



April 27, 2018

Gianni Infantino, President
Fédération Internationale de Football Association
FIFA-Strasse 20
P.O. Box 8044, Zurich, Switzerland

Dear President Infantino:

The Advocates for Human Rights¹ requests FIFA to encourage Morocco to supplement its bid to host the 2026 World Cup by taking much-needed measures to eliminate gender-based discrimination and create a safe environment free from sexual violence for all female participants.

We are delighted that FIFA increasingly has been an active participant in the “fight for a fairer society without discrimination,” evidenced by the adoption of a new, landmark Human Rights Policy in May 2017, concurrent with the creation of FIFA’s Human Rights Advisory Board,² and by FIFA’s Fourth Conference on Equality and Inclusion held in Zurich in March 2018.³

At the Conference in Zurich, you recognized that football has immense “strength” that can be used as “a force for good.” Likewise, conference attendees spoke of how football can be “more than just a game” and that the sport can have a “special power”. And, while acknowledging that “Football alone cannot solve all of the problems in the world,” FIFA Secretary General Fatma Samoura stated that it would be “irresponsible” to overlook the power of football as a global sport. In closing the conference, Secretary General Samoura called for football to be put in “service of a greater good”, namely, by “pursuing equality” and by “striving for people to be properly valued regardless of where they come from, their sexual orientation or the colour of their skin.”

¹ The Advocates for Human Rights (“The Advocates”) is a volunteer-based nongovernmental organization with UN special consultative status that is committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. We have worked for more than eleven years in partnership with local women’s groups in Morocco to promote Moroccan women’s rights to freedom from violence.

² FIFA.com, *FIFA publishes landmark Human Rights Policy*, Jun. 8, 2017, <http://www.fifa.com/governance/news/y=2017/m=6/news=fifa-publishes-landmark-human-rights-policy-2893311.html>.

³ FIFA.com, *FIFA Conference for Equality and Inclusion focuses on hope through football*, Mar. 2, 2018, <http://www.fifa.com/about-fifa/news/y=2018/m=3/news=equality-and-inclusion-two-important-words-for-the-world-2931547.html>

Although such statements carry great promise, to have meaning FIFA must act on them. **Morocco’s bid to host the 2026 FIFA World Cup requires further scrutiny and dialogue with national representatives because its current laws discriminate against women and do not guarantee a safe environment for all World Cup attendees regardless of gender.**

Such laws are incompatible with international human rights standards and with Article 4 of the FIFA Statutes, which prohibits discrimination of any kind. FIFA today has an opportunity to use the power of football in pursuit of equality and to fight to end discrimination. Without doubt, it is a privilege for any country to host the World Cup. FIFA’s awarding Morocco the 2026 World Cup without demanding that it first repeal these discriminatory statutes and ensure the security of all – men and women, visitors and Moroccans – would be “irresponsible” and wrong.

1. Moroccan criminal law discriminates against women.

Current Moroccan laws (a) criminalize all sexual relations outside of marriage, and (b) create significant barriers to justice for women who have been raped.

First, article 490 of the Moroccan Penal Code criminalizes sexual relations outside of marriage between persons of the opposite sex, punishable by one month to one year of imprisonment. Article 491 increases the penalty to one-to-two years for an adulterous spouse.

Secondly, Morocco’s laws have legal gaps, are insufficient to prevent, investigate, and punish violence against women, are discriminatory, and rarely enforced by the justice system in cases of gender-based violence, such as sexual harassment, rape, and domestic abuse.⁴ A law passed in February 2018 defining violence against women as “any act based on gender discrimination that entails physical, psychological, sexual, or economic harm to a woman”, does not adequately address the problem because women still are not guaranteed a safe environment free from sexual violence.⁵

For example, in cases of sexual assault and rape, Moroccan law continues to require that victims prove non-consent by showing actual physical injuries resulting from the act of violence, and

⁴ The Advocates for Human Rights and MRA/Mobilising for Rights Associates, *Morocco’s Compliance with the Convention on Economic, Social and Cultural Rights: Suggested list of issues relating to ESC Rights of Women*, (Minneapolis, USA, and Rabat, Morocco: The Advocates for Human Rights & MRA/Mobilising for Rights Associates, Jan. 2015), ¶ 6. Also available at <https://www.theadvocatesforhumanrights.org/uploads/moroccolistofissuesescr.pdf>.

⁵ Ahmed El Amraoui, *Will Morocco’s new law protect women from violence? Legislation criminalises violence against women, but some claim law falls short, leaving domestic abuse victims at risk*, Al Jazeera, Mar. 8, 2018, <https://www.aljazeera.com/indepth/features/morocco-adopts-law-protect-women-violence-180306230636981.html>.

ignores the act of violence itself.⁶ These legal provisions continue to place the burden of proof solely on the victim of violence,⁷ and constitute gender-based discrimination as a result.

Moreover, rape victims are deterred from seeking help out of fear of prosecution under Morocco's aforementioned morality laws criminalizing illicit sexual relations.⁸

2. Morocco's discriminatory laws can have a direct, negative impact on the World Cup itself.

Such discriminatory laws create disincentives to all fans – foreign and Moroccan – to attend World Cup matches and festivities. Moreover, the laws create disincentives to female fans in particular to attend because of the threat of gender-based violence. The resulting low attendance may have a direct, negative impact on the World Cup itself.

A. Negative impact on all World Cup participants and fans.

Unmarried opposite-sex couples may be deterred from participating for fear of arrest and prosecution under articles 490 and 491 of the Moroccan Penal Code. Police are known “to harass unmarried lovers”, and Morocco's so-called morality laws “have been used to break into activists' homes in the middle of the night and arrest them on charges of adultery.”⁹

For similar reasons, the laws also can negatively affect the experience of unmarried football players who participate in the 2026 FIFA World Cup. Likewise, female national team physicians and trainers, FIFA personnel, and match officials and referees risk harassment by law enforcement, and even arrest and prosecution under Morocco's criminal laws.

⁶ The Advocates for Human Rights and MRA/Mobilising for Rights Associates, *Morocco's Implementation of Accepted UPR Recommendations On Women's Rights*, (Minneapolis, USA, and Rabat, Morocco: The Advocates for Human Rights & MRA/Mobilising for Rights Associates, June 2014), ¶ 7. Also available at https://www.theadvocatesforhumanrights.org/uploads/morocco_human_rights_council_women_s_rights_june_2014_english.pdf.

⁷ The Advocates for Human Rights and MRA/Mobilising for Rights Associates, *Morocco's Compliance with the Convention on Economic, Social and Cultural Rights: Suggested list of issues relating to ESC Rights of Women*, (Minneapolis, USA, and Rabat, Morocco: The Advocates for Human Rights & MRA/Mobilising for Rights Associates, Jan. 2015), ¶ 9. Also available at <https://www.theadvocatesforhumanrights.org/uploads/moroccolistofissuesescr.pdf>.

⁸ The Advocates for Human Rights and MRA/Mobilising for Rights Associates, *Morocco's Implementation of Accepted UPR Recommendations On Women's Rights*, (Minneapolis, USA, and Rabat, Morocco: The Advocates for Human Rights & MRA/Mobilising for Rights Associates, June 2014), ¶ 9. Also available at https://www.theadvocatesforhumanrights.org/uploads/morocco_human_rights_council_women_s_rights_june_2014_english.pdf.

⁹ The Economist, *Morocco: Sexual violence is on the rise*, Jul. 22, 2015, <https://www.economist.com/news/middle-east-and-africa/21659672-spate-attacks-cautiously-liberal-land-sexual-violence-rise>.

B. *Negative impact on women specifically.*

In particular, both foreign and Moroccan female soccer fans may choose not to attend World Cup games and related activities because, if they are sexually assaulted, justice system, law enforcement, and health services responses are not adequate. Worse, rape victims seeking help may risk imprisonment instead, because of Morocco's laws prohibiting sex outside of marriage.

In recent decades, female attendance at men's football matches has grown.¹⁰ Among European countries, between 30 and 40 percent of all football fans are women.¹¹ Moreover, even as the women's game continues to grow in popularity¹², female fans' interest in men's football is shown to increase further still with national team games.¹³ Morocco is no exception to this trend of growing female attendance at football games, with one report describing the increasing presence of women fans and how, "despite the agitation in stadiums, and despite harassment and aggression, Moroccan women insist on taking their place in stadiums to follow the matches of their favorite teams Women defy family and social control and resist harassment to support their teams in stadiums that are almost monopolized by men."¹⁴ However, female attendance at live football matches decreases in the face of heightened misogyny, sexism, and violence.¹⁵

There is a real risk of sexual violence against both Moroccan and foreign female fans, national teams' staff members, FIFA officials, and others attending World Cup events in Morocco. Violence against women is a widespread problem in Morocco, with 62.8 percent of women reporting some form of violence within a given one-year period.¹⁶ An estimated 23 percent of women in Morocco experience sexual violence at some point in their lifetime.¹⁷ This risk is

¹⁰ Gertrud Pfister, Verena Lenneis & Svenja Mintert (2013) *Female fans of men's football – a case study in Denmark*, Soccer & Society, 14:6, 864, DOI: 10.1080/14660970.2013.843923.

¹¹ Kantar Media. *Distribution of football fans* in Europe in 2016, by country and gender*, accessed April 23, 2018, <https://www.statista.com/statistics/658959/europe-football-fans-by-country-and-gender/>.

¹² Mark Chaplin, *Popularity of women's football continues to rise*, UEFA.com (6 Mar. 2015), accessed 20 Apr. 2018, <http://www.uefa.com/insideuefa/football-development/womens-football/news/newsid=2218440.html?redirectFromOrg=true>.

¹³ Gertrud Pfister, Verena Lenneis & Svenja Mintert (2013) *Female fans of men's football – a case study in Denmark*, Soccer & Society, 14:6, 856, DOI: 10.1080/14660970.2013.843923. Further still, data shows that "the large majority of [European] female football fans support men's teams". *Id.* at 851.

¹⁴ Zhor Baki, *Ultras Women: Female Moroccans compete with men within the Ultras, and with men inside the stadium!*, Maghreb Voices, Feb. 13, 2018, <https://www.maghrebvoices.com/a/417674.html>.

¹⁵ Gertrud Pfister, Verena Lenneis & Svenja Mintert (2013) *Female fans of men's football – a case study in Denmark*, Soccer & Society, 14:6, 857, DOI: 10.1080/14660970.2013.843923.

¹⁶ The Advocates for Human Rights and MRA/Mobilising for Rights Associates, *Morocco's Implementation of Accepted UPR Recommendations On Women's Rights*, (Minneapolis, USA, and Rabat, Morocco: The Advocates for Human Rights & MRA/Mobilising for Rights Associates, June 2014), ¶ 7. Also available at https://www.theadvocatesforhumanrights.org/uploads/morocco_human_rights_council_women_s_rights_june_2014_english.pdf.

¹⁷ The Advocates for Human Rights and MRA/Mobilising for Rights Associates, *Morocco's Implementation of Accepted UPR Recommendations On Women's Rights*, (Minneapolis, USA, and Rabat, Morocco: The Advocates for Human Rights & MRA/Mobilising for Rights Associates, June 2014), ¶ 5. Also available at https://www.theadvocatesforhumanrights.org/uploads/morocco_human_rights_council_women_s_rights_june_2014_english.pdf.

compounded by the substantially increased levels of sexual violence against women reported during major sporting events, including the World Cup.¹⁸

C. Negative impact on FIFA.

FIFA has recognized its responsibility for “providing for the safety and security of people who are attending or are otherwise involved in or affected by FIFA’s events”.¹⁹ This responsibility to protect women participating in the World Cup applies equally to foreign and Moroccan fans, national teams’ staff members, match officials, and FIFA personnel. Yet, holding the 2026 World Cup in Morocco under current laws recklessly places all women and unmarried couples in harm’s way.

Low attendance can have a direct, negative impact on the World Cup itself. For example, low female spectator attendance can be reflected in diminished ticket sales, which affects FIFA’s projected revenues.²⁰ Using 2014 FIFA World Cup figures as a baseline, if foreign and Moroccan female fans opt to stay home rather than attend the 2026 games, a mere 5-to-10 percent decrease in ticket sales could result in \$25 million to \$50 million in lost revenue, if not more.²¹

[.english.pdf](#). See also The Economist, *Morocco: Sexual violence is on the rise*, Jul. 22, 2015, <https://www.economist.com/news/middle-east-and-africa/21659672-spate-attacks-cautiously-liberal-land-sexual-violence-rise>.

¹⁸ AP, *Study: Violence risks rise if Mexico co-hosts 2026 World Cup*, USA Today, Apr. 8, 2018, <https://www.usatoday.com/story/sports/soccer/2018/04/08/study-violence-risks-rise-if-mexico-co-hosts-2026-world-cup/33660843/>; Women’s Aid, *Statement on Domestic Violence & the World Cup*, Jun. 14, 2014, <https://www.womensaidni.org/domestic-violence-world-cup/>; Kyli Rodriguez-Cayro, *A History Of Sexual Assault At The Olympics — And What's Being Done To Combat It*, Bustle, accessed Apr. 26, 2018, <https://www.bustle.com/p/a-history-of-sexual-assault-at-the-olympics-whats-being-done-to-combat-it-8096455>.

¹⁹ FIFA, *FIFA’s Human Rights Policy*, art.5 (May 2017 edition), available at http://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/12/fifashumanrightspolicy_neutral.pdf.

²⁰ World Cup television licensing, sponsorships, and ticket sales account for the majority of revenue for FIFA’s four-year budget cycle. See Mike Ozanian, *World Cup Brazil Will Generate \$4 Billion for FIFA, 66% More Than 2010 Tournament*, Forbes, Jun. 5, 2014, <https://www.forbes.com/sites/mikeozanian/2014/06/05/the-billion-dollar-business-of-the-world-cup/#31e0fd6b641a>; Kelly Phillips Erb, *World Cup Mania: Figuring Out FIFA, Soccer & Tax*, Forbes, Jun. 16, 2014, <https://www.forbes.com/sites/kellyphillipserb/2014/06/16/world-cup-mania-figuring-out-fifa-soccer-tax/#37fd5b9d44a7>.

²¹ Ticket sales in 2014 generated \$527 million of FIFA’s \$4.8 billion in revenue from the event. Tony Manfred, *FIFA made an insane amount of money off of Brazil’s \$15 billion World Cup*, Business Insider, Mar. 20, 2015, <http://www.businessinsider.com/fifa-brazil-world-cup-revenue-2015-3>. Five percent of \$527 million is \$26.3 million in lost ticket sales; ten percent is \$52.7 million.

For context, more than 3 million fans attended each of the past three FIFA World Cups in Germany 2006, South Africa 2010, and Brazil 2014. Statista, *Number of spectators at football World Cups from 1930 to 2014*, accessed Apr. 24, 2018, <https://www.statista.com/statistics/264441/number-of-spectators-at-football-world-cups-since-1930/>. Similar figures projected for Russia 2018. *Moscow expects up to 1 million fans during 2018 World Cup*, Welcome2018.com, Sept. 22, 2017, <http://welcome2018.com/en/journal/materials/moskva-ozhidaet-do-1-mln-boleishchikov-v-dni-chm-2018/>.

Low attendance in Morocco also may project a negative image of 2026 FIFA World Cup games on television screens around the globe from the empty seats on match-day. For example, the 2010 World Cup in South Africa was troubled by headlines, like, “World Cup stadiums: What’s with all the empty seats?”²² Regarding the group stages in 2010, one reporter recalled: “It became a favoured pastime to note the point at which thousands of yellow jacketed volunteers would flood into the stands to fill empty spaces at some matches.”²³ FIFA was left “scrambling to avoid embarrassment” by making tickets available to locals at low prices.²⁴ There is no guarantee that a similar tactic will succeed in Morocco, a country of only 35 million people compared to South Africa’s nearly 55 million, should FIFA find itself pressed to fill empty seats in stadiums once more in 2026.

3. Holding the 2026 FIFA World Cup in Morocco would violate FIFA’s commitment to human rights.

Article 4 of the FIFA Statutes prohibits discrimination of any kind. Moreover, FIFA has committed to advancing and protecting the human rights of women, and to holding World Cups in environments free of discrimination. The Human Rights Policy “outlines FIFA’s approach to its implementation in accordance with the UN Guiding Principles on Business and Human Rights”.²⁵ Importantly, FIFA is “committed to embedding this policy across our activities through ongoing due-diligence processes, which includes *anchoring respect for human rights in the bidding and hosting of our events* and throughout our relationships with third parties.”²⁶ Hosting the 2026 World Cup in Morocco is incompatible with such policies and commitments.

For example, Article 5 of FIFA’s Human Rights Policy declares that “FIFA strives to create a discrimination-free environment within its organisation and throughout all of its activities” and that discrimination on basis of gender is prohibited.²⁷ Article 5 further declares that “FIFA places particular emphasis on identifying and addressing differential impacts based on gender and on promoting gender equality and preventing all forms of harassment, including sexual

²² Scott Baldauf, *World Cup stadiums: What’s with all the empty seats?*, Christian Science Monitor, Jun. 25, 2010.

²³ Owen Gibson, *World Cup 2010: South Africa leaves a World Cup legacy to remember*, The Guardian, Jul. 12, 2010, <https://www.theguardian.com/football/blog/2010/jul/12/south-africa-world-cup-2010>.

²⁴ Owen Gibson, *World Cup 2010: South Africa leaves a World Cup legacy to remember*, The Guardian, Jul. 12, 2010, <https://www.theguardian.com/football/blog/2010/jul/12/south-africa-world-cup-2010>.

²⁵ FIFA, *FIFA’s Human Rights Policy*, 4 (May 2017 edition), available at http://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/12/fifashumanrightspolicy_neutral.pdf.

²⁶ *Id.* (emphasis added).

²⁷ FIFA, *FIFA’s Human Rights Policy*, art.5 (May 2017 edition), available at http://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/12/fifashumanrightspolicy_neutral.pdf.

harassment.”²⁸ Yet, rape victims receive inadequate protection under Moroccan law and regularly face harassment at the hands of law enforcement, as discussed above.

4. FIFA should withhold Morocco’s eligibility to host the 2026 World Cup unless the country repeals its discriminatory laws and guarantees a safe environment for all women.

FIFA’s Human Rights Policy provides ample guidance. “Where the national context risks undermining FIFA’s ability to ensure respect for internationally recognised human rights, FIFA will constructively engage with the relevant authorities and other stakeholders and make every effort to uphold its international human rights responsibilities.”²⁹ The Moroccan national context presents just such a risk. FIFA’s efforts to uphold its international human rights responsibilities are undercut by the prospective host country’s criminal laws, which discriminate against women and do not adequately prevent or respond to sexual violence.

FIFA maintains an “ongoing due diligence process to identify, address, evaluate and communicate the risks of involvement with adverse human rights impacts.”³⁰ In considering Morocco’s bid to host the 2026 FIFA World Cup, FIFA has an obligation under its ongoing due diligence process to engage with the Moroccan government to address laws and practices that run squarely counter to international human rights and create substantial risks for certain categories of participants. **FIFA should declare that, until Morocco’s discriminatory criminal laws are repealed and measures are taken to respond adequately to sexual violence, the country’s eligibility to host the 2026 World Cup is called into question.**

5. Conclusion

The Advocates for Human Rights applauds FIFA’s leadership in enacting policies toward upholding international human rights. We agree that football can be “more than just a game” and, indeed, the World Cup is perhaps the greatest opportunity to harness football’s “special power” in service of the greater good. **To that end, we respectfully request that FIFA seriously consider Morocco’s human rights record – particularly on women’s rights to freedom from discrimination and violence – in the context of its bid to host the 2026 FIFA World Cup.**

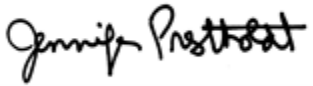
²⁸ FIFA, *FIFA’s Human Rights Policy*, art.5 (May 2017 edition), available at http://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/12/fifashumanrightspolicy_neutral.pdf.

²⁹ FIFA, *FIFA’s Human Rights Policy*, art.7 (May 2017 edition), available at http://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/12/fifashumanrightspolicy_neutral.pdf.

³⁰ FIFA, *FIFA’s Human Rights Policy*, art.6 (May 2017 edition), available at http://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/12/fifashumanrightspolicy_neutral.pdf.

We stand ready to assist you on these issues, and we would welcome the opportunity to provide additional information on women's rights in Morocco.

Sincerely,



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