

For the Game. For the World. But What About for the Workers? Evaluating FIFA’s Human Rights Policy in Relation to International Standards

HALEY CHRISTENSON*

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* © 2018 Haley Christenson. J.D. Candidate 2019, University of San Diego School of Law.

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I. INTRODUCTION

The Fédération Internationale de Football Association (FIFA), a billion-dollar organization, captures the imagination and attention of audiences worldwide every four years with its tournament, the World Cup.¹ The World Cup instills great pride in host countries and is a platform for the host country to showcase itself and its culture.² The host country gains a number of benefits including new sporting facilities, new football development programs, an increase in patriotism and tourism, and better global partnerships and sponsors.³

However, the World Cup also has detrimental consequences, one of which is human trafficking.⁴ When human trafficking is discussed in relation to sporting events, most people think of sex trafficking before labor trafficking.⁵ Yet, no hard evidence confirms sex trafficking increases during sporting events.⁶ Conversely, there is empirical evidence to show a link between the World Cup and increased labor trafficking.⁷ This Comment will primarily review the labor trafficking and human rights

1. *FIFA World Cup*, FIFA, <http://www.fifa.com/aboutfifa/worldcup/index.html> (last visited Jan. 29, 2018) [https://perma.cc/X2YY-NYLF].

2. *See id.*

3. *Benefits of Hosting FIFA’s Other World Cup Events*, FIFA, <https://www.fifa.com/mm/document/tournament/bid.otherevents/01/30/02/01/casestudyv18oct2010.pdf> [https://perma.cc/7LLM-27J3].

4. *See* Eleanor Goldberg, *Children Sold for Sex at World Cup for Few Dollars, Pack of Cigarettes* HUFFINGTON POST (Dec. 6, 2017), https://www.huffingtonpost.com/2014/06/12/world-cup-child-prostitution_n_5474716.html [https://perma.cc/H3VR-JS25].

5. Stephanie Hepburn, *It’s Not Just About Sex – Human Trafficking and Mega Sporting Events*, HUFFINGTON POST (Feb. 13, 2017), https://www.huffingtonpost.com/entry/its-not-just-about-sexhuman-trafficking-and-sporting_us_58a25412e4b0e172783a9fd7 [https://perma.cc/7B8Q-4TNM].

6. *Id.*

7. *Id.*

concerns that arise in host countries of the World Cup, suggest a host for the 2026 World Cup based on candidates' laws and infrastructure, and suggest changes for FIFA's current human rights policy to aid in the prevention of labor trafficking in relation to the World Cup.

Human trafficking, encompassing both sex trafficking and labor trafficking, is essentially modern slavery.⁸ The International Labor Office (ILO) estimates that on any given day in 2016, 25 million people were victims of forced labor.⁹ Labor trafficking, as part of human trafficking, is defined as "the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery."¹⁰ Types of labor trafficking include bonded labor, forced labor, and child labor.¹¹ Of these, bonded labor and forced labor have been the primary issues with World Cup host countries.

A. Background

During 2017, FIFA was under great scrutiny for failing to address the working conditions in Russia and Qatar, both future hosts of the World Cup at the time.

1. Russia

Russia, which hosted the 2018 World Cup, was accused of illegal labor practices in the construction of facilities.¹² Russian facilities were largely built by Asian migrant workers, many arriving from North Korea, one of the world's most repressive countries.¹³ These workers both lived and worked

8. Victims of Trafficking and Violence Protection Act of 2000 § 102, 114 Stat. 1466 (2000).

9. Alliance, *Global Estimates of Modern Slavery*, INT'L LAB. OFF. (2017), https://www.ilo.org/wcmsp5/groups/public/-dgreports/-dcomm/documents/publication/wcms_575479.pdf [<https://perma.cc/XBV5-5RXN>].

10. U.S. DEP'T OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., *TRAFFICKING IN PERSONS REPORT 3* (2017), <https://www.state.gov/documents/organization/271339.pdf> [<https://perma.cc/LLM5-7KVT>].

11. *Id.* at 17.

12. Alec Luhn, 'Like Prisoners of War': North Korean Labour Behind Russia 2018 World Cup, *GUARDIAN* (June 4, 2017), <https://www.theguardian.com/football/2017/jun/04/like-prisoners-of-war-north-korean-labour-russia-world-cup-st-petersburg-stadium-zenit-arena> [<https://perma.cc/6YSV-Z8CC>].

13. *Id.*

in very poor conditions, as confirmed by a United Nations official.¹⁴ It was reported that as many as six to eight workers were living in one construction caravan, working at least eleven hours per day and seven days per week, for as little as ten to fifteen U.S. dollars per day.¹⁵ One North Korean worker died on the jobsite due to a heart attack, possibly caused by fatigue from harsh work conditions.¹⁶

In a recent effort to take the rights of these workers into account, FIFA partnered with the Klinsky Institute of Labour Protection and Working Conditions to monitor and evaluate working conditions at current World Cup construction sites.¹⁷ The Institute periodically enters FIFA worksites in Russia to assess labor conditions. FIFA acknowledged that during one of these monitoring checks in November 2016, the Institute noted that there was “evidence suggesting the presence of North Korean workers.”¹⁸ Such evidence is possibly indicative of labor trafficking at the FIFA worksite due to the exploitation of North Koreans in Russia—a common occurrence in these instances.¹⁹ However, no such evidence was found during a monitoring check in 2017, which suggests an improvement in working conditions.²⁰

2. Qatar

On the same day Russia won the bid to host the 2018 tournament, Qatar won the bid for the 2022 World Cup, and soon thereafter began preparations for the tournament.²¹ For a small country with a population of roughly 2.5 million, migrant workers are necessary to complete Qatar’s

14. *Id.*

15. *Id.*

16. *Id.*

17. *Working Conditions Monitoring System Launched at World Cup Stadiums*, FIFA (May 11, 2016), <http://www.fifa.com/worldcup/news/y=2016/m=5/news=working-conditions-monitoring-system-launched-at-world-cup-stadiums-2790536.html> [https://perma.cc/MM5K-E5KD].

18. Luhn, *supra* note 12.

19. Because many North Koreans flee the country due to its government’s oppression, North Korea has become a source country for labor trafficking. The majority of workers work in Russia and China. U.S. DEP’T OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., *supra* note 10, at 235.

20. See Damien Sharkov, *World Cup: Is Russia Using North Korea Slave Labour to Build Stadiums*, NEWSWEEK (Aug. 3, 2017), <http://www.newsweek.com/russia-does-not-use-north-korea-slave-labor-world-cup-says-moscow-645904> [https://perma.cc/BG3C-CJCJ].

21. See *Russia and Qatar Awarded 2018 and 2022 FIFA World Cups*, FIFA (Dec. 2, 2010), <http://www.fifa.com/worldcup/news/y=2010/m=12/news=russia-and-qatar-awarded-2018-and-2022-fifa-world-cups-1344698.html> [https://perma.cc/7Q4D-8SZE].

elaborate plans for the 2022 World Cup.²² The influx of migrant workers coupled with the country's "Kafala" system created a dire situation for migrant workers.²³ The Kafala system is a common temporary employment practice in Gulf countries, although countries have different variations.²⁴ In the Qatari Kafala system, Qatari employers sponsor a migrant worker.²⁵ That migrant worker can no longer work for any other employer, nor can he leave the country without his or her sponsor's approval.²⁶ Qatar previously recruited workers primarily from India, Nepal, and Sri Lanka, and required a permit for workers to change a job or leave the country, essentially creating situations of modern day slavery.²⁷

In December of 2016, Qatar promised to end the Kafala system through the implementation of a new law;²⁸ however, the changes made did not fully alleviate the problem.²⁹ Under the new law, workers remain within their employer's control and may not, without their employer's permission, change jobs during contracted periods.³⁰ Additionally, exit permits are still required, and employers can block employees from getting these permits.³¹ Finally, beyond the Kafala system, Qatar's extreme heat, low wages, and cramped labor camps present extremely adverse working conditions for laborers.³²

22. See *Monthly Figures on Total Population*, QATAR MINISTRY DEV. PLAN. & STAT., <https://www.mdps.gov.qa/en/statistics1/StatisticsSite/Pages/Population.aspx> (last visited on Jan. 29, 2018) [<https://perma.cc/X2NU-CAN4>].

23. Robert Booth & Anne Kelly, *Migrant Workers in Qatar Still at Risk, Warns Amnesty*, GUARDIAN (Dec. 12, 2016), <https://www.theguardian.com/global-development/2016/dec/13/migrant-workers-in-qatar-still-at-risk-despite-reforms-warns-amnesty> [<https://perma.cc/W83Y-2BRU>].

24. JOANNA HOWE, ROSEMARY OWENS & VIRGINIA MANTOUVALOU, TEMPORARY LABOUR MIGRATION IN THE GLOBAL ERA: THE REGULATORY CHALLENGES 229 (BlumSBury 2016).

25. *Id.*

26. *Id.*

27. Booth & Kelly, *supra* note 23.

28. *Qatar Abolishes Controversial 'Kafala' Labour System*, BBC (Dec. 13, 2016), <http://www.bbc.com/news/world-middle-east-38298393> [<https://perma.cc/9YYS-EL26>].

29. Amnesty Int'l, *New Name, Old System? Qatar's New Employment Law and Abuse of Migrant Workers*, AI Index MDE 22/5242/2016 (Dec. 12, 2016).

30. *Id.*

31. *Id.*

32. David Conn, *Thousands of Qatar World Cup Workers 'Subjected to Life-Threatening Heat'*, GUARDIAN (Sept. 26, 2017) <https://www.theguardian.com/football/2017/sep/27/thousands-qatar-world-cup-workers-life-threatening-heat> [<https://perma.cc/AKE2-3XBZ>]; see also Owen Gibson, *Migrant Workers Suffer 'Appalling Treatment' in Qatar World Cup Stadiums, Says Amnesty*, GUARDIAN (Mar. 30, 2016) <https://www.the>

Human rights advocates spoke out about the conditions in Qatar and demanded change.³³ In March of 2017, the United Nation's International Labour Organization (ILO), put Qatar on alert that the ILO would decide in November to pursue the issue of whether to investigate forced labor in Qatar.³⁴ Just weeks before the decision date, new legislation in Qatar was passed to protect these workers, and thus the ILO did not conduct an investigation.³⁵

3. FIFA Human Rights Lawsuit

The Netherlands Trade Union Confederation (FNV), the Bangladesh Free Trade Union Congress (BFTUC), and the Bangladesh Building and Wood Workers Federation (BBWWF), recently sued FIFA on behalf of Nadim Alam, a Bangladeshi migrant worker subjected to poor conditions while working in Qatar on projects for the World Cup.³⁶ The FNV filed a suit in the Commercial Court of the Canton of Zurich, asserting that FIFA should be held liable for violating the human rights of migrant workers laboring on behalf of the World Cup facilities in Qatar.³⁷ The FNV asked the court to (1) ensure that FIFA respect human rights and those rights of migrant workers involved the construction of the World Cup infrastructure in Qatar, (2) require the Qatari employers involved in the construction of the World Cup infrastructure to abandon the Kafala system, (3) ensure that effective labor courts and entities for complaints are established, (4) allow for the formation of unions for migrant workers,

guardian.com/global-development/2016/mar/31/migrant-workers-suffer-appalling-treatment-in-qatar-world-cup-stadiums-says-amnesty [https://perma.cc/S3ZC-K732].

33. Press Release, Amnesty Int'l, *Qatar: Migrant Workers Still at Risk of Abuse Despite Reforms*, (Dec. 12, 2016), <https://www.amnesty.org/en/press-releases/2016/12/qatar-migrant-workers-still-at-risk-of-abuse-despite-reforms/> [https://perma.cc/6GPM-CJDQ].

34. Nita Bhalla, *Qatar Given Deadline to End Abuse of Migrant Workers Face Investigation*, REUTERS (Mar. 22, 2017), <https://www.reuters.com/article/us-qatar-rights-migrants/qatar-given-deadline-to-end-abuse-of-migrant-workers-or-face-investigation-idUSKBN16T2B9> [https://perma.cc/Y7A5-GYRL].

35. Stephanie Nebehay, *ILO Closes Workers' Complaint Against World Cup Host Qatar*, REUTERS (Nov. 8, 2017), <https://www.reuters.com/article/us-qatar-rights/ilo-closes-workers-complaint-against-world-cup-host-qatar-idUSKBN1D81EX> [https://perma.cc/LZ7F-G6YP].

36. Shabina Khatri, *Swiss Court Rules in FIFA's Favor Over Qatar Labor Lawsuit*, DOHA NEWS (Jan. 7, 2017), <https://dohanews.co/swiss-court-rules-fifas-favor-qatar-labor-lawsuit/> [https://perma.cc/5PR6-76Y6].

37. Writ of summons, FNV & Nadim Shariful Alam against FIFA, <https://www.fnv.nl/site/over-de-fnv/fnv-internationaal/1040331/fvnnadimsharifulamvifaenglish.pdf> [https://perma.cc/8ZDJ-CNMU].

(5) find FIFA liable under Swiss tort law for personal injury to the plaintiff, and (6) require FIFA to pay related damages³⁸

On January 3, 2017, the Swiss Court rejected the FNV's demands for "formal reasons," ruling that parts of the complaint, such as the request for new laws in Qatar, were "too vague or not legal."³⁹ The court found that only Qatar, not FIFA, could bring a direct change to human and labor rights issues in Qatar.⁴⁰ Further, the Court asserted that FNV did not directly specify what behavior of FIFA it found unlawful.⁴¹ Finally, the Court found it did not have subject-matter jurisdiction over FNV's final claim, which demanded a payment to Mr. Alam.⁴² Because the court handles commercial disputes, and Mr. Alam did not register as a tradesman with the Swiss Commercial Registry, an equivalent agency in Bangladesh, or engage in a commercial activity, the Court did not have jurisdiction on that matter.⁴³

FIFA "welcome[d] the decision" of the court, noting that it took working conditions "very seriously."⁴⁴ FNV responded that they found the ruling troubling because migrant workers from Bangladesh, India, and Nepal work as modern slaves under severe conditions, to make the Qatar World

38. Handelsgericht des Kantons Zürich [Commercial Court of the Canton of Zurich], Jan. 3, 2017, HG160261-0, 2–3 (Switz.); see also Oskar van Maren, *FIFA's Responsibility for Human Rights Abuses in Qatar – Part I: The Claims Against FIFA – By Tomáš Grell*, ASSER INT'L SPORTS L. BLOG (Feb. 28, 2017), <http://www.asser.nl/SportsLaw/Blog/post/fifa-s-responsibility-for-human-rights-abuses-in-qatar-part-i-by-by-tomas-grell> [<https://perma.cc/B6Q7-X8CA>].

39. *Swiss Court Rejects Trade Union Case Against FIFA Picking Qatar as World Cup Host*, DAILY SABAH (Jan. 6, 2017), <https://www.dailysabah.com/football/2017/01/06/swiss-court-rejects-trade-union-case-against-fifa-picking-qatar-as-world-cup-host> [<https://perma.cc/C943-UM8Y>].

40. Handelsgericht des Kantons Zürich [Commercial Court of the Canton of Zurich], Jan. 3, 2017, HG160261-0, 6 (Switz.); see also Antoine Duval, *FIFA's Responsibility for Human Rights Abuses in Qatar – Part II: The Zurich Court's Ruling – By Tomáš Grell*, ASSER INT'L SPORTS L. BLOG, (Mar. 6, 2017), http://www.asser.nl/SportsLaw/Blog/post/fifa-s-responsibility-for-human-rights-abuses-in-qatar-part-ii-the-zurich-court-s-ruling-by-tomas-grell#_ftn10 [<https://perma.cc/35MQ-UQPC>].

41. See Duval, *supra* note 40.

42. *Id.*

43. *Id.*

44. *Swiss court rejects labour unions' claim against FIFA concerning Qatar 2022*, FIFA.COM (Jan. 6, 2017), <http://www.fifa.com/governance/news/y=2017/m=1/news=swiss-court-rejects-labour-unions-claim-against-fifa-concerning-qatar—2862363.html> [<https://perma.cc/4F59-QM4G>].

Cup a success.⁴⁵ The FNV recognized that the Court's ruling was based on formal grounds.⁴⁶ Despite the ruling, the FNV asserted that they will continue to advocate for migrant workers' rights in Qatar.⁴⁷

A few months after this court ruling, in May of 2017, FIFA implemented a human rights policy based on the United Nation's Guiding Principles on Business and Human Rights.⁴⁸ FIFA's new policy makes progress towards battling labor trafficking, but there is more that can be done to alleviate the problem. While FIFA is not directly responsible for the contractors who are operating with labor trafficked workers, FIFA could certainly select a host country whose regulatory scheme to prevent human trafficking is well developed and would allow for a mechanism to better mitigate the issue that would prevent or prosecute defenders.

B. Proposal

This Comment proposes that FIFA not only consider the UN's Human Rights doctrine, which is currently implemented, but also consider a country's ability to effectively prevent and prosecute human trafficking. Reviewing the United Nation's Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, in addition to a country's Trafficking in Persons (TIP) ranking would be helpful for FIFA in this process. Specifically, this Comment proposes that FIFA select a country that has a Tier 1 TIP ranking.⁴⁹

Additionally, this Comment proposes that FIFA act more transparently with the general public towards human rights issues relating to their operations. FIFA should provide specific goals and rules it intends to implement to show that human rights violations, and specifically labor trafficking, are actions that FIFA will not tolerate.

This Comment will evaluate the laws regarding human trafficking in the countries that have put forth bids for the 2026 World Cup: The United States, Canada, Mexico, and Morocco, in addition to FIFA's new Human Rights Policy.

45. Rogier Esselbrugge, *FNV blijft zich inzetten voor rechten migrantenarbeiders Qatar* [*FNV Remains Committed to Migrant Workers Rights in Qatar*], FNV (June 6, 2017), <https://www.fnv.nl/over-fnv/pers/persberichten/persarchieef/2017/januari/FNV-blijft-zich-inzetten-voor-rechten-migrantenarbeiders-Qatar/> [<https://perma.cc/38K5-6UPB>] (Neth.).

46. *Id.*

47. *Id.*

48. *FIFA Publishes Landmark Human Rights Policy*, FIFA (June 8, 2017), <http://www.fifa.com/governance/news/y=2017/m=6/news=fifa-publishes-landmark-human-rights-policy-2893311.html> [<https://perma.cc/7GLM-HH9W>].

49. See *infra* text accompanying Part I.C.

This Comment is divided into three sections: (1) the introduction: discussing human trafficking issues in Russia and Qatar as well as the human trafficking environment in 2026 World Cup contender countries; (2) applicable law: reviewing the Universal Declaration of Human Rights; the UN's Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children; the human trafficking laws in the possible 2026 World Cup Host Countries; and the TIP standards to effectively combat human trafficking and the human trafficking laws in the United States, Canada, Mexico, and Morocco; and (3) legal analysis: evaluating what FIFA can do specifically to alleviate human trafficking.

C. The Annual Trafficking in Persons Report: Monitoring Human Trafficking

The United States creates an annual Trafficking In Persons (TIP) Report that divides countries into 4 different categories.⁵⁰ Tier 1 countries have comprehensive human trafficking laws with adequate implementation based upon The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.⁵¹ Tier 2 countries have made an effort to prevent human trafficking, but they have not fully met the minimum standards to reach Tier 1.⁵² Tier 2 Watchlist countries have made an effort to prevent human trafficking, but they still experience a drastic expansion in human trafficking issues.⁵³ Finally, Tier 3 countries may have human trafficking laws, but they do not enforce them.⁵⁴ These annual TIP reports essentially rank countries based upon their success in preventing and prosecuting human trafficking. As described in the 2017 TIP Report, countries most adept at fighting human trafficking have laws that outline the following:

1. Criminalization of all forms of trafficking in persons;
2. A clear definition of human trafficking that describes the acts, means, and ends, as distinct from related migrant smuggling, prostitution, kidnapping, organ trafficking, or illegal adoption;

50. U.S. DEP'T OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., *supra* note 10.

51. *See id.*

52. *See id.* at 28.

53. *See id.*

54. *See id.*

3. Penalties of imprisonment for commission of trafficking crimes that are commensurate with those crimes, such as rape, or kidnapping; and
4. A mandate setting forth clear roles and responsibilities for relevant government agencies or ministries, including with respect to inter-ministerial coordination of anti-trafficking policies.⁵⁵

Such formulated laws allow for the justice system to take appropriate action and prosecute crimes effectively.⁵⁶

D. 2026 World Cup Contenders

There are currently two official bids submitted to host the World Cup in 2026; a joint bid between the United States, Canada, and Mexico, and a bid from Morocco.⁵⁷ In the North American bid, 80 of the 100 games will take place in the United States, with 10 games each taking place in Mexico and Canada.⁵⁸ The United States and Canada have the most comprehensive human trafficking laws of the countries bidding to host the 2026 World Cup, while Mexico and Morocco both exhibit insufficient identification and prosecution of human trafficking in their countries.⁵⁹ The following section will evaluate these countries' responses to human trafficking.

1. Canada

Laws. Canada has two Human Trafficking laws: Penal Code Section 279.01 addresses the trafficking of adults, and Section 279.011 addresses the trafficking of minors.⁶⁰ The two laws have the same language, however, the punishments for trafficking minors are more severe.⁶¹ The laws encompass punishment for an individual who “recruits, transports, transfers, receives, holds, conceals or harbors a person, or exercises control,

55. *Id.* at 2.

56. *Id.*

57. *See World Cup 2026: Morocco Confirms It Will Bid to Host Tournament*, BBC (Jan. 23, 2018), <http://www.bbc.com/sport/football/40898920> [<https://perma.cc/T8ES-S2LB>]; *see also* Jeff Carlisle, *U.S., Mexico and Canada Officially Launch Bid to Co-Host 2026 World Cup*, ESPN (Apr. 10, 2017), <http://www.espnfc.us/fifa-world-cup/story/3100808/us-mexico-and-canada-officially-launch-bid-to-co-host-2026-world-cup> [<https://perma.cc/8A3X-FTG9>].

58. Carlisle, *supra* note 57.

59. *See id.*

60. Criminal Code, R.S.C. 1985, c C-46 (Can.), <http://laws-lois.justice.gc.ca/eng/acts/C-46/page-68.html#h-84> [<https://perma.cc/V8R7-3C5U>].

61. *See id.*

direction or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation.”⁶² Punishment in human trafficking cases involving kidnapping, aggravated assault, aggravated sexual assault, or death of a victim range from five to six years imprisonment (for adult and minor victims respectively) to life imprisonment.⁶³ For all other cases, sentences range from a minimum of four to five years (for adult and minor victims respectively) with a maximum sentence of fourteen years.⁶⁴

Additionally, section 279.02 of Canada's Criminal Code makes receiving financing, or other material gains from trafficking, a crime.⁶⁵ Sentences for this crime range from two years to ten years for trafficking adults and fourteen years for trafficking minors.⁶⁶ Finally, section 279.03 of Canada's Criminal Code makes destroying documents to facilitate human trafficking a crime.⁶⁷

Canada is making efforts to further strengthen its laws to combat human trafficking with proposed legislation that would make prosecuting human trafficking cases easier.⁶⁸ The legislation would help prosecutors prove an element of human trafficking—that the perpetrator controlled or influenced the victim's movements.⁶⁹ Canada's laws related to human trafficking are adequately stringent, meeting UN requirements, and the punishments are comparable to other serious crimes in the country.⁷⁰ Overall, these laws adequately allow prosecutors to hold traffickers responsible for the crimes.⁷¹

Overall. Canada has shown dedication towards ending human trafficking, meeting at least the minimum standards in the protection of human trafficking victims, prosecution of perpetrators, and prevention of future cases.⁷²

62. *Id.*

63. *Id.*

64. *Id.*

65. *Id.*

66. *Id.*

67. *Id.*

68. Dept. of Justice Canada, *Government of Canada Introduces Legislation to Strengthen Human Trafficking Laws*, GOV'T OF CANADA (Feb. 9, 2017), https://www.canada.ca/en/departement-justice/news/2017/02/government_of_canadaintroduceslegislation_tostrengthenhumantraffi.html [<https://perma.cc/W3FX-PGB3>].

69. *Id.*

70. U.S. DEP'T OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., *supra* note 10, at 119.

71. *Id.*

72. *Id.*

Although Canada maintains Tier 1 rating and is meeting the minimum standards, for the third consecutive year the country has failed to convict any labor traffickers.⁷³ Canadian prosecutors went forward with cases for 34 alleged labor traffickers but none were convicted.⁷⁴ Furthermore, police charged 107 individuals for human trafficking in 2016, yet no individuals were charged for labor trafficking.⁷⁵ Part of the reason for the absence of labor trafficking charges is the lack of attention and understanding of forced labor trafficking versus sex trafficking in the country.⁷⁶ Additionally, while Canada does still have protection in place for victims, Canada identified fewer victims than in previous years and has limited resources available for victims.⁷⁷

In 2017, the Ontario government announced that \$18.6 million would be divided among 45 different projects to aid survivors and end human trafficking.⁷⁸ Ontario alone accounts for two thirds of Canada's human trafficking cases.⁷⁹

Ontario has also developed a unique strategy to shape the province's future human trafficking policy—a “brain trust.”⁸⁰ The first of its kind in Canada, the trust will consist of victims of human trafficking who will provide input regarding tactics to prevent future human trafficking crimes.⁸¹ The trust is the first of its kind in Canada and aims to better inform authorities of the unique knowledge that these survivors possess regarding human trafficking.⁸²

Recently, in 2017, officers arrested three teenagers after investigating suspicious activity near a vehicle in the Niagara Falls area for sex trafficking.⁸³ Each teen faces eight charges, including trafficking persons under the age

73. *Id.* at 118.

74. *Id.* at 119.

75. *Id.*

76. *Id.*

77. *Id.*

78. Ministry of Children, Community and Social Services, *Ontario Supporting Specialized Services for Human Trafficking Survivors*, ONTARIO (Sept. 28, 2017), <https://news.ontario.ca/mcss/en/2017/09/ontario-supporting-specialized-services-for-human-trafficking-survivors.html> [<https://perma.cc/96VX-DVGP>].

79. *Id.*

80. Sebastien Malo, *Canadian Province Creates First Victim-Led Trafficking 'Brains Trust'*, REUTERS (Aug. 24, 2017), <https://www.reuters.com/article/us-canada-trafficking-victims/canadian-province-creates-first-victim-led-trafficking-brains-trust-id-USKCN1B420H> [<https://perma.cc/T9BL-DMZ6>].

81. *Id.*

82. *Id.*

83. One an adult at 18 years old, and the other two minors, ages 16 and 17 years old. *Teens Charged in Niagara Falls Human Trafficking Case*, CANADIAN PRESS (Oct. 19, 2017, 3:57 PM), <https://globalnews.ca/news/3814206/niagara-falls-human-trafficking/> [<https://perma.cc/5R6M-VVUW>].

of 18.⁸⁴ Other efforts being made in Canada include Operation Northern Spotlight, a nationwide investigation where officers interview sex workers to gain leads on traffickers.⁸⁵ Canadian authorities see the 2017 results as a success—14 arrests and 21 charges—including trafficking in persons.⁸⁶ While these cases deal with sex trafficking as opposed to labor trafficking, they demonstrate Canada's approach and efforts to eliminate human trafficking as a whole.

Canada has expanded efforts in the prevention of human trafficking.⁸⁷ Public Safety Canada (PSC) has made major efforts through the regular publishing of an anti-trafficking newspaper and by issuing annual progress reports.⁸⁸ PSC also hosted a forum for nongovernmental organizations (NGOs) for local governments in Canada to discuss recommendations for training, data collection, outreach, and wrap-around services for victims.⁸⁹

2. Mexico

Laws. Mexico's anti-trafficking laws are contained in the "Law to Prevent and Punish Trafficking in Persons."⁹⁰ The law, passed in 2007, prohibits all forms of human trafficking with penalties ranging from five to thirty years imprisonment.⁹¹ These penalties are equivalent to those imposed for other serious crimes, such as rape, and therefore are sufficiently stringent under TIP standards.⁹² In January of 2017, Mexico reformed the

84. *Id.*

85. Mark Quinn, *Police Defend Human Trafficking Sting Operation*, CBC NEWS (Oct. 18, 2017, 9:00 AM), <http://www.cbc.ca/news/canada/newfoundland-labrador/police-defend-operation-northern-spotlight-1.4360355> [<https://perma.cc/C4QA-6T7Z>].

86. *Id.*

87. U.S. DEP'T OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., *supra* note 10, at 118.

88. *Id.* at 119–20.

89. *Id.* at 120.

90. *See generally* Ley para Prevenir y Sancionar la Trata de Personas [LPSTP], Diario Oficial de la Federación [DOF], 11-27-2007 (Mex.) [<https://perma.cc/4JTK-VDAA>].

91. *Id.*

92. *Id.* art. 6; Código Penal Federal [CPF], art. 265-66, Diario Oficial de la Federación [DOF] 14-08-1931, últimas reformas DOF 21-06-2018 (Mex.), formato HTML, https://docs.mexico.justia.com/federales/codigo_penal_federal.pdf (consultada el 14 de octubre de 2018).

General Victim's law, which created more aid for trafficking victims through a federal fund.⁹³

Overall. In 2017, Mexico did not meet the minimum standards for prosecuting and preventing human trafficking (the country ranked at tier two).⁹⁴ However, Mexico has made increasing efforts towards ending human trafficking since the prior reporting period.⁹⁵

In 2016, Mexico increased efforts by convicting more traffickers than in the previous year, providing aid to victims of human trafficking in Mexico, and raising awareness in the travel and tourism industry.⁹⁶ Furthermore, Mexico recognized that labor trafficking is harder to detect, and therefore inspected working conditions and made informational requests through the Secretariat of Labor and Social Welfare.⁹⁷ Mexico's National Commission of Human Rights (CNDH) explains that currently little funds or resources are allocated at the state and federal level to provide aid and shelter for victims.⁹⁸ Additionally, the CNDH recommends that government labor inspector teams execute more raids on farms to rescue labor trafficking victims.⁹⁹

Yet in Mexico, and worldwide, few traffickers serve prison time. In 2016, 228 people were convicted of trafficking under Mexico's 2012 anti-human trafficking law, an increase from 86 traffickers in 2015.¹⁰⁰ Additionally, the aid that Mexico provided in forms of shelter availability and victim services was neither robust nor widespread enough for the scope of the human trafficking issue in Mexico.¹⁰¹

93. Ley General de Víctimas (LGV) 6, Diario Oficial de la Federación [DOF] 09-01-2013, últimas reformas DOF 03-01-2017 (Mex.), formato HTML, http://www.diputados.gob.mx/LeyesBiblio/pdf/LGV_030117.pdf (consultada el 14 de octubre de 2018).

94. U.S. DEP'T OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., *supra* note 10, at 279.

95. *Id.*

96. *Id.*; *Aeromexico Crews Learning to Detect Signs of Human Trafficking*, VOA NEWS (Dec. 12, 2017), <https://www.voanews.com/a/aeromexico-crews-learning-to-detect-signs-of-human-trafficking-/4161536.html> [<http://perma.cc/A95X-HRWY>].

97. U.S. DEP'T OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., *supra* note 10, at 281.

98. Anastasia Maloney, *Mexico's Indigenous Migrant Workers Risk Enslavement on Farms: Rights Commission*, REUTERS (Dec. 4, 2017), <https://www.reuters.com/article/us-mexico-slavery/mexicos-indigenous-migrant-workers-risk-enslavement-on-farms-rights-commission-idUSKBN1DY2IV> [<http://perma.cc/9CW4-9RT4>].

99. *Id.*

100. U.S. DEP'T OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., *supra* note 10, at 279; Anastasia Maloney, *Seduced into Slavery: How a Mexican Family Became Sex Traffickers*, REUTERS (Nov. 30, 2017), <https://news.trust.org/item/20171130050906-gcj0b/> [<http://perma.cc/9JHJ-EESW>].

101. U.S. DEP'T OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., *supra* note 10, at 279.

A major reason for the decrease in human trafficking cases identified in 2016 is due to a decrease in funding for investigations and prosecutions in Mexico.¹⁰² Under Mexico's human trafficking law, states are required to have their own specialized human trafficking unit; however, some states were simply unable to pay for such a unit.¹⁰³ Furthermore, despite numerous reports of government officials' lack of complicity with human trafficking, the Mexican government performed no investigations into those officials.¹⁰⁴

3. The United States

Law. The United States implemented the Trafficking Victims Protection Act of 2000, which has extensive laws that define trafficking, provide protection for trafficking victims, and outline punishments for traffickers.¹⁰⁵ Situations that are criminalized within the Trafficking Victims Protection Act of 2000 include: conspiracy in relation to human trafficking, benefitting financially from human trafficking, obstructing enforcement in human trafficking, and the use of fraud to recruit foreign workers to work on a government contract.¹⁰⁶ Punishments under these statutes can include life imprisonment, and such penalties are sufficiently stringent according to UN guidelines.¹⁰⁷ Furthermore, over the course of 2017, multiple bills were introduced to Congress, such as the Trafficking Survivors Relief Act, Human Trafficking Accountability Act, and Enhancing Detection of Human Trafficking Act.¹⁰⁸

Overall. During the reporting of April 2016 through March 2017, the United States met all the minimum standards set by the United Nations regarding prosecuting and preventing human trafficking.¹⁰⁹ As a result, the

102. *Id.*

103. *Id.* at 280.

104. *Id.*

105. *See* Victims of Trafficking and Violence Protection Act of 2000, 114 Stat. § 1464 (2000).

106. *Id.*

107. *Id.*

108. Trafficking Survivors Relief Act, H.R. 459, 115th Cong. (2017); Human Trafficking Accountability Act, H.R. 3304, 115th Cong. (2017); Enhancing Detection of Human Trafficking Act, H.R. 2664, 115th Cong. (2017).

109. U.S. DEP'T OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., *supra* note 10, at 415.

United States remained as a Tier 1 country as it has for at least the previous ten years.¹¹⁰

In 2017, as part of the National Johns Suppression Initiative, local authorities worked together nationwide to make arrests consisting of multiple “sting” operations to reduce human trafficking.¹¹¹ Over 1,000 people were arrested in Texas, Washington, and Illinois either trying to buy or sell sex, fifteen of whom face trafficking related charges. Additionally, the Cook County, Illinois Sheriff’s Department is working on creating “a public database that lists sex buyers who are caught for a second or subsequent time.”¹¹²

A similar operation conducted by the FBI—Operation Cross Country XI—which focused on trafficked children, rescued 84 minors and yielded 120 trafficking arrests in 2017.¹¹³ The goal of this operation was to “tak[e] out ‘pimps’ who run human trafficking rings.”¹¹⁴ Yet another nationwide operation, this one with ties to Thailand, resulted in 21 indictments of sex traffickers.¹¹⁵ Agencies worked with the victims to find them housing and additional assistance.¹¹⁶

While these examples address sex trafficking, and this comment is primarily concerned with labor trafficking, these examples demonstrate the United States’ commitment to preventing human trafficking as a whole. In 2012, the California Transparency in Supply Chains Act went into effect, requiring companies headquartered or doing business in California to report the preventative measures they are taking to eliminate human trafficking in their supply chains, or face certain penalties.¹¹⁷ Additionally, the United States is taking a new measure to prevent human trafficking, among other international crimes, which involves sending approximately 2,000 Homeland

110. *Id.*

111. Nicole Chavez, *More Than 1,000 Arrests in Sex Trafficking Operation*, CNN (Aug. 4, 2017), <http://www.cnn.com/2017/08/04/us/sex-trafficking-sting/index.html> [<https://perma.cc/C9QK-PVTQ>].

112. *Id.*

113. Erin Calabrese, Todd Miyazawa & Andrew Kozak, *84 Children Rescued, 120 Human Traffickers Arrested Across U.S., FBI Says*, NBC NEWS (Oct. 18, 2017, 8:56 PM), <https://www.nbcnews.com/news/us-news/84-children-rescued-120-human-traffickers-arrested-across-u-s-n812156> [<https://perma.cc/WDZ5-GBPA>].

114. *Id.*

115. Monica Davey, *21 Across U.S. Are Indicted in ‘Modern-Day Sex Slave’ Ring*, N.Y. TIMES (May 25, 2017), <https://www.nytimes.com/2017/05/25/us/raid-sex-trafficking-thailand.html> [<https://perma.cc/Y7XJ-KS8K>].

116. *Id.*

117. Dr. Bob Eccles, *How Companies Can Lead Fight Against \$150 Billion Human Trafficking Trade*, FORBES (July 18, 2017, 11:10 AM), <https://www.forbes.com/sites/bobeccles/2017/07/18/how-companies-can-lead-fight-against-150-billion-human-trafficking-trade/#32b997e440b7> [<https://perma.cc/2PFH-NW9U>].

Security officers abroad to over seventy countries worldwide to prevent suspicious individuals from boarding planes to the United States.¹¹⁸

Although the United States has made efforts to investigate and prosecute both sex and labor trafficking cases, sex trafficking cases are investigated and prosecuted at a much higher rate than labor trafficking cases.¹¹⁹ However, in 2017, Antonia Marcos Diego and her husband Antonio Francisco-Pablo pled guilty to one count of “document servitude in furtherance of forced labor” and one count of “forced labor”, respectively.¹²⁰ The couple had lured a Guatemalan resident to the United States with promises of a good life, and instead forced her to work and took her wages.¹²¹ Similarly, the Ohio Court of Appeals found sufficient evidence to find a defendant guilty of labor trafficking and kidnapping after detaining two victims with the purpose of forcing them to renovate his home.¹²²

Additionally, The Department of Justice (DOJ) started a labor trafficking initiative in 2016 that enhanced training, intelligence models, and strategic outreach so that labor trafficking is better understood and investigated.¹²³ The Department of Labor (DOL) also improved protocols for detection of possible labor trafficking cases.¹²⁴

The protection the United States provides to human trafficking victims meets the standards promulgated by the United Nations, and the United States increased its efforts to provide additional protection for victims in 2016.¹²⁵ Funding for victim services has significantly increased, allowing the U.S. to provide services to a larger proportion of victims than in previous years.¹²⁶

118. See Ron Nixon, *Homeland Security Goes Abroad. Not Everyone Is Grateful.*, N.Y. TIMES (Dec. 26, 2017), <https://www.nytimes.com/2017/12/26/world/americas/homeland-security-customs-border-patrol.html?mtrref=www.google.com> [<https://perma.cc/92FA-HZDA>].

119. See U.S. DEP'T OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., *supra* note 10, at 415–16.

120. Press Release, U.S. Dep't of Justice, Two Aliens Plead Guilty in Connection with Labor Trafficking Scheme That Targeted Guatemala National for Forced Labor (Dec. 22, 2017), <https://www.justice.gov/opa/pr/two-aliens-plead-guilty-connection-labor-trafficking-scheme-targeted-guatemalan-national> [<https://perma.cc/U7UE-58XC>].

121. *Id.*

122. See *State v. Logan*, 101 N.E.3d 572, 581 (Ohio Ct. App. 2017).

123. See U.S. DEP'T OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., *supra* note 10, at 416.

124. *Id.* at 415.

125. *Id.* at 416.

126. *Id.* at 417.

However, there are some areas in which the United States can improve upon. First, the United States can provide more attention to labor trafficking in the country. NGOs have reported human trafficking occurrences in relation to work-based or other nonimmigrant visas.¹²⁷ The United States is urged by NGOs to separate a migrant's work visa from the worker's employer or sponsor, and to allocate more resources to protecting workers from work recruiters.¹²⁸ Second, while the DOL has increased enforcement activities and labor investigations in various industries including hospitality, landscaping, and agriculture, victims have urged more investigations into the construction industry.¹²⁹

4. Morocco

Laws. As of 2017, Morocco, like Mexico, is ranked at Tier 2.¹³⁰ Morocco has been ranked at Tier 2 since 2015, following a period of being ranked on the Tier 2 watchlist in 2013 and 2014.¹³¹ In August of 2016, Morocco enacted an anti-trafficking law, Law No. 27-14, which prohibits all types of trafficking.¹³² Because of the recent implementation of the law, many of the trafficking cases that were prosecuted during the 2016 reporting period were done so under the country's old laws, which were not nearly as stringent as the new laws recently enacted.¹³³ Those laws, whose punishments ranged from only one to three years, did not meet the international standards.¹³⁴ The new law has adequate penalties in place, ranging from five to thirty years, on par with international standards and similar to those associated with other serious crimes such as rape.¹³⁵ The introduction of the new law is significant progress for Morocco.¹³⁶

Recently, in October of 2017, Moroccan police arrested eight individuals in the city of Oujda for their relations with a criminal network that is involved in human trafficking and kidnapping and smuggling migrants.¹³⁷

127. *Id.* at 419.

128. *Id.*

129. *Id.*

130. *Id.* at 289.

131. *See id.*

132. Law No. 27-14, 6526 *Bulliten Officiel* 1952 (Aug. 25, 2016), <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/103357/125489/F1582466313/MAR-103357.pdf> [<https://perma.cc/5SUM-MCY8>].

133. *See* U.S. DEP'T OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., *supra* note 10, at 289.

134. *Id.*

135. *Id.*

136. *See id.*

137. 8 *Held in Morocco for Human Trafficking, Kidnapping*, EENADU INDIA (Oct. 13, 2017), <http://www.eenaduindia.com/news/international-news/2017/10/13212132/8-held-in-Morocco-for-human-trafficking-kidnapping.vpf> [<https://perma.cc/E6ZV-X78J>].

If Morocco strengthens its vigilance in prosecuting trafficking cases and expands its resources for victims, it would demonstrate a greater commitment to ending human trafficking and be more likely to meet minimum standards for the elimination of human trafficking, thereby putting the country within reach of Tier 1 status.

Overall. Morocco has made significant efforts towards eliminating human trafficking; however, it does not currently meet minimum standards set forth by the UN.¹³⁸ Morocco has been ranked at Tier 2 continuously for the past ten years.¹³⁹

Morocco's new anti-trafficking law, introduced in 2016, prohibits all forms of human trafficking and has appropriately stringent penalties.¹⁴⁰ This change is a significant step in the right direction for Morocco, as it allows law enforcement and prosecutors to do their jobs more effectively. However, there are still major hindrances that are keeping Morocco from meeting minimum standards for eliminating human trafficking, and gaining the ranking of a Tier 1 country. One problem Morocco currently faces is a lack of resources to actively identify victims of human trafficking and investigate potential human trafficking cases.¹⁴¹

Over the course of 2017, Moroccan authorities dismantled over eighty human trafficking networks in the country according to Khaled Zerouali, the Director of Immigration at Morocco's Ministry of the Interior.¹⁴² However, Morocco has yet to officially ratify the "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children," supplementing the United Nations Convention against Transnational Organized Crime.¹⁴³

In late 2017, Morocco began investigating a journalist and human rights advocate, Helena Maleno Garzón, for alleged collusion with human-trafficking

138. U.S. DEP'T OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., *supra* note 10, at 289.

139. *Id.*

140. *Id.*

141. *Id.* at 290.

142. *80 Human Trafficking Rings Thwarted in Morocco in 2017*, MEMO: MIDDLE EAST MONITOR (Nov. 16, 2017), <https://www.middleeastmonitor.com/20171116-80-human-trafficking-rings-thwarted-in-morocco-in-2017> [<https://perma.cc/THW9-Q8NC>].

143. *Study of Human Trafficking*, KINGDOM OF MOROCCO NAT'L HUM. RTS. COUNCIL (last visited Feb. 4, 2018), <http://www.cndh.org.ma/an/studies/study-human-trafficking> [<https://perma.cc/3PB9-5LY7>].

networks.¹⁴⁴ For over ten years, Maleno has alerted both Spanish and Moroccan coastguards about boats carrying migrants that were in distress in the Strait of Gibraltar and the Alboran Sea.¹⁴⁵ Morocco's investigation of Maleno follows a similar investigation in Spain; however, Spain stopped investigating Maleno because there was no evidence of criminal activity.¹⁴⁶ Maleno has received significant support from multiple rights groups and politicians.¹⁴⁷ Maleno's supporters view this investigation of Maleno as more politically driven, because criminalizing Maleno silences a witness of often deadly border surveillance policies.¹⁴⁸

Overall, the introduction of a more detailed law with adequate penalties is progress for Morocco. However, if the government is not actively investigating possible cases of human trafficking and actively seeking out victims, then the new laws will not have as powerful an impact as they should. Furthermore, Morocco should invest less resources in investigating human rights advocates, like Maleno, and invest their resources in legitimate, as opposed to political, human trafficking investigations. Additionally, judicial figures and law enforcement should receive a comprehensive training on the new law's provisions and implications. Knowledge of the law and how to apply the law will make the law more effective.

II. APPLICABLE GOVERNING LAW

The applicable law regarding this issue is divided into two sections: (1) international law, and (2) FIFA's Human Rights Policy.

A. *International Law*

The United Nations established the relevant international law relating to human rights (The Universal Declaration of Human Rights) and human trafficking (The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children).

144. Lorena Gazzotti, *Coming to the Aid of Drowning Migrants? Get Ready To Be Treated like a Criminal*, GUARDIAN (Dec. 20, 2017), <https://www.theguardian.com/commentisfree/2017/dec/20/aid-drowning-migrants-criminal-activists-ngo-witness-brutal-border-policing> [<https://perma.cc/CZV2-7QML>].

145. *Id.*

146. *Id.*

147. *Concern as Spanish Activist Probed for Saving Drowning Migrants*, LOCAL (Jan. 10, 2018), <https://www.thelocal.es/20180110/concern-as-spanish-activist-probed-for-saving-drowning-migrants> [<https://perma.cc/YYF9-JEAF>].

148. *Id.* Maleno's employer has previously challenged authorities to address human rights violations. Gazzotti, *supra* note 144.

1. *The Universal Declaration of Human Rights*

The Universal Declaration of Human Rights (UDHR) was proclaimed by the United Nations General Assembly in 1948 as the standard for all protected, fundamental human rights of all individuals in all countries.¹⁴⁹ Article 23 of the UDHR states:

Everyone has the right to work, to free choice of employment, to *just and favourable conditions* of work and to protection against unemployment . . . to *just and favourable remuneration* ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of *social protection*.¹⁵⁰

Additionally, Article 4 states: “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.”¹⁵¹

2. *Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children*

The United Nations enacted the “Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children” in 2000 as part of the United Nations Convention against Transnational Organized Crime.¹⁵² The Protocol lays out measures that the international community should take as countries of origin, transit, or destination to prevent trafficking, punish traffickers, and protect victims.¹⁵³

Evaluating the laws enacted by a country is important when deciding if the country should host the World Cup because enacted laws outline the country's ability to effectively identify and punish human trafficking, a crime that can easily occur when laws or law enforcement are lenient in a country. When construction projects that require extensive labor, such as the World Cup, are introduced in environments that are ineffectively tackling human trafficking, a trafficking situation will likely further manifest with little consequence.¹⁵⁴ The situations in Russia and Qatar are prime examples of countries that were inadequately identifying and punishing

149. G.A. Res. 217 (III) A, Universal Declaration of Human Rights (Dec. 10, 1948).

150. *Id.* (emphasis added).

151. *Id.*

152. G.A. Res. 55/25, annex II, Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Nov. 15, 2000).

153. *Id.*

154. See discussion *supra* Section I.A.

human trafficking and, consequently, such issues progressed significantly when the infrastructure for the World Cup was being built.¹⁵⁵

B. FIFA Human Rights Policy

In May of 2017, FIFA released its first Human Rights Policy, which shows a new commitment to human rights.¹⁵⁶ The policy commits FIFA “to respecting human rights in accordance with the UN Guiding Principles on Business and Human Rights (UNGPs).”¹⁵⁷ FIFA acknowledges that labor rights are a “salient human rights risk” for itself and commits itself to upholding “the principles enshrined in the eight core International Labour Organization conventions.”¹⁵⁸

Additionally, FIFA commits to following the higher standard “[w]here national laws and regulations and international human rights standards differ or are in conflict with each other.”¹⁵⁹ FIFA intends to implement its plan with a four pillar approach: (1) commit and embed, (2) identify and address, (3) protect and remedy, and (4) engage and communicate.¹⁶⁰ FIFA’s foundational and operational principles are shaped by the UNGP’s general principals.¹⁶¹ One of note is “the need for rights and obligations to be matched to appropriate and effective remedies when breached.”¹⁶²

III. LEGAL ANALYSIS

In order to find a better solution for victims of World Cup related labor trafficking, reviewing a victim’s current legal recourse is important, as is reviewing FIFA’s current human rights protocol. This section will first review the issue of venue, then analyze FIFA’s human rights policy, and finally offer suggestions to FIFA to better prevent human trafficking in relation to the World Cup.

155. See discussion *supra* Section I.A.

156. FIFA, FIFA’S HUMAN RIGHTS POLICY 5 (2017), https://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/12/fifashumanrightspolicy_neutral.pdf [<https://perma.cc/F54C-JM78>].

157. *Id.*

158. *Id.* at 6.

159. *Id.* at 7.

160. *Id.* at 8–9.

161. See generally U.N. Human Rights Office of the High Commissioner, Guiding Principles on Business and Human Rights, U.N. Doc. HR/PUB/11/04 (2011) [hereinafter U.N. Guiding Principles].

162. *Id.*

A. Venue Selection: Finding Legal Justice for Victims

Holding FIFA accountable for human trafficking is difficult. As seen in the FNV lawsuit, FIFA is technically not violating any Swiss laws,¹⁶³ nor are they violating laws in the host countries.¹⁶⁴ An additional legal avenue that could be pursued, but would likely be unsuccessful, is the World Trade Organization. The World Trade Organization, a global governance institution, oversees the rules of trade between nations.¹⁶⁵ However, this is likely an improper venue for two reasons: (1) FIFA does not contract with the developers to build the infrastructure, the host country does; and (2) the WTO asserts that better working conditions and improved labor rights develop through an increased economic growth, not sanctions.¹⁶⁶ Therefore, finding a court that can legally rule on a suit against FIFA regarding the labor trafficking that occurs within the World Cup is difficult, if not nearly impossible.

The host countries themselves are the best remedial source for a victim of World Cup related labor trafficking. However, even though the United Nations sets standards for all countries to adhere to with regards to human rights and human trafficking, not all do. This is why selecting a country that can adequately identify and protect victims of labor trafficking and prosecute perpetrators is paramount to the protection of victims. Under the current system, where FIFA has selected host countries that are ill prepared to identify and prosecute labor trafficking, victims are left with no remedy.

B. Evaluation of FIFA's Human Right's Policy

FIFA's implementation of its Human Rights Policy in 2017 is in large part due to the public scrutiny FIFA received after poor labor conditions in Qatar and Russia. This Human Rights Policy is fairly general, and FIFA should implement more concrete plans and goals to truly honor human

163. FIFA is headquartered in Switzerland. *Frequently Asked Questions*, FIFA, <https://www.fifa.com/faq.html> [https://perma.cc/X33C-72LQ] (last visited Mar. 12, 2018).

164. See discussion *supra* Section I.A.3.

165. *What is the WTO?*, WORLD TRADE ORG., https://www.wto.org/english/thewto_e/whatis_e/whatis_e.htm [https://perma.cc/2JLP-W5F8] (last visited Mar. 12, 2018).

166. *Top 10 Reasons to Oppose the World Trade Organization? Criticism, Yes . . . Misinformation, No!*, WORLD TRADE ORG., https://www.wto.org/english/thewto_e/minist_e/min99_e/english/misinf_e/03lab_e.htm [https://perma.cc/2JLP-W5F8] (last visited Mar. 12, 2018).

rights. This Comment will review each section of FIFA’s four-pillar approach which FIFA plans to implement in its new commitment to human rights.

1. Commit and Embed

In Pillar 1, FIFA commits itself to “upholding its human rights responsibilities and tak[ing] measures to embed respect for human rights” within its administration.¹⁶⁷ FIFA plans to “actively communicate” this responsibility internally and externally.¹⁶⁸ FIFA also explains that it will “set up the necessary internal structures . . . adapt internal codes . . . and embed respect for human rights in all of its relationships.”¹⁶⁹ However, FIFA is silent as to what these necessary internal structures are and what changes need to be made to its internal code. FIFA should explicitly detail what internal structures are changing and how they are changing. Doing so will create transparency and accountability within the organization, both of which will fuel positive and effective change.

2. Identify and Address

In Pillar 2, FIFA attempts to identify how its activities impact human rights and address these risks through “adequate prevention and mitigation measures.”¹⁷⁰ FIFA claims to participate in risk assessments and “encourages” entities directly related to organizing the FIFA competitions, confederations, member associations, commercial affiliates, and entities in its supply chain to “do the same.”¹⁷¹ FIFA also states that it sometimes requires these entities to identify human rights issues “where appropriate.”¹⁷² However, FIFA does not clarify when is it “appropriate” for FIFA to require these entities to identify human rights issues. Moreover, mere identification of human rights issues will not effectuate change. FIFA should require, not suggest, that the entities not only identify, but also have processes in place to prevent and mitigate any labor trafficking concerns that arise. FIFA, in a position of influence, should always find the identification and mitigation of labor trafficking appropriate in these entities that are directly related to FIFA’s competitions.

There is no information provided about how FIFA identifies what is a risk regarding human rights, nor how FIFA plans to remedy risks. Similarly, this lack of information is not only lacking in clarity and transparency, but

167. FIFA, *supra* note 156, at 8.

168. *Id.*

169. *Id.*

170. *Id.*

171. *Id.*

172. *Id.*

also does not create an effective plan for change. As one of the largest and most influential sporting institutions in the world, this is simply not enough to effectuate the change which FIFA wishes to accomplish, and more is therefore needed.

3. *Protect and Remedy*

In the third pillar, FIFA commits to helping those who advocate respect for human rights associated with FIFA's activities, and "providing remedy to individuals who have been adversely affected by activities associated with FIFA."¹⁷³ FIFA intends to consider internal, external, local, and international "mechanisms" in conjunction with the UNGP's guide for non-judicial grievance mechanisms.¹⁷⁴ Finally, FIFA will require host countries to create "competent and independent bodies" that will review human rights complaints regarding the tournament organization.¹⁷⁵

FIFA now requires host countries guarantee compliance with human rights and labor standards provided by the government, and that contractors conducting construction and renovation for the World Cup abide by these standards.¹⁷⁶ However, FIFA only *requests* each government involved in the World Cup "express its commitment to ensuring that access to effective remedies [are] available where such rights violations occur, including judicial and non-judicial complaint mechanisms with the power to investigate, punish and redress human rights violations."¹⁷⁷

Realistically, implementing such remedies for victims in a country that is not already effectively identifying and prosecuting human trafficking crimes would be difficult and not likely successful. Morocco is an example of a country that has recently introduced changes to its trafficking laws and has experienced some difficulty with implementation.¹⁷⁸ However, regardless of the effectiveness of FIFA's request, the issue is essentially

173. *Id.* at 9.

174. *Id.*

175. *Id.*

176. FIFA, GUIDE TO THE BIDDING PROCESS FOR THE 2026 FIFA WORLD CUP, <https://img.fifa.com/image/upload/hgopyqftviladnm7q90.pdf> [<https://perma.cc/7DTH-BYLP>] [hereinafter FIFA GUIDE TO BIDDING PROCESS].

177. FIFA, OVERVIEW OF GOVERNMENT GUARANTEES AND THE GOVERNMENT DECLARATION 11–12, http://resources.fifa.com/mm/document/affederation/administration/02/91/59/80/20170914_governmentguarantees_17-03136_101_en_en_neutral.pdf [<https://perma.cc/J5P7-T8DB>].

178. *See* discussion *supra* Section I.D.4.

irrelevant because FIFA is only making a request. Based on this language, a host country does not need to express commitment to implementing remedies to human rights, let alone even offer them.

Additionally, FIFA intends to merely *consider* strategies to relieve these victims.¹⁷⁹ The UNGP’s guide for non-judicial grievance mechanisms explains that such a mechanism can only be effective if the people who it is intended to serve *know* about it.¹⁸⁰ The likelihood of human trafficking victims knowing about a grievance mechanism that FIFA is merely contemplating, and has not even put into place, is highly unlikely.

In order to prevent trafficking and ensure that victims have access to proper remedies, FIFA should only consider countries that receive a Tier 1 ranking on the TIP report. Additionally, FIFA should take it upon itself to not only investigate claims of human rights violations, but to actively monitor work sites.

4. Engage and Communicate

In the fourth pillar, FIFA promises to engage with stakeholders and communicate “regularly and transparently” with both them and the general public regarding its efforts to respect human rights.¹⁸¹ It further promises to work with an “independent, expert Human Rights Advisory Board . . . on a regular basis.”¹⁸² FIFA also plans to create reports regarding human rights efforts in relation to specific FIFA events.¹⁸³

Again, FIFA’s policy is general, and neither detail how frequently FIFA plans to communicate with stakeholders, nor the general public, nor the Human Rights Advisory Board. Furthermore, FIFA does not explain which human rights issues it is planning on reporting, nor which rights it finds to be most relevant to FIFA and their current operations. However, FIFA has since produced a document titled Guide to the Bidding Process for the 2026 FIFA World Cup, which does detail their efforts to respect human rights and prevent labor trafficking at the 2026 World Cup.¹⁸⁴ A commitment to human rights is a key principle in the reformed bidding process and will be respected in accordance with the United Nations’ Guiding Principles

179. FIFA, *supra* note 156, at 9.

180. See U.N. Guiding Principles, *supra* note 161, at 34.

181. FIFA, *supra* note 156, at 9.

182. *Id.*

183. *Id.*

184. *FIFA Publishes Guide To Bidding Process for the 2026 FIFA World Cup*, FIFA (Nov. 7, 2017), <http://www.fifa.com/about-fifa/news/y=2017/m=10/news=fifa-publishes-guide-to-bidding-process-for-the-2026-fifa-world-cuptm-2916170.html> [<https://perma.cc/VGE2-2FDD>]; *FIFA GUIDE TO BIDDING PROCESS*, *supra* note 176.

on Business and Human Rights.¹⁸⁵ In doing so, FIFA will require the implementation of human rights and labor standards by bidding member associations, the government, and those entities that are working to create the World Cup's infrastructure.¹⁸⁶

FIFA is requiring that the government of the host country assume liability for safety and security incidents, while again considering international human rights standards.¹⁸⁷ This new requirement, which illustrates FIFA passing the responsibility for human rights standards to the host countries, also emphasizes the need for the host country to have an already established system, which effectively identifies and prosecutes human trafficking. Selecting a TIP Tier 1 country will mean that the country can meet these standards.

Ultimately, while FIFA is now doing more to further protect against labor trafficking, as a globally respected governing athletics body, it should take a stronger stance and require that bidding countries meet TIP Tier 1 requirements in order to host the World Cup. Doing so would ensure that the host country is already effectively identifying and prosecuting human trafficking.

C. Recommendations for FIFA

This Comment proposes two separate recommendations for FIFA: first, changes that FIFA can make to better protect and prevent labor trafficking; and second, which bid FIFA should select for the 2026 World Cup based upon the country's human trafficking laws.

1. Changes for FIFA

FIFA should clarify the ambiguities in its human rights policy and commit to a proactive approach in protecting migrant workers, who often build the infrastructure for the World Cup. While FIFA has based its human rights policy on the UN Guiding Principles on Business and Human Rights (UNGPs) and the principles of the International Labour Organization conventions, FIFA arguably has a history of not meeting such qualifications.¹⁸⁸ This is evidenced by the labor issues in Qatar and Russia, and human

185. FIFA GUIDE TO BIDDING PROCESS, *supra* note 176.

186. *Id.*

187. *Id.*

188. See discussion *supra* Section I.A.

trafficking concerns that occurred during the World Cups in both Brazil and South Africa.¹⁸⁹

When drafting a human rights policy for a corporation, or similar entity, the entity should create a code that is specific, strictly implemented, and monitored.¹⁹⁰ Currently, FIFA's Human Rights Policy is not specific enough to be effective. Part of implementing such a code includes clear criteria, time frames, and types of sanctions that will be implemented if the policy is not met.¹⁹¹ This level of specificity ensures that the human rights policy is implemented properly. If FIFA's new human rights policy is not implemented properly, it will have little value.

The Office of the High Commissioner for Human Rights (OHCHR) has created a list of components to consider when implementing a human rights policy. These include:

- a) Conducting human rights impact assessments;
- b) Integrating human rights policies throughout the organization;
- c) Establishing metrics for tracking human rights performance;
- d) Communicating results of human rights performance; and
- e) Engaging in effective remediation measures in the event of a human rights violation.¹⁹²

FIFA should rewrite their human rights policy with these components in mind.

In structuring their Human Rights Policy, FIFA has relied on the Guiding Principles on Business and Human Rights, which outlines a corporation's responsibility to respect human rights through principles and commentary.¹⁹³ However, FIFA should also rely on the Dhaka Principles for Migration with Dignity.

The Dhaka Principles are an authoritative document for companies to rely on while incorporating policies and practices for prevention of human trafficking.¹⁹⁴ Created by the Institute for Human Rights and Business,

189. Brazil faced issues with child sex exploitation and sex trafficking, *See* Chiru Murage, *The True Cost of Brazil's 2014 World Cup*, HARV. C. HUM. RTS. REV. (Oct. 11, 2015), <http://harvardcollegehumanrightsreview.com/journal/2015/10/11/the-true-cost-of-brazils-2014-world-cup> [<https://perma.cc/83Q4-TFFT>]. South Africa similarly faced issues with sex trafficking, *see* Chandre Gould, *Moral Panic, Human Trafficking and the 2010 Soccer World Cup*, 85 AGENDA: EMPOWERING WOMEN FOR GENDER EQUALITY 31, 31 (2010).

190. Ans Kolk & Rob van Tulder, *The Effectiveness of Self-Regulation: Corporate Codes of Conduct and Child Labour*, 20 EUR. MGMT J. 260, 260 (2002).

191. *Id.* at 264.

192. U.N. Guiding Principles, *supra* note 161, at 17.

193. *See generally id.*

194. TIFFANY ROBERTSON, ADDRESSING MODERN SLAVERY IN GLOBAL SUPPLY CHAINS 4, <http://thomsonreutersfinancial.lookbookhq.com/c/AddressingModernSlavery> [<https://perma.cc/B48V-Y6WU>].

the leading think tank on human trafficking,¹⁹⁵ the Dhaka Principles outline a checklist for employers to use to ensure fair treatment of migrant workers.¹⁹⁶

The checklist revolves around two core principles: equal treatment and equal protection of employment law.¹⁹⁷ The checklist has ten steps:

1. No fees are charged to migrant workers;
2. All migrant worker contracts are clear and transparent;
3. Policies and procedures are inclusive;
4. No migrant workers' passports or identity documents are retained;
5. Wages are paid regularly, directly, and on time;
6. The right to worker representation is respected;
7. Working conditions are safe and decent;
8. Living conditions are safe and decent;
9. Access to remedy is provided;
10. Freedom to change employment is respected, safe return guaranteed.¹⁹⁸

This list, if followed, should ensure a migrant workers' rights; however, the list is based on the core value of equal protection of employment law of the specific country that they are working.¹⁹⁹ This problem relates back to the issue faced in Qatar with the construction of World Cup facilities since migrant workers were not protected under Qatar's laws.²⁰⁰ This further supports the assertion that FIFA should only select countries to host the World Cup if it has a Tier 1 rating.

FIFA should require a host country to have a Tier 1 rating to host the World Cup because those countries are the ones best equipped to identify and prosecute human trafficking. Even now, while FIFA has made a positive change with the implementation of its human rights policy and a more transparent bidding process, FIFA has ultimately not committed itself to much that will actually make a tangible difference regarding the forced labor that often goes into the construction of major sporting events. FIFA

195. *About IHRB*, INST. FOR HUM. RTS & BUS., <https://www.ihrb.org/about/about-home/> [<https://perma.cc/Y8XX-T5XH>].

196. *Dhaka Principles Dashboard*, INST. FOR HUM. RTS & BUS., <https://www.ihrb.org/dhaka-principles/> [<https://perma.cc/R6TW-SJY9>].

197. *Id.*

198. *Id.*

199. *See id.*

200. Booth & Kelly, *supra* note 23.

makes this clear by passing liability to host countries and not implementing any remedies of its own for victims. Passing this liability to Tier 1 countries, countries that are already meeting international standards for the prevention, identification, and prosecution of human trafficking, lessens the likelihood that such problems will arise during development of the World Cup.

2. 2026 World Cup Bid Selection

Between the North American joint bid and the Moroccan bid, FIFA should select the North American bid because of the United States and Canada's Tier 1 status. The Tier 1 status suggests that these countries are the ones most equipped to handle any human trafficking (labor or sex) that may arise from the construction of facilities and the actual World Cup itself.

Of the countries discussed, the United States is best equipped to prevent and prosecute human trafficking within its borders. The United States actively investigates human trafficking cases and prosecutes both sex trafficking and labor trafficking crimes.²⁰¹ This is evidenced by the multiple "sting" operations, including the National Johns Suppression Initiative and Operation Cross Country XI, both of which were conducted in 2017.²⁰²

The United States has both local governments and the federal government actively working to stop human trafficking. Additionally, the United States has placed Homeland Security officers internationally to proactively prevent human trafficking from even reaching the United States' borders.²⁰³ Although the United States investigates and prosecutes sex trafficking cases at a greater rate than labor trafficking, by establishing the labor trafficking initiative in 2016, the United States exhibits a commitment to preventing such crimes from occurring.²⁰⁴ Furthermore, trafficking crimes that do occur in the United States are being prosecuted with sufficiently stringent laws that meet the international standards set forth by the United Nations. Finally, the United States has systems in place to provide relief to trafficking victims with plans to increase these resources in years to come.²⁰⁵

All of these elements provide the United States with a strong foundation to handle trafficking concerns that are related to the World Cup. The United States has already acknowledged and began advancing areas of improvement, making it the most prepared country to host the 2026 World Cup in regards to human trafficking prevention. The United States makes the North American Bid a strong one.

201. See discussion *supra* Section I.D.3.

202. See discussion *supra* Section I.D.3.

203. See discussion *supra* Section I.D.3.

204. See discussion *supra* Section I.D.3.

205. See discussion *supra* Section I.D.3.

Canada, like the United States, also has a Tier 1 Ranking, and therefore further strengthens the North American bid. Like the United States, Canada is actively conducting nationwide operations as well as investigations carried out by local authorities to stop human trafficking as evidenced by Operation Northern Spotlight and the Niagara Falls investigation, both which took place during 2017.²⁰⁶ Furthermore, Canada's laws successfully meet the UN requirements.

Canada is also taking multiple precautions to better identify human trafficking and aid its victims.²⁰⁷ Preventative measures include publishing a regular anti-trafficking newspaper, issuing annual progress reports, and creating a forum for local governments and NGOs to discuss data collection, outreach, and other human trafficking issues.²⁰⁸ Finally, the local government in Ontario, where most of the country's human trafficking issues are concentrated, plans to contribute \$18.6 million to different projects that aid survivors and is developing a new way to identify human traffickers by talking to human trafficking survivors.²⁰⁹

Canada's commitment to ending human trafficking is evidenced through these new measures that the country is implementing and is ultimately what sets the country apart from countries that are ranked at Tier 2 or below.

Regardless of their lack of prosecution of labor trafficking in 2016, Canada is comparatively effective in identifying and prosecuting human trafficking relative to other nations. Furthermore, Canada is working to increase labor trafficking prosecution through recent efforts to raise awareness of labor trafficking and implementing new training for officers.²¹⁰ Following the United States, Canada is the next most qualified country, both in the bid and generally, prepared to prevent and prosecute human trafficking. Although Canada, independently, would be a strong choice to host the FIFA World Cup, the fact that Canada has entered into a joint bid with the United States only strengthens the North American bid.

Mexico, ranking as a Tier 2 country, is the least-equipped country of the North American bid to handle the increased human trafficking issues that are likely to occur as a result of hosting the World Cup. As a Tier 2 country, Mexico shows more instability in preventing and prosecuting human trafficking. These issues appear to stem from a lack of available

206. See discussion *supra* Section I.D.1.

207. See discussion *supra* Section I.D.1.

208. See discussion *supra* Section I.D.1.

209. See discussion *supra* Section I.D.1.

210. See discussion *supra* Section I.D.1.

finances to investigate and prosecute human trafficking and provide aid to victims.

While each state in Mexico is required to have its own human trafficking unit, many states were unable to pay for these units due to a decrease in funding for investigations and prosecutions from the government. This in turn has resulted in less cases prosecuted, investigated, and an overall less successful approach to eliminating human trafficking in the country. Mexico also struggles with corrupt officers and public officials, and complicity in human trafficking.²¹¹ Although there appears to be greater reporting of sex trafficking in the country, Mexico's National Human Rights Committee (CNDH) has admitted that labor trafficking is more difficult to detect.²¹² Ultimately, because Mexico has experienced minimal success in investigating and prosecuting sex trafficking cases, it is unlikely that Mexico would succeed in handling labor trafficking concerns that may arise with construction projects related to the World Cup.

Nevertheless, because of the logistics of the North American bid, the North American bid is a stronger bid in terms of human trafficking prevention than the Moroccan bid. Between the United States and Canada, ninety percent of the World Cup games will be played in Tier 1 countries.²¹³ Only ten percent of the World Cup games will be played in Mexico.²¹⁴ This means that the majority of the facilities and infrastructure that would need to be built to prepare for the tournament would occur in countries best prepared to handle potential human trafficking. Additionally, most of the infrastructure needed to host a World Cup tournament in these North American countries are already built, further reducing the risk of labor trafficking in these areas.

In contrast to the North American bid, Morocco's ability to address human trafficking concerns as a Tier 2 country, and without any Tier 1 country support, makes the selection of this bid a problematic choice for the World Cup. While Morocco has made significant progress with the implementation of a 2016 law aimed at eliminating human trafficking, ultimately the country still experiences difficulties with investigating, preventing, and providing relief for victims of human trafficking.²¹⁵ Additionally, Morocco has yet to officially ratify The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United

211. See discussion *supra* Section I.D.2.

212. See discussion *supra* Section I.D.2.

213. See discussion *supra* Section I.D.

214. See discussion *supra* Section I.D.

215. See discussion *supra* Section I.D.4.

Nations Convention against Transnational Organized Crime, suggesting that human trafficking is not a pressing concern for Morocco.²¹⁶

Furthermore, Morocco has recently been investigating a human rights activist, known by many for her work with refugees, for collusion with human trafficking networks.²¹⁷ Such a use of limited funds on an investigation that is more arguably rooted in politics than in human trafficking investigation is difficult to justify. While Morocco dismantled over eighty human trafficking networks in the country and has implemented a new human trafficking law that meets standards put in place by the UN, the country simply does not seem as capable of managing human trafficking concerns as the United States and Canada.²¹⁸

Although it is possible that Morocco could meet these standards before the World Cup in 2026, these ideally should be in place earlier in time for the construction of World Cup facilities and infrastructure when labor trafficking would likely occur. Additionally, law enforcement and judicial officials that are fully versed in the law and its implementation are important before an event that would require major construction and labor work such as the World Cup. Also important to remember is that the Moroccan bid would require more construction of infrastructure than the North American bid, in terms of stadiums, airports, and accommodations. These constructions are more likely to lead to issues with labor trafficking.

Ultimately, the North American bid is the most responsible decision for FIFA in terms of protecting human rights and reducing human trafficking.

IV. CONCLUSION

The implementation of FIFA's human rights policy in 2017 shows some support for prevention of labor trafficking and other human rights concerns that are related to the World Cup and other major sporting events. However, the policy is not clear in providing a timeline of implementation. Additionally, the policy is lacking in clarity as to how sanctions will be implemented for countries or employers that may not abide by internationally accepted humane practices. FIFA should take on a stronger role in the prevention of human trafficking.

FIFA can do this not only through proper implementation of its human rights policy, but also by requiring bidding host countries to meet Tier 1

216. See discussion *supra* Section I.D.4.

217. See discussion *supra* Section I.D.4.

218. See discussion *supra* Section I.D.4.

requirements. Only selecting Tier 1 countries would ensure that the country hosting the World Cup is one that is best equipped to deal with the influx of human trafficking issues. Furthermore, setting stricter criteria may encourage other countries to reevaluate and improve upon their current human trafficking and labor laws.