

CHAPTER I

INTRODUCTION

A. Background.

This thesis discusses the role of the ILO (*International Labour Organization*) in providing protection against human rights violations for workers involved in the process of organizing the 2022 World Cup in Qatar, namely highlighting various human rights violations since Qatar was set as the host until the grand event was completed.

On 2 December 2010, the *Federation International de Football Association* (FIFA) chose Qatar to host the 2022 World Cup. This appointment also makes Qatar the first Arab country to host. Hosting the World Cup is a great achievement for a country. The event aims to highlight Qatar's modern culture and technological sophistication.¹ Since Qatar was announced as the host of the 2022 World Cup, Qatar began to prepare itself by starting a massive development program. Qatar poured up to USD 200 billion into infrastructure development. This makes the Qatar World Cup touted as the most expensive sporting event ever held.²

In the past 10 years, Qatar has embarked on an unprecedented development program. Much of this was done to prepare for the football tournament in 2022. In addition to the seven new stadiums, dozens of major projects were completed or

¹ Paul Michael Brannagan and Richard Giulianotti, "Soft power and soft disempowerment: Qatar, global sport and football's 2022 World Cup finals", *Leisure Studies*, 2015.

² <https://www.internationalaffairs.org.au/australianoutlook/football-diplomacy-how-qatar-won-the-2022-world-cup-hosting-rights/> last accessed on February 1, 2016.

were in the works, including a new airport, highways, public transport systems, hotels and new cities where matches were to be held.

As 2022 approached, Qatar became in the spotlight of the world, the grandeur of Qatar's World Cup development developments is attracting global attention. But unfortunately, behind the magnificent development, there were various events in it. Since Qatar was appointed as the host of the world cup, many controversial events arose in the process of its construction. The problem that is the main highlight is the violation of human rights, namely the exploitation of workers, especially against migrant workers. According to a report by *Inside the Games*, there are as many as 80 (eighty) migrant workers in Qatar claiming to be treated inappropriately while they work to prepare for the Qatar 2022 World Cup. Starting from unpaid salaries to living conditions that are not considered.³ This was done for the smooth preparation of Qatar in preparing world-class infrastructure at the 2022 World Cup.

Allegations of human rights violations have been the subject of discussion in many circles. Human rights groups have released a lot in their mass media regarding alleged human rights violations that occurred from 2010 to 2022 in the implementation of the Qatar 2022 World Cup. There were thousands of migrant workers who had to experience exploitation and violation of their rights.

According to data collected by Amnesty International and R & D Media Indonesia, there were as many as 1.7 million or 90% of the workforce in Qatar are migrant workers who come from Bangladesh, Pakistan, India, Sri Lanka and Nepal.

³ <https://sport.detik.com/sepakbola/gila-bola/d-6773554/puluhan-buruh-migran-piala-dunia-2022-mengaku-dieksplotasi> last accessed on June 15, 2023.

A total of 3,200 (three thousand two hundred) people worked at Khalifa Stadium every day, and more than 234 (two hundred and thirty-four) people were exploited by being subjected to forced labor against them.⁴ They were treated such as: living in cramped, dirty and indecent places, unpaid salaries for months, threatened and intimidated by employers, workers being evicted from their apartments to be used as residences for onlookers. Of the atrocities that occurred, as many as 6,500 (six thousand five hundred) migrant workers died, namely from 2010 to 2022.⁵

According to a *Human Rights Watch* report, in 2015 there were allegations of human rights violations against migrant workers in the construction of 2022 World Cup infrastructure. In the report, at least 5 (five) human rights violations were found, namely:⁶

1. Forced evictions and the absence of compensation;
2. Mistreatment and exploitation of migrant workers;
3. Silencing civil society activists;
4. Intimidation and arrest of journalists;
5. Discrimination against States competing to host.

Given the enormous pressure placed on Qatar by various international organizations, in 2018, Qatar ratified two core international human rights treaties, namely the International Covenant on Civil and Political Rights 1966 (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

⁴ <https://mediaindonesia.com/infografis/536632/eksploitasi-pekerja-migran-di-piala-dunia-qatar-2022> last accessed on November 10, 2022.

⁵ Ibid.

⁶ Al Thani, M, "Channelling Soft Power: The Qatar 2022 World Cup, Migrant Workers, and International Image", *The International Journal of the History of Sport*, No 38 Vol 17, pp 1729–1752.

International legal instruments need to be used as well as possible in upholding human rights protection for everyone, especially migrant workers of the 2022 World Cup in Qatar as victims of human rights violations by the State of Qatar. For that reason, the author wants to raise this study because there are human rights issues that must be considered by the world, especially regarding workers' rights, so the author raised this study with the title "The Role of the ILO (International Labour Organization) in Providing Protection Against Human Rights Violations of the Qatar 2022 World Cup."

B. Research Question.

What is the role of the ILO (*International Labour Organization*) in providing protection against human rights violations of the Qatar 2022 World Cup?

C. Research Objectives.

To find out the role of the ILO (*International Labour Organization*) in providing protection against human rights violations of the Qatar 2022 World Cup.

D. Theoretical framework.

1. Decent Work.

The recognition of the right to decent work as a human right is expressly stated in the *Universal Declaration of Human Rights* which is then strengthened in the *Interbational Covenant on Economic Social and Cultural Rights* which has more binding force.⁷ Recognition of the right to decent work within the scope of

⁷ Carolus Boromeus Kusmaryanto, "Human Rights or Human Rights?", *Journal of Human Rights*, Vol.12 No.3, 2021, pp 521-532.

Human Rights (HAM) does not come with an empty idea alone,⁸ but on the grounds that the inclusion of decent work into legal rules is so that it does not become a mere moral rule, but a law, so that there are inherent rights and obligations in it that must be fulfilled and protected by the State.

Decent work is part of the right to work that falls within the scope of economic, social and cultural rights.⁹ This right grew and developed driven by the ideas of early socialism in the 19th century. Decent work has logical consequences, namely the need for the role of the State in carrying out recognition, respect and most importantly the fulfillment of the right to decent work for every citizen.

Decent work can also be referred to as a *denominator* of human rights related to the right to work.¹⁰ The right to work is closely related to the right to life of the working class. The working class is everyone who works to earn income to maintain his life and that of his family.¹¹ So the right to work is closely related to human rights, because the right to work is also part of the right to life.

According to Bueno,¹² the right to decent work is divided into 2 (two) parts, namely:

1. The right to the opportunity to earn a living through employment. This means that there is a necessity for States to take action to ensure that jobs are not only available, but also viable.

⁸ Pir Ali Kaya, "The Right to Work as a Fundamental Human Right", *European Scientific Journal*, Vol.15 No.14, 2019, p. 157.

⁹ Oki Wahyu Budijanto, "Living Wage for Workers / Workers in Legal and Human Rights Perspective", *De Jure Research Journal*, Vol.17 No.3, 2017, p. 399.

¹⁰ Catarina Krause and Allan Rosas (eds.), *Economic, Social and Cultural Rights*, Kluwer Law International, The Hague, 2001, p. 223.

¹¹ Pir Ali Kaya, *Op.Cit*, p 156

¹² Nicolas Bueno, "From the Right to Work to Freedom from Work", *International Journal of Comparative Labour Law and Industrial Relations*, Vol.33 No.4, 2017, p. 470.

2. The right to freely accept or choose a job. What this means is that everyone has the right to refuse assigned work, the right not to be forced to accept unworthy work, and the right to freely choose work. The right to refuse assigned work relates to the traditional recognition that there is a right for a person not to be compelled in any way to perform or engage in work.

From the above opinion, it can be understood that the right to decent work is not only a question of the availability of work or not, but also pays attention to the feasibility of the job. These two components are the components that make up the right to work. Therefore, these two components must be integrated into the right to decent work.

2. ILO (*International Labour Organization*).

The International Labour Organization (ILO) is an established UN agency that was founded in 1919. The organization is responsible for drafting and supervising standards regarding the international labor system. One of its goals is to protect the interests of migrant workers in foreign countries. The ILO has produced many international treaty instruments, especially regarding migrant workers. Some conventions relevant to cases of violations of the right to work include the following:

- a. *Forced Labour Convention No. 29.*

Article 1 paragraph (1) of *Forced Labour Convention Number 29* states that ILO Member States have the responsibility and obligation to identify, criminalize and eradicate all forms of forced labor. Member States should be able to protect persons who are victims of such forced labor. Furthermore, in Article 2 paragraph

(1), the ILO explains that forced labor can occur when a permanent worker is required to perform work even though the worker does not offer himself voluntarily to work.

b. Abolition of Forced Labour Convention No. 105.

Abolition of Forced Labour Convention No. 105 is an international treaty that prohibits forced labor. Article 1 of the ILO prohibits forced labour as a means of political education. Furthermore, the ILO also prohibits forced labor activities for the purpose of economic development and means of labor discipline as punishment for strikes, to means of discrimination against race, social status or religion.¹³

c. Labour Inspection Convention No. 81.

This Convention obliges Member States to implement a system of labor supervision or inspection in the work environment, with the aim that corporations and companies in their States comply with international labor principles. *Labour Inspection Convention Number 81* covers labor inspection rules, functions and organization of inspection systems, recruitment criteria and terms and conditions of service in labor supervision. Under this convention, Member States shall also submit an annual report from the labor inspector to the ILO as a butki showing the functioning of labor supervision services.¹⁴

¹³ Margot Lens, "An Analysis of Qatar's Migrant Workers and the 2022 FIFA World Cup as an Agent of Change from an International Law Perspective", *Teseis*. Tilburg: International and European Law, 2017, p14.

¹⁴ Ibid

E. Hypothesis.

Seeing and responding to the existing issues, the ILO takes several steps that function to follow up on these problems, including:

ILO as an organization, serves as a forum or reference for countries in the world to discuss and deal with issues concerning employment, especially the right to decent work for workers. In the case of human rights violations by migrant workers in Qatar, the ILO acts as a mediator by cooperating with the Qatari government to amend Qatar's labor laws ratified by international agreements established by the ILO.

F. Scope of Research.

This research will be limited to the scope of discussion on the issue of human rights violations in the process of implementing the World Cup, namely from 2010 to 2022, where the author will examine the role of the ILO in solving these human rights problems.

G. Research Methods.

The research method used in this study is a qualitative research method, which is research that does not use the calculation process and the power of numbers in its research, but this research is descriptive and explanatory. This study explains the problem by trying to reveal the phenomena that occur through the facts obtained. This research uses *library research techniques* in searching, collecting, and summarizing data taken from books, journals, and the internet that are relevant to the topic of the research problem that the author raises.

H. Systematics of Writing.

CHAPTER I

In this chapter, the author explains the issue of human rights violations that allegedly occurred during the process of implementing the 2022 World Cup in Qatar. After that, what is the background to the issue of alleged human rights violations and the role of the ILO in providing protection against these problems.

CHAPTER II

In this chapter, the author describes the dynamics of human rights violations that occurred in the process of implementing the 2022 World Cup involving migrant workers and several international organizations.

CHAPTER III

In this chapter, the author will explain the role of the ILO as an international labor organization in providing protection to workers who experience human rights violations throughout the process of implementing the 2022 World Cup in Qatar.

CHAPTER IV

In this chapter, the author draws conclusions and provides advice from the study of international human rights problems and the role of the ILO in the process of solving these problems.