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Leveraging the ILO for Human Rights and Workers’ Rights in International Sporting Events

by DANTAM LE

I. Introduction

Sports majorly impact the world, and millions of fans from all over the globe rally together with pride to watch their countries compete on the world’s stage in international sporting events such as the Olympic Games and the World Cup. Studies suggest that mega sporting events help host cities gain an influx of resources from the central government relative to non-host cities in the same country, and that this may be particularly important in periods of economic recession and resource scarcity. Sports play a central role in quality education for all, and sports have been found to advance public health, and international sporting events like the Olympics and the World Cup have great potential to advance human rights. These mega-sporting events act as a global crossroads for people who want to live their lives in freedom.

In the past decade, however, mega-sporting events have drawn heightened scrutiny due to rampant human rights and workers’ rights violations. For the host countries, there is a certain sense of prestige that comes with being selected to hold the sporting event, and many countries seek to help bolster their global image by hosting them. Empirical evidence suggests that media coverage of a mega-sporting event has the potential to shape viewers’ perception of a host nation. In an attempt to make mega-sporting events truly inclusive, the governing sport bodies responsible for overseeing and running the Olympic Games and the World Cup, the International Olympic Committee (IOC) and FIFA Fédération de

2. Id. at 201.
3. Id.
Internationale Football Association (FIFA) respectively, have recently decided to stage events in several first-time host countries, many of them developing nations.\textsuperscript{5} Mega-sporting events are intended to attract tourist revenues and national and international media recognition for the host city.\textsuperscript{6} Nevertheless, with all of the benefits of hosting a mega-sporting event, there is greater pressure each year to hold a bigger and better game than the prior games, and sporting events have become something of a curse for the host cities’ inhabitants.\textsuperscript{7}

Two of the major sporting events, the World Cup and the Olympics, are rampant with human rights and labor abuses. The abuses start from the conception of the sporting event, the bidding process, to selecting bid cities and to the actual construction of the stadiums.\textsuperscript{8} The human rights abuses include violations with housing, mobility, work, public safety, information and participation in the economy, and there are extreme labor violations, especially for migrant workers.\textsuperscript{9} The same issues constantly resurface at every Olympic Game and FIFA World Cup—allegations of unacceptable working conditions in venue construction and in the supply chain for sporting goods, uniforms, merchandise and medals.\textsuperscript{10} Moreover, the risks associated with these international sporting events range from forced evictions of communities and reports of police brutality to unsafe working conditions in the construction and infrastructure structure.\textsuperscript{11} There are labor issues with migrant worker vulnerability to sweatshop conditions and child labor.\textsuperscript{12} There are also often restrictions on freedom of association, peaceful assembly and the rights of journalists to report freely to gender, racial, religious and homophobic discrimination.

A report in the Journal of Economic Perspectives estimated that the 2008 Beijing Olympics cost China over $45 billion and the 2012 London and 2016 Rio de Janeiro Olympics cost each country just over $11 billion.\textsuperscript{13} Brazil spent over $15 billion to host the 2014 World Cup in Rio de Janeiro.\textsuperscript{14} As a result of this enormous financial burden and pressure to host great

\textsuperscript{5} Id. at 148-49.
\textsuperscript{8} Id. at 383.
\textsuperscript{9} Id. at 376.
\textsuperscript{10} Id.
\textsuperscript{11} Id. at 403-04.
\textsuperscript{12} Henderson, supra note 7, at 403-04.
\textsuperscript{13} Robert A. Baade & Victor A. Matheson, Going for the Gold: The Economics of the Olympics, 30 J. ECON. PERSP. 201, 205 (2016).
\textsuperscript{14} Id.
games, these host countries tend to cut corners to complete projects quickly and cheaply leading to major workers’ rights abuses and in many cases, death.¹⁵

Although members of the United Nations (UN) are obligated to meet the International Labour Organization (ILO) standards that are aimed at promoting opportunities for “decent and productive work, in conditions of freedom, equity, security and dignity,”¹⁶ this is rarely the case for workers in sporting events. While issuing statements reaffirming their commitment to human rights, the governing sport bodies responsible for overseeing and running the Olympic Games and the World Cup, the International Olympic Committee (IOC) and FIFA Fédération de Internationale Football Association (FIFA) respectively, have not pursued any concrete action to ensure the protection of athletes, sports fans, employees, and migrant workers from grave human rights and labor rights violations.¹⁷ FIFA and the IOC have strict guidelines and lengthy processes that countries must undertake to be considered as a host country for these mega-sporting events.¹⁸ Unfortunately, the current procedures do not contain provisions that address and enforce the protection of human rights.¹⁹ Although there is some minor country assessment as a part of the vetting process, neither the IOC nor FIFA requires their host countries to have a reputable human rights record as they prepare for these major sporting events.²⁰ This is problematic because these host countries seek to take shortcuts to find the cheapest option to construct their mega stadiums which often results in the use of forced labor.

In this paper, I argue that although the ILO has become more effective in dealing with human rights and workers’ rights violations that occur in connection with these international sporting events, the abuses will continue to run rampant until the ILO enacts more stringent enforcement mechanisms to force countries to comply with the ILO standards by working closely with the International Olympics Committee (IOC) and Federation Internationale de Football Association (FIFA). Part II gives an introduction to the ILO and explores what the ILO has done to address labor abuses in connection with international sporting events. Part III discusses various proposals through which the ILO could enforce human rights and workers’ rights violations in sports. Part IV explores current academic theories on how to combat the

¹⁵. Henderson, supra note 7, at 368.
¹⁷. Turley, supra note 4, at 146.
¹⁸. Henderson, supra note 7, at 369.
¹⁹. Id.
²⁰. Id.
human rights and labor abuses connected with mega-sporting events. Part V is a survey of the ILO response to the recent Olympics and World Cup human rights and workers’ rights violations, and part VI briefly concludes the paper.

II. The ILO and Its Response to the Human Rights and Labor Abuses in Sporting Events

The ILO was established in 1919 and became a specialized agency of the United Nations in 1947 whose mission is to enhance labor conditions for workers worldwide.21 Under its Constitution, the ILO included provisions allowing it to institute legal proceedings against its member states and has a supervisory system that monitors the implementations of various conventions that member governments ratify.22 Conventions cover a wide range of labor issues faced by workers around the world, including child labor, forced labor, minimum wage issues, work hour limits, protections for migrant workers and collective bargaining rights.23

Regarding codes and standards generally, the ILO has arguably proposed the most important and significant labor codes and standards that possess the capability of being adopted universally. Since 1919, the ILO has promulgated 184 International Conventions on a wide range of workplace inequities.24 Unfortunately, countries have operated with scant disregard to these conventions.25 Codes and standards are great on a theoretical level, but when looking to enact serious change for laborers, these codes and standards are all too easily lost in translation and are not enforced with any signification application or accountability.26 The ILO differentiates forced labour from sub-standard or exploitative working conditions by recognizing “[v]arious indicators [that] can be used to ascertain when a situation amounts to forced labour, such as restrictions on workers’ freedom of movement, withholding of wages or identity documents, physical or sexual violence, threats and intimidation or fraudulent debt from which workers cannot escape.”27 The ILO further specifies that “[i]n addition to being a serious

22. Id.
23. Id.
25. Id.
26. Id.
violation of fundamental human rights, the exaction of forced labour is a criminal offense.”

Since its earliest beginnings, the ILO has recognized the important relationship between labor issues and international sporting competition. In 1921, the ILO met with the founder of modern Olympics to discuss the importance of sports and workers’ leisure leading to the adoption of the Utilisation of Spare Time Recommendation in 1924. The instrument reflected the reality of that time—that sport was what you did when you were not working; it was a recreation from the rigors of work. However, with the professionalization of work and the rise of mega-sporting events, sports has become work. The ILO Director-General has stated that the ILO’s vision is “a world of sport that fully respects human rights.” In fact, according to the ILO’s survey on two hundred fifty sport related projects, it was revealed that sporting events helped improve the skills and social abilities of all people involved, consequently contributing to the enhancement of their employability and participation in the labor market.

International sporting organizations have attempted to adopt ILO principles into their Charters as a measure to promote human rights in mega-sporting events. The IOC and FIFA have sought to address human rights and workers’ rights issues in their Charters by referring to the ILO Declaration of Fundamental Principles and Rights at Work of 1998 which commits Member States of the ILO to respect four categories of fundamental principles and rights at work: freedom from child labor, forced labor and discrimination and respect of freedom of association and rights to collective bargaining.

The ILO discovered that Pakistan was using child labor to stitch their footballs for the Euro 1996 tournament. The ILO formed an alliance with FIFA to eliminate child labor in the production of footballs and has implemented guidelines to eliminate child labor entirely. The FIFA and ILO have been working together in the Red Card to Child Labour campaign since 2002 to ban the use of children under the age of fourteen in the football production industry. “This led to a program of work with the Pakistani

28. Id.
30. Id.
32. Renkiewicz, supra note 21.
33. Wilson, supra note 31.
employers and trade unions, and with brands, with the World Federation of Sporting Goods Industries and global union federations. The ILO’s positive collaboration with FIFA on the soccer ball industry shows that the two working in conjunction to enforce the existing ILO conventions can promote labor law reform in sports.

In October 2016, the U.N. agencies, spearheaded by the ILO founded the Sporting Chance Principles on Human Rights in Mega-Sporting Events with the principle goal of ensuring that human rights are central to mega-sporting events throughout their lifecycle. Here, all actors are to respect internationally recognized human rights and labor rights, and all actors involved in a mega-sporting event should commit to protecting and respecting internationally recognized human rights, including the fundamental principles and rights at work, and other relevant international labor rights standards across the event lifecycle. Moreover, “mega-sporting events need to take human rights into account at every stage of their lifecycle.” Mega-sporting event bids, bid evaluation, planning, delivery and legacy should be based on international 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 in the ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy. Here, the ILO helped set up the Sporting Chance Principles on Human Rights in Mega-Sporting Events and helped frame the principles surrounding the enactment showing significant effort toward the cause of promoting human rights in international sporting competitions.

In November 2017, the ILO took more action and launched the Centre for Sport and Human Rights to help tackle human rights issues associated with sports demonstrating further initiative towards eradicating workers’ rights violations in sporting events. The ILO aimed to focus on the millions of workers who build the sports parks, construct the stadia, manufacture the sporting goods in complex supply chains and provide the services and catering that make mega-sporting events possible. The sports industry has obligations based on human rights and the enduring value of sports to ensure

35. Wilson, supra note 29.
37. Id.
that the freedom of sport is not built on the un-freedom of others and was enacted in response to the rampant human rights and labor rights violations in sports. The Centre aims to enable the ILO to form a self-sustaining institution that can engage independently with all sports actors, including laborers. However, in practice, it has rarely been the case that the creation of the Centre for Sport and Human Rights has improved conditions for laborers. The ILO needs to work in conjunction with FIFA and the ICO in order to improve conditions for workers in mega-sporting events, and the ILO needs to adopt and practice the enforcement of their standards to enact real change.

III. Proposed ILO Reforms to Combat Human Rights and Labor Rights Violations in Sports

There are a number of reforms that the ILO should make to better address labor abuses: (1) the ILO should enact more stringent enforcement mechanisms for countries to comply with ILO standards by leveraging the International Court of Justice (ICJ) to impose sanctions, (2) the ILO should work closely with the ICO and FIFA to push a treaty among nation-states to promote workers’ rights, and (3) the ILO should not condone violations of the rights of indigenous and impoverished communities and migrant workers by failing to take stronger action when violations occur.

To take an active role in enforcing human rights of the people involved in mega-sporting events, be it the athletes, organizers, or migrant workers, the ILO can attempt to leverage the International Court of Justice (ICJ) to bring claims on behalf of any person, regardless of what country they are from, whose human rights are violated in the course of participation in a mega-sporting event. This would allow migrant workers to have recourse in foreign host countries who violate their human rights. The ILO is a specialized agent of the U.N. and should have the ability to bring claims to the ICJ on behalf of any individual whose human rights are violated in association with mega-sporting events. Although many scholars argue that the IOC and FIFA need to take a more active role in human rights, neither organization would be able bring a claim in front of the ICJ because they both have very weak status under international law. Although only nations enjoy the right to appear as parties before the ICJ, international law has posited a role for non-state actors, the most prominent example of a non-state actor being the U.N. As a specialized agent of the U.N., the ILO should be

40. Id.
41. Id.
42. Turley, supra note 4, at 160.
43. Id.
conferred the same rights and privileges as the U.N. and should therefore be able to bring claims to the ICJ. The U.N. Charter provides that organizations “shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes.” The International Court of Justice gave force to this claim in a 1949 advisory opinion regarding the capacity of the United Nations to bring an international claim against a government for injuries suffered by an agent of the United Nations in the performance of his duties. The ICJ determined that, while the United Nations does not possess the full legal personality of a state, the organization does have legal personality with rights and duties on the international plane. Thus, as an extension of the U.N., the ILO should also have legal personality with rights and duties internationally to bring claims to the ICJ for mega-sporting event human rights violations.

The ICJ further determined that the rights and duties of an entity such as the United Nations “must depend upon its purposes and functions as specified or implied in its constituent documents and developed in practice.” From this determination, the ICJ proceeded to find that the UN Charter implied a right to bring claims for reparations for harm caused to an agent of the UN in the performance of functions outlined in the UN Charter. Therefore, the Court established two key propositions: first, an international organization’s rights and duties are determined by its charter, founding treaty, or other constituent documents. Second, an organization may bring before the ICJ claims against states for harm caused to the organization’s agents in carrying out these rights and duties. Therefore, the findings of the ICJ Advisory Opinion show that the same logic should apply to the ILO, and the ILO should use this as a way to enforce human rights in mega-sporting events.

The ILO needs to work more closely with the International Olympics Committee (IOC) and FIFA during the bidding process to implement procedures that protect human rights and their core organizational values by setting firm expectations from the start. The ILO, IOC and FIFA need to work together to set clear expectations for the host country and collaborate with one another to ensure that its people are afforded human rights

46. Id. at 181.
47. Id. at 180.
48. Id.
49. Id. at 178.
protection. They need to require host countries to provide a detailed outline of how they plan to construct their stadiums, where they are going to get their labor from, how big of a workforce they need, etc. This outline should be extremely detailed to ensure that the host country has the capability to move forward with the construction and hosting process and have the appropriate resources without resorting to human rights and labor violations.

Scholars have suggested using the ILO could be used to facilitate a multilateral treaty conferring upon the ILO or signatory nation-states the obligation to respect human rights of individuals participating in international sporting events and the right to bring claims against the violators. The ILO could work in conjunction with the IOC and FIFA to use its influence and massive global audience to pressure nation-states to come to the bargaining table and negotiate a treaty respecting the rights of participants in global sporting events. Working together, they can forcefully propose terms as necessary to protect the human rights of all participants in the games, particularly the elimination of slave-like conditions for construction workers building the stadiums and other facilities necessary to host events. The ILO acting as a conduit to enhance labor conditions for workers worldwide has significant leverage in bringing nation-states to the bargaining table, opposed to the alternative theory of having the IOC and FIFA facilitate these treaties on their own. Ideally, it would be better if the ILO could both pursue enhanced status before the ICJ while simultaneously negotiating a treaty to fill any gaps to remedy the existing regime of human rights in mega-sporting events.

IV. Current Theories on How to Combat the Human Rights Abuses in Mega-Sporting Events

Many scholars call for the major international sport governing bodies to take a more proactive role using international law, in ensuring the protection of basic human rights of participants and spectators and argue that the recalcitrance of the IOC and FIFA is no longer justified. They argue that the IOC and FIFA have a duty to actively pursue the development and enforcement of human rights because both the Olympic Charter and the governing statutes of FIFA explicitly commit their respective organizations to the promotion of human rights. The Olympic Charter defines the mission and role of the IOC to include “cooperat[ion] with the competent public or private organisations and authorities in the endeavour to place sport at the service of humanity and thereby to promote peace” as well as “to act

51. Turley, supra note 4, at 164.
52. Id. at 146.
53. Id. at 153.
against any form of discrimination affecting the Olympic movement.”

Similarly, FIFA’s governing statutes define the objectives of FIFA as including “improv[ing] the game of football constantly and promot[ing] it globally in light of its unifying, educational, cultural, and humanitarian values.” The statutes also provide that FIFA shall promote friendly relations in society “for humanitarian objectives.” These scholars argue that because the IOC and FIFA could not operate without requiring their athletes and teams to travel to various locations with varying degrees of human rights protections, that those organizations have, at the very minimum, an obligation to take more than a passive role in guaranteeing the basic human rights of athletes and team staffs. In addition to the athletes and teams, the IOC and FIFA are dependent on the contribution of individuals residing in the host countries who are constructing the stadiums and working the events.

However, both the IOC and FIFA are both money-driven private actors, and there is a lack of direct relationship between the governing organization of sports and workers. This limits the extent to which such organizations can take a role in protecting human rights which is why the ILO should take a greater stance in enforcing change for human rights in mega-sporting events because the ILO has a duty to promote and protect human rights using the channels of international law. The mission and size of the IOC and FIFA, on the other hand, limits their duty to protect human rights since the purpose of these organizations is to govern and facilitate sporting events. The IOC and FIFA are not humanitarian organizations, aid organizations or human rights watchdogs, and they cannot be expected to have the meet the same expectations attached to nation-states or inter-governmental organizations such as the UN and ILO.

This in itself is already a huge undertaking, requiring the organization of thousands of events from major competitions to qualify for tournaments for both the Olympics and the World Cup and even regional competitions and competitions between privately owned clubs for the FIFA games. Although the IOC and FIFA, at least at the surface level, do care about promoting human rights, at the end of the day, they are businesses whose main purpose is to put on these sporting events for profit. The ILO, on the other hand, has a duty to promote and protect human rights at its core and is more capable in effecting change in the sphere of mega-

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54. INT’L OLYMPIC COMM., OLYMPIC CHARTER, art. 2, ¶¶ 4, 6.
56. Id. at ch. 4.1.
57. Turley, supra note 4, at 151.
58. Id. at 152.
59. Id.
60. Id.
sporting events and should endeavor to protect the human rights of organizers, migrant workers and other workers in these sporting event host cities.

Other scholars argue that FIFA and the IOC possess the capability to take a more active role in human rights for mega-sporting events because both organizations have the infrastructure and sophisticated capabilities to take on the feat. The IOC utilizes sophisticated structures and processes and engages in legal analysis and quasi-judicial proceedings. The IOC Executive Board also exercises quasi-judicial functions in fulfilling its rights and responsibilities. The IOC frequently engages in substantive legal analysis and litigation outside of its self-contained structures and boasts significant internal adjudicatory procedures. FIFA, they argue, also possesses the infrastructure and sophistication necessary to take an active role in human rights. FIFA operates three separate judicial bodies that have the ability to impose fines or suspensions for violations to FIFA’s extensive disciplinary code, which regulates the conduct of spectators and member federations as well as that of match officials and athletes, and FIFA engages in extensive litigation and contracting to protect its intellectual property and has a robust licensing program. These scholars argue that the examples of the sophistication of the IOC and FIFA’s internal adjudicatory structures show that the organizations possess the capabilities necessary to take a more active role in promoting and enforcing international human rights law. Granted, the IOC and FIFA do possess the capability to take on a more active role in human rights, but they have no incentive to. The ILO is more effective as a conduit for promoting and protecting human rights because it possesses the infrastructure and sophistication necessary to play a more active right in human rights and international law broadly being that its main purpose is to enhance labor conditions of workers worldwide.

Other scholars argue that the IOC and FIFA should not adopt a much simpler solution to the dilemma created by the clash of human rights and sport—restricting the awarding of host city status to cities located in states with strong human rights protections. However, this would not be a practical solution as it would likely encourage a Euro-centric or Western-centric approach, given the national origins of most IOC and FIFA

62. Turley, supra note 4, at 155.
63. Id. at 156.
64. Id. at 157.
65. Id. at 155.
66. Id. at 158.
members.\textsuperscript{68} In fact, this would be counterproductive because it would undermine the IOC and FIFA’s mission of promoting values through competition, and it would be unfair to athletes who train relentlessly for international competition who exercise no influence over the policies of their governments. Athletes and others should be protected everywhere, not just at the most prominent events, and such protection requires a more substantive approach than the mere restriction of host sites. Such an approach would undermine the goal mega-sporting events, the promotion of the cultural and educational values of sport worldwide and would undermine the advancing of human rights through sport by inadvertently ignoring human rights abuses entirely, especially to the detriment of developing countries. Moreover, restricting the sites of the mega-sporting events to certain locations to avoid human rights issues does not help resolve the rampant human rights issues. It would thus be an evasion of responsibility rather than a meaningful attempt to address the clash of mega-sporting events and human rights which would be counter-productive.\textsuperscript{69}

V. Survey of the ILO Response to Recent Human Rights and Labor Law Violations in the Olympic Games and the World Cup

Olympics

The Olympic Games is considered the most globally unifying sporting event in the world.\textsuperscript{70} The games are the largest sporting event “in terms of the number of sports on the programme, the number of athletes present and the number of people from different nations gathered together” in one place.\textsuperscript{71} However, there are three human rights violations that are closely associated with the Olympic Games: “the loss of property rights without adequate (if any) compensation, the forced displacement of ‘undesirables’ from Olympic cities, and the abuse of migrant workers who build the Olympic Venues.”\textsuperscript{72} The Universal Declaration of Human Rights (UDHR), adopted by the U.N. General Assembly in 1948, is widely considered to be customary international law and guarantees that “no one shall be arbitrarily deprived of his property.”\textsuperscript{73} Further, “the International Covenant on Economic, Social and Cultural Rights (“ICESCR”) and the International Covenant on Civil and Political Rights (“ICCPR”), both legally binding

\begin{itemize}
\item \textsuperscript{68} Turley, supra note 4, at 154.
\item \textsuperscript{69} Id. at 155-56.
\item \textsuperscript{70} Ankur Shingal, The Olympic Curse; Protecting the Olympic Dream for Host Cities and Their Inhabitants, 1 INDON. J. INT’L & COMP. L. 572 (2014).
\item \textsuperscript{71} Id. at 573.
\item \textsuperscript{72} Id. at 584.
\item \textsuperscript{73} Universal Declaration of Human Rts., G.A. Res. 217A (III), art. 17 (Dec. 10, 1948).
\end{itemize}
instruments, expressly forbid forced evictions.”74 However, in practice, many host countries end up evicting their residents to pave the way for the new stadiums and end up leaving their residents homeless without adequate compensation.75 These gentrification efforts often lead to a substantial reduction in the amount of social or low-income housing that is available in the host city, and individuals are often forcibly displaced due to the host city’s desire to present the most enhanced version of the city to the world during the mega-sporting event.76

Migrant workers are notably facing major abuses in major sporting events. A migrant worker is “a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.”77 There has been exponential increases in migrant workers seeking temporary low-wage jobs abroad, especially from South and Southeast Asia.78 The Human Rights Watch published “One Year of My Blood,” a report that documented the exploitation of migrant construction workers prior to the 2008 Beijing games.79 The report detailed a number of instances of exploitation, focusing on faulty or nonexistent labor contracts, unpaid wages, substandard wages, inadequate food and housing, unsafe working conditions, lack of insurance, and the denial of basic services linked to China’s household registration system.80 The ILO estimated that 90% of the workforce was composed of migrant workers, making that around 150 million migrant workers.81

**Beijing (2008)**

The Beijing Olympics prompted concerns about the state of human rights in China immediately upon the selection of Beijing as the host city. The IOC delegates expressed hopes that the seven-year buildup to the Olympic Games would “accelerate openness in China and facilitate improvement on its record on human rights.”82 There was immense human rights backlash regarding the 2008 Beijing Olympic games and segments of the international community began to focus on human rights implications of

74. Shingal, supra note 70, at 585.
75. Id. at 587.
76. Id. at 588.
77. Id. at 594.
80. Id.
81. Shingal, supra note 70, at 595.
82. Turley, supra note 4, at 147.
mega sporting events on the host nation and its citizens.\textsuperscript{83} Human rights advocates and the international media decried the IOC’s decision to have China host the Olympics despite their dismal human rights record.\textsuperscript{84} In fact, twenty-eight NGOs publicly announced their intent to use the Beijing Games as a platform to discuss and protest the state of human rights in China.\textsuperscript{85} The Human Rights Watch (HRW) documented human rights violations that were perpetrated by the Chinese Government in relation to the country’s hosting the Games, focusing on the issues of media censorship, forced evictions of Chinese citizens, abuse of migrant construction workers and the silencing of civil society and rights activists.\textsuperscript{86}

The preparation for the Beijing Olympics in 2008 was full of human rights abuses, especially for those of migrant construction workers, many of which lost their lives in building the Olympic stadiums. Many residents in Beijing were evicted and had their homes demolished and were permanently displaced. There was a major violation of rights and free expression and association as well as media freedom. Citizens who expressed concerns about Olympics-related abuses were silenced through intimidation, imprisonment and house arrest. Although China had pledged to adhere to human rights practices when it was chosen to host the 2008 Olympics, the Chinese government failed to honor its Olympics-related human rights promises. Similarly, the IOC and ILO failed to ensure that China fulfilled its commitments because they lacked an enforcement mechanism to push China to do so.

\textit{London (2012)}

London had more business-related human rights abuses than that typically seen in mega-sporting events, likely because the United Kingdom is a developed first world nation.\textsuperscript{87} The 2012 London Olympics displaced and forced evictions of local residents and small businesses.\textsuperscript{88} However, migrant workers were still being exploited both in the construction and hospitality sectors.\textsuperscript{89} Workers were paid piece-work rates, their wages were withheld, there were excessive deductions for food, transport and

\begin{thebibliography}{99}
\bibitem{83} Shingal, \textit{supra} note 70, at 574.
\bibitem{84} \textit{Id.}
\bibitem{85} Turley, \textit{supra} note 4, at 147.
\bibitem{86} Shingal, \textit{supra} note 70, at 574.
\bibitem{88} \textit{Id.}
\bibitem{89} \textit{Id.}
\end{thebibliography}
accommodation, debt bondage and outright forced labor. Again, there was no ILO response to the human rights atrocities in the London Olympics.

_Rio de Janeiro (2016)_

Labor conditions were in a dismal state for the 2016 Olympics in Brazil. Brazilian residents in Rio de Janeiro were victims of violence and evictions stemming from building projects for the Olympic games. There were major police violations and poor labor conditions, including the use of child labor. As a result, thousands of children were displaced and left unable to access education, healthcare and other social services. These “street children” were removed for “social cleansing.” Residents awoke to eviction notices ordering them out of their long-time homes within “zero days.” The ILO condemned the human rights abuses in Rio de Janeiro but did not take stronger measures to enforce substantive change.

_Tokyo (2020)_

The IOC was presented with three candidate cities for the 2020 Olympics: Tokyo, Istanbul and Madrid. As one Olympic insider familiar with the selection process stated, “[w]hat is usually a celebration . . . a good news event, is now a contest of least-bad news . . . It is not a beauty contest, it is a least-ugly parade.” The IOC President, Jacques Rogge, stated that Tokyo won the bid because it had the most potential to deliver a well-organized and safe Olympic Games that will reinforce the Olympic values while demonstrating the benefits of sport to a new generation. Most importantly, the IOC held that Tokyo’s ability to present a safe and economy sound Olympic experience in higher regard given the human rights abuses attached with the construction of the Rio de Janeiro Olympic stadium.

For the future Tokyo Olympics in 2020, the ILO and Japan have signed an agreement to promote decent work in the preparation and operation of the

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90. Id.
92. Id.
93. Id.
95. Shingal, _supra_ note 70, at 582.
96. Id.
97. Id.
98. Id.
international sporting event. This agreement aims to promote socially responsible labor practices in Tokyo, and the Tokyo 2020 CEO, Toshiro Muto, stated that “Sport has the power to change the world and our future” and that “mutual cooperation between Tokyo 2020 and the ILO will bring positive reform in realizing Decent Work, which will be a legacy for the future.”

Decent work, according to Muto, is work in conditions of freedom, equity, security and human dignity, which is included in the Sustainable Development Goals which calls for a “sustained, inclusive and sustainable growth, full and productive employment and decent work for all.” This partnership will hopefully encourage enterprises to play a positive role through Corporate Social Responsibility (CSR). Collaborative activities will include awareness-raising on the labor dimensions of corporate social responsibility, dissemination of examples of good practices among delivery partners, seminars and workshops to enhance the capacity of delivery partners in advancing decent work and disseminating tools to help delivery partners implement socially responsible labor practices.

A great number of workers both inside and outside Japan are involved in the mega-sporting events, as public procurement is conducted on a large scale from bid campaigns to post-event legacy throughout various industries, including the construction, tourism, service, textile, sporting goods, business transaction, security services and waste management industries. The ILO has taken some action, but it is not enough, especially for migrant workers. Japan provides weak legal protection for these workers. They are paid sub-minimum wages, illegal overtime, dangerous or unhygienic working conditions, there are restrictions on changing employers, and they are sometimes forced to return to their home countries while being forced to pay unreasonably high fees to labor-sending agencies and penalty fees if they do not complete their training. There needs to be some sort of enforcement mechanism to set precedent to Japan and future countries to deter them from human rights abuses in mega-sporting events.

The 2020 Tokyo Olympics has placed a special emphasis on sustainability, and the world will be watching to see if Tokyo can provide a

100. Id.
101. Id.
102. Olympic Games: ILO, Tokyo 2020 sign agreement to promote decent work in run-up to the games, supra note 99.
103. Akiko’s Blog No. 11 “ILO and Mega Sporting Events”, supra note 34.
fruitful legacy for emerging or developing nations that are considering bidding for mega sporting events. The ILO needs to explore how they can contribute towards this purpose of providing a legacy for future host countries.

The World Cup

FIFA, the international governing body for soccer, is among the most recognizable and influential international sporting organizations in the world. Every four years, FIFA hosts the World Cup, the largest soccer tournament in the world. FIFA, like the IOC, has received significant criticisms for two main issues: abuse of laborers who are building the World Cup stadiums and intense racism against the migrant workers. On the international stage, the treatment of migrant workers has sparked outrage, with organizations such as Amnesty International calling on FIFA to take responsibility since there have been major fatalities linked with poor working conditions.

Belo Horizonte (2014)

While hosting the 2014 World Cup, Brazil saw major abuses of labor and extreme lack of attention and consideration for the migrant workers that were brought in for the mega-sporting event, and these abuses have been well documented. In July 2014, an overpass in the host city of Belo Horizonte collapsed killing and injuring dozens of people. This was all part of a larger overall transportation project that was promised to be ready for the World Cup, and officials sacrificed quality and safety of the projects to the detriment of the migrant workers. Numerous human rights activists and organizations reported that workers are working in slave-like conditions and are living in unsuitable accommodation near the building sites. During the construction of the Brazil World Cup in 2014, thousands of workers died in construction sites and over 170,000 people had their housing rights violated. Workers were exploited in the construction of stadiums and works on infrastructure. The ILO would later endorse the Mega Sporting Events Platform on Human Rights in 2015 after the Brazilian World Cup,

105. Id.
108. Bell, supra note 24.
109. Id. at 139.
110. Id. at 139-40.
111. Shingal, supra note 70.
112. Id.
but in practice, the platform would lead to few substantive changes for workers’ rights.

Russia (2018)

There was a major exploitation of construction workers and labor abuses in the Russia World Cup 2018. There were unpaid wages, several months’ delay in the payment of wages, laborers worked in temperatures as low as -25 degrees Celsius without sufficient protections, and employers failed to provide work contracts required for legal employment.113 Here, at least seventeen people died on the construction site. The International Covenant on Economic, Social and Cultural Rights, to which Russia is a party, recognizes “the right of everyone to the enjoyment of just and favourable conditions of work.”114 Russia is also party to numerous International Labour Organization (ILO) conventions, including related to wages and occupational health and safety. “FIFA and the Russian government took a notable step in organizing labor monitoring on World Cup stadiums, but to be credible, FIFA needs to make public detailed information about its inspections, what inspectors have found, and the actual results, if any, for workers, and the ILO should adopt measures to enforce their conventions.”115 Although Russia has adopted numerous ILO conventions, there was no recourse for Russia’s extreme workers’ rights abuses in 2018. This highlights another example of why it is pertinent that the ILO work together with governing sport bodies to enact real change for human rights.

Qatar (2022)

Qatar, a small country of less than two million people, beat out the United States in its bid to host the World Cup in 2022 causing much controversy due to Qatar’s poor human rights record.116 Soon after Qatar was selected to host the World Cup in 2022, senior FIFA officials were prosecuted for taking bribes raising questions of how FIFA could have possibly awarded the World Cup to a despotic nation who had never qualified for a World Cup who is currently ranked 100th among FIFA

114. Id.
associations. In Qatar’s pitch to host the games, Qatar pledged to use “renewable technologies and architecturally advanced venues and facilities built to the highest environmental standards to ensure that players and fans alike enjoy each match in a cool environment . . . [by] using eco-friendly technologies for stadiums that can be adopted in other countries.” The Qatar World Cup Chief, Thawadi, called the event a “catalyst to accelerate positive initiatives” that will result in meaningful progress for worker welfare. The Qatari Emirate has ambitious plans in preparation of the World Cup, such as building a brand new city in its desert and championing unparalleled solar technology to cool stadiums for players and fans. In order to host the World Cup in 2022, Qatar is relying on approximately one million migrant workers to build the stadiums and necessary infrastructure to hold the World Cup. 

Migrant workers are exposed to abuses that make possible the conditions of forced labor, human trafficking and indefinite detention. According to a labor migration specialist at the ILO, with manpower agencies in COOs relying so heavily on labor brokers to identify and to process aspiring migrants, a type of “auction” occurs: labor brokers bid on the right to secure a work visa, allowing these agencies to pocket substantial sums prior to doing any work. This amount is later passed on as debt to the aspiring migrant to whom the visa is given, contributing to the debt burden that many labor migrants take on well before ever arriving in Qatar. Migrant workers are often misled and given false information, and brokers at the agencies that place them often assist them with procuring loans for their placements. These loans often come with high interest rates (sometimes as high as 36%), giving migrant workers a slim chance of paying off their debt even if their Qatari job provides a reasonable wage.

One of the most common forms of coercion is debt bondage. Before deploying migrants can depart their home countries for Qatar, they must have in hand a demand letter, which is similar to an employment agreement,

120. Id.
121. Id.
122. Id.
123. Id.
124. Ganji, supra note 119.
125. Id.
126. Id.
describing the initial offer. Here, agencies and brokers will have deploying migrants pay a fee to receive their demand letters. This exchange occurs despite laws in Qatar prohibiting migrants from paying such fees as well as laws in COOs capping the amount that migrants have to pay. A 2011 study by the Qatar National Human Rights Committee, for example, noted that 53 percent of construction workers randomly surveyed in Qatar had paid fees of some sort. In addition to these factors, there exists an urban-rural divide that leads many migrants to take out additional loans to finance their travel to and stay in state capitals where key parts of the visa authorization process take place.

In the construction of the Qatar World Cup stadium for 2022, at least 6,000 migrant workers have died, but the actual figures are unknown because Qatar refuses to release the information. The Guardian conducted an undercover investigation and found that Nepali migrant workers are dying at a rate of one person per two days. The migrant workers are mostly young men who faced mortality from cardiac arrest or heart failure, died from work incidents or died from working in temperatures averaging 122 degrees Fahrenheit. These abuses have caught the attention of states, intergovernmental organizations, and media and human rights groups calling for worker welfare reform. Current migrant workers face deplorable working and living conditions. Workers are forced to work over sixty hours per week, are given an inadequate supply of water in over one-hundred-degree heat, be unnecessarily exposed to occupational hazards, and are not adequately compensated for their full regular or overtime wages due to them. When selected as a host country, Qatar had a Kalafa system of indentured servitude which limited the right of movement of migrant workers. Migrant workers’ were often placed in labor camps located on the outskirts of Qatari cities with as many as ten to fifteen workers in a single room consisting of multiple bunk beds and stone floors. These abuses are reinforced through the employer practice of passport confiscation, which is illegal, but is commonplace in Qatar. Migrant workers lack the protections

127. Id.
128. Id.
129. Ganji, supra note 119.
130. Id.
131. Rajouria, supra note 117.
132. Id.
133. Ganji, supra note 119.
134. Id.
135. Rajouria, supra note 117.
136. Id.
137. Id.
afforded to Qatari citizens under the Qatari Labor Law and are thus more susceptible to situations of forced labor.138

Qatar became a member of the ILO in 1972. The ILO worked directly in conjunction to help eliminate the Kalafa system and to remedy the rampant labor abuses, and recent labor law reforms in Qatar include the establishment of a temporary minimum wage, the creation of five workers dispute settlement committees, the 2018 adoption of two new laws suppressing the requirement of exit permits for most workers in the country as well as the establishment of a workers’ support and insurance fund.139 Further, inspection companies were created to monitor the workplaces in Qatar, and the government is working on establishing a permanent minimum wage.140 However, Qatar ought to stop applying basic labor laws differently to Qatari citizens and migrant workers to effect real change for its workers.

The ILO helped end the Kalafa system which constrained migrant workers’ freedoms by tying them to a single employer, and the system will be replaced by a system of employment contracts. With this new system, the migrant workers will not need the approval of his or her employer to exit the country or change employers.141 The Qatar government has reiterated their commitment to the implementation of this comprehensive program which is in line with international standards and best practices, as well as with Qatar’s National Development Strategy 2018-2022.142

The removal of the Kalafa system and reforms in Qatar demonstrate the ability of the ILO to be a significant driver for nation-states to adopt better human rights and labor rights practices. Although this is great progress, the ILO needs a better way of enforcing this agreement. The labor reforms are a good idea in theory, and on its face, Qatar is taking a proactive approach to address the human rights and labor violations, but major work needs to be made in implementing the policies.143 Migrant workers are nonetheless still facing extreme abuse in the workplace and are unable to leave their jobs because their employers will not issue them the appropriate work cards to do so.144 The ILO needs to seek full transparency and the release of reports from Qatar for full international public transparency and needs to work closely with FIFA to force Qatar and future World Cup host countries to comply with ILO standards for human rights and workers’ rights.

138. Id.
139. Id.
140. Rajouria, supra note 117.
141. Id.
143. Challenges and opportunities of Qatar labour reform, supra note 29.
144. Erfani, supra note 107.
VI. Conclusion

Because of its global audience, international sport can and often has served as a platform for promoting global values through competition. However, the reality is that not only do human rights and sports intersect, but sports can very well serve as a threat to those rights. There is still much work that needs to be done for workers’ rights in mega-sporting events. There are 152 million children still in child labor, and 25 million people in forced labor. There is discrimination in the workplace, especially against migrant workers in the form of extraordinary pay gap. The majority of the world’s workers still live in countries which do not have the freedom of association and right to collective bargaining, and despite the labor inspection services today, 2.3 million people still die worldwide and more than 300 million contract an occupational illness or suffer a non-fatal occupational accident.

It is crucial that the ILO, the organization that has the most significant labor standards that possesses the ability to have its global standards be adopted universally, increase its responsibility as a leader in human rights and sporting events. The ILO, as an extension of the U.N., can impose stronger enforcement mechanisms by leveraging its position to bring workers’ complaints to the ICJ and ultimately have sanctions imposed on violators of human rights in sporting events. The ILO should also work closely with the ICO and FIFA to push a treaty among nation-states to promote workers’ rights and create an avenue for all to bring claims against violators in sports because all three organizations have a moral duty to address these issues head-on to prevent further flagrant human rights and workers’ rights abuses in these international sporting events.

145. Id.
146. Id.
147. Id.