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FIFA World Cup 2022: Enjoying the Game at the Suffering of Migrant Workers

By, Iram Ashraf*

On December 2, 2010, the Federation Internationale de Football Association (“FIFA”), granted Qatar the honor of hosting the 2022 World Cup.¹ FIFA’s president, Sepp Blatter, stated that hosting the World Cup in Qatar, an “unstable region of the world,” is intended to unify millions of people that may not otherwise come together, such as Israelis and Palestinians.² FIFA has put great efforts towards hosting this event in Qatar, so much so that it changed the tournament to be held in the winter rather than the summer for the first time in history.³ The logic behind this timing change was to prevent workers from suffering in the scorching heat and harsh conditions of Qatar’s summer while building and operating the infrastructure.⁴ Although the change is intended to be for the greater good of uniting people, the fact is that there are still numerous human rights concerns that surround the hosting of this event in a country reported to have high records of human rights violations even before this hosting was granted.⁵

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1. Paul C. Castrigano, *Cut Qatar*, HARV. CRIMSON (Apr. 25, 2012), <http://www.thecrimson.com/article/2012/4/25/cut-qatar-alcohol/>. See generally *2022 FIFA World Cup Awarded to Qatar*, FIFA (Dec. 2, 2010), <http://www.fifa.com/fifa-tournaments/news/y=2010/m=12/news=2022-fifa-world-cup-awarded-qatar-1344500.html>.
2. *Qatar Hits Back at 2022 Slavery Claims*, ESPN (Sept. 26, 2013), <http://en.espn.co.uk/football/sport/story/241827.html>.
3. *Five Years of Human Rights Failure Shames FIFA and Qatar*, AMNESTY INT’L (Dec. 1, 2015), <https://www.amnesty.org/en/latest/news/2015/12/five-years-of-human-rights-failure-shames-fifa-and-qatar/>.
4. *Id.*
5. *Id.*

Background: Qatar's History for Poor Workers' Conditions

Despite Qatar's high economic status in the world, it lacks enforcement of its existing worker protection laws that keep conditions safe for its workers.⁶ Qatar's history concerning workers' rights has been a topic of concern amongst international humanitarian organizations. Studies of working conditions have reported high death rates of migrant workers long before a large venue such as the World Cup arena was even under construction.⁷ Before the granting of the World Cup to Qatar, global companies that were involved in Qatari construction projects or use of Qatari laborers were undergoing investigations concerning workers' conditions.⁸ Workers have reported being treated like cattle with long hours and no days off during the week.⁹ One report by Qatar's own government found 964 deaths of migrant workers due to working conditions, while others have reported higher numbers.¹⁰ All of these reports surfaced before the announcement of the World Cup, which is a much larger infrastructure to be built than Qatar's workers have built in the past.

The conditions for the workers building the tournament's infrastructure are predicted to be significantly worse due to the massive nature of this tournament.¹¹ The International Trade Union Confederation, a labor group, conducted a study in 2014 finding that "4,000 migrant workers could die before the start of the 2022 World Cup."¹² With such alarming reports, it is also worthy of attention that there are allegations of bribery in awarding the Cup to Qatar, "a tiny country with sweltering summer heat and no soccer culture to speak of."¹³

6. *Qatar Hits Back at 2022 Slavery Claims*, *supra* note 2.

7. *Id.*

8. *Id.*

9. *Id.*

10. Christopher Ingraham, *The Toll of Human Casualties in Qatar*, WASH. POST (May 27, 2015), <https://www.washingtonpost.com/news/wonk/wp/2015/05/27/a-body-count-in-qatar-illustrates-the-consequences-of-fifa-corruption>.

11. Tony Manfred, *14 Reasons the Qatar World Cup is Going to be a Disaster*, BUS. INSIDER (Mar. 1, 2015), <http://www.businessinsider.com/qatar-world-cup-disaster-2015-2>.

12. Barry Meier, *Labor Scrutiny for FIFA as a World Cup Rises in the Qatar Desert*, N.Y. TIMES (July 15, 2015), http://www.nytimes.com/2015/07/16/business/international/senate-fifa-inquiry-to-include-plight-of-construction-workers-in-qatar.html?_r=0.

13. Ingraham, *supra* note 10.

Others have rumored that giving the Cup to Qatar was just a means for “rich, powerful men [to make] themselves richer and more powerful.”¹⁴ Whatever the cause may have been of granting the hosting to Qatar, the reality is that there are serious underlying human rights issues at hand concerning workers’ conditions which have not received due attention or humanitarian concern.

The Kafala System

Qatar is amongst many of the European and Middle Eastern nations that hire migrant workers for employment opportunities.¹⁵ The majority of the workers hired to build this infrastructure are employees who have migrated from neighboring countries such as Nepal and India in hopes of finding higher wages in Qatar.¹⁶ The visas for their employment are granted based on a program known as “Kafala.”¹⁷ This is a sponsorship program under which migrant workers are granted legal residence on a sponsorship by their employer.¹⁸ The concept is to give the employer responsibility and control over the worker’s wages, living conditions, working conditions, and entry and exit from the country.¹⁹ The sponsorship is generally contracted for a minimum of two years.²⁰ If the contract is broken, the worker may be obligated to pay back his sponsor any fees incurred during this process.²¹

Once the worker arrives in Qatar, the sponsor is in control of the worker’s conditions during his stay in the country. This control extends to every part of the worker’s life in Qatar and this is evident through the rules of the Kafala program. For example, the worker is

14. *Id.*

15. Roojaa Bajracharya, ‘Kafala’ or ‘Sponsorship System’, CENTRE FOR STUD. LABOUR & MOBILITY (July 15, 2015), <http://ceslam.org/mediastorage/files/Kafala%20or%20Sponsorship%20System%20System%20.pdf>.

16. *Id.*; See generally Wesley Stephenson, *Have 1,200 World Cup Workers Really Died in Qatar?*, BBC NEWS (June 6, 2015), <http://www.bbc.com/news/magazine-33019838>.

17. Rothna Begum, “I Already Bought You” *Abuse and Exploitation of Female Migrant Domestic Workers in the United Arab Emirates*, HUMAN RTS. WATCH (Apr. 2, 2014), <https://www.hrw.org/report/2014/10/22/i-already-bought-you/abuse-and-exploitation-female-migrant-domestic-workers-united>.

18. Meier, *supra* note 12.

19. Bajracharya, *supra* note 15.

20. *Id.*

21. *Id.*

subject to whatever living conditions the employer provides, however gruesome they may be.²² The worker is unable to “transfer employment without first obtaining a consent from the sponsor.”²³ The control even advances to the extent that the worker’s exit from the country is contingent upon the sponsor’s consent.²⁴

Despite such a controlling and slave-like contract, thousands of migrant workers are forced to take up any employment opportunities they can find in Qatar because of its economic ranking as “the most competitive economy in the Middle East and 13th worldwide.”²⁵ Forced by economic downfall in their home countries, migrants work under this sponsorship program in order to provide for their families back home.²⁶ Little do they know what conditions await them upon their arrival in Qatar.

Abuse of the System

The Kafala system, no matter how much control it gives to the sponsor, still grants an employee the right to report any abuse or poor working and living conditions to the authorities.²⁷ However, due to the amount of control that the sponsors possess, it is often impossible for workers to have the opportunity to report any kind of mistreatment.

The problem appears to be largely due to the government’s lack of enforcing the workers’ rights. The authorities that deal with this system fail to enforce the laws of the country that require protection of workers. Officials involved in Qatari humanitarian efforts have called for attention towards this failure of the government to protect Qatari workers. The Nepalese ambassador to Qatar, Maya Kumari Sharma, described the working environment as an “open jail” for the

22. *Id.*

23. *Id.*

24. *Id.*

25. Dovelyn Rannveig Agunias, *Top 10 of 2013 – Issue #10: Qatar’s Treatment of Migrant Workers is Under the Spotlight Ahead of 2022 FIFA World Cup*, MIGRATION POL’Y INST. (Dec. 10, 2013), <http://www.migrationpolicy.org/article/issue-no-10-qatars-treatment-migrant-workers-under-spotlight-ahead-2022-fifa-world-cup>.

26. Sarah Mendelson, *Outsourcing Oppression Trafficked Labor from North Korea*, FOREIGN AFF. (May 28, 2015), <https://www.foreignaffairs.com/articles/north-korea/2015-05-28/outsourcing-oppression>.

27. Bajracharya, *supra* note 15.

migrant workers from Nepal, her home country.²⁸ Mustafa Qadri, Gulf Migrant Rights Researcher at Amnesty International, an international human rights organization, laid out the faults in the Kafala system focusing on the fact that an employer is able to get away with violating workers' rights because their control is so extensive that they can even prevent the workers from reporting their conditions.²⁹ Aidan McQuade, director of Anti-Slavery International, stated that because the sponsor's control over the employee is so great, these conditions "go beyond forced labour to the slavery of old where human beings were treated as objects."³⁰ The conditions these officials are criticizing include low wages, oppressive working hours, deplorable working and living conditions, inability to switch employers, and extreme difficulty in exit from the country.³¹

Any solution to the violations these migrants face must address the entire timeline of the sponsorship program. The sponsorship system is tarnished from the very start of the process when migrants are signing up for employment in a foreign country. Before any worker can apply for a worker's visa in a foreign nation, they must go through certain formal proceedings.³² This process alone, without the involvement of the Qatari system, is flawed. A North Korean worker reported that laborers spend long months waiting for their government to process their visas.³³ During this process, the applicants go through health screenings.³⁴ Once the results are in, they are then provided to the sponsor under the Kafala program.³⁵ If the results of the person's health tests were not to the sponsor's liking, the applicant will end up in a completely different country than he had applied for through the Kafala program.³⁶ When the health results do meet the sponsor's standards and the worker ends up in the country of his choosing, the job he comes to find in Qatar may be completely dif-

28. *Qatar Hits Back at 2022 Slavery Claims*, *supra* note 2.

29. *Five Years of Human Rights Failure Shames FIFA and Qatar*, *supra* note 3.

30. *Qatar Hits Back at 2022 Slavery Claims*, *supra* note 2.

31. Begum, *supra* note 17.

32. RAY JUREIDINI, *MIGRANT LABOUR RECRUITMENT TO QATAR* xvii (2014).

33. Mendelson, *supra* note 26.

34. *Id.*

35. Azfar Khan & Helene Harroff-Tavel, *Reforming the Kafala: Challenges and Opportunities in Moving Forward*, 20 *ASIAN & PAC MIGRATION J.* 293, 295 (2011).

36. Mendelson, *supra* note 26.

ferent from what he expected.³⁷ He comes to Qatar, “forced to perform a different job at a lower pay than what [he was] promised in [his] home country.”³⁸

For the workers that are spared the initial deceit, additional problems lie ahead. Some sponsors refuse to pay the promised amount, while others hold off payments for unexplained reasons and threaten the workers from speaking up against wage issues.³⁹ According to a report conducted by Amnesty International regarding the FIFA infrastructure and workers’ rights, workers were blackmailed by their employers and forced to sign papers in front of officials stating they received their wages.⁴⁰ Moreover, the workers are required to work long shifts, often every day of the week and even during the holidays.⁴¹

In addition to the poor system of ensuring payment, the living conditions make matters worse for the victims of this merciless system. Amnesty International’s report also revealed large groups of workers living together in cramped, unsanitary housing, some without running water.⁴² Many workers also fall victim to physical and sexual abuse in their workplaces.⁴³ As if living conditions were not poor enough, the working conditions are also deplorable. Conditions on work sites worsened to the point that “1,000 people were admitted to the trauma unit in 2012 having fallen from [a] height at work. Ten per cent were disabled as a result and the mortality rate was ‘significant’.”⁴⁴

37. Meier, *supra* note 12.

38. Peter Kovessy, *Qatar Awaits Results of Investigation by UN Labor Organization*, DOHA NEWS (Mar. 18, 2016), <http://dohanews.co/qatar-awaits-results-investigation-un-labor-organization/>.

39. Meier, *supra* note 12; note 16. 14), atchation of Female Migrant Domestic Workers in the United Arab Emirates.hrive in my research and writing skills a*Five Years of Human Rights Failure Shames FIFA and Qatar*, *supra* note 3.

40. *Qatar: End Corporate Exploitation of Migrant Construction Workers*, AMNESTY INT’L (Nov. 17, 2013), <https://www.amnesty.org/en/latest/news/2013/11/qatar-end-corporate-exploitation-migrant-construction-workers/>.

41. *World Report 2015: Qatar*, HUMAN RTS. WATCH, <https://www.hrw.org/world-report/2015/country-chapters/qatar>.

42. *Id.*

43. *Id.*

44. *Qatar: End Corporate Exploitation of Migrant Construction Workers*, *supra* note 41.

45. *World Report 2015: Qatar*, *supra* note 42.

The problems continue due to the lack of workers' opportunities to speak up for their rights. This, again, is due to the amount of control the sponsors have. Sponsors often confiscate the workers' passports and leave the workers at the mercy of whenever the sponsor will return it.⁴⁵ Because the workers have no control over their exit from the country, they are forced to abide by the sponsors' commands. This in turn leads to the worker becoming undocumented and in fear of being arrested by officials.⁴⁶

Such conditions are exactly what worry the human rights and labor groups around the globe. The conditions have reached a point where nothing is within the hands of the workers; where one cannot even speak up and state the violations he endures. Such horrific and helpless conditions are what lead to the comparison of Qatar's system to slavery rather than employment.

The Future of Qatar's Humanitarian Issues

Due to the high volume of criticism and concern by international activists, Qatar officials and the leaders within the Cup's infrastructure have worked to reform the nation's labor laws.⁴⁷ The Kafala system was replaced with a new system to enable a contract rather than a sponsorship.⁴⁸ One of the major changes in the new system is intended to allow a worker to appeal when a sponsor disables him from exiting the country.⁴⁹ This change is targeted to remove the hopelessness factor of the previous system when the workers saw no escape from their horrific sponsorship conditions. However, the goal of the new system is not carried out to meet that end. The reformed laws came into effect in 2014 but it was merely a set of laws without strict enforcement leading to no significant solution.⁵⁰ The system is still run as poorly as it was before the reformed laws. The reports of

46. *Id.*

47. Ingraham, *supra* note 10.

48. *World Report 2015: Qatar*, *supra* note 42.

49. Peter Sheble & Heba Fahmy, *Qatar's Emir sings into law kafala changes (updated)*, DOHA NEWS (Oct. 27, 2015), <http://dohanews.co/qatars-emir-approves-kafala-reforms-changes-more-than-one-year-away/>.

50. *Five Years of Human Rights Failure Shames FIFA and Qatar*, *supra* note 3.

violations of Qatari workers' rights have come in just the same as they did with the old Kafala system.⁵¹

Due to the lack of any significant change in addressing humanitarian issues, many have called for a removal of the World Cup from Qatar.⁵² Others have compared Qatar's hosting of the Cup to the Russian hosting of the 2014 Olympics.⁵³ Both nations are stated to be similarly unfit for the responsibility of ensuring that no human rights violations occur in relation to the world events they host.⁵⁴ The building and operation of the Olympic venue in Russia was also the subject of exploitation of migrant workers, which led to criticism of Russia's ability to host the event.⁵⁵ The Human Rights Watch reported human rights violations of migrant workers involved in the 2014 Olympics *despite* Russian law protecting workers from such treatment.⁵⁶

Where the Russian controversy arose when laws in fact existed prohibiting such humanitarian violations, the Qatar system did not even have such protective laws to begin with. Furthermore, the Qatar venue is estimated to spend four times the budget and resources on its infrastructure than Russia did.⁵⁷ Considering this large proportional difference in the cost and size of the venue, the project will also call for a rise in its labor needs.⁵⁸ As an unfortunate result, the humanitarian violations are likely to also trend upwards. Without an appropriate resolution to address the humanitarian concerns involving the World Cup 2022, the Qatari violations will be far more numerous than the Russian violations were in 2014. The world community failed the Russian workers in 2014. It must not make the same mis-

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51. James Dorsey, *New Qatari Labor Law: Too Little, Too Late*, WORLD POST (Oct. 28, 2015), http://www.huffingtonpost.com/james-dorsey/new-qatari-labour-law-too_b_8408458.html.
 52. Michael Anders, *Red Carded: How We Can Help Remove the 2022 FIFA World Cup from Qatar*, INT'L SPORTS HUB (May 21, 2015), <http://thesidelinesports.co/2015/05/21/red-carded-how-we-can-help-remove-the-2022-fifa-world-cup-from-qatar/>.
 53. *Race to the Bottom Exploitation of Migrant Workers Ahead of Russia's 2014 Winter Olympic Games in Sochi*, HUMAN RTS. WATCH (Feb. 2013), https://www.hrw.org/sites/default/files/reports/russia0213_ForUpload.pdf.
 54. *Id.*
 55. *Id.*
 56. *Id.*
 57. Manfred, *supra* note 11.
 58. *Id.*

take again with thousands of Qatari workers today, let alone those to come until 2022.

Conclusion

International human rights organizations have failed to compel Qatar to strictly enforce its laws, because these organizations lack the authority to take away hosting the World Cup from Qatar in the case it does not protect human rights of migrant workers.⁵⁹ Due to this failed effort to compel Qatar, Amnesty International and other human rights groups are instead pressing FIFA to be the one to oblige “Qatari authorities to implement and monitor reforms to protect migrant workers’ rights.”⁶⁰ FIFA is the only one with the authority to take away the World Cup from Qatar.⁶¹ At the hands of this unique authority, FIFA appears to be the only hope in preventing the suffering of migrant workers in Qatar.⁶² This humanitarian issue still has time to spread its poison with six years of labor remaining until the 2022 World Cup. It is a poison that FIFA must compel Qatar to stop now before every attendant of the game steps upon an infrastructure built on the lives, liberties, and rights of thousands of workers.

59. *Id.*

60. *Id.*

61. James Reeve, *Could FIFA Really Take the World Cup from Russia or Qatar?*, BBC NEWS (June 8, 2015), <http://www.bbc.com/news/world-europe-33044898>.

62. *Id.*