels and bars visited by prostitutes were often closed down in order to transform the image of Brazil from being a sex tourism destination. However, by doing this, sex workers were further plunged into the shadows, thus making the environment less safe and more open to criminal control³⁵⁸.

On the contrary, sexual exploitation of children and adolescents was indeed a deep rooted and widespread issue. In fact, years prior to the OG and WC, "media claimed that

³⁵³ Supra note Zimbalist.

³⁵⁴ Gajanan, M.; *Now a Second Olympic Pool Has Turned Green*, TIME, 2016.

³⁵⁵ The presence of these golf courses was included in the bid, in fact already existing venues were preferred by the IOC.

³⁵⁶ Boykoff, J.; *Green Games: The Olympics, Sustainability, and Rio 2016*, in supra note Zimbalist.

³⁵⁷ Supra note WCOPC.

³⁵⁸ Finkel, R.; Finkel, M. L.; *The 'dirty downside' of global sporting events: focus on human trafficking for sexual exploitation*, The Royal Society for Public Health, 129, 2015.

hundreds of thousands of children and adolescents were being groomed to satisfy the lusts of the foreign men who would be flocking to Brazil”, adding to the half million ones who were already doing it, sometimes aged 11 and 12³⁵⁹. On the other hand, researcher found that “there was no substantial increase, during the World Cup, of prostitution or sexual exploitation of children and adolescents that could be attributed to the growth of sexual trade in these cities” as an effect of sexual tourism. This was mainly due to the invisibility of sexual exploitation of minors, caused above all by the consequences of other social problems – such as the deterioration of life conditions after evictions, high unemployment levels of parents, lack of access to schools – then, by the fact that ‘costumers’ do not see them as victims, and thirdly because it happens with minors who are socially excluded and vulnerable, already marginalized by society³⁶⁰. Because of this invisibility, no examples of child sexual exploitation linked to the games was reported in Rio.

Police and army violence affected children and adolescents to a great extent, starting from the high intensification, in the MSE period, of “street cleansing” operations which resulted in the forced collection of homeless youth in an increasingly violent manner based merely on the use of force. Many of them disappeared and were later reported to be sent to internment units, where they experienced violence. Indeed, the number of detainees in juvenile detention centers in Rio increased by 48% during 2016, aggravating an already critical situation of overcrowding, poor living conditions, as well as torture and other ill-treatment³⁶¹.

Moreover, adolescents were disproportionately affected by the increase of police operations and violence in favelas, as aforementioned, and during the protests from the student’s movement of schools and universities. Forced removals and displacements caused the worsening of life and housing conditions of countless families, with children living in the streets, even if there is no data to identify specifically the figures of this phenomenon. In this context, in some cases minors were forced to sign removal agreement documents in the absence of their parents, or they were hit by tear gas bombs and pepper spray during evictions. Moreover, they watched as their homes were being

³⁵⁹Blanchette, T.; da Silva, A. P.; “*Brazil has its eyes on you*”: sexual panic and the threat of sex tourism in Rio de Janeiro during the FIFA World Cup, 2014, Journal for Brazilian Studies, Vol. 4(2), 2016.

³⁶⁰ Supra note WCOPC.

³⁶¹ Amnesty International; *Amnesty International Report 2016/17: The State of The World’s Human Rights*, 2017.

destroyed, their belongings being lost or damaged and their families becoming ill – there are reports of elder people dying as a result of such stressful situations – leading them to unbearable sufferings. Subsequently, after being relocated, often really far from their birth places, children and adolescents lost many fundamental rights, as for example education, health, safety, and the right to family and community living³⁶².

2. IOC response to the situation

When in 2009 the IOC Session in Copenhagen took place, the expensive ritual of Candidate Cities carrying out last minute attempts to influence the final outcome unfolded, with heads of state and noted members of the sports community lobbying the IOC members. The Brazilian presentation in itself saw a passionate speech by President Lula Da Silva, who appealed to continental equity and imbalance, a short film by a Golden Globe nominated movie director, a reference from Forbes on Rio being “the happiest city in the world³⁶³” and an upbeat account of national finances and support for the bid’s budget proposals by the President of the Central bank of Brazil. Considering that before the vote Chicago was odds-on favorite, the Brazilian bidding committee did an efficient job in securing the IOC’s preference³⁶⁴.

It has to be considered however that awarding the OG to Rio was also part of a broader strategy connecting MSEs and “broad-based development policies for southern nations”, giving the fact that the IOC was champion and main stakeholder of the United Nation’s Sport for Development and Peace sector. Such interest in international development issues appeared simultaneously with the IOC’s use of online technology to extend its marketing beyond television and traditional print advertising, thus internet became the perfect instrument to promote the commitment of the organization. In this perspective, for the case of Rio, the ‘Olympic for development’ discourse merged with the message of Rio OCOG of hosting the OG “as a way to showcase and contribute to a nation’s transformation from an un(der)developed or emerging state to a modern, industrialized,

³⁶² Supra note WCOPC.

³⁶³ O’Malley Greenburg, Z.; *The World's Happiest Cities*, Forbes, 2009.

³⁶⁴ Supra note Gold.

nation”. Hence, both the IOC and Rio OCOG framed the Games as a needed and significant step of the country’s path to modernity³⁶⁵.

However, the led-up to the Games was excruciating for the sport governing body, as everything started going wrong in the preparation, and there was legitimate concern that the Games would be disastrous. With the economy in deep recession, widespread corruption related to MSEs and the President’s impeachment, the waste of Olympics spending was provoking extensive protests, as the Rio OCOG was struggling to get everything ready in time. Moreover, the IOC was dealing with its own internal problems, as an Irish Olympics council and longstanding board member was arrested in Rio and charged with heading a massive, lucrative ticket-reselling scheme, but if the level and extent of corruption inside Brazil was well-known, as well as the one inside FIFA – as it will be examined in the next chapter – executives of the IOC were generally deemed to be free of such behavior. Therefore, the fact that the Rio Olympics were concluded successfully was considered a miracle, as IOC President Thomas Bach declared. In this context however, the sport governing body “evinced little concern over the actual impact that the Games had on Rio and Brazilian society”³⁶⁶.

The general approach of the IOC, the OCOG and politicians towards the Rio Games was that eventual crisis would never be made public, and likewise, discussions about how the event would be financed should also not leak to the press. The main achievement of the sport governing body was in fact to avoid the critics FIFA had received, meaning the accusations of using Brazil as a way to make a handsome profit without leaving any kind of legacy, and to avoid this, transparency ended up being consistently put aside. The organizational crisis was indeed very deep, and examples of information manipulation were shown from leaked documents, detailing the conflicts between the State and the organizers. The constructions of transportation, accommodation and sporting venues were heavily behind schedule, and the IOC asked the government to adopt laws to reduce the risk of appeals by companies that did not come out winners in the tender processes, as this would avoid further delays; nonetheless, by doing so, it heightened the risk of

³⁶⁵ Millington, R.; Darnell, S. C.; *Constructing and contesting the Olympics online: The internet, Rio 2016 and the politics of Brazilian development*, International Review for the Sociology of Sport, Vol. 49(2), SAGE Publications, 2014.

³⁶⁶ Supra note Zimbalist.

payoffs and bribery. In this perspective, the pressure put by the IOC on the Rio OCOG, the government, and constructors, did not help with the human rights situation of workers, but on the contrary, it encouraged abuses.

In addition to this, the sport governing body urged the organizers to monitor what was happening in terms of protests, specifying that demonstrations related to MSEs had to be strictly monitored. Freedom of expression and access to information were further hampered by the IOC officials when they tried to force journalists not to ask certain questions, they threatened them for publishing information, they withdrew their accreditation, or when they fed the controversy of the polluted waters in order to distract the press from more insistent problems, such as the lack of funding and deep corruption³⁶⁷.

Even health was not a major concern for the IOC, as firstly, when dealing with Zika, they announced there was no public health justification for postponing or canceling the Games, and then with the safety of the waters for aquatic sports, as officials joked about diving to prove there was no danger or dismissed athletes complains about itching eyes – after a training in the green pools – by saying they should have not kept them open underwater.

The only remarkable action – even if not in an entirely positive way – taken by the IOC on human rights issues had to do with forced evictions, when residents of a favela, together with Rio’s public defenders’ Land and Housing Nucleus, prepared an eighty-page memorandum to the IOC describing the human rights and broader legal violations being witnessed, in the attempt to bring direct knowledge of the nature of the unsettling behavior being exhibited by the local administration, its legal ramifications, and context about what was at stake. In this case, the sport governing body responded with a direct inquiry to Rio de Janeiro State Governor, who “proceeded to “resolve” the problem by disbanding the Land and Housing Nucleus, reassigning all the public defenders from the office elsewhere in the state, and temporarily closing the office³⁶⁸”.

On another positive note, the Rio Games marked the first appearance of the Refugee Olympic Team, composed by 10 refugees from South Sudan, Syria, Ethiopia, and the

³⁶⁷ Chade, J.; *Strictly Confidential: Access to Information and the Media in Rio*, in supra note Zimbalist.

³⁶⁸ Williamson, T.; *Not Everyone Has a Price: How the Small Favela of Vila Autódromo’s Fight Opened a Path to Olympic Resistance*, in supra note Zimbalist.

Democratic Republic of Congo, who had fled their homes and were deprived of their nationality, a human right stated in the UDHR. These athletes competed under the IOC flag, in the hope of enhancing the equal right to participate in sports of every human being³⁶⁹.

3. Government response to the violations

The Brazilian bid was by far the most expensive one in projected costs among the ones presented in Copenhagen, more than double in figures than the ones of Tokyo and Madrid, and while the IOC was well aware of the problems it might cause, it was reassured by the robust economic health of the country and by the support of the three levels of government. The projects for infrastructure, sport related venues, safety and environment were well created, with promises of long-lasting legacies.

Indeed, safety was one of the main concerns in the bidding process, and the most important reason why Rio had failed to host the OG the previous times; thus, the Brazilian government had already provided a solution as a guarantee, with the establishment, in 2008, of the Units of Pacification Police (UPP)³⁷⁰. The program was specifically aimed at taking control of favelas that had been under the influence of drug trafficking gangs to reduce violence, by bringing specially trained police into the communities and establishing regular patrols. As the UPP was intended as the master security program during the years the city prepared for its MSEs, expectations of a policing paradigm shift were extremely high³⁷¹, above all regarding the promotion of security, citizenship, and social inclusion to provide “the local population with the peace and public security necessary to the full exercise of citizenship and ensuring socio-economic development³⁷²”. However, even if the UPP program was presented as a solution for both the city and the state of Rio, the location of units was clearly selective, comprising areas of greatest visibility and circulation during MSEs, despite not being the areas with the greatest need. In this context, two years after the establishment of the program, residents did agree that UPP was important to reduce violence and the majority of them wanted the

³⁶⁹ BBC, sport, *Rio Olympics 2016: Refugee Olympic Team competed as 'equal human beings'*, 2016.

³⁷⁰ Unidades de Policia Pacificadora.

³⁷¹ Barbassa, J.; *Safety for Whom? Securing Rio for the Olympics*, in supra note Zimbalist.

³⁷² Azzi, V. F.; *Security for Show? The Militarisation of Public Space in Light of the 2016 Rio Olympic Games*, Contexto Internacional vol. 39(3), 2017.

program to remain in their community indefinitely, notwithstanding tensions between them and the police, but as the years passed, conditions, relationships and expectations deteriorated. The UPP reached its breaking point in 2014, months before the WC, and by the time the OG began, the focused favela policing program and its initial positive effects was widely denatured. In fact, the necessity of controlling favelas to present a ‘safe’ image of Rio to the world, was preferred over the long-term complex project of training officers in a new way of policing to win their confidence in the program and the trust of favela residents. The same reasoning applied to the social aspect of the program, as when long-term needs of residents conflicted with the short-term needs linked to MSEs³⁷³, the latter objective was prioritized. Where an extension of public services such as mail delivery and trash collection was needed, likewise equal access to civil and human rights, the social side of UPP failed³⁷⁴.

Concerning freedom of expression and assembly, in May 2016 the so-called “General Law of the Olympics” was approved, imposing undue restrictions which saw, in the first days of the Games, people being expelled from sports facilities for wearing T-shirts or carrying flags and other signs of protest. The Federal Court ruled against the prohibition of peaceful protests inside the Olympic facilities, and the Rio OCOG appealed the decision, arguing that official Olympic locations are not the space for demonstrations or political manifestation. However, even after the Federal Court ruled in favor of the protection of freedom of expression and peaceful assembly, some protesters were intimidated by police officers while carrying signs, flags, or T-shirts³⁷⁵.

In the context of housing rights, not only institutions did not intervene to enhance the general situation, but on the other hand the City Hall was one of the main perpetrators of such human rights violations. Only in single situations state institutions as the Public Defence Office and the State Public Ministry granted injunctions to resist evictions or questioned the insufficiency of information of construction projects, however the City Hall did not disclose the necessary documents and completed demolitions illegally. In the case of the third runway of Tom Jobim International Airport³⁷⁶, which threatened the

³⁷³ As in the case of a favela whose residents wanted basic sanitation, and not a high-profile and tourist-friendly cable car.

³⁷⁴ Supra note Barbassa.

³⁷⁵ Supra note AI, AMR 19/4780/2016.

³⁷⁶ Which is the main international airport serving Rio de Janeiro.

removal of a whole community, the Minister of Civil Aviation, after the protests of residents, “removed from the concession public notice the mandatory construction of the third runway³⁷⁷”.

Even in the case of workers who saw their labour rights being violated, the government did not take general collective measures to improve the situation, but rather it only intervened during some of the numerous strikes which occurred in the construction sites. In one case, as the workers demanded an increase of the food hamper, health insurance and the presence of medical personnel, the Regional Labour Court of Rio declared the strike illegal, impeding people from negotiating their demands. In another case, the Governor of Rio intervened after unsuccessful negotiations between the Union of Heavy Industry Construction Workers and the Consortium by proposing a pay raise both in salaries and overtime work, and an increase in the food hamper. The workers eventually accepted, even if they did not obtain health insurance, which they had specifically requested³⁷⁸.

Considering that the word ‘environment’ was the most used term together with ‘safety’ when the bidding committee delineated the legacies for Rio OG, and that the Games were used as a consolidation of the sustainability discourse, institutions did include environmental measures into the director plan of the city, with the Complementary Law 111³⁷⁹. However, as explained before, such discourse did not prevent the city administration from violating environmental rights, and as it was for forced evictions, institutions not only did not help in solving or preventing such abuses, but rather they perpetrated them. For example, in the construction of the golf course, the mayor of Rio submitted a complementary law project to the City Council aiming at changing the environmental and urbanistic parameters, authorizing construction works in an important area of rainforest and fragile ecosystems. The same law also allowed for the construction of more than 20 luxury buildings in the area and authorized the donation of circa 60.000 square meters – worth circa 95 million US dollars – of public land to private development. In addition to this, the widespread use of the Simplified Environmental Report for

³⁷⁷ Supra note WCOPC.

³⁷⁸ Supra note WCOPC.

³⁷⁹ Also called Director Plan of Sustainable Urban Development of the Municipality of Rio de Janeiro.

complex developments, which left out social and environmental impacts, violated the applicable legislation³⁸⁰.

In 2012, during its UPR review, Brazil accepted³⁸¹ three recommendations regarding MSEs, the first in relation to fighting racial discrimination; the second to ensure that urban restructuring was going to be “properly regulated to prevent displacements and forced evictions”, and that residents in affected areas were “given full and timely information about proposals affecting them”, to “engage in a genuine negotiation with the communities to explore alternatives to eviction” and “offer compensation or alternative adequate housing close to the existing communities”; and the third to ensure lasting benefits to the poorest and most marginalized urban inhabitants³⁸². As the findings showed that the second and third recommendations were not fulfilled, in the successive session, in 2017, the Brazilian national report recognized that “human rights violations can occur during major infrastructure projects and big sporting events”, therefore the country promised to create a working group – with the participation of civil society organizations and the government – to evaluate “successful legislations, policies and practices with a view to drafting a national action plan on business and human rights³⁸³”. As the 2022 Session approaches³⁸⁴, the national report includes the adoption of Decree n.9,571, which lays down the National Guidelines on Businesses and Human Rights and establishes that “combating discrimination in the workplace and promoting an appreciation of diversity are responsibilities of the State in order to achieve the overall goal of protecting human rights in businesses activities³⁸⁵”. Even considering that this last MSE related pledge was indeed accomplished, it only concerns future events, whereas no measures were undertaken to address the previous OG related human rights issues.

³⁸⁰ Supra note WCOPC.

³⁸¹ United Nations, Human Rights Council, A/HRC/21/11/Add.1; *Report of the Working Group on the Universal Periodic Review, Brazil, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, Paragraph 25, 2012.

³⁸² United Nations, Human Rights Council, A/HRC/WG.6/13/L.9; *Draft report of the Working Group on the Universal Periodic Review, Brazil*, Paragraphs 119.56, 119.57, 119.58, 2012.

³⁸³ United Nations, Human Rights Council, A/HRC/WG.6/27/BRA/1; *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, Brazil*, Paragraph 146, 2017.

³⁸⁴ Brazil will be revised in the November Session.

³⁸⁵ United Nations, Human Rights Council, A/HRC/WG.6/41/BRA/1; *National report submitted pursuant to Human Rights Council resolutions 5/1 and 16/21, Brazil*, Paragraph 88, 2022.

Conclusions

As it had happened in Beijing eight years before, also the Rio Olympics had their share of human rights violations, namely with issues related to security, forced evictions, health, and environment. However, the international response to the situation was extremely different from the one in China, where the Olympic discourse had been strictly linked to the one of fundamental rights. Due to the lack of external pressure, and to the financial crisis which was endangering the outcome of the Games, both the local and central government and the IOC did not confront the ongoing abuses, but rather, in some cases, they ignored or dismissed them if not actively perpetuated them. Even considering that the situation was less severe than the Chinese one – for example with numbers of people evicted or working conditions – little was done to enhance it, resulting in a strong negative outcome. As the UPP showed, the aim was to secure the Games, and what could have been a meaningful project to enhance the human rights situation in poor and problematic areas of the city, in reality turned out to be mere window dressing. Even considering the subsequent Decree adopted by Brazil establishing guidelines for business and human rights, which will help future situations, no provisions were adopted to address on a general level the ongoing abuses. The only silver lining of the Brazilian edition of the OG was the acknowledgement of the IOC of its need to change the situation for future editions, which led to the inclusion of human rights clauses in the 2024 Host City Contract.

CHAPTER 5 – 2022 Qatar Football World Cup

In this last chapter I will analyze the latest Men's Football WC, which starts mid November 2022 and was organized by FIFA, not without widespread controversies. Even if the bidding procedure for the WC of FIFA takes place not seven years before the MSE, as it is for the OG, and it has changed multiple times in its history, as it did in 2010 when it was decided to vote both for the 2018 and the 2022 edition of the tournament, the awarding process is similar, and it is interesting to understand why and how Qatar, a nation who does not have a deep-rooted football culture and whose football team never qualified for the WC, managed to get to host the tournament.

Therefore, in the first section I will examine the general situation of the country and how human rights were violated right from the bidding process, as well as the systematic and grave abuses in the preparations for the tournament, highlighted by NGOs and foreign journalists. The second section will deal with how FIFA responded to the accusations of such violations and whether it handled them in its relations with the Qatari government, while the third part examines the provisions, or its lack thereof, adopted by authorities to enhance the human rights situation inside the country.

1. Human rights and MSE

1.1 General situation

The awarding of the 2022 WCs took place in December 2010, right after the South African edition of the tournament, and questions were raised already from the first round of voting³⁸⁶, when Qatar received 11 votes, Korea 4, Japan and United States 3 each, and Australia was eliminated with 1. In the second round however, Qatar received 10 votes, the U.S. and Korea 5, and Japan was eliminated with 2. Even considering President Blatter's policy of placing the "World Cups in new areas or places it has not been in a

³⁸⁶ The members of the Executive Committee vote, and in each round the bid receiving less votes is eliminated. The awarding process ends when one of the bids receives the absolute majority of the votes. The 2018 edition had 4 bids and was decided at the second round of voting, while the 2022 edition had 5 bids and was decided at the fourth round, between Qatar and the United States.

long time³⁸⁷”, and the fact that Europe, South America, and Africa had hosted the previous editions, making it thus Asia’s turn, Qatar was a small country with under 3 million inhabitants which did not have a lengthy football cultural history³⁸⁸, and more importantly, to host an MSE between July and August in a country whose temperatures reach 50°C and 90% of humidity levels, could cause serious health problems for workers, athletes, and people in attendance³⁸⁹. Besides, the solution to move the tournament to November, when temperatures are lower, but the major European football leagues are well underway³⁹⁰, was also met with sharp criticism. It was already clear that FIFA was going to great lengths to ensure the hosting rights to the emirate.

Public criticism came from prominent people, first of all from the then President of the United States Barack Obama, who said that FIFA made the "wrong decision" in awarding the 2022 WC to Qatar and from the US Soccer President, who blamed friendships, alliances, and political reasons behind the vote³⁹¹. Then, a year later, an anonymous whistleblower³⁹² who had worked for the bidding committee of Qatar revealed that three African FIFA Executive Committee members were paid 1.5 million US dollars to vote for the emirate and another 1.6 million was paid to the CONCACAF President³⁹³, thus the case arrived at the English House of Commons and forced the sport governing body through the Investigatory Chamber of the FIFA Ethics Committee to open an investigation, which resulted in the lifelong ban on corruption charges of the Qatari Mohamed Bin Hammam, President of the AFC and main promoter of the 2022 WC candidature. At that point, President Blatter opened an inquiry led by an American lawyer

³⁸⁷ Morris, S.; *FIFA World Cup 2022: Why the United States Cannot Successfully Challenge FIFA Awarding the Cup to Qatar and How the Qatar Controversy Shows FIFA Needs Large-Scale Changes*, California Western International Law Journal, vol. 42, no. 2, 2012.

³⁸⁸ Qatar had never qualified for a WC, it now occupies the 50th place in the world ranking and it only won a major international tournament, the AFC Asian Cup, in 2019, but as hosts they have a spot on this edition.

³⁸⁹ Adgate, B.; *Qatar Hosting The FIFA Men’s World Cup Comes With Controversy For Sponsors, Players And Fans*, Forbes, 2022.

³⁹⁰ Both the national leagues, as the English Premier League, the Italian Serie A, the Spanish Liga and the German Bundesliga; and the continental competitions as the UEFA Champions League and the UEFA Europa League. Apart from Europe, also other major leagues as the Brazilian league, the Major League Soccer of the United States and the Japanese J1 League play in November and December.

³⁹¹ The Guardian, *World Cup 2022: Qatar was the wrong decision, says President Obama*, 2010.

³⁹² The anonymous source did not stay anonymous for long, in fact her name is Phaedra Al-Majid and she was an international media specialist at Qatar's 2022 bid. She later retracted her statements, but in 2014 she revealed she had been threatened to.

³⁹³ Conn, D.; *Qatar World Cup whistleblower retracts her claims of FIFA bribes*, The Guardian, 2011 and Conway, R.; *FIFA whistleblower Phaedra Al-Majid fears for her safety*, BBC, 2014.

which, even if it did indeed find serious irregularities, contained no “explosive revelations of bribery in bids”, clearing Qatar of all the accusations³⁹⁴.

However, corruption was not the only concern associated with the awarding of the WC to Qatar, in fact, as it had been with the Beijing Olympics, the gross human rights violations reported by journalists and NGOs in the context of the WC began to affect and influence the public opinion and also, eventually, the very same athletes. The Norwegian top-flight club Tromsø released a statement in 2021 declaring:

Tromsø IL thinks it is time for football to stop and take a few steps back. We should think about the purpose of football and why so many love our sport. That corruption, modern-day slavery and a high number of workers' deaths are the fundament to our most important tournament, the World Cup, is totally unacceptable.

After that, six other Norwegian teams followed suit, urging the Norwegian FA to formally boycott the 2022 World Cup in Qatar. That was only the beginning: in the following weeks, the Norwegian national team, as well as the ones of Germany, Denmark, and The Netherlands all wore pre-match T-shirts with messages championing human rights³⁹⁵, the Swedish and Danish federations sent messages to FIFA condemning human rights abuses, and the English team was “in regular contact with NGOs” like Amnesty, organizing conversations³⁹⁶. Also at a personal level players expressed their disappointment, as for example a Finnish player who, for ethical reasons, decided not to go to Qatar for a trainer camp, inspiring his teammates to get informed on the human rights situation in the country and to speak up to put pressure on FIFA³⁹⁷, or like the former German captain and WC champion Philipp Lahm, who stressed the fact that public figures like footballers are also expected to inform themselves and take a stand on the respect of human rights³⁹⁸. Furthermore, other former players announced they will not watch the games, and several cities, as for example Paris and Barcelona, will not broadcast the matches on giant screens

³⁹⁴ Conn, D.; *Michael Garcia's FIFA report eases Russia and Qatar World Cup fears*, The Guardian, 2017.

³⁹⁵ Melnæs, H.; *Could a Norway boycott of the Qatar World Cup change the future of football?*, The Guardian, 2021.

³⁹⁶ Ames, N.; *Southgate voices England concerns about human rights at Qatar World Cup*, The Guardian, 2022.

³⁹⁷ Sparv, T.; *We need to talk about Qatar*, The Players' Tribune, 2021.

³⁹⁸ Lahm, P.; *Sports stars can no longer plead ignorance. They have political power and must use it*, The Guardian, 2022.

in public fan zones amid “concerns over rights violations of migrant workers and the environmental impact of the tournament³⁹⁹”.

The human rights situation of Qatar has been extensively and thoroughly reported by various NGOs, namely AI and HRW. In July 2021, the country saw their first legislative elections of the Consultative Assembly, to elect 30 of its 45 members, however, Qataris whose grandfathers were not born in Qatar could not vote nor stand in the election on the basis of the discriminatory nationality law. Furthermore, death penalty is still present, even if only one execution – of a Nepalese man, in 2020 – was recorded in the last 20 years and, in 2021, the emir halted the execution of a Tunisian man. Women’s rights are consistently hindered, as they continued to face discrimination not only in practice, but also in law. In fact, under the guardianship system women – who represent the 25% of the population⁴⁰⁰ – remain tied to their male guardian – father, brother, or husband – needing permission for key life decisions, as for example to find a job, to travel, to study abroad and to marry. Family law makes difficult for them to seek divorce, and even more difficult to obtain their children’s custody⁴⁰¹. Sometimes, they are not allowed to rent a room in a hotel or to enter bars that serve alcohol, and women’s rights activists are often threatened, interrogated, and forced by authorities not to speak about such issues.

Morality Laws often violate human rights, as for example sexual intercourse outside of marriage can be punished with a ten year imprisonment up to the death penalty, disproportionately affecting women who can be prosecuted in the case of rape. Such provisions also prohibit same-sex relationships, which can be punished with imprisonment up to seven years. HRW recently documented how LGBT+ people were arbitrarily arrested, beaten, and harassed by the police between 2019 and 2022. There were cases of people arrested on public soil only because of their appearance, who had their phones searched, were detained for months without charges in solitary confinement and had their release made conditional on the attendance of conversion therapy sessions. Some of them were physically abused, slapped, kicked, and punched until they bled or lost consciousness, and they were denied access to lawyers, family visits and medical

³⁹⁹ ESPN, Associated Press; *Qatar World Cup: Paris becomes latest city to boycott broadcasting of 2022 tournament*, 2022.

⁴⁰⁰ BBC, sport; *World Cup 2022: When is it taking place and why is Qatar hosting?*, 2022.

⁴⁰¹ Amnesty International; *Amnesty International Report 2021/22: The State of The World’s Human Rights*, 2022.

care⁴⁰². Journalists too have to abide by the Morality Laws, as they ban “any printed matter that is deemed contrary to the ethics, violates the morals or harms the dignity of the people or their personal freedoms⁴⁰³”.

Freedom of expression is widely restricted as the penal code criminalizes criticizing the emir, insulting the flag, defaming religion, and inciting to overthrow the regime. The spreading of false news can lead to imprisonment or to an expensive fine, and in 2020 the penal code saw more restrictive provisions being introduced; however, the text does not define who regulates what is a fake news, how to make such a determination, or which standards are to be used in determining so. When the elections for the Consultative Assembly were announced, controversy, debate and small-scale demonstrations were organized, and authorities responded by referring seven people for prosecution and detaining 15 people without charges for more than a month⁴⁰⁴. Human rights activists have been particularly targeted by restrictions on freedom of expression, as it was the case of a Kenyan migrant workers’ rights activist, who forcibly disappeared in 2021. It was later revealed that he had been arrested, detained in solitary confinement for more than a month and denied access to legal counsel. He was then fined for publishing “false news with the intent of endangering the public system of the state” without being formally charged, brought before a court, or informed of the criminal charges he faced⁴⁰⁵.

1.2 MSE related violations

Analyzing the data of 2019, out of a population of 2.8 million, more than 2 million of the people living in Qatar were immigrants coming from India, Bangladesh, Nepal, Philippines, Pakistan, and Sri Lanka. Qatari represented only the fourth nationality and were approximately the 10,5% of the total⁴⁰⁶. Since the country was announced as host of the WC, its population has grown by almost two thirds, with the number of migrant workers increasing substantially. In this context, the migrant labour force of Qatar amounts to 2 million people – the 95% of the total force – and 1 million of them works in construction. In fact, the construction projects for the MSE included not only 8 new

⁴⁰² Human Rights Watch; *Qatar: Security Forces Arrest, Abuse LGBT People*, 2022.

⁴⁰³ Supra note AI Report.

⁴⁰⁴ Human Rights Watch; *World Report 2022, Events of 2021*, 2022.

⁴⁰⁵ Supra note AI Report.

⁴⁰⁶ Snoj, J.; *Population of Qatar by nationality - 2019 report*, Priya Dsouza Communication, 2019.

stadiums – one of which is to be comprised in an entirely new city which will host the final match – but also, to accommodate the expected 1.5 million fans, more than 100 hotels are being built, as well as apartments, villas, fan villages and cruise ships. New infrastructure besides includes the new metro, airport, and several roads⁴⁰⁷. Without migrant workers' relentless hard work, to build all of this would have been impossible; however, thousands of them paid with their life.

Kafala system for migrant workers

The first aspect to analyze when dealing with workers' rights in Qatar is the 'kafala' (sponsorship) system, which is an ancient institution of Islamic law which regulates the relations between employers and migrant workers. Under this system, a non-Qatari person who wanted to work in the country⁴⁰⁸ needed to be bound to an individual – often the employer – who worked as sponsor (kafeel). In this way, migrants also remained bound to the sponsor after arriving in Qatar, and they could not resign without the kafeel's permission, they could not open a bank account, and could not leave the country. Often indeed the sponsor wielded further control by confiscating the migrants' passports, which implies they were completely dependent on the kafeel for their livelihoods and residency. The level of control and unchecked leverage that the sponsorship system gave to the sponsor has been compared to a contemporary form of slavery, violating fundamental rights and freedoms. Moreover, in this way migrant workers were considered temporary guests in the country and they could not acquire the rights of citizenship, leaving them outside the social structure⁴⁰⁹.

Besides needing a sponsor to enter Qatar, often migrants needed to pay recruitment fees, which, despite being illegal, kept on driving millions of workers into debt bondage, as cases were reported of people paying more than 5.000 US dollars through recruitment agencies. Such agencies, clearly, take commissions, often paid by the workers, who at times were also met with additional airfare, insurance, and welfare fund contributions

⁴⁰⁷ Supra note BBC.

⁴⁰⁸ This system is used in many West Asian countries, such as Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates (UAE), but also in the Arab states of Jordan and Lebanon.

⁴⁰⁹ International Labour Organization; *Policy Brief No. 2: Reform of The Kafala (Sponsorship) System*, Migrant Forum in Asia, 2021 and Moggia, V.; *La coppa del morto: storia di un mondiale che non dovrebbe esistere*, Ultra sport, Lit Edizioni, 2022.

when in the emirate⁴¹⁰. Given that per the kafala system workers needed permission to rent a home, they often lived in overcrowded and filthy apartments inside labour camps – as the law impedes employers from housing workers in the cities’ central areas, and for workers to move freely in the city center – with limited facilities and scarce access to drinkable water. NGOs reported of up to 120 people living together with one kitchen and sleeping up to 6 in a room. People reportedly died due to the poor housing conditions, as for example a 30-year-old man from Bangladesh who was “electrocuted in his worker accommodation after water came into contact with exposed electricity cables⁴¹¹”.

Plainly, workers’ conditions in the actual places of work were no better. Many workers reported having signed a contract in their country and then a different one in Qatar, dissimilar both in wages and conditions. They worked 13 hours per day, starting long before dawn to avoid the heat, 6 days per week, and they were paid circa 120 US dollars per week for working almost 80 hours (overtime not included because it was not paid at all). In addition, migrant workers were forced to work outside, in temperatures up to 45°C and 90% levels of humidity, which left them exposed to potentially fatal levels of heat stress not only in summer but also in the cooler months, as “working in high temperatures puts a huge strain on the human cardiovascular system, with extreme heat stress leading to fatal heart attacks and other cardiovascular fatalities”. Besides, even if construction companies did display signs urging workers to drink, often they did not provide clean water for them. As research shows that migrants suffer more from high temperatures than nationals, as they are not used to them, they were, and still are, at greater risk. Even considering the 11am-3pm work ban imposed by the Qatari authorities from June to August, it was not a sufficient measure to prevent heat strokes and other diseases, as temperatures surpass 30°C at night and 40°C in the morning⁴¹².

⁴¹⁰ International Trade Union Confederation; *Frontlines Report 2015, Qatar: Profit and Loss, Counting the cost of modern day slavery in Qatar: What price is freedom?*, 2015.

⁴¹¹ Pattisson, P.; McIntyre, N.; *Revealed: 6,500 migrant workers have died in Qatar since World Cup awarded*, The Guardian, 2021.

⁴¹² Kelly, A.; McIntyre, N.; Pattisson, P.; *Revealed: hundreds of migrant workers dying of heat stress in Qatar each year*, The Guardian, 2019.

Deaths and health of migrant workers

The exact number of workers who died in the 2022 MSE context is unknown, but it is believed to be between 6.500 and 7.000⁴¹³. The uncertainty is due to the fact that Qatari authorities did not investigate causes of death, but instead simply classified them as ‘natural causes’ or ‘cardiac arrest’, making it not related to working conditions, and, in this way, making the data on the cause of death unreliable. This was the case even in WC projects overseen by the Supreme Committee, which were subject to higher safety standards and more rigorous processes⁴¹⁴. In fact, of the 37 deaths directly linked to the construction of WC stadiums, 34 were considered non-work related, even if workers had collapsed and died on construction sites. The vast majority of deaths, however, occurred while people were asleep, and roommates could not wake them up in the morning. Analyzing the data, 69% of deaths among Indian, Nepali, and Bangladeshi workers were categorized as natural, with the figure raising to 80% among Indians alone. Other common causes of death were road accidents (12%), workplace accidents (7%) and suicide (7%)⁴¹⁵.

Under international standards, Qatari authorities were compelled to investigate deaths and appropriately determine the causes with the aim to establish effective measures to protect the lives of other migrant workers, but almost always autopsies were not performed, as they are illegal under the Qatari law⁴¹⁶. This fact has not only been leaving thousands of families suspicious and confused about how their loved ones died but has also been leaving them without remedy from the Qatari authorities. In fact, Qatar’s Labour Law does provide deceased workers’ families with the right to compensation in the event of their family member dying by reasons of work, but natural causes, even if linked to the heat stress caused by hours of work, are not included. Moreover, the lack of investigation and post-mortem examination prevents from making such link between working conditions and death. Consequently, the majority of families⁴¹⁷ of migrant workers did

⁴¹³ Considering all migrants workers, in the last 10 years more than 15.000 have died, according to Qatari authorities.

⁴¹⁴ Amnesty International; *“In the Prime of Their Lives” Qatar’s Failure to Investigate, Remedy and Prevent Migrant Workers’ Deaths*, MDE 22/4614/2021, 2021.

⁴¹⁵ Supra note Pattisson et al. (2021).

⁴¹⁶ Except in cases where a crime may have been committed or the deceased may have suffered from an illness prior to death.

⁴¹⁷ All the families interviewed by AI and The Guardian.

not receive any compensation, if not from their own insurance policies or from the government of their home country.

Apart from deaths, working conditions caused severe health issues in migrant workers, indeed a study⁴¹⁸ on Nepali personnel returning from Gulf States found an increased incidence of chronic kidney diseases, and while it was not possible to identify the cause, doctors noted that long working hours may have been a contributing factor, as well as prolonged exposure to heat. Moreover, while the data on injuries in WC sites is scarce, in 2020 alone in the whole country 500 workers were left severely injured, with 37,600 suffering mild to moderate injuries, because of falls from heights, road traffic injuries – in the worksites or during transportation, which is organized by the employer – falling objects and machinery⁴¹⁹. Health issues were further worsened in the breakout of the Covid-19 pandemic, when numerous cases of people infected emerged in labour camps, as a consequence of unsanitary living conditions and lack of running water. Workers often did not have access to necessary sanitation and protective equipment, or were fired from work without wages⁴²⁰. However, deaths related to Covid-19 remained relatively low in the country, and the population was promptly vaccinated without discrimination⁴²¹.

Other abuses against migrant workers

Workers' rights were further violated with respect to wages, in fact, in addition to be paid less than the original contract had stipulated and with no compensation for overtime work, there were reports of employers withholding salaries as 'security deposit', of delays in payment which amounted to 25 days, and of lack of end-of service payments. HRW interviewed more than 90 workers between 2019 and 2020, all of whom "reported some form of wage abuse by their employer such as unpaid overtime, arbitrary deductions, delayed wages, withholding of wages, unpaid wages, or inaccurate wages". A worker in one of the WC construction sites said that his monthly salary had been delayed for up to 4 months at least 5 times. These practices affected not only the sole migrant workers, who

⁴¹⁸ Dhakal, N.; Bhurtyal, N.; Singh, P.; Shah Singh, D.; *Chronic Kidney Disease in Migrant Workers in Nepal*, Kidney International Reports, Vol.5, Is.3, 2020.

⁴¹⁹ International Labour Organization; *One is too many: The collection and analysis of data on occupational injuries in Qatar*, 2021.

⁴²⁰ Business & Human Rights Resource Centre; World Cup & Expo 2020 Construction: COVID-19 & Risks to Migrant Workers in Qatar & the UAE,

⁴²¹ Supra note AI *World Report*.

could not repay their debts and recruitment fees and in some cases could not even feed themselves, but rather had consequences also on their families, who relied on remittances to live, leading them to plunge into deeper debts only to survive⁴²².

In addition, apartment blocks housing thousands of foreign workers were emptied by authorities less than four weeks from the beginning of the WC. More than a dozen buildings, one of which hosted 1,200 workers, were evacuated and shut down with two hours' notice for the residents, who were forced to seek shelter as they could, resulting in some of them staying on the streets. Even if Qatari authorities said these forced evictions were not related to the tournament, the apartments were located in the same areas in the center of the capital where visiting soccer fans will be staying, with some of those very same buildings being advertised on websites as fans' accommodation. Some of the evictees said they had been displaced several times, along with other 400 people, after 10 days of residence and without notice, losing their belongings in the process⁴²³. Furthermore, thousands more migrants are now being forced to return to their country even before the end of their contracts or without receiving their full salary or allowances, as per a governmental circular which ordered some contractors to conclude all works by mid-September 2022 and create a plan for workers' departure that "maximizes the reduction in the number of workers in the country in the run-up to the World Cup". Some workers are being sent back after a 10 month stay – after being promised a 2-year contract – while others have been told they may be able to come back after the tournament, however this situation is leaving many workers unable to support their families, as they are being left jobless and deep in debts⁴²⁴.

Freedom of expression and human rights activists

All these abuses led employees to strike and protest against their employers, but again, their freedom of expression and right to protest were violated. In fact, in August 2022 at least 60 workers were detained for participating in one of the rare protests which took place in the country, reclaiming their 7 months wages which had yet to be paid. In

⁴²² Human Rights Watch; "How Can We Work Without Wages?" *Salary Abuses Facing Migrant Workers Ahead of Qatar's FIFA World Cup 2022*, 2020.

⁴²³ Mills, A.; *Exclusive: Thousands of workers evicted in Qatar's capital ahead of World Cup*, Reuters, 2022.

⁴²⁴ Pattison, P.; *Migrant workers in Qatar left in debt after being ordered home before World Cup starts*, The Guardian, 2022.

response, the Qatari authorities decided to deport them. As workers were not allowed to form or join trade unions, those who went on strike risked imprisonment and subsequent deportation⁴²⁵.

In this context, human rights activists, especially migrant workers' ones, were arrested, processed, and fined without being formally charged. In particular, Abdullah Ibhais, the former communications director for Qatar's 2022 World Cup organizers, was suspended from his job on accusations of corruption, and he was later arrested "on the basis of allegations that he was engaged in activities aimed at harming the state or its security". He was denied access to a lawyer and coerced to confess, but when he tried to retract the confession, he was sentenced to five years in prison, where he went on hunger strike while waiting for his appeal. As his case was gaining international attention and the Qatari authorities were pressed into revising his case, his sentence was reduced to three years. In reality, Ibhais was criticizing the way the WC organizers were handling the strike of WC workers who had not been paid in months, and he was not willing to issue false statements on behalf of his superiors⁴²⁶. Thus, when two Norwegian journalists investigating conditions of migrant workers in the WC context visited Qatar to interview him, not only he was arrested – just hours before the planned interview – but the foreign journalists were too. Indeed, as the two were preparing to leave the country, they were picked up by the police, questioned and detained for 36 hours for trespassing on private property and filming without a permit, in what their director claimed to be an "attack on freedom of the press and free speech"⁴²⁷. Another crew, from the BBC, was arrested and detained for 2 days while investigating the situation of migrant workers in the context of the football tournament.

Further restrictions on media freedom were issued by Qatari authorities and could prevent international television crews in the country – specifically for the WC – from interviewing people in their homes, or at accommodation sites, such as those housing migrant workers. According to the terms of the provisions, filming in government buildings, universities,

⁴²⁵ Lopes, M.; *Qatar deports migrant workers protesting alleged abuse before World Cup*, *The Washington Post*, 2022.

⁴²⁶ BBC, News; *2022 World Cup: Ex-media officer loses Qatar corruption appeal*, 2021 and Melnæs, H.; *The trial of Abdullah Ibhais*, Josimar Football, 2021.

⁴²⁷ Henley, J.; *Norwegian journalists reporting on World Cup workers arrested in Qatar*, *The Guardian*, 2021.

places of worship and hospitals is also going to be prohibited. These restrictions are indeed within a list of conditions that reporters must agree to when applying for a filming permit, and, even if they do not restrict specific topics, they will likely prevent journalists from investigating sensitive matters, as migrant and LGBT+ rights violations⁴²⁸.

Fans in attendance

Similar restrictions will be also imposed on fans in attendance, and whereas authorities have denied the publication of a pamphlet prohibiting drinking alcohol, homosexuality, immodesty, profanity, disrespect of places of worship, loud music, public displays of affection and taking photos without consent; fans are still expected to respect the country's rules on such topics. Therefore, alcohol is to be served only in certain places at certain times, to remain shirtless during matches is prohibited, public displays of affection are to be limited – but unmarried couples or friends will exceptionally be allowed to share the same hotel room – taking pictures without permission is prohibited and e-cigarettes will not be allowed into the country⁴²⁹. In this context, LGBT+ fans in attendance will have to be particularly “respectful of the host nation”, but as reassurances from the country have not been adequate, many fear for their safety, as the Australian Josh Cavallo, who is the first openly gay active player in men's professional football⁴³⁰. Rainbow armbands could be prohibited, and rainbow flags could be taken.

Families of migrant workers

Human rights violations however did not only affect people residing or visiting Qatar, but have significant consequences on the families of migrant workers, the vast majority of whom reside in Asian and African countries. As they survived on the money sent back by the ‘breadwinner’, in the case of its death – or in the case of delayed wages – even the most basic needs cannot be satisfied, and women can no longer feed themselves and their children, let alone pay for rent, mortgages or tuition fees. Furthermore, in addition to the already existing debts, families who lost someone need more money to face the body's

⁴²⁸ Das, S.; *Qatar World Cup accused of imposing ‘chilling’ restrictions on media*, The Guardian, 2022.

⁴²⁹ Webster, N.; *What are the Qatar World Cup rules for fans and visitors? A list of dos and don'ts*, The National, 2022.

⁴³⁰ Andersson, J.; *LGBT football fans told to be respectful at Qatar World Cup*, BBC News, 2022 and Thornton, T.; *Josh Cavallo exclusive: I have Qatar World Cup dream but would my life be in danger?*, Sky Sports, 2022.

repatriation, as the documentation includes the “power of attorney or consent from the legal heir, a death certificate, a police report, a medical report, an airway bill, an embalming certificate, and a No Objection Certificate from relevant origin country embassies⁴³¹”. Thus, thousands of families are inevitably going to face extreme poverty, and in this context, children will be particularly affected, in fact, as it was explained in the previous chapters, almost 50% of ‘left-behind’ children suffers from anxiety and depression, as well as from mood swings, stress, inferiority complexes, low self-esteem and low confidence⁴³². Moreover, vagueness about the length of the separation, due to the withholding of documents, is particularly unhelpful as it places the whole family – and especially children – in a state of continued instability, not only from an economic perspective, but also from a psychological point of view. Hence, notwithstanding the little research in this field, it is believed that children could be at higher risk of becoming ‘street-involved’ or entering paid employment⁴³³.

Environment

From an environmental perspective, Qatar is one of the fastest warming areas of the world, and it has already seen the temperatures in its territory rise to more than 2 degrees Celsius above preindustrial times, which is the current international goal for limiting the damage of global warming. For this reason, the country air-conditions not only indoor spaces, but also the outdoors, as markets, sidewalks, and even outdoor malls so people can window shop with a cool breeze. This situation already hampered a major sporting event, namely the 2019 World Athletics Championships, when the women’s marathon was moved to start at midnight, due to the still too high temperatures of September, however, despite water stations handing out sponges dipped in ice-cold water and medical personnel who outnumbered contestants, the 32°C still forced 28 out of 68 participants, meaning the 41% of the total, to retire. Therefore, Qatar needed extra measures to safeguard the health of athletes and fans in attendance of the WC and found the solution in air conditioning the entire stadiums, with small grates pushing cool air beneath every single one of the 40.000 seats, in each of the 8 stadiums. Besides, as cool air sinks, the field is also going to be cooled down, thanks to additional football-sized vents. Clearly,

⁴³¹ Page, M.; *Families Bring Home Migrant Worker Remains from Qatar*, Human Rights Watch, 2022.

⁴³² Supra note Branigan.

⁴³³ Supra note Dowse et al.

air conditioning the outsides is a vicious cycle, as it creates carbon emissions, which are responsible for global warming, because of which always more air conditioning will be required, creating the need for more burning fuels that emit more carbon dioxide⁴³⁴.

Moreover, each pitch, both the ones in the stadiums and the training ones – which are 130 – require daily irrigation, up to 10.000 liters of water each in the winter and 50.000 in the summer. As Qatar has little access to fresh water, desalination is the only solution, however this practice comes with huge environmental costs, both in terms of the fossil fuels used to carry out the process, and the marine environment. Desalination is indeed going to devastate the Gulf's marine ecosystem, as it is one of the worst marine pollution drivers around the world, producing “a highly saline waste fluid usually released into the sea as saltier, toxic and warmer seawater”, which contains chemicals and anti-foaming agents which harm coral reefs and marine organisms. Furthermore, small organisms such as fish eggs and small plants are getting sucked up into the system and are being destroyed⁴³⁵.

In 2018, the government announced that the WC was going to be carbon neutral, meaning that “for every mile flown from overseas, for every mile driven between venues, for every factory that produced construction materials, and for every air conditioner running overtime, there should be an offsetting reduction in greenhouse gas emissions”. This could be possible because of the little distance between the stadiums, which will cut the transportation costs, however the government is undercounting the cost of the World Cup, not including many infrastructure – which they say are part of the preexisting 2030 building plan – making it easier to become carbon neutral.

In light of such systematic and gross human rights violations, the sport governing body responsible for the WC could not remain silent.

2. FIFA response to the situation

When the corruption scandal linked to the awarding of the 2022 World Cup emerged, the investigations led to the top ranks of FIFA, but President Blatter was cleared of any

⁴³⁴ Mufson, S.; *Facing unbearable heat, Qatar has begun to air-condition the outdoors*, The Washington Post, 2019.

⁴³⁵ Syal, R.; *10,000 litres a day for each pitch: water strain in the Gulf and the Qatar World Cup*, The Guardian, 2022.

misconduct by the Ethics Committee. However, he resigned just one month after being re-elected in 2015, as the Swiss prosecutors stated he was under investigation for criminal mismanagement, misappropriation, and disloyal payments⁴³⁶. Therefore, when the new President Gianni Infantino was elected, he was faced managing a situation of uncertainty and mistrust, on top of which were emerging the allegations of thousands of migrant workers dying in Qatar. Notwithstanding the data and evidence brought to life by NGOs, human rights activists and reporters, the FIFA President has always backed the decision of awarding the WC to Qatar, sometimes even with controversial statements, as when he suggested that “reported abuse amid World Cup preparations has been offset by the “dignity and pride” [migrant workers] have been given by their jobs⁴³⁷”, or when, speaking at the Council of Europe, he said that “his plans for a World Cup every two years could stop African migrants from finding death in the sea”.

On a general level, the response of the sport governing body to human rights violations has been one of denial, as when in a statement FIFA highlighted that thanks to rigorous health and safety measures, the accidents on construction sites had been less than in other major projects around the world, and only singular voices have stood out in the process. Indeed, at the FIFA Congress in Doha, the President of the Norwegian Football Federation Lise Klaveness declared:

“In 2010 World Cups were awarded by FIFA in unacceptable ways with unacceptable consequences. Human rights, equality, and democracy – the core interests of football – were not in the starting XI... These basic rights were pressured on to the field as substitutes, mainly by outside voices. [...] Migrant workers injured or families of those who died in the buildup to the World Cup must be cared for”.

Clearly Klaveness’s speech was criticized, both from members of other national federations who underlined it was not the “right moment for such remarks” and from the secretary general of the Supreme Committee for Delivery and Legacy, which organizes

⁴³⁶ BBC, sport; *Sepp Blatter to resign as FIFA president amid corruption scandal*, 2015.

⁴³⁷ Bernstein, D.; *FIFA president Infantino suggests abused migrant workers in Qatar given 'dignity and pride'*, GOAL, 2022.

the Qatar WC, who urged her to “educate herself” on the matter⁴³⁸. However, while at the same Congress Infantino said the recent labour reforms issued by Qatar had benefitted tens of thousands of workers, and significant progress achieved in a very short time was to be recognized⁴³⁹, the federation never took active action, not even in response to the joint letter a group of NGOs⁴⁴⁰ sent suggesting the establishment of a remediation programme to address abuses suffered by migrant workers in the organization of the tournament.

However, as explained in the second chapter, whereas the new bidding regulations including human rights provisions will be effective starting from the 2026 edition of the WC, in 2017 FIFA did adopt a new Human Rights Policy, in accordance with the UNGPs and including “the monitoring and enforcement mechanisms for labour rights on stadium construction sites for the 2018 and 2022 FIFA World Cups in Russia and Qatar⁴⁴¹”. Therefore, the federation, jointly with the Qatar 2022 Organizing Committee (Q22) and the Supreme Committee for Delivery & Legacy (SC), adopted the FIFA World Cup 2022 Qatar Sustainability Strategy, in order to extend “the sustainability of the preparation, staging, and post-tournament activities” and, at the same time, to fulfil FIFA’s obligations. In the words of the federation, such collaboration allows to address the broad range of sustainability impacts of the tournament in the most effective and complete way by leveraging the knowledge, experience, and best possible resources available from all actors, covering not only the tournament period but also its preparation and legacy, through core objectives organized in 5 pillars, namely human, social, economic, environmental and governance⁴⁴². Every pillar is further divided into objectives, the vast majority of which are aligned with the Sustainable Development Goals of the United Nations.

⁴³⁸ MacInnes, P.; *Qatar World Cup chief bites back after criticism from Norwegian FA*, The Guardian, 2022.

⁴³⁹ The same statements were repeated by Infantino in a meeting with UN Human Rights Council President Federico Villegas in September 2022 and by FIFA’s Deputy General Secretary Alasdair Bell during a parliamentary hearing at the Council of Europe in October 2022.

⁴⁴⁰ The signatories were Amnesty International, Human Rights Watch, FairSquare, The Army of Survivors, Building and Wood Workers’ International, Business & Human Rights Resource Centre, Equidem, Football Supporters Europe, Independent Supporters Council North America and Migrant-Rights.org.

⁴⁴¹ FIFA; *FIFA publishes landmark Human Rights Policy*, 2017.

⁴⁴² FIFA; *Sustainability at the FIFA World Cup: Our Sustainability Strategy*, 2020.

The human pillar, which focuses on “developing human capital and safeguarding workers’ rights”, aims with its objectives at ensuring “decent working and living conditions and fair recruitment for workers engaged in the construction” both of WC venues and projects directly linked to the tournament, and at enabling access to effective remedy for them. Furthermore, the legacy objectives include building local expertise, fostering the development of the sports and events industries, and empowering young people through football programmes.

The social pillar, devoted to providing an inclusive tournament experience “that is welcoming, safe and accessible to all participants, attendees and communities in Qatar and around the world”, included the respect and protection of the rights of media representatives and human rights advocates, as well as health, safety and security in alignment with international standards of human rights protection – meaning also through ensuring a “tobacco-free” tournament. Additional goals included accessibility for disabled people, promotion of attendance of low-income groups, and enablement of cultural exchange with a focus on enhancing the understanding of the culture of Qatar.

The three objectives of the economic pillar focused on prioritizing local and regional suppliers, at developing WC venues for long-term community and business use, and at using adaptable, efficient technologies and solutions to address demand variations in services.

Environmental goals comprised the design and construction of sites with limited environmental impacts – while building local sustainable building expertise – the measurement and mitigation of greenhouse gasses, and the minimization of air pollution due to stadiums, training sites, overlay infrastructure and transportation. Moreover, attention was paid to waste management, in order to minimize what is to be sent to the landfill and prioritize recycling solutions, and to water production and use, to promote conservation.

The governance pillar, in conclusion, aimed at setting an example of good governance and ethical business practices through transparency and accountability, to protect people’s rights and well-being, reduce environmental impacts and promote economic

development; in particular by enhancing compliance, anti-bribery and anti-corruption practices⁴⁴³.

Additional references to human rights included a section where specific issues related to human rights and their holders were referenced to the aforementioned objectives (Table 1).

As the Sustainability Strategy was adopted in October 2019, concern on the situation of human rights was already under the spotlight, and both FIFA and the organizers – Q22 and the SC – were harshly criticized for adopting such measures almost a decade after the awarding of the WC to Qatar. Moreover, in terms of accountability, no defined outcomes are outlined, nor is monitoring process conformance, ensuring integrity and stakeholder involvement. The statements on the delivery of commitments are indeed extremely vague:

We will establish and continually improve a sustainability management system to ensure that we fulfil our obligations, manage risks and maximize the positive impact of the FIFA World Cup 2022 on the areas most affected directly or indirectly by our activities. This includes the development and implementation of a sustainability strategy and an action plan, the integration of sustainability in overall tournament management and planning processes, ongoing and proactive stakeholder engagement, periodic assessment of performance and lessons learnt, and transparent reporting on achievements and challenges.

In fact, while in the document FIFA focused on the “existing statutes, human rights policy, and commitments to mitigate negative human rights impacts”, its efforts “appear to lack enforceability with specified measures for tournament construction workers’ conditions”, as they are articulated through SC’s initiatives, which is however more focused on “enhancing transparency and gaining legitimacy and projecting its accountability⁴⁴⁴”. However, as the UNGPs identify the role of FIFA as bearer of human rights responsibilities, enforceability and accountability measures should be enhanced.

⁴⁴³ FIFA; *FIFA World Cup Qatar 2022™ Sustainability strategy*, 2020.

⁴⁴⁴ O’Rourke, A.; Theodoraki, E.; *The FIFA World Cup Qatar 2022 Sustainability Strategy: Human Rights Governance in the Tripartite Network*, *Frontiers in Sports and Active Living*, Vol. 4, Article 809984, 2022.

Table 1.

Human rights issue	Human rights impacted (drawn from the Universal Declaration of Human Rights)	Right holders impacted										Alignment with objectives and material topics	
		Construct on workers	Operational services workers	Building materials workers	Product manufacturing workers	Tourism/entertainment/guest workers	Volunteers	Attendees	Athletes	Participating media representatives	Human rights defenders	Local communities	ST
Accessibility	Right to freedom from discrimination												S1
Restriction or punishment of individuals on account of their clothing or behaviour	Right to privacy; right to freedom from degrading treatment												S2, S3, S5
Appropriate security practices and use of force	Right to life; right to security												S5
Exposure to terrorist attacks and other major security threats	Right to life; right to security												
Exposure to violent behaviour from fans	Right to life; right to security												
Appropriate security practices and access restrictions	Right to freedom from discrimination; right to freedom of movement												S1, S2, S3, S4, S5
Exposure to hate speech and harassment	Right to freedom from discrimination; right to freedom from degrading treatment												
Arbitrary detention	Right to privacy; right to freedom from discrimination; right to freedom of movement												
Arbitrary interference	Right to privacy; right to freedom from discrimination												
Restriction or punishment of the expression of thoughts or opinions	Right to freedom of opinion and expression; right to seek, receive and impart information												
Abuse of apprenticeship schemes	Right to education; right to just and favourable conditions of work; right to freedom from slavery and forced labour												S4, S5
Access to adequate food	Right to a standard of living adequate for health and well-being												
Access to grievance and remediation mechanism	Right to effective remedy; right to recognition as a person before the law												
Access to healthcare	Right to a standard of living adequate for health and well-being												
Adequate accommodation	Right to a standard of living adequate for health and well-being; right to privacy; right to rest and leisure												
Adequate leave	Right to freedom from slavery and forced labour; right to rest and leisure; right to family												
Adequate wages and on-time payment	Right to just and favourable conditions of work; right to just and favourable remuneration; right to a standard of living adequate for health and well-being; right to freedom from slavery and forced labour												
Child labour	Right to education												
Collective bargaining	Right to just and favourable remuneration												
Discrimination and lack of equal opportunity	Right to freedom from discrimination; right to just and favourable remuneration; right to equal pay for equal work												HT - H3
Exposure to extreme heat and humidity	Right to just and favourable conditions of work; right to life; right to a standard of living adequate for health and well-being												
Freedom of association	Right to form and join trade unions												
Freedom of movement in host country during leisure hours	Right to freedom of movement; right to rest and leisure												
Harassment	Right to freedom from discrimination; right to freedom from degrading treatment												
Job segregation	Right to work; right to freedom from discrimination												
Reasonable hours and breaks	Right to just and favourable conditions of work; right to rest and leisure; right to freedom from slavery and forced labour												
Safety and security in accommodation sites	Right to security; right to own property												
Work-related injuries and ill health	Right to just and favourable conditions of work; right to life												
Contract substitution post arrival; restriction of ability to leave or change employer	Right to work; right to free choice of employment; right to freedom from slavery and forced labour												
Passport retention; provision of appropriate visa and work and residence permits; travel notification requirement	Right to freedom of movement; right to freedom from discrimination; right to freedom from slavery and forced labour												HT - H3
Recruitment charges and debt	Right to freedom from slavery and forced labour; right to just and favourable remuneration												

● Tier 1 salience
● Tier 2 or 3 salience

3. Government response to the situation

When Qatar was awarded the World Cup, authorities knew they would have to undergo massive change to get everything ready in time for its kick-off, starting from the construction of the minimum number of required stadiums⁴⁴⁵; however, as the emirate is one of the richest countries in the world, with high GDP per capita⁴⁴⁶ and 70% of its revenues coming from oil and gas, hosting MSEs was believed to be a way to diversify the economy and build “soft power” strategy in world affairs. Indeed, even considering the difficulty in determining how much is being spent, the bidding committee had projected more than 200 billion US dollars to build stadiums, a new airport, hotels, entertainment and training precincts, as well as public transport as metro, roads and bridges to link everything together. Thus, to achieve all of this in a limited amount of time, it was necessary to have an unprecedented number of workers, but, at the same time, the country was aware of being at the center of the world’s attention.

As the first reports of workers dying in construction sites began to emerge, the Qatari government refused to publish statistics and to allow independent investigations, and contested the data and figures of NGOs and foreign journalists. Furthermore, in 2015 the Qatari government issued a new law regulating the kafala system, which stated that migrant workers:

Shall not act in contradiction to what they have been licensed for, nor shall they be able to quit work for their recruiters or decide to work for other entities that they have not been authorized to work for⁴⁴⁷.

Violating this law could lead to imprisonment or a fine. Hence, despite abuses, poor working conditions, squalid houses and delayed wages, migrant workers had no freedom to change their situation, but rather had to be tied to their employer for the duration of their contract – and up to 5 years for indefinite term ones – and could not leave without its, or the Ministry of Interior’s, permission. Moreover, employees faced systematic obstacles in accessing the justice system, making the filing of a lawsuit a barrier to

⁴⁴⁵ Usually, 12 stadiums are required to host the WC, but FIFA agreed to 8 for this edition.

⁴⁴⁶ 61.000 US dollars in 2021 per the World Bank.

⁴⁴⁷ Supra note International Trade Union Confederation.

transferring out of an abusive situation, due to the inexistence of a functional labour court⁴⁴⁸.

However, after a complaint lodged by workers' groups at the International Labour Organization (ILO) against Qatar for non-observance of Convention No.29 on Forced Labour and Convention No.81 on Labour inspection, and after additional extensive documentation of the abuse of low-paid migrant workers brought by NGOs, in 2017 the Qatari government signed an agreement with the ILO committing itself to a "three-year, wide ranging reform process" to amend the law issued in 2015. Therefore, after working together to "align laws and practices with international labour standards and fundamental principles and rights at work", the country identified its reform projects under five pillars, namely payment of wages, health and safety systems, replacement of the kafala system, prosecution of forced labour, and workers' voice.

From 2017 to 2020, the Qatari government has begun to introduce legislation to enhance the situation of migrant workers, starting with the kafala system. Indeed, authorities committed to replace the sponsorship system with a contractual employment system, to put an end to restrictions and obstacles limiting migrant workers' freedom of movement and preventing them from terminating their employment; to allow them to leave their job after giving reasonable notice; to review the procedure for issuing exit visas; and to implement the prevention of passport confiscation. The "most problematic and restrictive elements of the system were dismantled", over 350,000 workers applications⁴⁴⁹ to change jobs have already been approved by the Ministry of Labour, and the requirements for workers to obtain exit permits to leave the country and no-objection certificates to change employers were removed⁴⁵⁰. Whereas human rights organizations have indeed acknowledged that leaving the country had generally become easier, some workers continue to face hurdles, as passport confiscation or the non-renewal – by their employer – of the residence permit, which undermines their ability to leave the country⁴⁵¹.

⁴⁴⁸ Supra note International Trade Union Confederation.

⁴⁴⁹ Between 1 November 2020 and 31 August 2022.

⁴⁵⁰ International Labour Organization; *Labour reforms in the State of Qatar: Coming together around a shared vision*, 2022.

⁴⁵¹ Amnesty International; *Reality Check 2021: A Year to The 2022 World Cup: The State of Migrant Workers' Rights in Qatar*, MDE 22/4966/2021, 2021.

Moreover, in 2021 the country was the first in the region to adopt a “non-discriminatory minimum wage that applies to all workers, of all nationalities, in all sectors”, amounting to 275 US dollars per month, with additional “decent” accommodation and food or a monthly allowance – 137 US dollars for housing and 82 for food – for it. This law saw the 13% of the workforce with a rise in their wages to meet the minimum threshold, while “many more workers have seen an increase in their overall remuneration due to the standards for food and accommodation allowances”. In addition to this, the Wage Protection System – in which the 97% of eligible workers and the 94% of companies are registered – was strengthened in order to reduce wage abuses and resolve disputes, to better detect violations, including payment under the minimum wage, the non-payment of allowances, and unlawful deductions. However, NGOs remarked that accommodation and food allowances are still too low, and wage abuse is still widespread, as efforts to improve the situation have largely failed, and employers can still withhold, delay, and deduct from wages without consequences⁴⁵², because the implementation on the imposed stricter fines remained unclear. Then, domestic workers continued to be excluded from the Wage Protection System.

Access to justice was also improved, as in 2021 the Ministry of Labour’s online platform greatly expanded workers’ ability to lodge complaints, also through an anonymous whistleblower channel, more than doubling the number of grievances. As a result, almost 70% of them were settled before or at the conciliation stage, with the remainder referred to the labour courts, which saw their number being increased from 3 to 5 in November 2022, due to the backlog of cases. As between 2021 and 2022 the 84% of the cases were decided in favor of workers, there has also been an increase in the amount paid out from the Workers’ Support and Insurance Fund. As AI reports, cases are still taking months to be reviewed and the high volume of cases coupled with the lack of capacity of the courts continue to create serious delays in the process, with workers waiting up to three months for their first hearing to be scheduled.

As trade unions still do not exist in the country, authorities agreed to gradually establish platforms for workers’ representation through joint committees of management and worker representatives aiming to discuss work-related issues and prevent or resolve

⁴⁵² Human Rights Watch; *Qatar: Significant Labor and Kafala Reforms*, 2020.

workplace conflicts. Starting from 2019, companies could hold elections for worker representatives, allowing also for elected migrant worker representatives. As per October 2022, 70 private companies and public bodies, meaning more than 50.000 employees, had established joint committees, and dozens more companies had received the training modules. Nonetheless, joint committees are flawed, starting from the fact that they cannot be established without the employer's authorization, and as they are led by owners, they "lack mechanisms for collective bargaining and cannot provide workers with the crucial protections offered by independent trade unions"⁴⁵³. Hence, these committees do not compare to genuine freedom of association.

Labour inspection and occupational safety and health were also enhanced through strengthened capacity of inspectors and communications campaigns, with a policy published in late 2020, identifying five main areas of action, namely a coordination mechanism for the exchange of best practices, a system to analyze statistics on accidents, the update of standards and legislation, occupational health services focused on prevention, and broad access to education and training on this field. After inspectors received training on labour law, forced labour and trafficking, accident investigation, OSH in construction and gender-responsive approaches to labour inspection, they detected almost 10.000 violations⁴⁵⁴, 68% related to occupational health and safety. In this context, priority was given to the adoption – in 2021 – of new legislation to mitigate heat stress, introducing an expansion of the prohibition of outdoor work during the summer, being now between 10 a.m. and 3:30 p.m. from 1 June to 15 September, and when the temperature exceeds 32°C on the Wet Bulb Globe Temperature index, which takes into account temperature, humidity, wind factor and solar radiation. Annual health check-ups are required for outdoor workers, to ensure they are assigned to tasks appropriately to their health condition. The aforementioned labour inspection campaign led to work stoppages in 338 worksites in 2021, and in 463 worksites in 2022 for violation of the new regulation on prohibited working hours. Moreover, the number of people who visited the clinics with heat-related disorders in the summer of 2022 was 351, showing a significant reduction from the 620 in 2021 (after the new legislation was introduced), the 1,520 in 2020 and the 1,320 in 2019. Notwithstanding all these achievements, AI noted

⁴⁵³ Supra note AI MDE 22/4966/2021.

⁴⁵⁴ In the sole year of 2019.

that the improvements “fall far short of what is necessary for the protection of labourers who are subject to heat stress exposures of all types”, and due to the extremely unequal relationship between employers and workers, it still is indeed difficult for them to ‘self-space’, as legislations require. Thus, workers continued to die even after the adoption of such measures.

Measures have been adopted also in regard to recruitment process and fees, however the problem remains deep-rooted. In fact, despite the prohibition of cap recruitment costs in many countries, the practice is still widespread. For this reason, the government of Qatar established visa centers in 6 countries⁴⁵⁵ since 2019, where workers can receive and sign their employment contracts that are legally binding in Qatar, also reducing the chances of contract deception and substitution. As a result, the 93% of migrant workers recruited through the official Qatari channels reported having no debts after arriving in Qatar. Moreover, in 2022, 45 recruitment agencies which did not comply with the law were closed by the Ministry of Labour. On the other hand, the vast majority of migrant workers still enters Qatar through non-official recruitment agencies, leaving them highly indebted.

Even considering all the positive efforts and achievements of the government of Qatar, no measures were adopted not only to better investigate and certify suspicious deaths, in order to better prevent such foreseeable losses and protect the lives of migrant workers, but also to provide victims of human rights violations and their families with an effective remedy. In fact, Qatar’s Labour Law still does not include deaths resulting from heat stress in its list of occupational diseases, preventing families from accessing their right to compensation in the event of their family member dying by reason of work. As the construction works for the 2022 WC began in 2010, thousands of migrant workers have died or saw their rights systematically and grossly violated, thus all the reforms came definitely too late. Moreover, as abuses continue to be reported, the enforceability mechanisms still have to be strengthened.

Concerning forced evictions of migrant workers, authorities denied the relation to the World Cup, stating that it was designed “in line with ongoing comprehensive and long-term plans to re-organize areas of Doha” and that everyone “have since been rehoused in

⁴⁵⁵ Bangladesh, India, Nepal, Pakistan, the Philippines and Sri Lanka, which are the six countries with more people living and working in Qatar.

safe and appropriate accommodation”, however as per reports of the evictees, they were left with nowhere to go⁴⁵⁶. Moreover, the government is allegedly building walls in an attempt to hide poorer neighborhoods and the inequality in some areas of the nation ahead of the tournament⁴⁵⁷, breaching its own objectives of an inclusive WC for low-income groups, as outlined in the Sustainability Strategy.

Regarding fans in attendance, Qatari authorities and organizers reassured that they intend to show flexibility for relatively minor infringements, so that World Cup fans caught committing minor offences, such for example public drunkenness, will escape prosecution. However, they will not be so lenient with safety, so that fans involved in fights “can expect to face fines and cancellation of their permit to enter Qatar and access stadiums⁴⁵⁸”. Furthermore, even if the head of the Qatar 2022 World Cup project assured that “everyone is welcome”, when asked about the situation of LGBT+ fans in Qatar, specifying that “Qatar is a modest country. That’s all that needs to be respected. Other than that, everyone is free to live their life”, that is very far from what who lives in the country has reported. Stories have been collected of police officials using dating apps to lure gay men into traps and gang rape, torture and arrest them. In the months leading up to the World Cup, media focus has been trained on LGBT+ fans in particular and the treatment they might receive, telling them to “be respectful” and “compromise”; however, this may not be enough, as they may need to go to further extent to avoid dangerous situations⁴⁵⁹.

From an environmental perspective, the Qatari organizers did not follow the promises outlined in the Sustainability Strategy, in fact, they projected that 3.6m tons of carbon dioxide will be produced during the tournament, which is far from the carbon neutral WC they promised – indeed it is more than what some countries release in a year and 1.5m tons more than the total produced in the 2018 edition. Furthermore, they hired corps of groundkeepers to maintain “144 green, lush fields”, and they have cool air blown into the grass, which flies in annually from the United States on climate-controlled aircraft. Then,

⁴⁵⁶ Supra note Mills.

⁴⁵⁷ Collins, J.; *Qatar is allegedly 'building walls to hide poor neighbourhoods' ahead of the World Cup*, Sport Bible, 2022.

⁴⁵⁸ Mills, A.; *Exclusive: Qatar planning for World Cup fans to avoid prosecution for minor offences*, Reuters, 2022.

⁴⁵⁹ Strudwick, P.; *‘Qatari officials gang raped me for being gay’: The truth about how the World Cup hosts treat LGBT people*, iNews, 2022.

fields are watered up to 10.000 liters a day in the winter – and 50.000 in the summer – with desalinated seawater, “in an energy-intensive process burning the country’s wealth of natural gas”. In this context, the Qatari government considers the zero net emissions in the four weeks duration of the tournament, without taking into account not only the infrastructure they built since they were awarded the tournament in 2010, but also transportation in and out of the country⁴⁶⁰.

Conclusions

The 2022 edition of the Football World Cup has been under the spotlight right from its awarding, in a way no MSE before ever was. From the accusations of corruption to the several appalling reports of gross and systematic violations of human rights, this WC has been widely criticized not only by NGOs and human rights activists, but also from the participant athletes and the general public. Indeed, the death toll for the realization of this tournament has been catastrophic, more than 300 times worse than for the second deadliest MSE to date, with little to no consequences for its perpetrators and no remedy nor justice for thousands of families who lost their breadwinners. Hundreds of thousands of workers underwent forced labour, wage theft, and were victims of the sponsorship system which left them highly indebted; some of them barely had enough money to eat, some were deported when trying to protest, and others were evicted to make space for the upcoming fans. Media crews were arbitrarily arrested and threatened to prevent them from exposing such situations, and laws were enforced to control foreign reporters during the four weeks of the tournament. As football fans prepare to flood the emirate country, they may face significant restrictions to their freedoms and rights, especially if they are not married but travel with a partner, if they are used to drink or smoke, or if they belong to the LGBT+ community.

After relentless, years-long, and widespread criticism induced by the WC spotlight, the Qatari government has indeed adopted reforms to improve the situation of workers in the whole country and in all sectors, and while significant positive achievements were registered in the many problematic areas, abuses continued to be reported. Furthermore,

⁴⁶⁰ Gilbert, B.; *Will Qatar really produce ‘the first carbon-neutral World Cup in history’?*, The Guardian, 2022.

no other provision was adopted to improve the situation of the other reported human rights violations.

Ultimately, considering that the tournament has not yet begun, some of its issues and consequences cannot be here be analyzed, as well as the long-term development and effects of the reforms the country has put in place.

Conclusions

Mega Sport Events differ from regular sporting events for attracting millions of visitors on site, for scoring billions of television viewers and broadcasting rights, for being extremely expensive and for having a high percentage of urban transformation. This leads the Summer Olympic Games and the Men's Football World Cup, and subsequently the IOC and FIFA, to have a deep-rooted, widespread, and long-lasting impact on the population of the host country they are held in, not only from a socio-economic, socio-cultural, physical, and political perspective, but also regarding the situation of human rights.

As sport and human rights are intrinsically linked, reports of abuses related to MSEs began to emerge in the last decades, in particular regarding forced evictions, workers' rights and freedom of expression, and because of that, the IOC and FIFA started to include mentions to human rights in their statutes, to adopt human rights policies, and lastly to comprise human rights provisions, guarantees and obligations in their bidding documents and Host City Contract, starting from the 2024 edition of the OG and 2026 of the WC. However, these provisions are still too general, they rely on the sole international instruments ratified by the country, and they lack fundamental elements as a remedy mechanism.

On the other hand, both sport governing bodies must now abide by the UN Guiding Principles on Business and Human Rights, which are the only guidance for business enterprises in regard to obligations towards human rights, and, although they are not legally binding, they do have a strong normative force coming from States' endorsement. An example of the effects of UNGPs is the Sustainability Strategy of Qatar, which sets human rights objectives to enhance jointly between FIFA and the tournament organizers, and should rely not only on the duty the State of Qatar has to protect against human rights abuses by third parties – therefore enterprises – but also on the independent responsibility of such enterprises to respect human rights. As one of the pillars of UNGPs is the access to effective remedy in case of violations, both the State of Qatar and FIFA should work to establish an efficient mechanism in accordance with their UNGPs obligations.

In analyzing three MSE editions, namely the 2008 OG in Beijing, the 2016 OG in Rio de Janeiro and the 2022 WC in Qatar, gross and systematic human rights violations did emerge, confirming the general common trend found in the second chapter. Freedom of expression, relating both to media and journalists, and to protests by residents, was significantly hampered in all three situations, even if to different levels, and a similar conclusion can also be drawn in respect to environmental violations.

Forced evictions and displacements were also carried out in all three contexts, despite with significant differences in numbers – as they were 1.5 million in China, less than 100.000 in Brazil and some thousands in Qatar – but not in discriminatory and violent modalities. Workers' rights were also consistently abused, especially considering migrant ones, with low salaries, wage thefts and inadequate safety conditions which led to several deaths; however also in this case the magnitude of the phenomenon was dramatically different, as the situation in Qatar cannot be compared to others in terms of death count and wideness of abuses.

At the same time though, rights to life, liberty and the security of person, which are stated in Article 3 of the UDHR, were also violated in relation to the reeducation through labour and enforced drug rehabilitation systems in China, and to the increase in unlawful police killings in Brazil. Indeed, to better show off during the MSE period, in all three situations authorities put in place a 'clen-up' plan of the city, forcibly displacing specific categories of people, like migrant workers in Qatar and people living on the streets in Beijing and Rio.

Concerning the way in which sport governing bodies handled the situation, both the IOC and FIFA generally stood by their decision to award the hosting rights to those three countries, and rarely spoke about the evident violations connected to MSEs. If in the Chinese case the silent diplomacy of some IOC delegates helped in making authorities more open about the human rights discourse, in Rio they adopted a conflicting approach, by pressuring into the monitoring of protests and limiting access to information for journalists. The same did FIFA, asking the national federations not to "drag football into every ideological or political battle"⁴⁶¹, and by contradicting the reports of NGOs on the situation of workers' rights in Qatar. As the political power of sport governing bodies did

⁴⁶¹ Scott, L.; *World Cup 2022: Fifa tells all competing nations to 'focus on football' in Qatar*, BBC, 2022.

not allow them to act to impose, for example, human rights obligations to which the country had not adhered, both the IOC and FIFA could have used better leverage to hold countries accountable. On the other hand, based on these previous experiences, they did enhance human rights requirements for upcoming MSEs and, as the UNGPs identifies them as bearers of human rights responsibilities, their role in the protection and promotion of fundamental rights and freedoms, but also in the access to remedy in the case of violations, should be promptly improved, starting from the 2022 edition of the WC.

Indeed, in all three case studies the governmental response – and the one of federations – to human rights violations as they were happening has been occasional and targeted, as for example when the Chinese government eased restrictions on foreign journalists – but not domestic ones – and on blocked internet websites – AI, HRW and the BBC, not on a general level – when the federal authorities in Brazil intervened in forced evictions and workers strikes – but again, only in some cases, not on a general level – or when Qatar eased its legislation on drunkenness and extramarital relationships for fans in attendance – but again, not for residents. Thus, in all three situations there was not a mechanism to properly address and remedy the general situation of MSEs related abuses.

We can undoubtedly say that in the years leading to the MSE, the human rights situation of people affected by it not only was not enhanced, but it systematically worsened. However, if we consider that the acceptance of human rights discourse in the Chinese vocabulary led to the inclusion of “the State respects and preserves human rights” in the Constitution, if we consider the adoption by Brazilian authorities of the Decree laying down the National Guidelines on Businesses and Human Rights to protect human rights and combat discrimination in the workplace, and if we consider the abolition of some elements of the kafala system in Qatar and the other labour reforms adopted in the last years, we can also conclude that in the long term, MSEs can lead to positive, even if in some cases minimal, changes for the entire population. When federations have an active role, and the human rights situation is at the center of the discourse, for example through the work of NGOs and journalists, positive aspects are even more highlighted. As things ‘get worse before they get better’, it is necessary for sport governing bodies and host countries to jointly plan future MSEs in a way which not only does not violate human rights, but more importantly levers them, in accordance not only with international standards and provisions, but also with the values of sport.

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