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**CHILD SEXUAL EXPLOITATION AND
MEGA SPORT EVENTS ON THE SOCCER
NATION**

The 2014 World Cup in Brazil and FIFA's Accountability: lessons for the
future

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ABSTRACT

The FIFA World Cup is seen as a global celebration of soccer, but its impact on host nations can be far more complex and troubling. In 2014, Brazil hosted the World Cup, and with it came widespread human rights violations, especially against vulnerable children. In this research, our focus is Child Sexual Exploitation in Brazil during the World Cup. First, we will delimit the legal framework around child protection. Following, we will contemplate the Brazilian social context, the specialty of children's reality and the facts we have on the World Cup. Working with the concept of mega sport events, we delve into the intricate relationship between FIFA, the governing body of soccer, and Brazil, the host nation. Using the UN Guiding Principles on Business and Human Rights as a framework, together with all the relevant international instruments, this study explores FIFA's responsibility for the human rights violations that occurred in Brazil, what it did wrong, what it should have done, the steps it now must take, and the possibility of holding the body accountable. We finalise briefly observing the current international scenario, what we have accomplished and the much we still need to develop. This research brings a question: are we going to accomplish the prevention of human rights violations in the 2026 World Cup?

Keywords: Accountability; World Cup; Child Sexual Exploitation; Mega Sport Events

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Child Sexual Exploitation and Mega Sport Events on the Soccer Nation: The World Cup in Brazil and FIFA's Accountability

1. Introduction

The 2014 World Cup feels like yesterday.

At least that is how we, Brazilians, think about it. That fateful 8th of July will never be forgotten. The seven-by-one loss, in our own country, has made it to the worst memories of the country that calls itself the soccer nation. The green and yellow streets turned grey again, and we followed with our lives a little less happy.

Or a lot less happy, depending on who you are.

'World Cup for whom?' the people cried on the streets, followed by the even louder 'There will not be a Cup.' But how come Pelé's sons and daughters are looking with such negative eyes at the greatest football event in the world?

The secret lies in its social costs. Marked by great vulnerabilities, poverty, food insecurity, and a general lack of protection of human rights, the country embraced a mission: transform itself into a place worthy of the World Cup. Worthy of FIFA. When we ask for whom is the World Cup, we have in mind the countless individuals who were expelled from their homes. We think about the money that disappeared from social actions, draught by the construction workers, or lost in corruption. If one can go without the other.

It was 2022 and the World Cup would happen in Qatar. We are all deeply moved by the vast number of human rights violations that are being reported. The world has its eyes on FIFA. One must be wondering how a joyful event became a regretful business. But is it really a surprise? It is not the first time that it has been reported that FIFA and the World Cup have been involved in human rights violations. It goes back even before the Brazilian World Cup and its displacements. Daniela Heerdt (2021, p. 46) states that there is a structural problem inherent to the organization of mega sport events. What can this problem be? If the host countries are changing and the problem remains, we must look at the common factor: FIFA and its process of choosing, modelling, and delivering the event.

We find our next question: what is it that happens in the mega sport event lifecycle that reflects such unfortunate violations of human rights? It is important that we observe all

the agents involved in the process and the relationships that are established between them. It is undeniable that FIFA is a multinational force. The world has always seen the possibility of hosting the World Cup as a key to development, attracting tourists, to gaining money and international status. By 2014, Brazil was thrilled to host the World Cup. And with such strong will, many promises were made to FIFA. It was then that the violations began. Under the power of FIFA's control of the bidding process, Brazil laid down its laws and democratic representation. The bed was made, and FIFA laid on it.

However, can we blame only the country for its breach of rights? Shouldn't we be looking at the power exerted by the sport governing body? You will find along this research that we not only can, we must. In this research we will elaborate on how we cannot accept that such a traditional Western force comes to a developing country, brings with it mega tourism and its negative consequences, mega constructions and its social costs, and just leaves without being accountable for the damage left behind. Accountability must prevail. As must redressing.

Using the UN Guiding Principles on Business and Human Rights, this research builds the argument that FIFA should have done better and is also responsible for the violations that happened in the country before, during, and even after the Cup.

As mega sport events exacerbate existing human rights issues, it is not a surprise that our children, being more vulnerable due to their special conditions, suffered the impact greatly. Children, that so usually are relegated to the side of the conversation suffered and still suffer the nefarious consequences of an event that should have brought them hope and happiness. Some of them went through displacements, child labour, and many other sufferings.

It must not come as a surprise for the association that its responsibility over breaches of human rights is being discussed. FIFA was called to attention for the violations connected to it. Since then, the sport governing body has developed a human rights policy that is going to reflect, for the first time in an event of the same proportion, in the 2026 men's World Cup. This research comes to remind us all of the mess FIFA has left behind all these years, so we can compare it with the promise of the future they make. Is the new policy working as it is supposed to? Have the violations at least diminished in number? For that, we must trace the scenario of the 2014 World Cup and all the misfortunes that happened. This research will

discuss the horrible violation that is child sexual exploitation, and how can FIFA be held accountable for it.

In order to do that, through literature and data view, we start with a chapter on childhood, vulnerability, and sexual exploitation, drawing the lines of the concepts we are to follow. The following chapter focuses on mega events and child sexual exploitation, how one can influence the other, especially in the Brazilian context. In the next chapter, we discuss the 2014 World Cup data and the lack of it. Finally, in the last chapter we answer the question: can FIFA be held accountable?

We finalise with a brief look at the current mechanisms to protect human rights in the sports context, we return to the reflection that will be left for future research: The future of our world has been tremendously impacted by the 2014 World Cup, and we can only hope that the future World Cup, the 2026 edition might be different.

2. Childhood, Vulnerability and Sexual Exploitation

2.1. Childhood and Vulnerability

The first challenge this research faces is how to define what is a child. Sure enough, the legal definition is quite simple, but the real question is how we came to understand childhood the way we do today. Was it a medical, sociological, or psychological decision? It cannot be said that childhood, as we internationally defined it, has been the same throughout the centuries and cultures. In fact, still today we struggle to incorporate and assimilate the different conceptions of child and childhood in our treaties, politics, and international relations.

Badinter, in *L'Amour en Plus* (1980), when analysing the illuminist Encyclopédie concludes that at the time: The power, more parental than strictly paternal, now is founded in the weakness of the child, “incapable to look after, itself, for its own safeguarding” (Badinter, 1985, p. 162)¹. The author also explores Rousseau’s *Du Contrat Social* (1762) and observes that, for the illuminist: the child is, therefore, a potential free creature, and the father's true role is to make the updating of this still dormant freedom possible (Badinter, 1985, p. 169)².

About the understanding of childhood, Philippe Ariès, in his *L'Enfant et la Vie Familiale Sous l'Ancien Régime* (1973) explores, using the history of art as background, how

¹ Free translation from Brazilian 1985's edition

² Free translation from Brazilian 1985's edition

we went from understanding children as mere “small” adults, to recognising their particularities, the important role of education and to feel towards them the feelings of care we observe today (Ariès, 1986, pp. 9–12). Even though Ariès’ thesis received intense criticism, there seems to be a consensus about the idea that if modernity did not “discover the childhood”, it at least built the modern childhood (Sarmiento, 2009, p. 23)³. On a similar note, Sandra Carli (2011, p. 13) observes that we need to analyse the range of available identities in the historical period so we can understand children as analytical constructions. Monteiro (2010, p. 13), when dividing history of the childhood into three phases of analyses, observed that in the last, the recognition phase, we recognize the children as subjects with the same dignity and rights as adults, and even more rights, due to their immaturity, vulnerability, dependence and development needs. We can observe a historical crescendo of the idea that children are independent and of childhood and its vulnerability as a social construction of our time.

This research could not find a precise description of why we consider children to be vulnerable, but some mentions of the process of development are made in the literature. Winnicott, in his book *The Family and Individual Development* (1965), observes that individuals are created, go through the process of development, and then become mature beings, and that our goal is to provide a safe environment for all children to develop and to become members of the society (Winnicott, 2005, p. 30). Even though today we understand children as being members of society on their own merit, we still understand the role of society in providing a space for children to develop. The author also mentions adolescence, saying it is a moment that must be lived, as it is marked by personal discoveries (Winnicott, 2005, p. 115).

The Organization for Economic Cooperation and Development (OECD) defines:

Child vulnerability is the outcome of the interaction of a range of individual and environmental factors that compound dynamically over time. Types and degrees of child vulnerability vary as these factors change and evolve. Age, for example, shapes children’s needs while also exposing them to potential new risks. Infants, who are completely dependent and require responsive and predictable caregiving, are particularly sensitive to parents’ health and material deprivation. Young children under three years old are especially affected by family stress and material deprivation

³ Free translation from Brazilian 2021’s edition

because of the rapid pace of early brain development. Young children can benefit from early childcare and education (ECEC) interventions and time away from the home environment. The independence of older adolescents makes them more susceptible to opportunities and risks in the community, making the presence of supportive adults, school quality, and local economic opportunities important for well-being (OECD, n.d.)

UNICEF's Brazilian website argues that, because children are still developing, they are more vulnerable than adults to precarious conditions, like poverty, inadequate housing and nutrition, and many other factors (UNICEF, n.d.-b). Similarly, the United Nations High Commissioner for Refugees explains that children are more vulnerable than adults in situations of forced displacement because of their age, social status, and physical and mental development (UNHCR, n.d., p. 2).

Finally, the United Nations Convention on the Rights of the Child states that children need special care and protection due to their physical and mental immaturity (*Convention on the Rights of the Child*, 1989). In conclusion, it seems that we can, with a good amount of certainty, define children's vulnerability by our understanding of their specific needs and characteristics due to their process of development.

The age we decided to draw the line to this process is defined in the UN's Convention of the Rights of the Child: "Article 1 - For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier." (*Convention on the Rights of the Child*, 1989) This definition is repeated in several international instruments, other instruments disagree on some points, like the International Labour Organization Convention No. 182 on the Worst Forms of Child Labour, which makes no exception to the definition of children as those under eighteen years old (*Convention C182 Worst Forms of Child Labour Convention*, 1999).

Brazilian law, our country of interest for this research, defines children as being those between zero and twelve years old and adolescents to be those between twelve and eighteen years old, granting special protection for both groups (L8069, 1990). For the purposes of this research, we will consider children all those below the age of eighteen years old.

2.2. Child Sexual Exploitation

2.2.1. Definition

The Committee on the Rights of the Child's General Comment No. 13 brings a definition of what is sexual violence that includes sexual exploitation and child prostitution (CRC *General Comment No. 13*, 2011). Sexual exploitation to the international community is, therefore, a form of violence from which children must be protected⁴.

The Terminology Guidelines for the Protection of Children from Sexual Exploitation (Greijer & Doek, 2016, pp. 24–25), also known as The Luxemburg Guidelines, adopted by the Interagency Working Group, went deeper into the concept. According to the document, sexual exploitation is committed when a child takes part in a sexual activity in exchange for something (or for the promise of something), for example, money and clothes. The document also observes that it configures sexual exploitation even when the child mistakenly believes they are consenting or not in need of protection. Bringing the UN's definition of sexual exploitation included in the Secretary General Bulletin on Special Measures for Protection for Sexual Exploitation and Abuse, which highlights the abuse of a position of vulnerability, differential power, or trust, the Guidelines observe that children can also be perpetrators of sexual violence⁵, and concludes that “what distinguishes the concept of child sexual exploitation from other forms of child sexual abuse is the underlying notion of exchange present in exploitation” (Greijer & Doek, 2016, p. 25).

Regarding the concept of sexual exploitation of Children in/for prostitution, also known as “child prostitution”, for the purposes of this research, it will be understood as a subcategory of child exploitation, being more specifically regarding an organized activity, but nonetheless being configured as “a child performing a sexual act in exchange for (a promise of) something of value (money, objects, shelter, food, drugs, etc)” (Greijer & Doek, 2016, p. 29). Important to notice, though, as the Guidelines make explicit, in the sexual exploitation of children in/for prostitution, the child might not be the one that receives the object of value (p. 29). Also worth mentioning, the International Labour Organization includes child prostitution as one of the worst forms of child labour (Greijer & Doek, 2016, p. 74).

It is understood that a child cannot consent to a sexual activity that involves the promise of something of value. As we saw above, children are considered a vulnerable group, in need of special protection, therefore any type of sexual commercialization of a child is

⁴ UNICEF conceptualizes child protection as the “prevention and response to violence, exploitation and abuse of children in all contexts” (UNICEF, n.d.-a) Access on May 6th 2024.

⁵ Also see (Hawke & Raphael, 2016, p. 54)

prohibited, even if they believe they are in control of the situation. From what was discussed, the understanding that children are still developing makes it clear that they do not have all the necessary tools to engage in such activities. Furthermore, Cappa (2014, p. 63) observes how sexual violence can hinder all aspects of the child's development, physical, psychological, and social. Nonetheless, the discussion about the possible disregard of children's agency and the lack of options besides the victimization of the child persists (Olivar, 2016, p. 439). Olivar & Farias (2021, pp. 8, 9), bring back the discussion about the inexistence of a universal childhood, arguing that the understanding we have today is a Western view of children. They point out how all the particularities of the child and its childhood are not recognized when we try to fit them into a pre-made concept. For the authors, in some cases, children can be agents of their own sexuality.

Two of the Sustainable Development Goals mention child sexual exploitation: under target 5.2.1, being defined that it should be eliminated, for both women and girls; and under target 16.2, which determines the end of child exploitation and all forms of violence against children. It becomes obvious that the issue is a pressing matter.

One of the major challenges when dealing with child sexual exploitation is the lack of data and comprehensive studies. Because of the illegal nature, the shame that follows the victims, the vulnerability of the children and many times, their families, the complicity of the society, and, sometimes, the difficulty of the victims to understand the abuse, the gathering of meaningful data is extremely hard. The underreporting hinders the generation of accurate statistics, which is further compromised by the small-scale studies available, that pose hard considerations on the representation and interpretation of the data (Cappa, 2014, pp. 63–65).

This research is aware of the strong connection between child sexual exploitation and trafficking of people, but it falls out of the scope of this work to further investigate the connection. The only mention will be, therefore, that children are brought from the countryside and poor areas to serve in the big cities, with special attention to touristic areas (Richelson, 2008, p. 13).⁶

⁶ It is with particular care that it was also decided not to explore the possibility of understanding child prostitution as a form of contemporary slavery, as it falls out of the scope of this research. This research will also not invest much time in the explorative endeavour to understand the reasons that lead children to sexual exploitation experiences, being sufficient to say that poverty, materialism and consumerism (as seen regarding the exchange for presents) consumer demand, dysfunction and sexual abuse, gender discrimination, internet (Steinman, 2002, p. 4) and race, play main roles in deifying how vulnerable the child is and its chances of becoming a victim.

Poverty, illiteracy, and lack of education and economic opportunities lead children to search for a source of income that is achievable in the current conditions of their lives. Many times they are lead to the situation by their parents in need to complement the income (or other guardians), but also many times they turn to the “profession” from their own volition (Steinman, 2002, p. 4). Important to notice, also, that there are children who do not find themselves in a situation of the need for income, but who find the exchange for gifts or even social status interesting. Regarding gender discrimination, according to data from 2002, it is believed that every year one million children enter the world’s sex trade, both boys and girls, but the majority are girls between ten and eighteen years old, and the age seems to be decreasing (Steinman, 2002, p. 10).

It is also important to note that Brazil is considered the country with the greatest rate of child sexual exploitation in the Western Hemisphere, and possibly second only to Thailand in the whole world (Powell, 2015, p. 36).

2.2.2. International Instruments

2.2.2.1. The Convention on the Rights of the Child

Some important international instruments were created before the Convention on the Rights of the Child, but the latter incorporated those in its provisions. The Convention is the fastest and most universally ratified international treaty, missing only The United States of America ratification. The Convention entered into force in 1990 and is the result of a long negotiation. Marta Santos Pais, who was a member of the UN Drafting Group of the Convention, and its Optional Protocols discusses:

There were many doubts about whether we should have a separate Convention. Because we had, of course, the Declaration on Human Rights. We had the Two Covenants that were already addressing, fundamentally, we thought the same issues. And then there was the question of, are children really autonomous human beings?

(...)

And although there were contentious topics, starting with the definition of a child... How do you define what a child is? And in fact, we had to agree we could not agree. (Pais & Bhabha, n.d.)

The former Special Representative of the Secretary-General on Violence Against Children continues on how the Convention drafting process had a throughout participation of representatives of the entire world, and how the South played a key role, as well as the civil

society. That is a meaningful observation, due to the vast different conceptions among countries of children, their capacities, and of what is or not appropriate for a child. An International Instrument that does not include the different regions in the drafting process is at risk of being considered an imposition from forester cultures, which is reflected in its application by the government and respect by society.

On the same note, Benyam Dawit Mezmur, a member of the UN Committee on the Rights of the Child discusses how the definition of Child is a clear indication that the Convention is a product of intense negotiation, but that the Committee took a relatively firm position to consider child those below the age of eighteen (Bhabha & Mezmur, n.d.), even though the definition of child comports the possibility of they being younger than eighteen years old.

The Convention recognizes the child's need for special protection, their right to development, well-being, protection against sexual exploitation and abuse, and physical and psychological readaptation for the victims as well as reintegration into society. It also establishes the obligation of the State Members to apply the dispositions and protect the children. The instrument recognizes children's special rights due to their immaturity, dependence, vulnerability, need for development, and psychological specificity (Monteiro, 2010, p. 40).

The Committee on the Rights of the Child's General Comment No. 5 to the Convention states:

Implementation is an obligation for States parties but needs to engage all sectors of society, including children themselves. The Committee recognizes that responsibilities to respect and ensure the rights of children extend in practice beyond the State and State-controlled services and institutions to include children, parents and wider families, other adults, and non-state services and organizations. The Committee concurs, for example, with general comment No. 14 (2000) of the Committee on Economic, Social and Cultural Rights on the right to the highest attainable standard of health, paragraph 42, of which states: "While only States are parties to the Covenant and thus ultimately accountable for compliance with it, all members of society - individuals, including health professionals, families, local communities, intergovernmental and non-governmental organizations, civil society organizations, as well as the private business sector - have responsibilities regarding the realization of

the right to health. States parties should therefore provide an environment which facilitates the discharge of these responsibilities.” (CRC *General Comment No. 5 (2003)*, 2003, p. 13)

Based on the General Comment one can argue that, even though the Convention is a document dedicated to the Member States’ responsibilities towards the children, the correct interpretation of its applicability includes the society as a whole, meaning no one is exempted from the obligation of observing the dispositions of the Convention in all their actions. That is the same interpretation that arises from the CCPR General Comment No. 17 on Article 24 of the International Covenant on Civil and Political Rights, which affirms that the society, family, and states are to protect the children (*CCPR General Comment No. 17*, 1989, p. 1).

Article 19 of the Convention predicts that the State Members must take all the appropriate measures to protect the children from all forms of violence, including exploitation and sexual abuse. In Article 34 of the Convention, the protection of children from sexual exploitation is specifically mentioned, and so is the obligation of the Member States to take all the national, bilateral, and multilateral possible measures to guarantee the right.

2.2.2.2. The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

The Convention on the Rights of the Child has been reinforced by the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, from 2000. In its preamble, the concern regarding child sexual exploitation is addressed more than once, and so it is in the body of the document (United Nations, 2000). On the protocol, the concern regarding child sex tourism is also present in the preamble and the dispositions, and states are to take all the measures to prevent and combat the practice.

Regarding the importance of the protocol, Marta Santos Pais elaborates that the provisions on cross-border collaboration, are extremely necessary when you think about the networks of prostitution, among others, since there is no physical border for these networks (Bhabha & Pais, n.d.). The use of technology makes the collaboration even more necessary. Today, with modern technologies, it is possible for a person on the other side of the world to contact a child with nefarious intentions.

2.2.2.3. The Lanzarote Convention

The Council of Europe's Convention on Protection of Children Against Sexual Exploitation and Sexual Abuse, also known as "The Lanzarote Convention", entered into force in 2010. It establishes in Article 3 (a), that a child is any person under the age of eighteen years old (Council of Europe, 2010). The preamble of the Convention refers to exploitation in terms of "in particular child pornography and prostitution" and recognizes the worrisome numbers of the practice. Further, in article 9 (2), the convention mentions that the sector of tourism and traveling is an actor in the elaboration and implementation of policies to prevent sexual exploitation and should implement internal norms.

Finally, the text defines, in Article 19 (2) child prostitution as being the use of a child for sexual activities where money or any other form of remuneration or consideration is given or promised, regardless of if it is made for the child or a third person.

2.2.2.4. The Stockholm Declaration and Agenda for Action

In 1996, the first World Congress against Commercial Sexual Exploitation of Children was held in Stockholm, where States, civil society, and individuals got together to draft the non-binding Agenda for Action to combat commercial sexual exploitation of children. In this document, they highlighted the right to be protected from all forms of sexual exploitation or sexual abuse as well as the promotion of physical and psychological recovery.

Defining commercial sexual exploitation of children, it states:

It comprises sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children, and amounts to forced labour and a contemporary form of slavery (*Stockholm Declaration, 1996*)

The Declaration also argues that poverty cannot be used as a justification for exploitation, even though being a factor that may influence the incidence of exploitation, and brings a list of possible harmful outcomes, like the hindrance of the physical, psychological, spiritual, moral, and social development of the child. It assumes the commitment to promoting stronger cooperation between all sectors of society to prevent children from entering the sex trade.

2.2.2.5. The Yokohama Global Commitment

In 2001, the Second World Congress against Commercial Sexual Exploitation of Children happened in Yokohama. On the Congress, all the prior considerations were reaffirmed, and there was a recommitment to the Agenda of Action.

2.2.2.6. The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents

The Rio de Janeiro Declaration, a non-binding instrument product of the Third World Congress against Sexual Exploitation of Children, from 2008, puts in evidence the need to bring the sexual exploitation of children to the centre of our attention. Governments, together with civil society, the private sector, and many others, came together to identify the lessons learned and challenges to be faced and to commit themselves with a Call for Action to prevent, prohibit, and stop child sexual exploitation, as well as children sex tourism (*The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents*, 2008, p. 1). In the document, they observed the ascending vulnerability of many children due to increasing poverty, social and gender inequality, discrimination, drug and alcohol abuse, ongoing demand for sex with children, and displacement, among others. They also point out the social tolerance, complicity, and impunity around the subject.

2.2.2.7. Global Code of Ethics for Tourism

The Global Code of Ethics for Tourism is a non-binding instrument adopted in 1999 by the General Assembly of the World Tourism Organization. In Article 2, paragraph 2, the Code prescribes that tourism activities should promote human rights and, more particularly, the individual rights of the most vulnerable groups, for example, children. In paragraph 3 of the same Article, the Code states that exploitation of human beings, particularly sexual, and especially when applied to children, conflicts with the fundamental aims of tourism, and should be energetically combated with the cooperation of all States concerned (*Global Code of Ethics for Tourism*, 1999).

2.2.3. Brazilian Legal Instruments

2.2.3.1. Federal Constitution

The Brazilian Federal Constitution, from 1988, is known as the Citizen's Constitution, because of the great increase in citizens' rights it provides. In Article 227 of the Constitution, it is predicted that it is the family, State, and society's duty to secure the children, adolescents, and youth, with absolute priority to dignity, among others, besides guaranteeing their safety

regarding all the types of neglect, discrimination, *exploitation*, violence, cruelty, and oppression (Constituição Da República Federativa Do Brasil, 1988). Furthermore, paragraph four of the above-mentioned Article predicts that the law will severely punish abuse, violence, and child sexual exploitation.

The Constitution, as the Magna Carta of the country, is to be respected and observed in all the laws, decrees, or any other legal instrument and decision. It is also to be observed by the whole society, and we would like to highlight the prediction in Article 227 that the society will guarantee children's rights, being it not only a State's duty.

2.2.3.2. The Child and Adolescent Statute

The Child and Adolescent Statute of 1990 is the main document regarding protection of the children in Brazil. As we saw above, it is in this document that the definition of child for the purposes of implementing the law can be found. Article 5 of the Statute determines that no children will be objects of exploitation. Article 87, III predicts protection and help and, finally, Article 224-A criminalizes the practice of child sexual exploitation (L8069, 1990).

It was in this Statute, that sexual exploitation was established as a category, through the addition of article 244-A in the year 2000, which criminalized the practice and created the legal concept with its definition and limits (Olivar, 2016, p. 437). It was an important movement, which differentiated the sexual transactions⁷ between two people over eighteen years old and those that involve children, taking the practice out of the polemic discussion of the legality of prostitution. It took the discussion from the labour field and put it into sexual violence (Olivar, 2016, p. 437). The document recognizes the incapability of children, due to their vulnerability, to consent to sexual transactions. Olivar & Farias (2021, p. 8) call our attention to the fact that the definition guides the practical application of the law, and that to be a subject of rights under the disposition, the children must put themselves in the position of passive victims, rekindling the debate above mentioned.

⁷ The United Nations defines transactional sex as being: The exchange of money, employment, goods, or services for sex, including sexual favours and other forms of humiliating, degrading, or exploitative behaviour. This includes any exchange of assistance that is due to beneficiaries of assistance (United Nations, 2017, p. 7). This research partially disagrees with this definition as it believes that sexual transactions do not necessarily involve humiliating, degrading, or exploitative behaviour when it is performed between two adults.

3. Child Sexual Exploitation and Mega Sport Events

3.1. Sexual Tourism

The Cambridge Advanced Learner's Dictionary & Thesaurus defines sex tourism as: “the act of traveling to another country for the purpose of paying to have sex, especially with children” (‘Sex Tourism’, 2024). It is tourism built around the idea of exotic beauties, and easy sex, with the highlight of the often exploitation of children.

The UN's World Tourism Organization has a different definition, that puts in evidence the possibility of domestic travellers and tourists that engage in the practice, but leaves out the exploitation side: “trips organized from within the tourism sector, or from outside this sector but using its structures and networks, with the primary purpose of effecting a commercial sexual relationship by the tourist with residents at the destination”(World Tourism Organization (UNWTO), 1995). Despite being a more comprehensive definition, the UN's concept still does not take into account those tourists, businesspersons, and other travellers that end up exploiting children without having any prior intention on the organization of the trip (Cutts, 2007, p. 4).

Brazil has been a target of sexual tourism for many decades, which was partially incentivized by the government itself, namely by Embratur, a government-owned enterprise, advertisements, as explained below. Everyone has heard about the “Brazilian ass” or the “mulatas”⁸ (which is a pejorative term that puts in evidence the racist characteristics of the sex tourism industry in the country). Bandyopadhyay & Nascimento (2010, p. 937) observed how several scholars have pointed out the history of the stereotypical eroticism credited to Brazilian women, an eroticism even dangerous to the rightful European man. The authors made a throughout analysis of Brazilian printed media history, to observe how the country has been portrayed through the centuries.

Beginning with the arrival of the colonizers, the authors explain how in some of the very first communications regarding the country it is present the desire to dominate and possess the women. The indigenous women were seen as provocative and without moral boundaries (Castro & Pinto, 2014, p. 37). Over the next centuries, the myth of the sensuality, sexuality, and eroticism of Brazilian women continued to grow.

In the twenty century, Embratur would make advertisements target at tourists in which the “Brazilian ass”, the tanned skin, and the easy-to-seduce behaviour were emphasized (Bandyopadhyay & Nascimento, 2010, p. 939; Silva et al., 2019, p. 225). Women were being

⁸ Mulata is a pejorative term used to refer to a woman that has both Caucasian and African descent.

sold as tourist attractions (Castro & Pinto, 2014, p. 38) in the same way you advertise a monument or natural landscapes, completely objectified and a “reason” for the tourists to come to visit and consume. Continuing their analyses, Bandyopadhyay and Nascimento pointed out how the enterprise used the image of the carnival’s nudity to sell the country as a touristic point (Bandyopadhyay & Nascimento, 2010, p. 940). It was not only Embratur, but magazines, hotels, and many others were campaigning using the image of the Brazilian women. The importance of the idea created by these advertisements cannot be underestimated (Castro & Pinto, 2014, p. 38). The trio women-football-carnival was sold for the touristic imagistic, using and abusing of women and semi-nudity (p. 39) as what characterizes the country. Analysing the work of Piscitelle, Silva et al. (2019, p. 225) highlight how the same words are used to describe Brazilian women and paradisiac landscapes, transforming sexual tourism as a sector of marketing, providing a field to the intersection of the privatization of the economy and the imperial constructions of femininity and masculinity.

It was in the middle of this environment⁹ that sex tourism became a problem in the country. Nowadays, even with the campaigns to change the international image of Brazil, it is still common to see the media advertising the pleasures of Brazil including women in their images (Castro & Pinto, 2014, p. 39). Brazil is the “pleasure periphery” (Bandyopadhyay & Nascimento, 2010, p. 941; Silva et al., 2019, p. 225) for the wealthy North countries.

The myth of the Brazilian women cannot be separated from the slavery and colonial legacy that still live with us¹⁰. Brazil is a miscegenetic country, with European, African, and indigenous roots. The image created regarding Brazilian women is composed of all the ascendancies: the sensuality of the Indigenous women, the free sexuality of the black women, the beauty of the “mulatas” and the idealization (one can say sweetness and submissive behaviour) of the white women (Castro & Pinto, 2014, p. 37). The image of the “good white girl” as opposed to the sensual slaves (Bandyopadhyay & Nascimento, 2010, p. 938) was the beginning of the idealization of the “mulata”. Slavery ended, but its legacy is here (Nelson-Butler, 2015, p. 29), in racism and social inequality, and black women are still seen as inferior (Williams, 2014, p. 461). The colonial time gave the Global North the idea that they could subjugate the Global South, being, themselves, better than the others, which is present until today (Steinman, 2002, p. 9), it is a power relationship, marked by the tourists taking

⁹ The authors point out how in 2003 ex-president Luiz Inácio Lula da Silva created the Brazilian Tourism Ministry intending to create a new image for the country.

¹⁰ It is also important to remember that one of the causes of the commercial sex industry (which is one way in which sexual tourism can manifest itself) is poverty and social inequality, which have roots in colonial times and slavery.

advantage of the social inequality to understand their behaviour as a charity relationship, especially in the case of children, as they are providing for the poor, helping with their education (Castilho, Evrard, Pacheco, et al., 2018, pp. 6–7), The idealization of the Brazilian women, therefore, is of a sensual being that is almost their “right” to consume, and always ready to please their men, as Bandyopadhyay & Nascimento put. These sexual stereotypes are one of the reasons for the high demand for sexual tourism with the “mulatas” (Nelson-Butler, 2015, p. 28) and black women in general.

In her research, Piscitelli (2001) interviewed a series of tourists in the city of Fortaleza, Brazil, and analysed that:

In a procedure apparently often present in the reading that Anglo-European cultures make of Latin American and Caribbean cultures, the temperament associated with the national character is derived from the (tropical) climate and is associated with an extremely high degree of sensuality (Piscitelli, 2001, pp. 12–15).

The author notices how in her interviews the European nations appear to be connected with rationality, objectivity, and coldness, in opposition to Brazil, which is perceived as warm, open, receptive, and poor. The foreigners interviewed showed an appreciation towards Brazilian women as opposed to their fellow citizens. The European Woman was usually seen as “high demand”, being independent, and prioritizing professional success. We can see, again, the idea that in the South women are more submissive. This particularity towards Brazilian women is also reflected in an age appreciation difference. Piscitelli found in her interviews that men understand them as a “different phenomenon” regarding age. She also noticed that the foreigners made a differentiation between the local classes and considered women of more privileged economic positions to be colder to them, which led them to focus their attention on those less favoured. The power imbalance gains yet another side. The racial side of the question is not absent in the research, and the author notices how the “mulata” (or “Morena”) is counterposed to the white European people, being sexualized and racialized.

The problem of sexual tourism in Brazil was already recognized by the United Nations at the time of the 2014 World Cup. In its Draft Report on the Universal Periodic Review of

2012, the United Nations concluded on the necessity to create legislation and take measures to prevent sexual tourism (Working Group on the Universal Periodic Review, 2012, p. 20)¹¹.

It is not to be forgotten that the origin of the practice is not an isolated factor, but an amalgamation of factors that interrelate and create the perfect scenario for sexual tourism. Likewise, it usually happens in countries with less favourable socio-economic conditions (Castilho, Evrard, & Charrier, 2018, p. 4). Brazil, ranking at 89 in the 193 countries list of the Human Development Index (*IDH do Brasil cai com pandemia e gestão de Bolsonaro, aponta ONU*, 2024), has a fragile socio-economic structure, with high gaps of inequality. Castilho et al. (2018, p. 7) list the factors behind this relationship power that leads to high demands of sexual tourism as having its origins in economic, cultural, social, political, and judicial. The lack of enforcement of the laws, the chronic poverty, the corruption, and political instability all contribute to the increase of the practice.

3.2. Sexual Exploitation of Children in the Context of Tourism or Travelling

Sexual exploitation of children in the context of tourism and traveling is a term preferred nowadays instead of child sex tourism. The term encompasses the idea that the sexual exploitation of children committed by travellers does not need to be in the context of tourism, and it can happen in, for example, a business trip (Greijer & Doek, 2016, p. 55) which is significant in the Latin America region, as is the number of transient workers (Hawke & Raphael, 2016, p. 31). It is a more comprehensive term, but less universally used than child sex tourism.

As seen above, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography refers to the term “sex tourism” when providing that the States Parties must take all measures to strengthen international cooperation to prevent, detect, investigate, prosecute, and punish those that committed acts involving the sale of children, child prostitution, child pornography, and sex tourism. In the Optional Protocol, it is also stated that the Members shall strengthen their cooperation to attack the root causes, like poverty and underdevelopment, which contribute to the vulnerability of children to child sex tourism, among others.

Regarding the subject, besides the additional protocol, some non-binding instruments were developed. In 1996, the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism was created. In 1999, the UN’s World Tourism

¹¹ It also recognizes the existence of sexual exploitation in the country.

Organization Global Code of Ethics for Tourism expressly recognized the problem and defined it as contrary to the objectives of tourism, and in 2001 adopted a set of Guidelines for National Tourism Administration Focal Points for the Protection of Children from Sexual Exploitation in Tourism. In 2013 the CRC General Comment No. 16, when addressing states' obligations on the impact of business on children's rights, pointed out sexual tourism as one of the examples (*General Comment No. 16 on State Obligations Regarding the Impact of the Business Sector on Children's Rights*, 2013, p. 17). As observed, references to sexual tourism are made in the Stockholm Declaration and Agenda for Action, in the Yokohama Global Commitment, and in the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children. Finally, the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities included sex tourism as a form of contemporary slavery (Sub Commission on Prevention of Discrimination and Protection of Minorities, 1993, p. 6), but, as mentioned, this research will not deeply explore this issue.

The spread of sexual exploitation of children in the context of travel and tourism in the so called developing countries by the part of citizens of the antonymous "developed world" plays a big role in the growing phenomenon of commercial child sexual exploitation, combined with other phenomena such as the globalization, structural patriarchal culture, lack of social policies and economic opportunities, and disregard for children rights (Steinman, 2002, p. 3).

The structural racism of the Global North towards the Global South, which embeds the consumerism of the South bodies and disregard for their rights, together with the facilitation of access through globalization, has provided a fertile field for sexual tourism¹². Cutts (2007, p. 4), Steinman (2002, p. 8), and Hawke & Raphael (2016, p. 32) observed how the sexual tourist feels free to explore forms of power and domination when they are in other countries, forms that would not go unchallenged back home, like racism, misogyny, and sexism, feeling released from social constraints and enjoying anonymity. Moral barriers fall in the context of experiencing another culture (Silva et al., 2019, p. 224).

Analysing the same phenomenon as Piscitelli, Cutts (2007, p. 6) points out that tourists understand age in a different form when they are traveling outside their countries. The idea of the different, the exotic, applies to the children, that are understood as being more grown up than the ones back home, even if they have the same age, and the tourists many times go home with a clear conscience, not even realising they have breached so many international

¹² Even though it is hard to quantify, studies estimate that 10% (ten percent) of tourists choose their destination with the explicit aim of sexual tourism (Castilho, Evrard, & Charrier, 2018, p. 4).

norms. Steinman (2002, p. 8) elaborates on how tourists in Latin America try to delude themselves thinking that in the continent, the cultures are less sexually inhibited, and how the girls in these countries are portrayed as grown-ups and sexually experienced as young as fourteen years old. Also, the author notices how many times the tourists do not understand that any harm was committed, as they believe that the child has chosen the “profession” (when regarding prostitution), even telling themselves that they are helping the child out of poverty.

Poverty is one of the many factors that can be behind child sexual exploitation in the context of travel or tourism. Steinman (2002, p. 4) analyses that poor, “developing” countries see tourism as a profitable source of income, and greatly incentivize it, becoming touristic orientated, which may have increased the practice of sexual tourism, and the consequent increase in child sexual exploitation in this context. In the case of many places, including Brazil, the country becomes known for the sexual exploitation of children, having as another effect, the possible evasion of mainstream tourists and responsible tourism investors (Hawke & Raphael, 2016, p. 21), leaving the country even more vulnerable to the sexual tourism. Nonetheless, it is wrong to assume that is the traveling that created the problem of exploitation, the culture of sexual exploitation of children already existed in the countries where now the phenomenon happens in yet another form (Steinman, 2002, p. 6). It is important to notice that the practice of sexual exploitation in the context of tourism and traveling is a relationship of power, anonymity, and impunity (Hawke & Raphael, 2016, p. 20) that takes advantage of developing human beings and leaves them more vulnerable to other forms of sexual violence and other social challenges (Silva et al., 2019, p. 226).

The author also points out how there are two types of sexual tourists, the preferential abusers, and the situational abusers. Preferential abusers would be those that specifically look to exploit children, the paedophiles, while the situational abusers would be those that have not planned to have commercial sex abroad but enjoyed the opportunity (Steinman, 2002, p. 8). We would only like to observe that the commercial sex of the situational sexual tourist in this categorization is not only an opportunity to trade money and goods for sex. The tourist must have taken advantage of the opportunity that presented itself of exploiting a child. It is a vast event, even in domestic relations, that the person who sexually exploits a child is not a preferential abuser, but someone who became a sexual abuser of children through their prostitute use, and not the other way around (Hotaling & Levitas-Martins, 2002, p. 5).

Castilho et al., (2018, p. 5) notice how characteristics like local underdevelopment, the increase in the tourist flow, mutual stimulation of supply and demand, globalization, cultural

factors, poverty, educational and health problems, political instability and corruption are some of the factors that together can lead to a more favourable space for the practice of sexual tourism, and how Brazil checks every box in a more or less intense experience. Hawke & Raphael (2016, p. 31), on a similar note, when analysing Latin America, observed that the history of political, economic, and social instability created elevated levels of inequality that deepens the vulnerabilities of the social groups, including children.

Silva et al. (2019, p. 225) and Castilho et al. (2018, p. 5) bring our attention to the characteristic network of silence, connivance, omission, and impunity that involve the practice of child sexual exploitation. The possibility of profit coming out of the children's exploitation is responsible for the participation of many sectors of society in the necessary spiderweb for it to happen. They hide, offer space, connections or just look away. The touristic agencies and other participants of the tourist sector are no exceptions, and directly or indirectly, they provide the necessary conditions for the exploitation to happen.

In 2016, The Global Study Report on Sexual Exploitation of Children in Travel and Tourism was published. In the Report, the authors analysed different countries' statuses relating to the practice of sexual exploitation of children in the context of tourism and travel. Regarding Latin America, they observed some contributing factors, like how the social inequality, added to the increased tourism, brings the displacement of several families, as they have to give space for the structure that accompanies the touristic “hotspots”, and is one of the many reasons that contribute to deepening social struggles (Hawke & Raphael, 2016, p. 31). The report also points out how poverty, unemployment, internal conflicts, migrations, and gang and drug-related violence are factors that have contributed to the vulnerability of children, who often leave their homes and become more likely to turn into sexual exploitation victims (Hawke & Raphael, 2016, pp. 31, 32). On the same note, as homophobia is high in the region, many LGBTQI+ children leave their homes, increasing their chances of becoming victims. The Report also notices that the violence in the region makes sexual violence against children seem more acceptable to the community. Further, the Report found that social norms, like gender stereotypes, contribute to the region's sexual exploitation of children, as females are seen as passive objects to the male sexual desire. It was also observed how the perceived impunity and direct and indirect complicity with the exploitation by the government result in victims feeling afraid to report cases or believing that reporting will not make any difference. Finally, regarding the perpetrators, the Report found that, in Brazil, most of them are young professionals and travellers (Hawke & Raphael, 2016, pp. 32, 53).

Social context is, therefore, a crucial factor to be considered in the understanding of the practice of child sexual exploitation in the context of tourism and traveling. Brazil, having a great inequality gap, chronic poverty, and lack of socio-economic opportunities, together with a culture of disregard for children's rights¹³ and the image of Brazilian women, creates a perfect place for exploitation to happen.

3.3. Mega Sport Events

3.3.1. Definition

Mega Sport Events are not just “big” events in the sports world. In fact, the amount of people participating in the event is only one of the parts of the equation that creates the phenomenon. Nonetheless, we shall begin analysing the dimensions of the event, to understand how far it goes concerning the number of individuals involved by its aura. Maennig & Zimbalist (2012, pp. 9–12), analysed the size of the event utilising two different measures: the attendance and the television viewership. They continue to unravel the idea and say that each of these standards has its dimensions. Besides the number of attendees and spectators, it must be considered the share of it that is composed of individuals outside the host country, how many hours it was broadcasted on television, and, to the extent that it is possible, the number of individuals that accompanied the event on the internet, in printed media, and in the radio. The sum of these pieces of information might be found in the analyses of the revenue produced. Here we have the first parameter, which is important for us to observe the power that emanates from this type of event, the money, and the individuals that rotate around it.

The authors continue to analyse that, from an economic perspective, we can identify the singularity of mega sports events by their differential economic impact. The size of the budget and the impact on macroeconomic variables are bigger than those of normal events. Employment, income, and tax revenues, in more than one level, such as national, regional, and many others, must be considered. Not all, non-traditional macroeconomic criteria are to be identified, like image effects (especially if it brings a possibly improved international image), ecological effects, psychological and feel-good effects. The authors finalize saying that mega sports events are singular moments with long-lasting effects.

¹³ The country is an arena of children's labour force exploitation and has a poor public educational system, to mention just a few of the violations of children's rights.

At this moment, it is necessary to remember the above-mentioned sex tourism origins and reproductive cycle. As we have mega sports events with the international image of the country being propelled to new levels, the amount of money entering the country within the immense flow of tourists, and the feel-good perception of the environment, the risks of sex tourism increase. Happy people, in a party environment, can also have fewer social restrictions in mind.

Continuing working with the definition of mega sports events, Müller (2015, pp. 633–634), when analysing literature definitions of this type of event, agrees with the requirements of size, macroeconomic and microeconomic dimensions, of a fixed duration event, but also includes the urban transformation as one of the dimensions of mega sport events. For the author, to be configured as mega, a sports event must have large and long-term consequences for the built environment and the population (for the city, region, and even the country). Horne (2007, pp. 81–82) and Pulleiro (2020, p. 3) agree that it is central for the definition of mega sport events that they produce significant consequences for the host city, region, or nation and that they attract considerable media coverage.

Based on this literature review, the football World Cups can be defined as mega sport events, as it meets all the criteria. According to Fédération Internationale de Football Association (FIFA), 3.2 Billion people watched the games on television with a 24-hour broadcast agenda (*SporTV Dá o Pontapé Inicial Na Cobertura 24h Ao Vivo Da Copa*, 2014) and an estimated 280 million people watched the games online (Globo Esporte, 2015) and, after sixty games, the total of 3.165 million people attended the games (Casa Civil, 2014). The numbers are astonishing. The event lasted from 12 June 2014 to 13 July 2014, having a duration of 31 days (*Copa do Mundo de Futebol 2014*, n.d.) and 6.430 million international tourists entered the country, a 10,6% rise from 2013 (Baeta, 2015). The impacts in the host cities were impressive, as 12 stadiums were reformed for the event, and approximately R\$ 27,1 billion were spent to receive the World Cup ('Que fim levou?', 2023).

Although mega sport events may have the intention to promote human rights, contribute to society, and increase tourism and development, sometimes what we observe is exactly the opposite (Næss, 2023, p. 87). The social impacts produced by the event will be explored in the next topic, as well as the special vulnerabilities of the children in mega sport events.

3.3.2. *Social Impacts*

There is one question that is still to be made: Why do countries decide to host mega sports events?

According to Ritchie & Hall (2000, pp. 120–124), contemporary urban imaging (a great part of the touristic industry) is a response to the necessary restructuring of the economics after the decay of the heavy industry in the 1970s and 1980s, through urban renewal, multi-culturalism, social integration, and control. For the authors, tourism is seen as a mechanism to achieve these regenerating goals, and the investment in sports and events started to be used as a tool to attract tourists and the consequent economic benefits¹⁴.

Further in their analysis, Ritchie and Hall observe how the reimagining of a place is intimately connected to a global competition for capital, and that mega events and their consequent regional development and promotion are part of the marketing process that allows a region to stay competitive. Normal planning practices and allocation of public funds make way for the needs of the mega events, in order to create a positive image of the region that can be propelled and used to attract tourists during and after the games.

Nonetheless, the authors pointed out that the net costs of the events often outweigh any net benefits besides the political and economic benefits for the urban elites¹⁵. Horne (2007, pp. 84–85) concludes that sectional interests are being treated as the general interest of the society. The author (2017, pp. 9–10) tells us how Raquel Rolnik, the United Nations Special Rapporteur on Adequate Housing between 2008 and 2014, explored the human rights abuses that took place during the 2014 World Cup and pointed out how the capitalist production of space takes place at the expense of the citizen's rights. What is more, as noticed by Ritchie & Hall (2000, p. 128), the ones that will greatly bear the costs are also the ones that are least able to affect the policy-making and planning process around the event.

The reallocation of public funds has a direct impact on human rights and social needs. The use of public money to build spaces and restructure others, the marketing expenses, security, and the general infrastructure needed to receive the events, prevents the use of the money to invest in health, education, revitalisation of non-touristic points, and many other social needs. It is the same case of the public subsidies and tax holidays provided by the government to the enterprises that work with the needs of the mega events and consequently

¹⁴ Regarding the matter, (Gaffney, 2014, p. 9) concludes that a whole industry complex has been developed around tourism. Also see (Horne, 2007, pp. 83–85) and (Pulleiro, 2020, p. 7).

¹⁵ See also (Coakley & Souza, 2013, p. 581)

reflects in a cutback on the money dedicated to social welfare (C. Brackenridge et al., 2013, p. 19; Graeff et al., 2021, p. 240; Heerdt, 2018; Horne, 2007, p. 84; Preuss, 2007, p. 219).

Besides the costs, mega events are known for their housing impacts¹⁶, disruption of local communities and businesses, environmental impacts, and special risks for minorities and socially vulnerable groups (Heerdt & Jain, 2023, p. 163). The construction of mega infrastructures (stadia, hotels, and others) usually displaces people from the poorer areas of the cities, as does the “revitalization”¹⁷ of the spaces. Not only, as observed by Ritchie and Hall (2000, p. 126) and Butler & Aicher (2015, p. 5) the characteristics of the new areas are responsible for a boom in the renting and real estate market, which can lead to the need of people to reallocate, as they cannot afford the prices anymore¹⁸. Even further, social projects on popular housing are transferred from these areas due to the increase in the price of land. Finally, when the families did not leave their houses by their own decision, forced evictions took place (Butler & Aicher, 2015, p. 9).

Evictions have many different impacts on both the adults and the children, who are particularly vulnerable and many times lose access to education, health, and other services, as a study of the 2016 Olympic Games in Rio de Janeiro¹⁹ shows (NÆSS & Union, 2021, p. 9). The rights to adequate living conditions, when the evictions are not made observing human rights, are violated by the displacement of people. Their right to physical, mental, spiritual, moral, and social development, including housing, access to food and clothing are endangered, especially in the case of children (Twyford & Gran, 2023, p. 299). One of the reasons for such violations is that the possible new neighbourhoods to which the people displaced are reallocated might be too distant from their places of access to health and education, and also can leave their parents without their previous jobs, jeopardizing the family income. Furthermore, many children count on the meals provided by the public schools for their daily needs, and without access to their schools, they suffer from the lack of food.

Another violation related to housing rights is the dignity of the housing as, in a strategy to make the population reallocate themselves, it is common to stop the basic services

¹⁶ There is a disagreement on the number of forced displacements related to the World Cup. The numbers this research found were 250,000 (Pulleiro, 2020, p. 10), 77,000 (Heerdt, 2018, p. 88), and 12,275 (Powell, 2015, p. 5). The considerable difference between the numbers is proof of the difficulty of collecting data on the subject, as many displacements take place without registers.

¹⁷ One can call it a gentrification process. Also see (Silvestre, 2008, p. 12).

¹⁸ Not only related to rent and real state, the increase in prices was also felt over products of daily consumption (Graeff et al., 2021, p. 252)

¹⁹ Similar mega sport event.

that are offered to the regions, like garbage collection operations, potable water and electricity access, refuse system and communications (Comitês Populares da Copa, 2014, p. 66), as well as leaving debris on the roads (Graeff et al., 2021, p. 245).

Evictions also have the power of breaking community bonds, an essential right connected to community life, family life (Rodriguez et al., 2015, pp. 95, 245), leisure, mental health, and, in fact, all the other rights, as it exposes the people to a greater difficulty of organising themselves to fight for their rights.

As we take a turn and look at those that already do not have their housing rights secured, the cleansing of the streets, pressured by the mega sport event's organizers, sometimes leads to the displacement of homeless people, including children (Rodriguez et al., 2015, p. 83; Twyford & Grant, 2023, p. 297). The vulnerable social groups are greatly impacted by displacement, and many might depend more on their local geography for survival and have basically no say in development projects (Heerdt & Jain, 2023, p. 166).

Not only housing, education, and health, but other human rights can be affected by the hosting of mega events. Rights such as labour rights (C. Brackenridge et al., 2013, p. 6) privacy rights, rights to freedom of expression and protest, as well as the principle of non-discrimination (Heerdt & Union, 2021, p. 4; NÆSS & Union, 2021, p. 8). A good example of the impacts are the exclusion zones of the 2014 World Cup in Brazil, as will be explored below, and the restraint of strikes and of the public organized protests against the same event. Likewise, as pointed out by NÆSS & Union (2021, p. 9), there are violations of environmental rights and possible hindrance or reversal of gender equality initiatives. There are also restraints to the right to freely move around the city, and the fear for security and physical integrity rights, as the country goes under hard militarization and securitization (Butler & Aicher, 2015, p. 10; Comitês Populares da Copa, 2014, pp. 45, 69). Historically, the development of security actions linked to mega events has been a way of oppressing the local population, especially the poor, marginalized, and young (Graeff et al., 2021, p. 237; Powell, 2015, p. 36; Rodriguez et al., 2015, p. 81).

Regarding labour rights, not only migrant workers but also adults in general and children are at risk of violations, such as horrible work conditions, insecurity (for many categories of workers, including prostitutes around the areas that are being revitalized), and lack of payment. Children are also economically exploited during the event as they go to the streets to sell cigarettes, chiclets, event related objects, and many others, as it has been

observed. Additionally, informal workers, being adults or children, have their right to work violated by the restraint of their exercise, by the exclusion zones, or by the repression of informal work under the excuse of organizing the city (Comitês Populares da Copa, 2014, pp. 31–38). Due to tight deadlines, labour rights are often disregarded and lead to great adverse impacts, and many accidents are associated with the constructions. In the preparation for the 2014 World Cup in Brazil, eight workers died (Heerdt & Jain, 2023, p. 166).

The exclusion zones, as defined by the Comitês Populares da Copa (which translates to Cup Popular Committees) are areas around the stadia and on places of interest, like the main roads in the cities. In these zones, all commercial activities are under the control of FIFA, as they have demanded from the government. The informal workers' activities are restrained, and, like the local commerce (Heerdt, 2018, p. 88), they are not allowed to sell any products that might compete with the official merchandise of the financiers of the World Cup. FIFA demands that public and private spaces be under their control. The zones of exclusion, under the name of zones of interest, are predicted in Article 11 of the “World Cup Law”, (L12663, 2012).

The sudden influx of people during the events in the host cities (going from tourists to staff), increases the danger of children having their rights violated, as noted by Twyford & Grant, 2023, p. 301. One example is the above-mentioned work-related issues, but there are other instances where the risks for children increase, for example, the risk of trafficking and sexual exploitation. Unfortunately, the authors analyse how the data available regarding both violations are scarce, and there is a lack of adequate research. There is, much more than actual evidence, an understanding that the increase of the influx of people will increase the demand for sex services, including those that involve children.

As a way of conclusion, even though mega events have a positive impact on the tourist sector, the social costs of hosting such event – especially in countries with exacerbated vulnerabilities – show that winning the bidding process and gaining the right to host the mega events is more negative than positive. None of the promises and positive speculations around the hosting process are successfully delivered, economic²⁰ or social. In fact, as observed by Carrier-Moisan (2020, p. 531) “mega-events crystalize or exacerbate already existing patterns of urban inequality, rather than radically departing from them”. This raises the question:

²⁰ It is not in the scope of this research to study and demonstrate how the economic costs suppress the gains, and how these events are damaging to the funds of the country.

should mega sport events be allowed to exist if they “exclude, silence and overlook the rights and interests of any stakeholder, particularly the marginalised” (Jain, 2023, p. 97)?

3.4. Mega Sport Events and Child Sexual Exploitation

According to the American Committee for Hemispheric Affairs, countries that are sexual tourism destinations are even more vulnerable during mega sport events (Fontes, 2013, p. 2).

Powell (2015, p. 18), in his report commissioned by Terre des Hommes, observes how the literature considers that event-led increases in tourism elevate the demand for commercial sex services, which increases the possibility of child sexual exploitation from situational offenders. The author also regards that the phenomenon of hosting mega sport events exacerbates the social vulnerabilities already existing in the country, sharing our opinion expressed above. Still, Daniela Heerdt (2021, pp. 26, 27) observed that, while mega sport events “facilitate and intensify the pre-existing human rights issues in the host country”, they also structurally abuse human rights.

In his study, Powell raises the question of the unavailability of concrete data on the subject, a fact also observed by many other authors (White Paper 4.1 Children’s Rights in the Sports Context, 2017, p. 12; Brackenridge et al. 2013, p. 18; Twyford & Grant, 2023, p. 301). Powell (2015, p. 28) argues that the lack of data does not mean that there is not a relationship between the mega events and child sexual exploitation, only that there is a great deal of uncertainty around the subject, and an inability to inform political and public debates about it. We raise the point of the difficulty in collecting this type of data, due to the very nature of the issue, which is illegal and hardly reported. Powell (2005, p. 20-21) also observes that the problem of collecting data due to the illegal and illicit nature of the problem reflects on the insufficient knowledge we have on the matter: the lack of data means that there is a difficulty to determine if the level of attention we pay to the issue is proportional or if it is diverting attention from more acute issues relating to children’s rights. It is also worth noticing that the tendency of policies and approaches to the issue of sexual exploitation usually are focused on cisgender female victims, which fails to consider the implications for boys and transgender identities.

Yet on the deficiency of data, Brackenridge et al. (2015, p. 10) affirm that many assertions are made regarding sexual exploitation and mega sport events, but hardly any concrete evidence is shown to back up the opinions, no matter how well argued they are. Even

so, the authors pointed out, the nature of the issue does not allow for conventional hypothesis testing, and the sensitive and personal qualities of the outcomes translate into an enormous difficulty in collecting data from the practice. Which raises the question: even if extended empirical research produces a negative relationship between child sexual exploitation and mega sport events, should we rely on it?

In relation to the difficulty of gathering the necessary information on the subject, Brackenridge et al. (2013, pp. 6–8) examine the possibility that the issue is hidden behind other social problems²¹, like family stress, diversity services, poverty, and domestic violence, and that even human trafficking studies appear to be adult focused. The authors agree with Powell and describe how, even though some events were found to increase the risks of child exploitation, we have little reliable data on the subject to understand how risk translates into harm. Not only that, but they also point out that we lack research focused on children.

Brackenridge et al. point out how the lack of evidence regarding child sexual exploitation in mega sport events does not translate into an inexistence of the problem. They raise three possibilities on why there is not enough data available: first, there is no increase in the rates of sexual exploitations, which they deem unlikely due to the analysis of risks; second, the problem does not receive the necessary amount of attention, being masked by other difficulties; third, there is no monitoring and evaluation research that can capture the data, which they consider highly likely.

After conducting an extensive literature review, they conclude that some child exploitation happens in mega sport events universally, and categorize the sources of risk and when they happen in the mega sport events life cycle (C. Brackenridge et al., 2013, p. 13). Child Sexual Exploitation appears as a possible consequence of actions taken place before the event, for example, the large amount of construction workers concentrated in one place for a long time²². The frenetic development of the region where constructions are taking place, the sudden increase in the influx of people, and the lack of appropriate infrastructure to receive the changes, causes a disruption in the reality of the society, and children and adolescents are the main victims (Oliveira & Scabin, 2018, pp. 162–163) Research conducted by Childhood Brasil among 316 construction workers enlighten the issue: 67% of the workers admitted to

²¹ Terre des Hommes' report also notes that it most happens to socially excluded and vulnerable groups (Terre des Hommes International Federation, 2015, pp. 1–2).

²² In fact, in interviews related to the 2016 Olympic games conducted by Terre des Hommes International Federation, displaced children expressed their fear of the excessive number of men on the construction sites.

know that some other workers paid for sex with children and adolescents, and 25% admitted to have done it themselves (Terre des Hommes International Federation, 2016, p. 24).

Concrete reports of cases in Brazil around the Area Corinthians reached international fame in 2013, which resulted in the interference by the Ministério Público ²³(Oliveira & Scabin, 2018, p. 30).

We have, then, two moments of exacerbation on sexual exploitation of children, before and during the event. At the same time that the exploitation performed by workers in constructions sights has many factors behind it – for example, the long-time without contact with their families – the tourist-led exploitation also grows over subjacent factors. Besides the already mentioned child sexual exploitation in the context of tourism and traveling factors, the mega sport events have a peculiarity, which is the euphoria around the feeling of the party and amicable competition. The increase in alcohol consumption and the culture of sexism around football can enhance the number of incidents (C. Brackenridge et al., 2013, p. 17; Castilho, Evrard, & Charrier, 2018, p. 5).

Further, there is not only an increase in the demand but also in the opportunities for commercial sex with children.

During mega sport events it is common to have extended school holidays, which leaves children unsupervised and vulnerable, observed Brackenridge et al. (2015, p. 8). The authors also notice that, together with chronic poverty, the restraints to informal and commercial work in the exclusive zones put a strain on families' income, which might lead to more children going to the streets, looking for a source of money to help at home.

The displacement of children also contributes to the increase of the practice, as displacement, many times translates into dropping out from school, an even more intense phenomenon than the extended holidays. Parents might have to leave work to take care of the younger children, and the older children may start having to contribute to the family income. The loss of community support also plays a role, as it is common for communities, like the *favelas*, to have a powerful sense of protection and care for their own. It is easier for a child to suffer abuse when there is no one who can look after them. Furthermore, there were cases of stress-induced illness and even deaths (Rodriguez et al., 2015, p. 95), which many times

²³ The Ministério Público's function is to act as a "law auditor", its main attributions are to defend social and individual rights, defend the legal system, and defend democracy (*Sobre o MPF — MPF*, n.d.).

transfers the responsibility of providing for the family to the children, which might turn to commercial sex as an alternative.

4. The 2014 World Cup and Child Sexual Exploitation

4.1. Background

The 2014 World Cup was awarded to Brazil in 2007, during FIFA's initiative to award the games to countries outside Europe (*A escolha do Brasil como sede da Copa de 2014*, n.d.). It happened between 12th June and 13th July and was hosted by twelve different cities: Rio de Janeiro, Brasília, Belo Horizonte, Fortaleza, Salvador, São Paulo, Porto Alegre, Recife, Cuiabá, Curitiba, Manaus, and Natal. The choice of the cities was made by FIFA, based on the city's infrastructure and capacity to receive tourists (*A escolha do Brasil como sede da Copa de 2014*, n.d.). In total, thirty-two squads participated in the event: Brazil, Cameroon, Croatia, Mexico, Australia, Chile, Holland, Spain, Colombia, Greece, Japan, Ivory Coast, Costa Rica, England, Italy, Uruguay, Ecuador, France, Honduras, Switzerland, Argentina, Bosnia-Herzegovina, Iran, Nigeria, Germany, Ghana, Portugal, United States of America, Algeria, Belgium, South Korea and Russia ('World Cup 2014 Squads', 2014). As we showed above, it is estimated that approximately R\$ 27,1 billion was spent to receive the World Cup and that 6.430 million international tourists entered the country.

4.2. Data

The data from the 2014 World Cup is controversial. The former Human Rights Secretary (an extinct government agency, now replaced by the Ministry of Human Rights) conducted research on the increase of child sexual exploitation that, unfortunately, this research could not find. What was found was two trustful sources with vastly different data to provide. According to the Labour Regional Court of the Fifth Region, the reports of sexual exploitation increased by 41,2%. On the other side, according to the Agency Brazil, a news agency managed by the government, the increase rate in reports was only 15,6%. Both of the sources said they collected the data from the extinct Human Rights Secretary, which only proves the point that it is hard to collect data on the matter of child sexual exploitation. Besides the difficulty of finding the information, there is a difficulty in analysing it, one of the reasons being terminology issues.

A possible example of the difficulty in interpreting the collected data was observed by the Childhood Brasil (2017, p. 133) on extensive research made about the violations reports during the 2014 World Cup. The organization shows that there is no harmonization of terms

used by the institutions responsible for collecting and acting on the reports. This lack of consensus makes it hard to collect the right numbers and to broadly analyse the data.

The research by Childhood Brasil (2017, pp. 17, 97, 133) was conducted between January 2012 and December 2014, analysing the information provided by different institutions in Brazil. The data was collected in three cities, two received World Cup games, and the third was used as a control city. The research concluded that there was not a significant rise in the number of reports related to the event, but Childhood Brasil also observed that there is a clear underreporting of the child sexual exploitation in the registers of the different institutions consulted and brought up some hypotheses on the reason behind it. According to the research, the victims of sexual exploitation usually do not feel like they are being exploited and, many times, feel flattered for being chosen by older men. Another factor is the increasing role played by social media, which contributes to a hidden commercialization of sex. Finally, they consider that it is possible that the exploitation nets changed their modus operandi during the event, under the knowledge that there would be more control over their activities. On this line, Childhood Brasil perceived that the number of reports might have not reflected the increase of the practice also because there was the action of the local structure developed to act on the issue during the event, positioned in strategic places, that would inhibit the practice in the festive areas and also prevent the reports from reaching the traditional institutions, translating in the loss of data. Nonetheless, they do not discard the possibility of the number of violations having dropped or even do not exist²⁴. Further analyses and studies must be made.

On a contradictory found, the University of Dundee (Blerk & Rizzini, 2015, pp. 6, 33–36, 42, 48), conducting extensive research, observed that the practice of child sexual exploitation took place in higher numbers during the event²⁵. In their analysis, they also found that poor marginalized girls, between nine and seventeen years old, are at particular risk of sexual exploitation. They perceived that the practice was happening near previous existing prostitution zones, next to refurbished stadia, and there was potential practice in VIP areas in the stadia²⁶. In their empirical interviews, they heard from other children from the

²⁴ Blanchette & Silva (2016, pp. 411–454) developed a fine work exploring the possibility of the high numbers of child sexual exploitation in Brazil being more of a myth than reality, and how this myth provided a background for the exclusion of especially vulnerable groups of children from specific city areas.

²⁵ Even higher than prior to it

²⁶ As the football stadia were policed by FIFA's private security, and the government could not make inspections, there is no official data, but some organizations believe that the VIP areas were used for the practice of child sexual exploitation (C. Brackenridge et al., 2013, p. 36)

communities, who could see their peers in prostitution zones, that more kids were engaging in commercial sex. The children also pointed out that they believed the abusers were international tourists.

Still on the matter of collecting data, Van Blerk et al. (2019, p. 290) highlighted that there is a difficulty to gather formal objective information due to the fragilities of the Brazilian system of Guarantee of the Rights of the Child and Adolescents, that fails to produce updated records and has infrastructure issues and capacity problems that fail to properly receive the reports and investigate it. We can also identify a difficulty in collecting data that comes from the normalisation of child sexual exploitation in Brazil and the devaluation of the children's rights as they are subject to a moral judgment, and it is implicitly understood that they are only living the consequences of their lifestyle. (Oliveira & Scabin, 2018, p. 36).

5. FIFA's Accountability

5.1. International Framework

As the events happened in 2014, we are bound to analyse the facts under the applicable framework.

5.1.1. The United Nations Guidelines on Business and Human Rights

The UN Guiding Principles on Business and Human Rights (*UN Guiding Principles*, 2011) is the first international framework regarding the dos and not dos for business concerning human rights, and it was the first time the UN 'endorsed' other normative texts that were not a product of government negotiations, which put the guidelines above the volunteer characteristic (Ruggie et al., 2021, p. 180). It is a non-binding instrument²⁷, unanimously endorsed by the Human Rights Council in 2011 (Human Rights Council, 2018, p. 5), working as a base for the development of potential international and national legislation, and also influencing internal business' codes of conduct and governance. As mentioned in the interpretative guide to the corporate responsibility to protect human rights (United Nations, 2012, p. 13), the responsibility to protect human rights is *not optional* for business enterprises. Most of the time, the responsibility is reflected in domestic law, but not only. There is a global expectation of a standard of conduct applicable to all business enterprises, independent of the enterprise's personal commitment to respect human rights. It is soft law and reflects in other soft law instruments, such as the Guidelines for Multinational Enterprises of the Organization

²⁷ Nonetheless, courts and regulators are known to rely on soft law to provide decisions (Alfrey, 2023, p. 55)

for Economic Co-operation and Development, which can bring financial, legal, and reputational consequences if the enterprises fail to fulfil their responsibility.

One significant difference between soft and hard law is that contrary to what is necessary for a treaty to have effect over a country, soft law does not need to be ratified by the members it will have effects on. It also does not have oversight or enforcement mechanisms. It defines an universe of autoreactive parameters, having persuasive power, and generating expectations that affect reputation (Ruggie et al., 2021, p. 181).

The Principles are based on three pillars: the State's obligation to respect, protect, and fulfil human rights and fundamental freedoms; the business enterprises' responsibility to respect human rights; and the right to an effective remedy. They are to apply to all States and business enterprises, regardless of their size, ownership, structure, sector, and location. The Principles provide standards and methods to operationalise the respect, protection, and redress of human rights (Rook, 2023, p. 42), and the totality of the pillars is interrelated in a dynamic system, being necessary to dialogue to provide preventive and remedial measures (Schwab, 2019, p. 55)

In its introduction to the guide, called "general principles", it is stressed that they shall be applied in a non-discriminatory way, and also that it is necessary to pay attention to the rights, needs, and challenges of the more vulnerable population.

Under the Principles, the States' duty to protect human rights is translated into several commands. Some of them, which relate to this research, are:

- a. States must protect against human rights abuse within their territory by third parties, including business enterprises, taking steps to prevent, investigate, punish, and redress the abuses through policies, legislation, regulations, and adjudication.
- b. States must set clear the obligation of all Business Enterprises to respect Human Rights.
- c. Provide effective guidance on how to respect human rights.
- d. Encourage and require communication on how human rights impacts are being addressed.

States must also take additional steps to protect against human rights abuses by business enterprises that are: owned or controlled by the State. Including, when applicable, the requirement of due diligence. There must be adequate oversight in order to meet their

international obligations when they contract business enterprises that may impact human rights.

While the States' duty is to protect human rights, corporations have a responsibility to respect them. Some of the principles that guide this relationship interest us:

- a. Business enterprises must avoid violating human rights and should address adverse impacts in which they are involved.
- b. The Human Rights that must be respected are, at minimum, those expressed in the Bill of Human Rights and the principles concerning fundamental rights set out in the International Labour Organization's Declaration on Fundamental Principles and Rights at Work.
- c. Business Enterprises must avoid causing or contributing to adverse human rights impacts through their own activities and address such impacts when they occur; seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products, or services by their business relationships, even if they have not contributed to those impacts.
- d. The responsibility to respect human rights applies to all business enterprises, regardless of their size, sector, operational context, ownership, and structure.
- e. There must be policies in place dedicated to the respect for human rights, such as due diligence and remediation policies.
- f. The due diligence process must include assessing the actual and potential human rights impacts, integration and action upon the findings, the tracking of responses, and the communication on how the impacts are being addressed. Should cover adverse human rights impacts caused by the enterprises, or to which they have contributed through their own activities, or that are directly linked to operations, products, and services by its business relationships. The due diligence also must be an ongoing process, recognizing that human rights risks may change over time. The process must be conducted involving a dialogue with human rights experts, potentially affected groups, and other relevant stakeholders. It is important to notice that the extent the business enterprise's leverage is considered in the addressing of the adverse impact.

5.1.2. The OECD Guidelines for Multinational Enterprises on Responsible Business Conduct

The OECD Guidelines are a declaration from the OECD Members and other signatory states on their joint recommendation to multinational enterprises to follow some disposed principles. It draws upon the United Nations Framework for Business and Human Rights. The dispositions that interest us in this research are as follow:

- a. The obligation to respect human rights and the need to address adverse human rights impacts in which they are involved, regardless of their size, sector, operational context, ownership, and structure, wherever they operate.
- b. The need to respect the Bill of Human Rights and the International Labour Organization on Fundamental Principles and Rights at Work.
- c. The multinational enterprise must seek ways to prevent and mitigate adverse human rights impacts that are directly linked to their business operations by a business relationship, even if they do not contribute to those impacts.
- d. Multinational enterprises must recognise the human rights of those affected by their activities.
- e. Multinational enterprises must conduct risk-based due diligence, to identify, prevent and mitigate actual and potential adverse impacts, and account for how these impacts are addressed.
- f. There should be meaningful engagement with relevant stakeholders, in order to consider their views related to projects that may impact the local communities.
- g. If a risk of contributing to an adverse impact is identified, the enterprise must take the necessary steps to cease or prevent the impact. The same goes for their supply chain. It is expected that the enterprise uses its leverage to mitigate the impacts as thoroughly as possible.
- h. The State's failure to implement the relevant laws does not diminish the expectation that the company respects human rights.
- i. Enterprises should respect the human rights of individuals belonging to specific groups or populations that require special attention.

5.1.3. Children Rights' Principles

The Convention on the Rights of the Child operates under four principles (*Convention on the Rights of the Child*, 1989): non-discrimination; the best interest of the child; the right to

survival and development; and the views of the child. For this research purpose, the three latest are the principles that interest us.

The best interest of the child is a principle that establishes that all the decisions made by the states must consider the best interest of the child, who is the absolute priority in every action to be taken. This principle guarantees that the special status of vulnerability of the children is correctly observed in all the decisions made by the states. The right to survival and development is a principle that recognizes the need of a child to live in a space that gives them conditions to fulfil their potential to develop. Finally, the fourth principle guarantees the meaningful participation of the child in every matter that might concern them.

It is also important to highlight that in the Convention the importance of the protection of all sectors of society is guaranteed to children, as the Convention recognizes the shared responsibility of the State, family, and society.

5.1.4. Children's Rights Business Principles

Launched in 2012, the Children's Rights Business Principles were formulated through the consultation of children, businesses, investors, trade unions, national human rights institutions, civil society, governments, academics, United Nations entities, child rights experts, and business experts (UNICEF & Save the Children, 2012, p. 12). It is a set of principles that must be observed by business enterprises when performing actions or omissions that might influence the rights of the child. The most important principles for our research are as follows:

- a. Meet their responsibility to respect children's rights and commit to supporting the human rights of the children.
- b. Contribute to the elimination of child labour, including in all business activities and business relationships.
- c. Ensure the protection and safety of children in all business activities and facilities.
- d. Respect and support children's rights in security arrangements.
- e. Reinforce community and government efforts to protect and fulfil children's rights.

The principles are the base of different actions that must be taken, for instance, the need to protect young workers from work that is prohibited for workers under eighteen years

old or beyond their physical and psychological capacity (for example, sexual trade). The principles also focus on the need to perform due diligence regarding the rights of the child.

5.2. Accountability

In a human rights context, when determining if a state (or company) acted in a way to breach its obligations and commitments, we usually work with the concept of *accountability*. Daniela Heerdt (2021, p. 18), while studying Keohane and Grant, defines accountability as being a process in which it is judged whether an actor fulfilled its responsibility with regard to certain standards, and the imposition of consequences, possibly legal, in case the responsibility was not fulfilled.

William Rook (2023, pp. 39, 40, 44) studies how the world of sports is composed of complex relationships, power imbalances, impacts, and influences as any other section of society, hence the application of international human rights and labour standards to its activities. Mega sport events are inside this web and are entangled with specific challenges and relationships by belonging to the multinational projects' world. In fact, in such a complex scenario of multinational relationships, the power of the states to protect and enforce human rights treaties can be limited. Ruggie observed that a thick stakeholder²⁸ commitment can be normatively stronger than a state's consensus (Næss, 2023, p. 90). The power of bodies like FIFA also renders States less capable of protecting human rights, as they are to attend FIFA's demands to be able to bring the event to the country (Castilho, Evrard, & Charrier, 2018, p. 16; Castilho, Evrard, Pacheco, et al., 2018, p. 15).

In his work, Ruggie continues his studies focusing on the enforcement of human rights in the world of sport governing bodies. According to him, most sport governing bodies are incorporated as non-profit associations and other taxonomies that allow them significant autonomy in their operations, light regulation, and weak state intervention. Such autonomy is not, itself, incompatible with implementing respect for human rights, however, it does allow greater risks of conflicting interests, power imbalance, and lack of transparency.

²⁸ Buhmann (2023, p. 3) explains how Freeman (1984) defines a stakeholder as being any group or individual that is affected or can be affected by the achievement of the organisation's objectives, and analyses how today we understand right-holders as being the primary stakeholders, as they may have their human rights violated by the achievement of the companies' purposes. Buhmann (2023, p. 5) further notes how governments are also stakeholders in the business and human rights due diligence process, as they can be impacted positively or negatively by business activities.

While FIFA is an association, “it conducts significant commercial activities on a global scale” observed Ruggie (2016, p. 5) in his report on FIFA and human rights violations. It is, then, appropriate to fit sports governing bodies under the concept of business enterprises²⁹ used to apply the UN Guiding Principles on Business and Human Rights, especially when they are acting in a commercial spirit, as it happens during mega sport events (Rook, 2023, p. 42; Jain, 2023, p. 100). According to Ruggie, it is not relevant if the sports governing body recognizes the applicability of the principles (MSE Platform, 2017, p. 8)³⁰. FIFA’s actions - and omissions – can violate a series of international principles, infringing more than one obligation it has regarding the international community and, especially, the children. The association must be held accountable for its mistakes and face the related consequences, as it poses human rights challenges that are close to no different than those posed by multinational enterprises (Dennis, 2023, p. 155).

As we saw above, business enterprises have the responsibility to respect human rights, which means avoiding creating adverse impacts that might violate other’s rights and addressing these impacts when they do occur, as observed by Ruggie (2016, p. 11), one of the authors of the UN Guiding Principles on Business and Human Rights. The enterprises are expected to “know and show” that they respect human rights. According to the author, (2016, p. 12), enterprises must have in place: (a) a public commitment to respect human rights, that will become an organic part of its institutional culture; (b) an ongoing process of human rights due diligence, that is to be applied as far in the supply chain as feasible, integrate the findings on its decision-making process in order to mitigate the possible negative outcomes, and monitor the results of its actions, communicating it internally and externally; (c) and an explicit, public, secure and easy process for helping provide remedy to those harmed by its actions and decisions, even it has not directly commitment the violations. Access to effective remedy is an obligation that must be carried by enterprises and states. On an important note, Buhmann (2023, p. 2) highlights how the existence of the business’ responsibilities regarding human rights is a reflection of how society understands that business enterprises should know how they impact human rights and should adequately address such impacts.

An event the size of the World Cup is the product of many complex relationships between a substantial number of actors. Most of the violations that occur due to the event are

²⁹ The Guiding Principles apply to all organisations, including the non-profit ones, as the sport governing bodies (Davis, 2023, p. 198)

³⁰ Interest to notice, though that the Swiss National Contact Point recognized that the Guidelines for Multinational Enterprises from the OECD applies to them (Heerd et al., 2021, p. 10).

not traceable back to only one entity. Heerdt (2018, pp. 89, 90) observes how the entanglement between the actors and their unique dynamics of power blur the lines of accountability and responsibility, impeding the founding of the responsible actors and also of the correct accountability mechanisms. The author, conducting extensive research, concludes that it is necessary to use an inclusive approach that considers the contribution of all actors to the human rights abuse. It is the concept of shared responsibility and accountability, recently developed under international law. Under this idea, responsibility and accountability shall be shared and distributed among all actors involved, and all of them must contribute to redress the violations. Heerdt (2023, pp. 3, 4) also clarifies how one of the difficulties, when working with collaborative accountability, is to find a mechanism that can hold all the actors accountable at the same time, since in the world of sports the relevant mechanisms cannot be applied to all the potential actors, there is a lack of a central mechanism³¹. The expert proposes a system of accountability where the respective mechanisms that are responsible for a parcel of the actors can find a formal way to collaborate in finding a shared remedy. This collaborative approach would prevent blame shifting between the national and multinational enterprises, sports governing bodies, governments, and all possible other actors, avoiding any escape responsibility and guaranteeing full compensation for the entire harm suffered by the right holders. The authoritative framework for such collaboration would be the UN Guiding Principles on Business and Human Rights, which can reach across national frontiers and different legal statuses, it is a responsibility that exists over and above any national law³² (MSE Platform, 2017, p. 8).

The question remaining is how can enterprises be responsible for human rights violations?

They may themselves commit violations, have a direct link, or contribute to it. The relationship between the human rights violations committed by the enterprise actions is the easiest to understand. In the case of sport governing bodies, it can be seen as actions directly taken by them that harm human rights, for example against their employees. When so does

³¹ At the moment, the relevant mechanisms that we have to deal with human rights issues in the context of sport include the Court of Arbitration of Sports and the national judicial mechanisms, even though sport governing bodies try to prohibit recourses to them (Heerdt & Rook, 2022, p. 86). It is also important to remember that we are dealing with specific human rights violations, and not specific sports matters, rendering the sports judicial mechanism incapable of judging the facts, as it lacks the necessary expertise and capacity (Heerdt & Rook, 2022, p. 89).

³² It is important to remember that the sport governing bodies are liable under the domestic laws of the country they are based (Human Rights Council, 2018, p. 4)

happen, the enterprise is expected to take steps to avoid harm and provide or cooperate with a remedy.

The directly linked relationship is the link made through business relationships, up and down the supply chain. The enterprise is responsible for applying the process of due diligence in its supply chain, further explored below, and if it finds human rights violations in the supply chain, it is supposed to use its leverage to prevent them and contribute to the redress process³³ (Ruggie, 2016, p. 13). Mega sport events move astronomical amounts of money, and large publicity, which is only possible with the participation of the sports governing bodies, therefore, they possess heavy leverage over the supply chain (Alfrey, 2023, p. 59), as they can terminate or do not even initiate business relationships³⁴. According to Smit et al. (2021, p. 947), the greater the leverage, the greater the responsibility to address the violations. It is also in this context of heavy leverage that the “multiplier effect” can occur, where the leverage exercised by one enterprise produces results along the supply chain (Smit et al., 2021, p. 962). The mega sport events supply chain is particularly complex. Nonetheless, most of the parts that compose this chain are under the provisions of the UN Guiding Principles on Business and Human Rights, being accountable for the violations of human rights throughout their own supply chains (Alfrey, 2023, p. 53).

To contribute to a negative impact means to take actions that might incentivize other enterprises -or governments that you are in a business relationship with, to violate human rights themselves. It is the case when, for example, unrealistic deadlines are imposed by sports governing bodies, which might make suppliers and governments go over human rights to meet them. Ruggie (2016, p. 13) observes how the company is expected to take steps to avoid violating human rights, use its leverage to reduce the risk of other parties doing so, and help provide for or cooperate in remedy if the harm does occur.

A few further observations made by the author in his report interest us: (a) the obligations from the enterprises do not increase or decrease depending on the actions of the governments and if they met their duty to protect human rights; (b) the enterprise’s responsibility extends to all human rights internationally recognized; (c) the primary focus

³³ At this point, it is necessary to highlight the importance of due diligence as a process, an ongoing activity. Without the monitoring, it is not possible to know if the mechanisms provided to mitigate or redress impacts are effective. Simultaneously, feedback from internal and external sources must also be regarded as important tools (Oake & Theron, 2023, p. 69)

³⁴ The responsibility, either way, does not change with the degree of leverage the enterprise can exercise, once the company is linked to the damage, the responsibility is born (Ruggie, 2016, p. 20).

must be on risk to human rights, and the ones with the greatest impacts must be addressed first; (d) enterprises must engage with the stakeholders³⁵ and, if necessary, experts, to be able to assess and address the violations; (e) the mere compliance with legislation might not be enough, as relevant laws can be absent, weak or not effectively enforced.

5.2.1. Human Rights and the Mega Sport Event's Life Cycle at the 2014 World Cup

Heerdt provided us with a division of the mega sport event's life cycle that includes four stages: bidding; planning and construction; delivery; and legacy.

The author (2021, p. 33) observes how in the bidding phase the Sport Governing Body and the intend-to-be host countries are the main actors participating in the process (which is not to say that there are no other stakeholders involved, for example, the constructor's business). The governing body sets the conditions to choose a hosting country and those are followed and implemented by the bidders to continue in the process. The governments are taking very high risks in planning the adaptation of the possible host cities to the standard demanded, as it usually involves many stakeholders. Ruggie (2016, p. 20), defines risk as meaning the exposure to the chance of harm or loss. In the context of business and human rights, we are talking about the risk to people and their rights.

Ruggie analyses that it is at this moment, at the very beginning of the awarding process, that the responsibility to respect human rights starts. It begins with identifying the enterprise's activities and relationships and where it might generate risks. It is not all the human rights abuses committed by organizations that the enterprise is connected to that will be their responsibility. The responsibility is for its own involvement with the risks created, it does not matter whether the connection is through its events, business partners, or other relationships (Ruggie, 2016, p. 20). By the time of the World Cup in Brazil, there were no human rights criteria for the awarding of the event to a country, hence there was no process of observing the risks that would be created by the hosting of the event in a determined place. If it was, the risks of the violations committed might have already shown up, providing a good basis for the planning on mitigation and addressing the damage through, for example, awareness campaigns and leverage, or even influencing the decision to not award the event to the country, as the risks might have been deemed too high. As we studied, the type of risks that could have shown up were the displacement of people and its consequences – education,

³⁵ The first step for a meaningful stakeholder engagement is to analyse and map the risks and relevant stakeholders, to bring their views and needs into the discussion (Alfrey, 2023, p. 59)

health, an increase of children working with commercial sex -, and the increase in child sexual exploitation in the context of tourism and travelling.

The failure of FIFA to conduct effective due diligence during the bidding process allowed for those violations to happen without proper engagement from the governing body. If the due diligence was conducted, FIFA would find out the elevated risk of increasing sex tourism in Brazil, due to its history of being a touristic sexual paradise³⁶. It would also find that many of the people providing the services are children and adolescents and even that if the common tourist in the country does not prefer young girls, does not differentiate between adult commercial trades and child sexual exploitation. FIFA would also have found out that the chances of young girls becoming victims of sexual exploitation increase with the displacement of people, the forbidding rules around commerce in the exclusive zones, and the impoverishment of delegated public investments in health and education. FIFA, under the principles of business and human rights, is directly linked, and sometimes contributed³⁷, to the breach of internationally recognized human rights, responsible for these violations of human rights, and it must work to develop a system of monitoring and redressing the violations. Further, we will explore possible structures to be applied in this context.

After the bidding process, we arrive at the planning and construction phase (Heerdt, 2021, p. 35). During this phase, countless human rights are at risk. In the first place, one can count on finding the diversion of public resources from social areas to finance the necessary changes in the cities, to abide by the standards set but also to make it more appealing to the decision-makers. The construction of transport infrastructure and stadia, the “beautification” of the cities, and the creation of areas that will be used during the possible hosting of the event can violate countless human rights. Relating to children’s rights, what first comes to mind, is the displacement of people from some areas for the new constructions and due to the revitalization of the area, which drives away less privileged social classes and the homeless population. The displacement brings space for a stream of other violations, such as the endangered of the right to housing, health, education, food security, job, increased morbidity, community disarticulation, and others (Heerdt & Jain, 2023, p. 166). As this research explored, one of the possible outcomes of displacement is the increase in child sexual

³⁶ Heerdt (2021, pp. 26, 50) observed how the hosting of mega sport events can disproportionately impact diverse groups, such as children, depending on the country. Brazil, with its historical issues regarding child sexual exploitation and sexual tourism, is evidently a case in which this should be observed. The author also comments on how this type of event facilitates and increases the cases of child sexual exploitation when it is already a prior issue in the country.

³⁷ The tight deadlines it imposes on its supply chain might have contributed to the government conducting of hasting displacements, without proper procedures and redress.

exploitation. Not only, constructions are known for bringing a great number of workers to the sites, which can further increase the risk of child sexual exploitation, as in Brazil there is a linkage between constructions and child sexual exploitation (Oliveira & Scabin, 2018, pp. 32, 162).

Heerdt (2021, p. 38) observes that during this phase, the sport governing body will check if the standards they evaluated that the country had the potential to implement - in the bidding phase - are being met. The significant risk of direct and indirect human rights violations in this phase translates into the need for close attention from all the stakeholders, to increase the chances of mitigating the adverse impacts (Heerdt & Jain, 2023, p. 163). In the words of Ruggie (2016, p. 22), the “harms arising from government action would stem from a failure to specifically address the issue in bidding and selection criteria, hosting agreements, and efforts to develop mitigation strategies with host governments.” FIFA is responsible for this failure. It is also responsible for monitoring the implementation of the bidding plan and to guarantee that its commercial relationships are complying with human rights. In the case of failure – for example, if construction workers are engaging in commercial sex with children – because the enterprise has a responsibility over the actions of its supply chain, FIFA is accountable for the violations (Ruggie, 2016, p. 23).

The third stage is the delivery stage. According to Heerdt (2021, p. 45), the main activities of this stage relate to the smooth delivery of the event. It is composed of actions such as stadium management, the reception of athletes and tourists, security, the sale of merchandise, and many others. From the diverse human rights that can be violated during this stage, there is one that is particularly important for this research: child sexual exploitation in the context of tourism or travelling. The violation is potentialized by the legacy of the other stages, current actions and omissions, and their related violations, for example, the removal of informal street vendors. In countries that already deal with the issue of child sexual exploitation, it is known that the hosting of mega sports events increases (Heerdt, 2021, pp. 48–50) the occurrence of the fact. In his report, Ruggie (2016, p. 23) argues that, once there is a known relationship between the big influx of tourists and the sexual exploitation of children, FIFA can try to address its linkage to these risks through their business relationships with hotels (in which FIFA has a large leverage) and collaborating with other actors to raise awareness around the issue, especially within the hotel industry, which can learn about its responsibility to take action. The failure to use its leverage and to provide monitoring and redressing systems translates as FIFA’s accountability for this violation.

The last stage of the mega sport event's life cycle is the legacy it leaves behind. For Heerdt (2021, p. 54), legacy is the period that follows as soon as the mega sport event is over and the intended and unintended impacts of it. They can be short-, medium-, and long-term. Legacy is not a positive concept per se, it can include the negative outcomes of hosting the event. In the children's rights context, we are talking about the loss of access to education, health, and the other rights listed prior. We are also talking about a possible permanent increase in sexual exploitation of children, which has, as one likely reason behind, the violation of other human rights before and during the mega sport event, as well as the legacy of those. Even though the sport's governing bodies leave the business relationship with the host country and others as soon as the event is over (Heerdt, 2021, p. 56), according to the business and human rights system, it doesn't mean that they are not responsible for the negative legacy generated and that they do not have obligations towards the population of the host countries. The inexistence of impact monitoring after the 2014 World Cup makes obvious how long-lasting effects – which, when we are dealing with the society tissue, are the most present – of mega sport events may not be monitored by the governing bodies. Oake & Theron (2023, pp. 70, 72) raise the hypothesis that the lack of a redress system can be related to the lack of a monitoring and reporting system for issues not directly caused by the sports body itself.

The remediation process is related to grievance mechanisms inside and outside the sports body and, as observed by the authors, it also takes many different forms due to the wide range of potentially affected stakeholders. Therefore, they conclude, the remediation process must be the focus of the mega sport event context, as it is likely that changes and new situations might arise during the lifetime of the event. Muchlinski (2021, p. 220) notes how the remedy pillar is not only about judicial mechanisms but also non-legal mechanisms. The author states that the objective is to create a new institutional environment, one that takes into consideration the stakeholders' engagement.

For the reasons exposed, this research defends that FIFA is accountable for the increase in child sexual exploitation before, during, and after the 2014 World Cup in Brazil, under the UN Guiding Principles on Business and Human Rights, Children's Rights Business Principles, and the OECD Guidelines on Multinational Enterprises. The governing body failed to perform effective due diligence, and to provide mechanisms of redress, thereby, instead of contributing to the elimination of child labour, it has a direct linkage to the increase in one of the worst forms of child labour. We understand that FIFA knew or should have known about

this possibility³⁸. Furthermore, it also violates Children's rights under the Child Rights Convention, as the needs and the best interest of the child were not given the right priority over commercial interests, being necessary to address the violations committed and their consequences. Their right to survival and development were also infringed by the violations that diminished their life quality and interfered with their development process. One can also argue that children were treated in a discriminatory way, as children affected by the violations are from less privileged social classes. Finally, FIFA failed to take into consideration children's points of view when making decisions that interfere with their lives.

5.2.2. The Limitation of Liability Clause

One step of the World Cup is the signing of the Host City Agreement between the candidate host cities and FIFA. In this agreement, FIFA exposes its demands for the future awarded cities regarding the process of preparing, delivering, and processing the effects of the games. There is one identical agreement for each city, pre-written by FIFA. As a mean to study the type of agreement, we will focus on the city of Rio de Janeiro agreement, for the 2014 World Cup (*Host City Agreement*, 2011).

The document prescribes, in clause No. 33.19:

Limitation of Liability: The LOC and FIFA, their officers, agents, employees, licensees, or sub-contractors shall not be liable to the Host City for the death, personal or property losses, damages or injuries related to the Competition save in the event that such death, personal or property losses, damages or injuries is caused by a grossly negligent or wilful act or omission on the part of the LOC, FIFA (as applicable), nor any persons and entities acting on their behalf. Neither the LOC, FIFA, nor any of their officers, agents, employees, licenses, or contractual partners shall be liable to the Host City for any damages should a Match scheduled to take place at the Stadium not take place at the Stadium or otherwise not take place as scheduled (*Host City Agreement*, 2011, p. 37).

Independently of the existence of this clause, none of the reflections of this research shall be affected by the provision, as it is proved in the extension of this thesis that the act of awarding Brazil with the 2014 World Cup was a gross negligence of the potential human rights violations, falling under the exception provision on the clause.

³⁸ As observed by Brendan Schwab (2019, p. 54) relating to the 2022 Qatar World Cup.

Moreover, the contract is signed between two parties that are not the potential victims of the violations and cannot decide over the rights of third parties. It is the right of the victims to prosecute whomever they understand responsible to answer for their damages. Access to remedy is a human right itself, the process and the result, as determined by countless human rights treaties (Heerdt & Rook, 2022, p. 85).

Even more, in the similar case of the Qatar 2022 World Cup, the European Parliament issued a Resolution calling on FIFA to contribute to a comprehension remediation program for the violations of human rights that happened (European Parliament, 2022). It serves as a recognition of FIFA's obligations under international law.

5.2.3. The Government Guarantees, the Host City Agreement, and the General Law of the World Cup

During the bidding process, a series of guarantees are addressed to FIFA, in a document called Government Guarantees (*Government Guarantees*, 2007). The document contains the wish to be awarded to host the event and the guarantees offered by the government to the sport governing body in case the wish is granted. When Brazil applied to the World Cup, different political bodies signed the document, for example, the Minister for External Relationships, the Communication Minister, and the President. In the Brazilian case, some of the guarantees offered to FIFA were a straightforward violation of regular laws in the country, including the Constitution. A few examples of clauses are:

- a. The emission of visas without any requirements to all the individuals related to FIFA, including business partners and media representatives.
- b. Import tax exemption for FIFA, its business partners, clients, broadcasting enterprises, and spectators.
- c. The absence of responsibility over any incidents or accidents.
- d. The creation and protection of FIFA's commercial rights, even if necessary to create new laws for its implementation.
- e. The limitation of liability clause, as studied above.

These examples of the Guarantees document show how the Brazilian Government was willing to bend its laws, create exemptions, privileges, and basically accept all the possible demands of the sport governing body. Is a document that puts to shame Brazilian democracy,

as the representativity of the people is completely ignored in the process of elaboration of the promises.

After the country was awarded the 2014 World Cup, the interested cities signed a Host City Agreement, in which several new promises were made related to measures to exempt FIFA from obligations, create privileges, and create obligations for the city. Some of the clauses were copied from the guarantees. A few examples of clauses are the limitation of liability already mentioned, and the beautification clause. Clause 32, City Beautification, predicts the best efforts from the government to render the Host City attractive. It also determines that any construction workers that are ongoing during the event shall be suspended, and that the government cannot grant any permits for new construction works.

Besides those, there are clauses guaranteeing the creation of laws to assist FIFA's demands and the prohibition of public access to specific zones demanded by the body.

Perhaps the most important clause for our analysis, the Exclusion Zone clause (number 25) creates what can be called a human rights aberration. In the exclusion zone, FIFA demanded that no commercial or non-commercial activities shall be performed on Match days and the day before, and that no selling of food, beverages, fan items, souvenirs, or similar products may take place. This is an upfront violation of the right to work, the right to gain your subsistence and the right to free competition.

FIFA's demands were implemented, and the Federal Government signed a new law, No. 12.663, that is known as the General Law of the World Cup (*Lei Geral da Copa*). In section II, the Exclusion Zone clause was implemented. Article 11 of *Lei Geral da Copa* predicts that in a maximum of two kilometres around the Official Competition Places (i.e. Stadia), only FIFA and the staff authorized by it can divulge its brands, distribute, sell, publicize, or advertise goods and services, as well as other promotion activities or street commerce.

Some other clauses predict the impediment of the use of aerospace for advertisement means, the award of unconditional visas for the FIFA staff and similar personnel, and the use of military airports. The Federal Government also assumed civil responsibility for any security accident or incident, except if FIFA or the victim concurred for the occurrence of the damage. The law predicts new crimes, such as the imitation of FIFA's official symbols, and, in its Article 33, the absolute human rights damaging clause that disposes about the prohibition

of exposing brands, businesses, facilities, products, services, or any promotional activity not authorized by FIFA, attracting public attention in the local of the Events.

The adoption of the *Lei Geral da Copa* was characterized by a series of political pressures, agreements, and urgent requirements. The Brazilian Parliament agreed on the urgency of the law, and it was voted on without being analysed by four different parliament's special commissions (*Aprovada urgência para votação da Lei Geral da Copa*, 2012).

5.2.4. FIFA's State

In 2013, FIFA's Secretary General said: 'Less democracy is sometimes better for organizing a World Cup' (Corrarino, 2014, p. 181). On the topic above we studied FIFA's demands to the country and host cities, as well as the government's legal answers. On this topic, we will briefly analyse how such demands and answers have violated Brazil's sovereignty.

The new law imposed many temporary modifications and suspended a handful of Brazilian Laws, in order to harmonize the system with FIFA's demands. The creation of a legislative apparatus to accommodate the event demonstrates how the country was under the control of the sport governing body, which decided – during the bidding process and the government guarantees – how the country should adapt to receive the event, stealing a piece of its sovereignty and damaging the democratic process.

According to the Oxford Reference website (*Sovereignty*, n.d.), sovereignty is invested in the body, institution, or person that has the supreme authority in a state. It is the power to impose law and to alter any previous law, It is usually composed of three different institutions, the judicial, legislative, and executive powers. In international law, an important feature of sovereignty is that all states have supreme control over their territory and internal affairs, subjected only to international law in the way it configures as mandatory and enforceable.

As we have constructed along this research, FIFA exercises an unimaginable amount of power over the countries that desire to host the World Cup. So much power that a country determines that regular laws are suspended during the period that FIFA's interests are focused on the country. So much power that the diplomatic relations are altered and determinations over military property are accepted. It is astonishing how FIFA's influence can extend to the point that the normal and regular procedure to implement new laws is rushed through, in a disrespect to all the individuals who voted in the democratic elections to compose a trustful parliament.

The exclusive zones were a regretful phenomenon. The delimitation, which was abnormal per se, despite FIFA's reassurance, was implemented through physical barriers. Peixoto (2013, pp. 151–153) comments on how only individuals with tickets or FIFA's staff could access the zones, in a clear violation of the freedom of movement, and the right to enjoy the city. It was also a violation of the right to non-discrimination, as the public space was reserved only for those who could afford to pay for the tickets. Even the residents inside the zones faced restrictions to access their houses in their own vehicles, having to go through an inscription procedure. The author also points to the heavy security scheme that took place, including the use of military forces. As the military force exists to protect the State, and not to protect the interests of a private company, it is another instance, together with the restricted access to the zones, that demonstrates FIFA's sovereignty power inside Brazilian territory. In fact, in those areas – and one can argue that in the whole country during the period of the event - the law was FIFA's law, and the country must adapt itself.

The General Law of the World Cup (*Lei Geral da Copa*) even created criminal dispositions to benefit FIFA. The dispositions predict restraining of freedom sentences for the violation of, for example, the restriction on commercial activities inside the zones of exclusion. The criminal dispositions created specifically for the benefit of the body were being applied as FIFA wanted since they were conditioned to FIFA's will. These exemplify how FIFA gained the power to produce and apply laws.

Corrarino (2014, pp. 183–194) notes how in mega sport events is common for the locations of the events to work as 'tiny embassies' being non-reciprocally governed by the law of a corporation³⁹. They become spaces of legal exceptionalism, where a sense of national pride justifies the creation of laws that differ from what would be commonly accepted, and violations of the constitutional provisions are admitted. The author highlights how these exceptional laws are only possible because the citizens sit out of the discussion arenas, being relegated to the side, to work, if that much, with the mitigation process. As we saw above, the process that leads to this type of law initiates with the host agreements, where the city compromises in an adhesion contract, with the pre-made dispositions developed by the sport governing body, as a condition for hosting.

³⁹ Salcedo Repoles & De Castilho Prates (2015, p. 216) examined how we live in a financial and economic order that is dictated by globalization, which undermined the sovereignty power of the States through the interests of enormous multinational corporations that understand democratic borders as a hindrance for greater profits.

Due to all the imaginary surrounding mega sport events laws are passed, politics make agreements, and human rights are violated. In Corrarino words:

These special legal regimes are made possible through the convergence of, *inter alia*, the public authorities' desire for a fast, orderly, and impressive events preparation process; the power imbalance in favour of the international organizations organizing mega-events; popular support and media hype; and the financial motivations of multi-national corporate sponsors, powerful property developers, and other elite interests. The regular laws, rights-balancing, and space-use arrangements become insufficient when mega-events arrive. As a result, the upcoming mega-events have created opportunities for public authorities and elite interests to swoop in and abolish existing laws or institute new regimes to govern speech, the use of public space, employment, housing, and numerous other facets of life in ways that circumvent the normal decision-making processes and rights protections. These violations of the right to public participation create a general climate of legal exceptionalism and lay the groundwork for the creation of broader "law exclusion zones" to come.(Corrarino, 2014, p. 194)⁴⁰.

Sroka (2021, pp. 29–30) contemplates how the mega sport events – that are more commonly happening in developing countries - are one ever rare means for the Western powers to influence and control emerging economies, tinted with a hint of colonization.

When we work with the concept of sovereignty, we can understand, in the words of Carl Schmitt that 'Sovereign is he who decided on the exception' (Bar-On, 2018, p. 535). In other words, it is up to the highest authority in a state to decide if the regular state of things

⁴⁰ Regarding the law exclusion zones, it can be exemplified by the case of the 'Baianas do Acarajé' that happened in one of the host cities of the 2014 World Cup, Salvador in the state of Bahia. The acarajé sold by the baianas is a traditional food that goes back to the time of colonization. Traditional are also the baianas of Bahia, women who dress in typical clothes, and that remote to the slaves that would sell acarajé on the streets (Ivester, 2015, p. 3). They are such a typical institution in Brazil that they were recognized as immaterial national heritage (Ministério da Cultura, 2021). On the exclusion zones, FIFA revendicates for itself all the rights to distribute, sell or advertise products, and provide services. This disposition cast aside the local vendors and businesses that have been selling products and providing services around the stadia for decades, and that were put under the control of private security contractors and prohibited from selling their products in the exclusion zones (Ivester, 2015, p. 3). We can observe a direct violation of their right to work, to earn a living, to freedom of movement, and to occupy the city. Brazilian heritage was expelled by the private interest of a mega-company, and the Brazilian government allowed these violations of human rights. In the end, a strong popular movement made FIFA change its decision for the specific case, and the baianas were authorized to enter the perimeter, but only a few and with special conditions that affected their work. We can see, once again, the power of sovereignty over the territory being exercised (Salcedo Repoles & De Castilho Prates, 2015, p. 220), as the sovereign is the one capable of making exceptions to its own laws (Nogueira, 2017, p. 265).

shall be substituted for an exceptional state, where different values and laws are applied⁴¹. Sovereignty can be *de jure* (in law), or the *facto* (in practice) (Bar-On, 2018, p. 538) and, as we are investigating, the one that determines the state of exception during mega sport events may look like the government, but is, in fact, the sport governing body, showing, one more time, how there are pieces of sovereignty that the state delegated to the body⁴². As in the democratic society, sovereignty is an attribution that one incorporates when the society chooses them, it can be said that the process of delegating pieces of the State's sovereignty to multinational corporations diminishes the power of democracy. Furthermore, Salcedo Repoles & De Castilho Prates (2015, p. 218) noted how this progressive transference of the decision power happens in a way in which there is no communication within the society, that feels frustrated as they cannot influence the process that regards them. For the authors it is not a surprise, then, when decisions regarding the reallocation of individuals to permit the use of the land are taken without the consultation of the society. The conditions undermine the sovereign power of the States, the democracy, and the 'policy tools and framework available to the bureaucracy' (Sroka, 2021, p. 8).

In conclusion, we can argue that FIFA exerted the power of sovereignty during the preparation and delivery of the event, having control over the territory, laws, and military forces, creating a state of exception. As the power of exception belongs to the State, FIFA mimics a State during mega sport events.

Being a State, FIFA falls under the obligations of the first pillar of the UN Guiding Principles for Business and Human Rights. As we explored, under the Guiding Principles, the State has the responsibility to protect human rights, while the business enterprises must respect it. We argue that the social phenomenon of mega sport events made FIFA both responsible for the respect for human rights and their protection. By acting in the shoes of a State, FIFA called to itself the obligations that come with sovereignty, being now bound to all the provisions recognized in the international human rights framework. FIFA must respect, fulfil, and protect human rights, including from violations of third parties, through all the appropriate steps.

⁴¹ One example of a State of Exception is the State in war or, sometimes, under the circumstances of natural disasters.

⁴² For an Opinion on how there is not a transfer of Sovereignty but t privatization of the Spaces, as Sovereignty demands dialogue with the people, see Salcedo Repoles & De Castilho Prates(2015, pp. 224–228)

5.3. The Must Be

As far as this research is aware, FIFA did not conduct any human rights due diligence before awarding the World Cup to Brazil, furthermore, as far as we could find, until now FIFA provided no redressing mechanisms for the victims of human rights violations during the 2014 World Cup.

What could have been done? To comply with the Business and Human Rights international framework, FIFA should have performed extensive ongoing due diligence, starting during the bidding⁴³ process and ending only after the delivery phase. The redressing mechanisms were to be implemented as soon as the violations were discovered and last through the legacy period.

A correctly conducted due diligence⁴⁴ and the development of mechanisms of redressing must consider the voices of all the stakeholders. In the specific case we are dealing with, the voice of the children was to be heard and given priority over the other interests involved. According to the UN Committee in the Right of the Child General Comment No. 14, responsible bodies should develop a ‘rights-based approach, engaging all actors, to ensure the holistic physical, psychological, moral and spiritual integrity of the child and promote his or her human dignity’, and their interests shall not be considered on the same level as other interests (Twyford & Grant, 2023, p. 294). Twyford & Grant (2023, pp. 295, 296) evaluate how a proper engagement with children must be conducted through ongoing and meaningful dialogue, including experts and the affected individuals, especially considering the marginalized groups. The authors also point out how asking children their opinions is not enough to have a dialogue, and children must be provided with child-friendly material and have the collaboration of people capacitate to facilitate the process. We argue that they must be constantly informed of their rights and the developments and possible consequences of the event. The authors remind us how the dialogue must continue until the legacy phase, and children must be informed on the legacy that will be left, and the impact they had during the process. Furthermore, they defend that one of the most important parts to have actions constructed within children is the redressing part, for the development of child-friendly

⁴³ Jain (2023, p. 103) defends that the process of working with human rights starts even before the bidding phase and that the sport governing bodies, in consultation with civil society and human rights organizations must consider how they can use their leverage to reform discriminatory laws, norms and practices.

⁴⁴ Ruggie et al. (2021, p. 186) observe how the evolving process of due diligence reflects the fact that human rights risks are constantly changing through the lifetime of the event.

remedy mechanisms, as the difficulty in accessing these mechanisms often translates into the lack of redressing for children.

The meaningful⁴⁵ consultation of children through the mega sport event life cycle could have alleviated the risks to human rights (Twyford & Grant, 2023, p. 299). For example, children could have been consulted regarding the consequences to their education related to house evictions, providing the necessary knowledge for the development of preventive and redressing mechanisms. Or else, during the bidding phase, they could have meaningfully participated in the process, informing the governing body and the State of the risk of increasing child sexual exploitation, being the ones who know the reality of the issue. However, often the perceptions of the communities of the host countries are overlooked (Graeff, 2020, p. 3) and they are more commonly informed than consulted (Silvestre, 2008, p. 11). That is especially the case of children – and other marginalised groups – that suffer violence as an exercise of domination, marked by prejudices such as “adult centrism” (Rodriguez et al., 2015, p. 84).

According to Twyford & Grant (2023, p. 302), before awarding a mega sport event to a country, the governing body should: (a) allocate funds for the consideration of child rights throughout the event life cycle; (b) issue a public human rights policy including specific child’s rights; (c) conduct child rights due diligence, including an impact assessment; (d) recruit child rights expert to guarantee internal capacity; (e) support external independent monitoring of the impacts on children; (f) endure access to child-friendly remedy.⁴⁶

For remedy measures to work, it is necessary collaborative participation of local authorities and non-governmental organizations, in order for the mechanism to be seen as integrated into the society, having strength and integrity (Oake & Theron, 2023, p. 72). It is also necessary that the sport governing body recognizes that human rights were violated, which, as noted by NÆSS & Union (2021, pp. 9–13), may sound simple but is a complex process. The authors argue that it is inevitable that the interpretation of what constitutes sanctionable activities becomes a political issue. Who are the relevant stakeholders? The

⁴⁵ The UN Committee on the Rights of the Child defined the concept of meaningful participation as ‘ongoing processes, which include information-sharing and dialogue between children and adults based on mutual respect, and in which children can learn how their views and those of adults are taken into account and shape the outcome of such processes’ (Twyford & Grant, 2023, p. 295)

⁴⁶ As Jain (2023, p. 102) puts it, just consultation should not be enough, and we should pursue a regime of seeking free, prior, and informed consent of the ones that might be affected.

decision is in the awarded country's hands to take, how is the due diligence going to be conducted, what is the interpretation of some contractual clauses?

The authors observed how it is undeniable the risk to children's rights during mega sport events, and they are one of the groups that would most benefit from the integration of the human rights instruments. It is never enough to stress how children must have an active role in all the stakeholders' consultations, which is mostly not the case and children are treated as mere objects of charity⁴⁷. The authors continue, analysing how the approach to children's rights must be a holist approach, being they inserted in a social reality, within a community, and bound to their social network and geographical environments. When we work with the concept of a child's rights, we put a child rights lens, that must be applied to all risk assessments and mitigation plans (Biscoe, 2023, p. 177). UNICEF, in its guide to enterprises on how to assess impacts on children, advises enterprises on conducting the assessment in three steps: first is the investigation process, in which the socioeconomic context will be studied and how the impacts on children have happened historically; the second step is action plan, in which an expert, a facilitator must be consulted, together with the local community, and the questions are prepared; and finally the consultation of the children (Oliveira & Scabin, 2018, pp. 94–96).

Not only stakeholders must be seen in their context-specific situation. Governing bodies must have individuals from diverse backgrounds and with unique experiences, in order to create a heterogeneous environment in the decision-making process (Jain, 2023, p. 100).

The awarding process is marked by a due diligence policy which, itself, needs an impact assessment to be conducted with care. It cannot be a simple “checking the box” activity, and it must face complex social relationship challenges. One simple example regarding child labour: once you exclude the possibility of children contributing to the family income, are you not jeopardizing their right to food, housing, and all the others that may be associated with poverty? Ruggie et al. (2021, p. 187) analysing the effects of the Guiding Principles ten years later, observe how the process of due diligence is about looking at every corner trying to find out what you don't know, and not assuming that there is nothing to be found, almost as expecting the issues are going to show themselves without the necessary work to assess them. The authors also point out that, the rightly done due diligence is the one

⁴⁷ The meaningful participation of children recognizes them as experts in their field and also as rights holders (Oliveira & Scabin, 2018, p. 79).

that has behind the knowledge of the impact the company might have in the society and is marked by a work of understanding how and why the issues arose, so they can predict where it might appear again, treating the cause, and not the symptoms. Finally, the authors discuss how there is a lack of effective assessment of the effectiveness of the companies' efforts, and the need to publicize the decisions made.

We shall briefly observe Grevemberg & Bowers (2023, p. 33) notes on how an effective impact assessment can be conducted. According to the authors, the first step is to identify the stakeholders, followed by the definition of the scope of the assessment (which may involve identifying specific activities to be assessed and the human rights issues to be examined). The next step is the collection of data, followed by the analyse of the findings. Finally, the recommendations will be issued, and the monitoring and evaluating process begins, to ensure the recommendations are being implemented. Once again, we observe how it is important to dialogue with the stakeholders during all the process to understand the possible impacts.

On the importance of human rights impact assessments, it is important to remember that the UN Guiding Principles authorize the company to prioritize some human rights over others during their activities. Without a proper impact assessment, it is impossible to understand which human rights you must put above the others and consider it in your operations (Smit et al., 2021, p. 951). As observed, the due diligence process must be an ongoing activity, as part of this process, so does the impact assessment, and the prioritising of impacts. What other factors are important in the due diligence process? The MSE Platform (2017, p. 10) advises the sports governing bodies on revising the questions they are asking to make sure that they are under the human rights lens, study which leverages they can apply, and consider if all the stakeholders are mapped.

Once again, it becomes obvious that FIFA failed with its responsibilities regarding the bidding process for awarding the World Cup, as there was no human rights due diligence applied, let alone effectively conducted.

5.4. A Glance at the Present

Today, 10 years after the World Cup in Brazil, we have considerable advances in the business and human rights field, specifically in FIFA's relationship with human rights. The respect to the UN Guiding Principles on Business and Human Rights, and the care with children are common topics in the recent developments in the sporting world.

5.4.1. FIFA Statutes and Policies

After the release of John Ruggie's 2016 Report, FIFA adopted in 2017 new guidelines regarding human rights, with one of the effects being the influence in the bidding process. The guidelines would have effects on the 2032 women's and the 2026 men's World Cup. The new FIFA Statute includes sections on both sustainability and human rights. According to Article 3 of the Statutes 'FIFA is committed to respecting all internationally recognized human rights and shall strive to promote the protection of these rights.' (FIFA, 2022, p. 11). In 2017, FIFA also released its Human Rights Policy (FIFA, 2017, pp. 5–10). In the document, it is clearly expressed that FIFA will respect the UN Guiding Principles on Business and Human Rights. Some other important provisions are:

- (a) FIFA commits to take measures based on in-depth ongoing due diligence processes to avoid causing or contributing to human rights impacts and to address and remediate possible impacts.
- (b) FIFA commits to prevent and mitigate 'adverse human rights impacts that are directly linked to its operations, products or services by its business relationships, even if FIFA has not contributed to those impacts.'
- (c) FIFA commits to exercise its leverage when needed.
- (d) FIFA will try to promote the protection of human rights.
- (e) FIFA commits to follow the higher human rights standards when national law and international human rights standards.
- (f) FIFA will engage with the relevant authorities and stakeholders when necessary.

In addition, FIFA also lists some human rights that it considered possibly at risk due to its operations: labour rights, land acquisitions and housing rights, discrimination, security, and player's rights.

FIFA also emphasises how it pretends to embed respect for human rights within its bodies and administration, develop the necessary internal structures and processes to implement its human rights commitment, adapt internal regulations, and promote capacity-building within its staff and third parties. Furthermore, it highlights how the commitment will reflect in the bidding process, and how it will uphold its supply chain to also protect human rights, and that those responsible for organizing the FIFA tournaments will be required to have competent and independent bodies to review human rights issues and complaints. Still, FIFA commits to engage with external stakeholders in a structured manner and communicate

regularly and transparently with stakeholders and the general public in its efforts to respect human rights, working with an independent expert Human Rights Advisory Board and in line with international reporting standards.

Finally, FIFA highlights that all the human rights commitments are binding on all FIFA bodies and officials.

As mentioned, the first tournament elaborated under the new FIFA's policy was the Women's World Cup in 2023. However, to properly compare events, it is necessary to take a look at the men's World Cup, which will happen in 2026. Will the new policy better prevent and mitigate possible human rights violations? And will it provide for better redressing systems? Is the transparency and reporting mechanisms working? Are we secure that the policy as outlined is enough for the purpose of respecting human rights, and, more importantly, is it being implemented fully?

In this regard, the Human Rights Watch (Human Rights Watch, 2023a, 2023b), pointed out how, even though a Human Rights Director position was created, the roles of Child Protection and Safeguarding Manager were created, the advisory board is providing advice and reporting, and a system for directly reporting was implemented, FIFA is failing to follow its policy.

In 2017, the new bidding process was implemented, the due diligence process was in vogue and the countries applying for hosting the games were obliged to provide a Human Rights Strategy. The remedy commitment was put – at least partially – in place, and a grievance mechanism can be found on FIFA's website⁴⁸.

Nonetheless, Human Rights Watch has observed that the awarding of the 2030 World Cup to Morocco, Portugal, and Spain, with games in Uruguay, Argentina, and Paraguay, violates FIFA's human rights policy, as each of these countries has serious human rights violations. The acceptance of Saudia Arabia as the 2034 host country, a country internationally known for its serious violations of human rights is also inexplicable under FIFA's new policy. It is proof that the due diligence process is not being effectively conducted.

⁴⁸ As observed by Heerdt et al. (2021, p. 8), it comes to attention that the men's tournament guide is more comprehensive than the women's, asking for specific commitments and information on human rights and labour standards.

The failure to implement FIFA's human rights standards is reflected in the lack of safety for Russia's construction workers – which led to twenty-one deaths – and the forced labour of at least 110 immigrants in Russia.

Since the implementation of the new policy, Human Rights Watch has been pressuring FIFA to apply clear, objective human rights criteria to all states and any major commercial sponsorships the requirements encompass: a transparent bidding process; stakeholder consultation; human rights and labour standards to be integrated into any hosting agreements; effective, independent and public human rights monitoring, including during the bidding and preparation for the World Cup; and the implementation of remediation and transparency.

By May 2024, FIFA had yet to release Qatar's World Cup's Report on human rights violations (Kunti, 2024), consequently lacking transparency and remedial measures regarding such a controversial World Cup.

5.4.2. Kazan Action Plan

Adopted in 2017 on UNESCO's Sixth International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport, the main policy area III, regarding the integrity of sport determines:

III. Furthermore, the fundamental human rights of everyone affected by or involved in the delivery of physical education, physical activity, and sport must be protected, respected, and fulfilled in accordance with the United Nations Guiding Principles on Business and Human Rights.

III.2 Children, youth, and women are particularly vulnerable to maltreatment, abuse or neglect, impairment to their health and development, and circumstances that run counter to the provision of safe and effective care (SDG 5.2). This can include child labour, abuse, sexual exploitation and misconduct, trafficking, and violence (SDG8.7 and 16.2). These phenomena, which can also affect all athletes, undermine fundamental human rights, and run counter to the spirit of sport. Strategies and practices grounded on positive relationships and mutual respect, honest communication, just and proportionate response, mitigation, and contingency, are necessary conditions for healthy and sustainable sport for all (*Kazan Action Plan*, 2017, p. 12).

5.4.3. Sporting Chance Principles on Sport and Human Rights

From 2016, the Sporting Chance Principles on Sport and Human Rights, developed by the Advisory Council of the Centre for Sport and Human Rights, predicts:

The governance and delivery of sport should at all times be based on international human rights instruments, principles, and standards, including those expressed in the UN Guiding Principles on Business and Human Rights, the OECD Guidelines on Multinational Enterprises, the ILO Declaration on Fundamental Principles and Rights at Work, and the ILO Tripartite Declaration on Principles Concerning Multinational Enterprises and Social Policy, as well as those that may apply to potentially vulnerable or marginalised groups such as the UN Convention on the Rights of the Child (Advisory Council, 2016).

The Advisory Council also mentions that all the actors involved in sports must commit to all internationally recognized human rights, through activities and business relationships, regarding all stakeholders. Any damage must be addressed, and access to remedy must be available and developed in cooperation with all relevant groups. About the phases of the mega sport events, they demanded the application of robust and ongoing human rights due diligence, at all phases of the process and by everyone in the supply chain.

Regarding stakeholder participation, the council prescribed the obligation to meaningfully involve all stakeholders in sports activities and relationships, with a special mention to children.

5.4.4. Framework Convention on Tourism Ethics of the World Tourism Organization

In 2019, the UN World Tourism Organization adopted the Framework Convention on Tourism Ethics, build upon the nine principles of the Code of Ethics. The Framework explicitly mentions children and sexual exploitation:

Art. 5.3 The exploitation of human beings in any form, particularly sexual, especially when applied to children, conflicts with the fundamental aims of tourism and is the negation of tourism; as such, per international law, it should be energetically combated with the cooperation of all the States concerned and penalized without concession by the national legislation of both the countries visited and the countries of the perpetrators of these acts, even when they are carried out abroad.

5.4.5. International Charter of Physical Education, Physical Activity and Sport

Proclaimed in 2015, the Charter determines in its article 5.4:

All parties involved in the realization of major sports events – in particular, event owners, public authorities, sports organizations, commercial stakeholders, and the media – must ensure a sustainable legacy for the hosting communities concerning the financial cost, environmental and social impact, the post-event use of the infrastructure and the effect on participation in sport and physical activity. (United Nations, 2015)

6. Conclusion

When we reflect on childhood, it is not uncommon to think about fragilities and submission. Society mistakes the vulnerability of children and their special needs with an idea of helplessness, but children are much more than what we are used to think. They are subjects of rights, and not merely objects, and must be heard, meaningful participate, and be empowered regarding the subjects that may affect them.

That is not to say that children do not need special attention due to their peculiar characteristics, and their greater vulnerability to the possible hardness of life. One of the obligations society has towards children is to protect them from actions and omissions that might hamper their well-being.

An aberrant action that we need to protect our childhoods from is child sexual exploitation. The commercial sex trade with anyone who is under eighteen years old is a gross violation of their rights to develop and grow in a safe place and to have mental and physical health. As a form of violence against children, the States are internationally obliged to protect them from it, and business enterprises are requested to respect their right not to be a victim, acting to avoid it and to mitigate when the misfortune happens.

Unfortunately, child sexual exploitation is a harsh reality in Brazil. The history of Brazil as a sensual country remotes to the time of the colonization, with the stereotyping of the Indigenous and slave women. Brazil is target as a place where Global North men can come and be free from their normal boundaries. It is seen as a periphery pleasure playground, where everything is free, due to the euphoric feeling of the exotic and also the opportunity of anonymity. Northern men see Brazil as a place where the rules do not apply to an extent that commercial sexual relationships with children are not seen as a violation or sexual abuse. These interactions are also marked by a strong legacy of colonisation, as the men see the southern women as almost their right to consume.

Children must be especially protected during the lifecycle of mega sport events. The increase in tourism, the euphoria behind the games, and the consumption of alcohol and drugs make possible abusers more inclined to commit the violation. But perhaps more important than the increase in the demand, is the increase in the supply. Mega sport events are characterized by their enormous number of attendees and spectators, the media interest (broadcasting and advertising), the specific duration in time, and their social impacts.

The social impacts observed during the 2014 World Cup were great. The reallocation of public funds translated into less money for health and education and many other social needs. The mega construction and revitalisation works have displaced thousands of individuals from their homes. The evictions translated many times into the loss of access to education and health services due to the new distances. Together with the school holidays during the games, children became unsupervised on the streets, and the financial restraints – sometimes because of loss of jobs due to the displacement - their families were going through made it more likely that they end up in the commercial sex trade.

The phenomenon of mega events exacerbates previous social issues in the country, and we can see an increase in the sexual exploitation of children. It is necessary, though, to point out how we have a great lack of data available on the subject, which can be attributed to factors like the own private nature of the abuse, the difficulty of obtaining data and correctly naming and selecting it, and the fact that many children and adults do not understand the exploitation as a violation. This is reflected in the data we have regarding the 2014 World Cup: we lack concrete information on the number of children, and the numbers we have are contradictory. Not having data, though, does not mean that the increase in exploitation did not happen, only that it was not possible to obtain it.

In face of all these possible negative outcomes, we raised the question: Can FIFA be accountable for the violations of human rights?

To answer this question, we must first ask why a country wants to host mega events. The answer is in the prospect of tourism, the new position in the international scenario, and the elites' interests. The will to host the games is so great that the sport governing bodies – in the case we study, FIFA – have astonishing power over the countries, and can elaborate many demands that will be accepted in order to be awarded the competition.

As a business enterprise, FIFA is bound to the UN Guiding Principles on Business and Human Rights., FIFA must apply standards and methods to operationalise the protection of

human rights. Enterprises have the duty to avoid violations, address adverse impacts, investigate – using proper, deep, ongoing due diligence – its business partners, and mitigate and address violations committed by them, even if the enterprise itself has not contributed. Finally, there is also the obligation to engage with meaningful stakeholders in all the processes.

It is worth remembering that children are many times forgotten in their role as stakeholders. What makes their participation even more important are the child rights principles. The best interest of the child guarantees that their interest must be privileged in all the decision-making process, the right to survival and development recognizes their right to live in a space that allows them to develop and the right to meaningful participation is translated in the Principles.

FIFA is not only bound to respect human rights but also accountable for its violations. As the power of leverage they exercise over the countries is so great, they are responsible for the violations committed in the name of hosting the event, being accountable for the failure of using its leverage to protect human rights. FIFA's actions and omissions can violate a series of international principles, but they can also be directly linked, up and down their supply chain for lack of proper due diligence, or have contributed in a way to the violation, through actions that incentivise other entities to violate human rights (it is the case, for example, of unrealistic deadlines and misfortunate demands). Even though most of the violations that happen cannot be directly traced back to only one actor, FIFA is certainly part of the web of responsible bodies. It is accountable for its actions, but also for the actions of its business partners that it should have known and acted upon it, ceasing it when possible or mitigating when necessary. Working with the fact that we face a shared responsibility, it is mandatory that we develop international mechanisms that can support the digestion of such processes, which we lack at the moment.

By the time of the 2014 World Cup, there were no human rights criteria for the awarding of the event to a country, hence there was no process of observing the risks that would be created by the hosting of the event in a determined place, otherwise, the risks that would become violations could have been potentially predicted and avoided. It was a matter of observing and studying the context of the country, as well as the possible impacts FIFA's demands would have.

There are different violations to each phase of the lifecycle of the event. In the bidding phase, the demands implemented, and the lack of due diligence translated into human rights violations. The construction phase brought the construction workers to the sites, displaced people, and increased social struggles, violating, once again, countless rights. The delivering phase is the one where child sexual exploitation in the context of tourism and travel happened. The legacy phase is where the lack of remedy is violating a whole new myriad of human rights. We are left only to wish that FIFA comes along with its responsibilities and provides remedy for the legacy of damages, as well as apply its new policy on human rights to perform better work in the future.

Finally, this research briefly argues that due to the type of relationship FIFA's demands built with the government, it is possible to say that FIFA has acted with sovereignty power inside the Brazilian territory. That is especially the case of the exclusion zones implemented and controlled by the governing body. Brazil violated its law, created a state of exception, and formulated new laws, all to please the demands imposed by FIFA, due to the great desire of hosting the World Cup.

But what could FIFA have done? Næss (2023, p. 92) argues that FIFA, in order to realise its obligations to respect human rights (and, this research argues, to protect as a pseudo-state), the governing body must at least demand that the countries participating in the bidding, and the subsequently chosen country, raise their human rights standards as a pre-condition to be considered for the event. As states are the primary duty-bearer on the protection of human rights, even more than implementing itself, FIFA must use its leverage to conduct the countries in the implementation of human rights. On the other hand, FIFA also must respect all rights in its actions and of its business partners, especially when it demands such changes that it acts as a sovereign power.

It is not to be forgotten, though, that FIFA's power has its limitations. After the event is awarded and the preparative phase starts, and as the years go on, FIFA loses a great amount of the leverage it has over the State, as it becomes impossible to change the place for lack of time to prepare another country. FIFA cannot be held accountable for actions of the governments that violate human rights if it did everything it could to prevent it (which includes, for example, demanding reasonable deadlines that will not contribute to improper evictions and violations of labour rights). With time, FIFA also loses its leverage in front of its business partners, as changing providers at the last minute can be shown unfeasible.

Nonetheless, even when the body cannot prevent the violations anymore, it can act to redress it, providing grievance mechanisms, remedy, and effective stakeholder engagement. It is never too late to start a program to redress the suffering of the population.

Unfortunately, this research could not dwell on the possible actions to be taken by the sport governing body to address the violations, or how a meaningful stakeholder engagement could have been (and can be) performed. As Muchlinski (2021, p. 224) observed, businesses will resist the possibility of being held liable for any reason beyond the mere procedural liability for failure to exercise a proper due diligence process. The author points out that businesses have been hiding themselves from being held liable through doctrinal and procedural arguments, especially questions of jurisdiction or the existence of a responsibility of the parent company over its subsidiaries. To the first argument, we resume the argument that it is time for us to have a judicial or quasi-judicial body that is responsible for judging and enforcing this type of multinational shared liability. Regrettably, FIFA does not fulfil the requirements to be under the legislative power of the new EU Corporate Sustainability Due Diligence Directive, as it has less than a thousand registered employees. However, to the second argument, we can point to the existence of the Brussels I Recast regulation, which we unfortunately do not have the space to explore. This is an open road for new research, as is the possibility of constructing the logic behind the shared responsibility and the jurisdiction challenge.

It is not lightly that we say that a body the size of FIFA must be accountable for the violations of human rights that it causes, is linked to, or contributes to. The powerful forces in the globalized world cannot walk without any responsibility for the damage they create when they pass through vulnerable places. That is the promise for the 2026 men's World Cup, we are here to wait and hold it liable for all the adverse consequences of its actions or inactions. We hope that the new human rights policy will be enough, because, for an institution that gladly says they promote human rights through football and holds high the importance of sports for human life, FIFA has not done enough to respect these same rights.

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