

Soccer, Sex, and Slavery: Human Trafficking in the World Cup

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40,000 women will be trafficked into Germany to accommodate fans attending the FIFA World Cup to be held there in the summer of 2006.¹

During and prior to the Fédération Internationale de Football Association (FIFA) World Cup in Germany, the media embraced this dire estimate of the darker side of fandom.² The European Union, international organizations, and nongovernmental organizations (NGOs)

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1. *Germany's World Cup Brothels: 40,000 Women and Children at Risk of Exploitation Through Trafficking: Hearing Before the Subcomm. on Africa, Global Human Rights and International Operations of the H. Comm. on International Relations, 109th Cong., 11 (2006)* [hereinafter *World Cup Hearing*] (statement of Michael Horowitz, Senior Fellow, Hudson Institute); Coalition Against Trafficking in Women, Petition, Buying Sex Is Not a Sport: Say No to Germany's Prostitution of Women During the World Cup Games in 2006, <http://catwepetition.ouvaton.org/php/index.php> (closed June 30, 2006) [hereinafter *Petition*].

2. *Human Trafficking: Germany Shares Its World Cup Experience*, EUR. SOC. POL'Y, Mar. 16, 2007, available at <http://esp.sagepub.com> (on file with author); see also JANA HENNIG ET AL., TRAFFICKING IN HUMAN BEINGS AND THE 2006 WORLD CUP IN GERMANY 5, 17 (Ilse Pinto-Dobernig ed., 2007) ("Law enforcement services and many NGOs were quick to dissociate themselves from this estimate as it apparently lacked any valid basis. However, it was persistently reported by the media and, in the end, few seemed to know where it had originated from.").

all shared their concerns.³ Pimps and traffickers were expected to follow the high-income opportunity made available by the World Cup.⁴ Instead, after the tournament, Germany reported no increase in human trafficking or forced prostitution.⁵ The German Government, NGOs, and international organizations had implemented preventative and protective measures specifically structured to the 2006 World Cup.⁶ They encouraged increased issue awareness, set up telephone lines for reporting trafficking cases, strengthened border patrol, and increased and improved police involvement and information sharing.⁷ It has been suggested that these measures offer an “effective model for future, large-scale international sporting events.”⁸ This Comment explores the possible relation between human trafficking and the World Cup and focuses on the sudden takeover of the 40,000 figure, with an eye toward the 2010 World Cup to be held in South Africa.

I. HUMAN TRAFFICKING AND THE LAW

The International Labour Organization (ILO) estimates that 12.3 million people are “in forced labor, bonded labor, forced child labor, and sexual servitude at any given time.”⁹ Up to 800,000 people are trafficked across international borders in a year, with many more trafficked within their nations’ borders.¹⁰

Defining human trafficking is critical for the legal fight against it.¹¹ Human trafficking is “the recruitment, transportation, transfer,

3. HENNIG ET AL., *supra* note 2, at 10 (“Concern was frequently expressed by . . . the European Parliament, intergovernmental organizations, [and] NGOs . . .”).

4. See Melissa Farley, *Prostitution, Trafficking, and Cultural Amnesia: What We Must Not Know in Order To Keep the Business of Sexual Exploitation Running Smoothly*, 18 YALE J.L. & FEMINISM 109, 121 (2002).

5. *Human Trafficking: Germany Shares Its World Cup Experience*, *supra* note 2.

6. *State Dept.: NGOs Work To Eradicate Human Trafficking, Help Victims*, U.S. FED. NEWS, June 12, 2007, available at <http://www.lexis.com> (follow “News and Business” hyperlink; then follow “U.S. Fed. News” hyperlink).

7. *Human Trafficking: Germany Shares Its World Cup Experience*, *supra* note 2.

8. *State Dept.: NGOs Work To Eradicate Human Trafficking, Help Victims*, *supra* note 6; U.S. DEP’T OF STATE, TRAFFICKING IN PERSONS REPORT 38 (2007), available at <http://www.state.gov/documents/organizations/82902.pdf> [hereinafter 2007 TIP REPORT].

9. *Report and Analysis of Immigration and Nationality Law*, 83 INTERPRETER RELEASES 1138, 1139 (2006). The ILO is the U.N. agency charged with social protection issues. *Id.*

10. Int’l Org. for Migration [IOM], Counter-Trafficking, <http://www.iom.int/jahia/Jahia/pid/748> (last visited Aug. 27, 2008).

11. U.N. Office on Drugs & Crime [UNODC], *Trafficking in Persons: Global Patterns* 51 (Apr. 2006) (prepared by Martin Fowke et al.), available at http://www.unodc.org/pdf/traffickinginpersons_report_2006ver2.pdf.

harbouring or receipt of persons . . . for the purpose of exploitation.”¹² Human trafficking consists of three elements: “criminal acts, the means used to commit those acts,” and the exploitation of another human being.¹³ Exploitation comes in many forms. It can include “sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”¹⁴ The two most common forms of exploitation are sexual exploitation and forced labor.¹⁵

A typical human trafficking case follows the pattern of abduction or recruitment in the “country of origin,” transferal through “transit regions,” and finally exploitation in the “destination country.”¹⁶ Recruitment occurs in the country of origin.¹⁷ Transit regions encompass those countries through which traffickers move their victims on the way to the destination country,¹⁸ where the victim’s journey ends. Prospective victims may initially consent, but consent in the country of origin does not vindicate the trafficker who exploits them in the destination country.¹⁹ Victims are often recruited by a trafficker tempting them with an offer of work; for example, as a waitress in another country.²⁰ The willing traveler then finds herself forced into prostitution and becomes a victim of sex trafficking.²¹

Many countries do not have legislation criminalizing the act of human trafficking for sexual exploitation.²² These countries prosecute traffickers for a variety of criminal offenses already provided for in their legal regimes.²³ Offenses vary within each of the four phases of human trafficking: recruitment, transportation, exploitation, and profit laundering.²⁴ Criminal offenses commonly committed by traffickers in the country of origin include assault, false imprisonment, abduction,

12. Protocol To Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, G.A. Res. 55/25, art. 3(a), U.N. GAOR, 55th Sess., Annex 2, Supp. No. 49, U.N. Doc. A/45/49 (Nov. 15, 2000) [hereinafter Trafficking Protocol].

13. UNODC, *supra* note 11, at 51.

14. Trafficking Protocol, *supra* note 12, art. 3(a).

15. UNODC, *supra* note 11, at 64.

16. *Id.* at 17.

17. *Id.* at 58.

18. *Id.* at 60.

19. *Id.* at 51. Initial consent is irrelevant in the face of later exploitation, and children under eighteen can never consent. *Id.*

20. See 2007 TIP REPORT, *supra* note 8, at 24.

21. See *id.*

22. See generally UNODC, *supra* note 11 (documenting governmental response to human trafficking amongst various countries worldwide).

23. *Id.* at 58, 60-61.

24. *Id.* at 57.

kidnapping, document forgery, and inducement of victim cooperation by providing fraudulent or deceptive information.²⁵ Within transit countries, traffickers may commit and be prosecuted for “abuses of immigration and border-control laws, corruption of officials, document forgery, acts of coercion against the victim, unlawful confinement and the withholding of identity papers and other documents.”²⁶ Exploitation of victims occurs primarily in destination countries,²⁷ and criminal offenses within these countries may encompass “those related to slavery, involuntary servitude, forced or compulsory labour, unlawful coercion, unlawful threats, extortion, false imprisonment, kidnapping, illegal procurement, corruption, debt bondage, document theft, destruction of documents, sexual assault, assault, bodily injury, rape, death, forced marriage, forced abortion, forced pregnancy and torture.”²⁸ The final phase, profit laundering, is a punishable offense itself in many countries.²⁹

The United Nations has played a strong role in developing a unified approach to the fight against human trafficking. The United Nations Protocol To Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Trafficking Protocol) provides countries with a basic framework upon which to base legislation criminalizing the act of human trafficking.³⁰ Prior to the Trafficking Protocol, no universal instrument addressed the entirety of human trafficking issues.³¹ Previous attempts to fight human trafficking and forced prostitution failed to clarify an exact definition of human trafficking; instead, they mainly provided for the punishment of traffickers.³² The Trafficking Protocol sets forth both preventative and protective measures and encourages cooperation among parties toward

25. *Id.* at 58.

26. *Id.* at 60-61.

27. *Id.* at 63.

28. *Id.*

29. *See id.* at 57.

30. Trafficking Protocol, *supra* note 12, pmbl. The United Nations developed the Trafficking Protocol as a supplement to the Convention Against Transnational Organized Crime in 2000, and it entered into force on December 25, 2003. *Id.* *See generally* UNODC, *supra* note 11. Organized crime has been blamed for much of human trafficking. *VOA News: 2010 World Cup Lure for Human Traffickers*, U.S. FED. NEWS, Aug. 9, 2006; UNODC, Country List—Trafficking Protocol, <http://www.unodc.org/unodc/en/treaties/CTOC/countrylist-traffickingprotocol.html> (last visited Mar. 2, 2008).

31. Trafficking Protocol, *supra* note 12, pmbl; *see* UNODC, *supra* note 11, at 49 (noting that the Convention and Protocols constitute the first serious, international attempt to answer the challenge through international law).

32. UNODC, *supra* note 11, at 50.

the fulfillment of the stated measures.³³ It applies for purposes of the “prevention, investigation and prosecution” of human trafficking.³⁴ Provisions also set out requirements for the protection of victims.³⁵ Significantly, the Trafficking Protocol is “the first international instrument to address the issue of demand” for the services provided through trafficking.³⁶

The Trafficking Protocol, within the Convention Against Transnational Organized Crime, provides Member States with “a legal and conceptual framework for combating trafficking in persons.”³⁷ Member States must enact legislation criminalizing human trafficking.³⁸ An entire section of the Trafficking Protocol sets forth measures for victim protection.³⁹ Stated preventative requirements include “research, information and mass media campaigns.”⁴⁰ States are required to enact social initiatives that work to eliminate factors such as “underdevelopment and lack of equal opportunity,” which increase the vulnerability of people to trafficking.⁴¹ States must also implement poverty reduction initiatives to lessen the vulnerability of identified classes of victims.⁴² Other measures focus on eliminating the demand for the services that makes the exploitation of others a viable and profitable business.⁴³ States cooperate with NGOs and other interested organizations on these preventative measures.⁴⁴ Under the Trafficking Protocol, law enforcement, immigration, and other state authorities must also cooperate in the exchange of information to further enable the identification of perpetrators and victims and the methodology employed by organized crime groups.⁴⁵ States need to enact legislation mandating training programs on prevention, protection, and prosecution and should work in cooperation with NGOs.⁴⁶ Increased border controls, improved travel

33. Trafficking Protocol, *supra* note 12, art. 2.

34. *Id.* art. 4.

35. *Id.*

36. HENNIG ET AL., *supra* note 2, at 10.

37. UNODC, *supra* note 11, at 50.

38. Trafficking Protocol, *supra* note 12, art. 5. An intent requirement may serve to protect the victims from prosecution. *See id.* art. 3(b).

39. *Id.* § II.

40. *Id.* art. 9(2).

41. *Id.* art. 9(4).

42. *Id.*

43. *Id.* art. 9(5).

44. *Id.* art. 9(3).

45. *Id.* art. 10(1).

46. *Id.* art. 10(2).

and identity documents, and measures regarding victim status within the state, as well as possible repatriation, complete the Trafficking Protocol.⁴⁷

II. FIGHTING THE SCOURGE OF HUMAN TRAFFICKING

A diverse group of organizations leads the fight to end human trafficking. A number of organizations within the United Nations direct time and resources to issues of human trafficking.⁴⁸ The United States has become a leader in the tracking and reporting of countries' efforts worldwide. One intergovernmental organization directs its time solely to problems of migration and leads the antitrafficking effort from inside member nations. These varied entities contribute greatly through their leadership and initiative in the fight against human trafficking.

A. *The United Nations*

The United Nations Office on Drugs and Crime (UNODC) and the United Nations Interregional Crime and Justice Research Institute (UNICJRI) launched the Global Programme Against Trafficking in Human Beings (GPAT) in order to increase knowledge on the "causes and processes of . . . trafficking in persons, and promote the development of effective responses."⁴⁹ After the Trafficking Protocol, the Anti-Human Trafficking Unit of the UNODC for GPAT developed a report, *Trafficking in Persons: Global Patterns*, in a first effort to fill the "information deficit" about the breadth of the human trafficking problem.⁵⁰ The report acknowledges the difficulty of collecting accurate data, and encourages countries to increase their efforts to help the United Nations build a comprehensive comparative analysis.⁵¹ The report admits that those countries who have provided honest and plentiful data may appear as "major offenders," while "patchy statistics" could mask the full extent of the problem elsewhere.⁵² *Global Patterns* lists countries of origin, transit, and destination as having "very high," "high," "medium," "low," or "very low" incidence of reporting.⁵³

47. *Id.* arts. 7-8, 11-12.

48. *See* UNODC, *supra* note 11, at 5.

49. *Id.* at 48.

50. *Id.* at 1, 5, 10. All information results from data collected between 1996 and 2003. *Id.* at 43.

51. *Id.* at 10.

52. *Id.* at 11.

53. *Id.* at 18-20; *see id.* at 19 n.1 ("Levels of reporting of trafficking in persons may vary due to: geographical bias; political emphasis; the comprehensiveness of various national legal definitions of human trafficking and child trafficking; the non-recognition of different forms of exploitation; the availability and quality of official statistics and reporting; the availability and

B. U.S. Involvement: The Trafficking in Persons Report

The United States plays a key role through its oversight of other countries' counter-human trafficking efforts. The United States implemented the Trafficking Victims Protection Act (TVPA) to address human trafficking, as to both the victims and the perpetrators.⁵⁴ The TVPA, as amended, provides "financial assistance, protection, benefits, services, and education to victims in the United States and abroad."⁵⁵ The TVPA (with both domestic and international application) aims to end trafficking and to encourage the enactment and improvement of trafficking legislation and enforcement policies.⁵⁶ The United States spends tens of millions of dollars assisting foreign governments and NGOs in antitrafficking efforts each year.⁵⁷ Per the TVPA, the United States Department of State (State Department) submits a Trafficking in Persons Report (TIP Report) yearly to the United States Congress.⁵⁸ The eighth, and most recent, TIP Report was released in June 2008.⁵⁹ The annual report contains information on the efforts of foreign governments to combat "severe forms" of human trafficking, with the intention "to raise global awareness, to highlight efforts of the international community, and to encourage foreign governments to take effective actions to counter all forms of trafficking in persons."⁶⁰ To be included in the TIP Report, data must support "a finding that a significant number of persons were trafficked to, from, or within a country."⁶¹

Government efforts regarding trafficking are ranked by tier, with countries rated as "Tier 1, Tier 2, Tier 2 Watch List, or Tier 3."⁶² Tier 1 countries comply with the minimum standards for government prohibition, punishment, and efforts as set forth by the TVPA.⁶³ Tier 2

quality of national structures for victim identification, referral, assistance and repatriation; the extent of bi- and multi-lateral cooperation; and confusion between trafficking in persons and other forms of irregular migration.").

54. Susan W. Tiefenbrun, *Updating the Domestic and International Impact of the U.S. Victims of Trafficking Protection Act of 2000: Does Law Deter Crime?*, 38 CASE W. RES. J. INT'L L. 249, 250 (2006-2007).

55. *Id.* at 251.

56. *Id.*

57. *Id.* at 265.

58. 2007 TIP REPORT, *supra* note 8, at 5.

59. U.S. DEP'T OF STATE, TRAFFICKING IN PERSONS REPORT 38 (2008) [hereinafter 2008 TIP REPORT]. This report covers the period from April 2007 to March 2008. *Id.* at 8.

60. 2007 TIP REPORT, *supra* note 8, at 5; *see also* Tiefenbrun, *supra* note 54, at 266 ("The TIP Reports are not designed to be a condemnation of countries, but rather a catalyst for foreign governments to combat trafficking in persons around the world . . .").

61. *Report and Analysis of Immigration and Nationality Law*, *supra* note 9, at 1139.

62. 2007 TIP REPORT, *supra* note 8, at 10.

63. Tiefenbrun, *supra* note 54, at 266-67.

countries have not fully complied with those standards and may lack specific provisions in their penal codes on trafficking, but they are making a concerted effort to comply.⁶⁴ Countries on the Tier 2 Watch List require “special scrutiny.”⁶⁵ The report explains why the country has this status as related to provisions in the TVPA.⁶⁶ Tier 3 countries failed to comply or to put forth any real effort.⁶⁷ These countries face the possibility of punitive economic sanctions.⁶⁸ One study based a finding of the TVPA’s effectiveness on “[t]he high degree of movement of countries from one tier to another.”⁶⁹ These countries have been actively working to comply with TVPA standards, with a commendable “steady increase” in fully compliant countries.⁷⁰

C. *The International Organization for Migration*

Born of the need to resettle eleven million people displaced by World War II, the International Organization for Migration (IOM) addresses all issues of migration including trafficking in persons.⁷¹ It is the leading intergovernmental organization for migration.⁷² IOM partners with government institutions, other international organizations and NGOs in counter-trafficking activities.⁷³ The organization aims to prevent trafficking and to protect potential victims.⁷⁴ IOM also does research from national and regional perspectives.⁷⁵ In all, IOM has 125 Member States and sixteen more under “observer” status.⁷⁶ The organization published a report in 2007 investigating whether Germany experienced increased instances of sex trafficking during the World Cup.⁷⁷

64. *Id.* at 267.

65. 2007 TIP REPORT, *supra* note 8, at 12.

66. *Id.* at 10.

67. Tiefenbrun, *supra* note 54, at 267.

68. *See id.* at 268.

69. *Id.* at 276.

70. *Id.*

71. IOM, History, <http://www-iom.int/jahia/Jahia/lang/en/pid/11> (last visited Sept. 3, 2008); *see also* IOM, *supra* note 10.

72. IOM, About IOM, <http://www.iom.int/jahia/Jahia/cache/offonce/pid/2;jsessionid=74A84956AA9B8D0EB4B4E124B9725935.worker02> (last visited Mar. 2, 2008).

73. IOM, *supra* note 10.

74. *Id.*

75. *Id.*

76. IOM, *supra* note 72.

77. HENNIG ET AL., *supra* note 2, at 7.

III. THE WORLD CUP'S NEW DILEMMA

Human trafficking captured the attention of an international audience when reports of 40,000 women facing sexual slavery surged through the headlines.⁷⁸ Scores of male soccer fans threatened to overthrow the laws of decorum in their rabid need for entertainment between games.⁷⁹ Fear took hold of the international community as it faced the possible trafficking of tens of thousands of women in preparation for the World Cup in Germany.⁸⁰ Suddenly, the FIFA World Cup became the focus of a new and different audience.

The world of soccer is governed by one institution.⁸¹ Founded in 1904, FIFA dominates the international sport.⁸² FIFA retains the exclusive right to organize international soccer tournaments, a right it employs to hold the World Cup.⁸³ Once every four years, a single country plays host to the FIFA World Cup. This international tournament draws millions of soccer fans from around the world. Fans flood the host country ready for entertainment, celebrating their team's success and mourning its failures with equal fervor. Over 20 million fans attended FIFA World Cup games and official fan sites at the last World Cup.⁸⁴ Today, FIFA has more than 200 member nations, rivaling only the United Nations for membership.⁸⁵ The global character of FIFA often leaves the organization at odds with the nationalistic impulses inspired by international football competitions.⁸⁶

For FIFA, political issues are difficult to avoid when governing the international development of a nationalistic sport. Governments and other intergovernmental organizations have repeatedly demanded FIFA's involvement outside the realm of athletic competition.⁸⁷ Sports competitions have a noted role in international politics.⁸⁸ Because of its

78. *See id.* at 5.

79. *See id.* at 7.

80. *See id.* at 5.

81. THE WORLD CUP: A DEFINITIVE HISTORY AND GUIDE, at vi (Simon Shirley & Susannah Wight eds., 2002).

82. *Id.*

83. *Id.* at vi-vii.

84. *Id.* at 21.

85. CLEMENTE ANGELO LISI, A HISTORY OF THE WORLD CUP: 1930-2006, at 7-8 (2007).

86. JOHN SUGDEN & ALAN TOMLINSON, FIFA AND THE CONTEST FOR WORLD FOOTBALL: WHO RULES THE PEOPLES' GAME? 8 (1998).

87. *See* Fédération Internationale de Football Association [FIFA], FIFA Has No Power To Take Legal Action Against Human Trafficking and Forced Prostitution, Apr. 13, 2006, <http://www.fifa.com/aboutfifa/federation/releases/newsid=103821.html>.

88. SUGDEN & TOMLINSON, *supra* note 86, at 2-3. Soccer acts as a focal point for the expression of political will. *Id.*

worldwide fan base, soccer is influenced by developments in international relations, nationalistic movements, and the constant power plays within transnational organizations seeking “to manage the pace and direction of global, economic, political and cultural development.”⁸⁹ In recognition of soccer’s political function, public awareness campaigns involving soccer stars in both Germany and South Africa call attention to human trafficking issues.⁹⁰

FIFA recently broadened its governing role to encompass greater social responsibilities.⁹¹ FIFA’s new slogan, as of June 2007, is “For the Game. For the World.”⁹² Adoption of the slogan reflects FIFA’s new recognition of the social responsibility that the Association believes goes hand-in-hand with its “traditional competence” as the world leader of a sport with a worldwide following.⁹³ The new approach recognizes three responsibilities: “[D]evelop the game, touch the world and build a better future!”⁹⁴ Development includes not only the improvement of soccer as a sport, but use of the game as a “school of life,” intertwining soccer with youth and development programs.⁹⁵ FIFA will “build a better future” through the use of “the power of football as a tool for social and human development.”⁹⁶ In the past, FIFA has collaborated on projects with the World Health Organization, the International Labour Organization, and the United Nations Children’s Fund to exploit the media and spectator attention drawn by the World Cup and other competitions in furtherance of a cause.⁹⁷

IV. GERMANY HOSTS THE WORLD CUP

The critical eye of the international community turned against Germany when reports predicted that 40,000 women would be trafficked there in advance of the World Cup.⁹⁸ The 40,000 figure made the

89. *Id.*

90. *State Dept.: NGOs Work To Eradicate Human Trafficking, Help Victims*, *supra* note 6.

91. FIFA, The FIFA Corporate Mark, <http://www.fifa.com/mm/document/afmarketing/marketing/history%5ffifa%5fcm%5f17193.pdf> (last visited Mar. 2, 2007).

92. *Id.*

93. FIFA, OUR COMMITMENT 13 (2007), *available at* http://www.fifa.com/mm/document/afdeveloping/courses/fifa_brandbroschuere_23x23_e_13324.pdf.

94. *Id.*

95. *Id.* at 9.

96. *Id.*

97. FIFA, FIFA Campaigns, <http://www.fifa.com/aboutfifa/worldwideprograms/footballforhope/campaigns/index.html> (last visited Mar. 2, 2008).

98. *See, e.g., HENNIG ET AL., supra* note 2; *World Cup Hearing, supra* note 1; *Petition, supra* note 1.

adequacy of Germany's human trafficking legislation and efforts questionable and ignited skepticism of Germany's ability to counter the predicted influx of traffickers and victims.⁹⁹ Prior to hosting the World Cup, Germany already had a history of trafficking issues and a legal regime to resolve them.¹⁰⁰ Germany signed the Trafficking Protocol in December of 2000, but only ratified it on June 14, 2006, less than one week into the World Cup.¹⁰¹ Germany is a very popular destination country for trafficked persons, and the majority of traffickers caught in Germany have been German nationals.¹⁰² It is rated high as a country of transit, but not as a country of origin.¹⁰³ Germany received a Tier 1 rating in the 2008 TIP Report, a ranking it has had for at least eight years running.¹⁰⁴ Yet, despite the Government's best efforts, men and women from throughout Europe, Africa, and Asia continue to arrive in Germany for purposes of forced labor, domestic servitude, and sexual exploitation.¹⁰⁵

Germany has criminalized human trafficking, both for purposes of forced labor and sexual exploitation.¹⁰⁶ Police follow apparently effective procedures for victim identification.¹⁰⁷ Counseling centers offer protection and shelter for victims.¹⁰⁸ Germany refrains from penalizing the illegal activity of victims "committed as a direct result of their being trafficked."¹⁰⁹ Permanent residence may be granted to victims facing hardship and retribution upon return to their countries of origin.¹¹⁰ In an effort to deter trafficking, the German Government funds public awareness campaigns by NGOs domestically and abroad.¹¹¹ German embassies and consulates conduct outreach in countries identified as source countries for trafficked persons.¹¹²

99. See *World Cup Hearing*, *supra* note 1, at 3 (statement of Christopher H. Smith, Chairman, Subcomm. on Africa, Global Human Rights and International Relations).

100. See 2007 TIP REPORT, *supra* note 8, at 106.

101. UNODC, *supra* note 30. The German World Cup began June 9, 2006, and ended on July 9, 2006. HENNIG ET AL., *supra* note 2, at 21.

102. UNODC, *supra* note 11, at 34.

103. *Id.* at 18-19; see also 2007 TIP REPORT, *supra* note 8, at 105.

104. 2008 TIP REPORT, *supra* note 59, at 125.

105. See also 2008 TIP REPORT, *supra* note 59, at 125. See generally 2007 TIP REPORT, *supra* note 8.

106. 2007 TIP REPORT, *supra* note 8, at 106.

107. *Id.*

108. *Id.*

109. *Id.*

110. *Id.*

111. *Id.*

112. *Id.* at 106.

International pressure pushed the German Government to address the human trafficking fears surrounding the World Cup, moving Germany beyond the legal regime already in place. Beginning over a year before the tournament, German authorities developed a specialized “World Cup National Security concept,” improved information-sharing between state and federal law enforcement, and increased police presence.¹¹³ The German Embassy in Washington, D.C., released a statement assuring that “[t]he German Criminal Code has recently been amended and tightened to implement EU [a]nd UN measures to fight human trafficking.”¹¹⁴ Many organizations, governmental and not, cooperated in the development of the police effort to thwart increased trafficking.¹¹⁵ Police forces practiced deterrence through large increases in police presence in each of the twelve German cities hosting World Cup games.¹¹⁶ Police efforts differed by city, with methods including an increase in raids of brothels and sex clubs, intensification of the usual control methods, increased intelligence gathering, undercover investigations by police feigning to be potential clients, and additional training on human trafficking for police officers.¹¹⁷ Special offices were created by state law enforcement agencies to investigate trafficking cases and “aggressively prosecute” participating criminal organizations.¹¹⁸ Information collection and analysis at the federal level allowed for “targeted search and seizure operations.”¹¹⁹ Police also worked closely with NGOs in the field.¹²⁰

During the World Cup, politicians and other public figures promoted antitrafficking efforts, while NGOs conducted government-funded campaigns including twenty-four-hour hotlines for victims of trafficking, posters, and flyers.¹²¹ The National Council of German

113. *State Dept.: NGOs Work To Eradicate Human Trafficking, Help Victims*, *supra* note 6; *see also* 2007 TIP REPORT, *supra* note 8, at 38.

114. Memorandum from the German Embassy in Washington, D.C., *Fighting Human Trafficking: Measures Taken by Germany in Connection with the Soccer World Cup* (June 14, 2006), *available at* http://www.germany.info/relaunch/info/archives/background/HumanTrafficking_14Jun2006.pdf.

115. *Id.* (“The police component is based on a national security concept and a law enforcement framework which have been developed by security experts from the federal and local governments, the host cities, the German Football Association, and the FIFA 2006 World Cup organizing committee, along with the coordination office for fan projects.”).

116. *Id.*

117. HENNIG ET AL., *supra* note 2, at 19.

118. Memorandum from the German Embassy in Washington, D.C., *supra* note 114.

119. *Id.*

120. *Id.*

121. *State Dept.: NGOs Work To Eradicate Human Trafficking, Help Victims*, *supra* note 6; *see also* 2007 TIP REPORT, *supra* note 8, at 38-39.

Women's Organizations launched a campaign, Final Whistle—Stop Forced Prostitution (*Abpfiff—Stoppt Zwangsprostitution*), to take advantage of World Cup publicity for trafficking awareness campaigning.¹²² Solwoldi, an NGO, implemented Red Card for Sexual Exploitation and Forced Prostitution (*Rote Karte für Sexuelle Ausbeutung und Zwangsprostitution*) in Germany and countries of origin.¹²³ National hotlines provided by NGOs enabled anonymous reporting by clients of prostitutes suspecting trafficking and offered help-lines for victims of trafficking.¹²⁴ NGO emergency numbers also enabled communication by local police, other authorities, and other NGOs.¹²⁵ Most of the NGO campaigns conducted for the World Cup received local, state, or national funding.¹²⁶ Overall, the antitrafficking campaign efforts were found to have reached a much broader audience than had previous endeavors.¹²⁷

V. ISSUE MANIPULATION OR ISSUE CONCERN?

The relationship between trafficking and sporting events had garnered some minor attention before, but the sudden influx of concern based around the German World Cup served to introduce the topic for the first time on a worldwide level. Credible empirical data on the relation of trafficking and sporting events has been found lacking.¹²⁸ Information pertaining to the relationship between major sporting events and human trafficking did not appear to any extent until the Greek Olympic Games in 2004.¹²⁹ The efforts in Greece included contagious disease prevention, but there was no assessment after the games.¹³⁰ One organization operating at the grassroots level in Greece implemented initiatives aimed at child trafficking and reported that “the high security context of the games prevented an increase in the visible exploitation and trafficking in minors.”¹³¹ Only the media's enthusiastic dissemination of the estimated 40,000 women at risk of being trafficked to Germany

122. Memorandum from the German Embassy in Washington, D.C., *supra* note 114; HENNIG ET AL., *supra* note 2, at 17.

123. HENNIG ET AL., *supra* note 2, at 18.

124. *Id.* at 18-19.

125. *Id.* at 19.

126. 2007 TIP REPORT, *supra* note 8, at 106.

127. *Id.* at 39.

128. HENNIG ET AL., *supra* note 2, at 7.

129. *See id.* at 11-12.

130. *See id.* at 12.

131. *Id.* at 13.

finally launched the possible connection between human trafficking and international sports competitions into the limelight.

A. *The 40,000 Figure*

The 40,000 figure has a contentious origin. A justice official in Munich described it as “plucked from the air.”¹³² Engle explained that the 40,000 figure originated in recruiting ads in Russia that claimed the existence of 40,000 temporary jobs in Germany during the World Cup.¹³³ Amnesty International found the figure in a Council of Europe Report.¹³⁴ Some identify the German Women’s Council as the original source.¹³⁵ The German Embassy in Washington, D.C., conceded that “[m]ajor public events such as the soccer World Cup indeed pose a risk,” but found no corroboration for “the figures about thousands of women expected to be trafficked into Germany.”¹³⁶ The IOM concluded that the number was “unfounded and unrealistic” in its post-World Cup analysis.¹³⁷

As IOM points out, the highly publicized 40,000 figure may make it more difficult for NGOs fighting trafficking to find support in the future.¹³⁸ Before and during the World Cup, NGOs had trouble directing the media’s attention beyond the unfounded figure due to “journalists who were just after ‘sex-n’-crime’ stories and further support of the 40,000 figure.”¹³⁹ Dire predictions may have sold well by telling a hot story with an easy sound bite, and they also may have served to contribute to political motives beyond the eradication of human trafficking.

B. *Human Trafficking and the Legalization of Prostitution*

The international debate dogging the footsteps of the German World Cup often treated prostitution as synonymous with human trafficking.¹⁴⁰ Prostitution is legal in Germany. It is a well-regulated industry whereby prostitutes are required to register and pay taxes, and in return, they

132. *World Cup Hearing*, *supra* note 1, at 63 (statement of Christopher H. Smith, Chairman, Subcomm. of Africa, Global Human Rights and International Operations).

133. *Id.* at 58 (statement of Juliette Engel, M.D., Director, Mira Med Institute).

134. *Id.* at 63 (statement of Maureen Greenwood-Basken, Advocacy Director for Europe and Eurasia, Amnesty International).

135. *Id.* at 63-64 (statement of Michael Horowitz, Senior Fellow, Hudson Institute).

136. Memorandum from the German Embassy in Washington, D.C., *supra* note 114.

137. HENNIG ET AL., *supra* note 2, at 5.

138. *Id.* at 26.

139. *Id.* at 25.

140. *Id.* at 20.

receive health insurance and guaranteed rights.¹⁴¹ Germany legalized prostitution in December 2001,¹⁴² although the German Government denies promoting prostitution.¹⁴³ According to the Government, legalization increased transparency of the industry, allowing police oversight.¹⁴⁴ It believes that criminalizing prostitution would increase women's vulnerability to violence, while the law providing for "social welfare and legal rights of prostitutes" has the "clear" and partially successful purpose of "better protection to the women working as prostitutes."¹⁴⁵ In addressing World Cup worries, the German Embassy in Washington, D.C., reminded the United States that "Germany fully complies with the [U.S.] standards for the elimination of trafficking."¹⁴⁶

The German philosophy contrasts greatly with that of the United States. The State Department opposes legalized prostitution, because it sees prostitution as contributing to the trafficking of persons for commercial sexual exploitation.¹⁴⁷ For example, the 2006 TIP Report included a photograph of an ad for a brothel addressing World Cup fans.¹⁴⁸ While citing "the dehumanizing world of prostitution," the report failed to connect the photograph with trafficking.¹⁴⁹ House Representative Chris Smith spent much of his time and presented many colorful statements regarding the German World Cup and human trafficking.¹⁵⁰ Smith quoted the State Department for support of the fact that "where prostitution is legalized or tolerated, there is a greater demand for human trafficking victims and nearly always an increase in the number of women and children trafficked into commercial sexual

141. Mark Landler, *World Cup Brings Little Pleasure to German Brothels*, N.Y. TIMES, July 3, 2006, at A3.

142. *Calling on the Government of Germany To Take Immediate Action To Combat Sex Trafficking in Connection with the 2006 FIFA World Cup: Hearing on H. Res. 860 Before the Comm. on International Relations*, 109th Cong. 2, 12 (2006) [hereinafter *Hearing on H. Res. 860*] (statement of Hon. Chris Smith, Chairman, Subcomm. on Africa, Global Human Rights and International Operations).

143. Memorandum from the German Embassy in Washington, D.C., *supra* note 114 ("The Federal Government in no way promotes prostitution.").

144. *Id.*

145. *Id.*

146. *Id.*

147. *Report and Analysis of Immigration and Nationality Law*, *supra* note 9, at 1140.

148. U.S. DEP'T OF STATE, TRAFFICKING IN PERSONS REPORT 20 (2006) [hereinafter 2006 TIP REPORT].

149. *Id.*

150. *Hearing on H. Res. 860*, *supra* note 142; *Modern Day Slavery: Spotlight on the 2006 "Trafficking in Persons Report," Forced Labor, and Sex Trafficking at the World Cup: Briefing and Hearing Before the Subcomm. on Africa, Global Human Rights and International Operations*, 109th Cong. 2 (2006) (statement of Hon. Chris Smith, Chairman, Subcomm. on Africa, Global Human Rights and International Operations).

slavery.”¹⁵¹ He reported the EU’s concern that “the legalization of prostitution in Germany provides an atmosphere for World Cup fans to legally rape women.”¹⁵² Continuing his oration, he related how the West African coordinator for the All Africa Conference of Churches recognized the “now public knowledge that organized syndicates have plans to bring in young women . . . to Germany in time for the World Soccer Cup 2006.”¹⁵³ He ends with a plea that Germany “fully comply with the spirit of anti-trafficking efforts and reverse its pro-commercial sex laws.”¹⁵⁴

Smith represents, albeit extremely, a policy reason behind the enthusiastic adoption of the 40,000 figure and its resulting media publicity. His clear disapproval of legalized prostitution, and his unabashed use of the World Cup to pressure Germany on its prostitution policy (rather than solely to publicize human trafficking issues), makes apparent at least one force behind the mysterious blossoming of the 40,000 figure.¹⁵⁵ In its report, IOM identified the United States’ obvious use of the World Cup “as an opportunity to lobby against the legalization of prostitution in Germany.”¹⁵⁶ Many NGOs endured frustration over the media’s mixing the issues of legalized prostitution and human trafficking.¹⁵⁷ Other NGOs themselves mixed prostitution and trafficking issues.¹⁵⁸ “One NGO noted that the international debate generated by the World Cup in Germany had fuelled and positively influenced discussions in some countries envisaging to legalize prostitution.”¹⁵⁹ The Coalition Against Trafficking in Women (CATW), an NGO that believes legalizing prostitution promotes sex trafficking, developed a petition, “Buying Sex is Not a Sport: Say No to Germany’s Prostitution of Women During the World Cup Games in 2006.”¹⁶⁰ The petition opened with the 40,000 figure.¹⁶¹

Despite dire media reports and the hammering by Representative Smith, demand for prostitution services and the numbers of temporary prostitutes during the World Cup failed to reach the expected spectacular

151. *Hearing on H. Res. 860, supra* note 142, at 12.

152. *Id.*

153. *Id.*

154. *Id.* at 13.

155. *Id.* at 12.

156. HENNIG ET AL., *supra* note 2, at 19.

157. *Id.* at 25.

158. *Id.* at 26.

159. *Id.*

160. Coalition Against Trafficking in Women, An Introduction to CATW, <http://www.catwinternational.org/about/index.php> (last visited Mar. 2, 2008); Petition, *supra* note 1.

161. Petition, *supra* note 1.

highs.¹⁶² Those in the sex business identified the public awareness campaign on sex trafficking as preventing trafficking and even scaring away regular clientele for the legal business of prostitution.¹⁶³ Sex workers also suggested that “the communal nature of the World Cup discourages visits to prostitutes” because when families and friends travel together there is little solitary activity.¹⁶⁴ Whether focus on the legalized avenues of prostitution veiled the thriving illicit trade in human trafficking¹⁶⁵ or legalization assisted the authorities in thwarting human trafficking efforts¹⁶⁶ remains open for discussion.

VI. SOUTH AFRICA: THE 2010 WORLD CUP

The German World Cup acted as a catalyst for increased concern regarding trafficking at the 2010 World Cup in South Africa.¹⁶⁷ South Africa already had identified human trafficking issues that were inadequately addressed by the time the World Cup brought international attention to the country’s human trafficking plight. *Global Patterns* found South Africa to be rated “medium” for incidence of reporting as a country of origin, transit, and destination.¹⁶⁸ Because of its status as the “economic heart of Africa,” South Africa’s “lucrative market for traffickers” makes the country primarily a destination country.¹⁶⁹ Direct transit routes to developed countries enable the use of South Africa as a transit country, connecting the developing with the developed.¹⁷⁰ The country has been rated as Tier 2 Watch List for the fourth year running by the TIP Report.¹⁷¹ In 2006, the United States State Department warned that South Africa’s efforts to fight human trafficking actually worsened,¹⁷² but the 2007 TIP Report commended the “increasingly visible”

162. Landler, *supra* note 141 (“Soccer and sex, it appears, do not mix very well. . .”). Munich was the only city reported to have a substantial increase in sex workers in licensed sex clubs. *Id.* But see HENNIG ET AL., *supra* note 2, at 10 (quoting the owner of a sex club as saying “*football and sex belong together*” before the World Cup began).

163. Landler, *supra* note 141.

164. *Id.*

165. CATW, Post-World Cup Statement (2006), <http://action.web.ca/home/catw/readingroom.shtml?x=92305>.

166. See Memorandum from the German Embassy in Washington, D.C., *supra* note 114.

167. HENNIG ET AL., *supra* note 2, at 20.

168. UNODC, *supra* note 11, at 18-20.

169. *Trafficking in Persons* 27 (S. African Law Reform Comm’n, Discussion Paper No. 111, 2006), available at <http://www.doj.gov.za/salrc/dpapers.htm> [hereinafter SALRC, Discussion Paper].

170. *Id.*

171. See 2008 TIP REPORT, *supra* note 59, at 229.

172. *Report and Analysis of Immigration and Nationality Law*, *supra* note 9, at 1139.

antitrafficking efforts of South African law enforcement.¹⁷³ Most recently, the 2008 TIP Report noted South Africa's "significant efforts" to comply with the minimum trafficking standards, but identified a continuing dearth of information on those efforts.¹⁷⁴

South Africa had already ratified the Palermo Protocol against Human Trafficking in 2004,¹⁷⁵ but, in contradiction with South Africa's status as an African hub for such trafficking, there is no legislation against human trafficking in place.¹⁷⁶ The Government currently prosecutes traffickers through other criminal statutes,¹⁷⁷ and the Children's Bill and Sexual Offenses Act both contain provisions for prosecution of traffickers.¹⁷⁸ South Africa can look to the efforts of other African countries for viable counter-trafficking campaigns. Efforts have grown throughout the African continent to stem the tide of human trafficking. Many of these efforts recognize the communicative power of soccer, as well as the possible danger of international tournaments. For example, while sophisticated trafficking deterrence measures may be too costly for developing countries, several African nations have implemented a "Red Card" program, discouraging child labor at major sporting events.¹⁷⁹ The red card signals that soccer players have so forsaken the rules that they are kicked out of the game.¹⁸⁰ The Red Card campaign uses the red card to symbolically express that trafficking of women and children for sexual exploitation is a serious violation of human rights law.¹⁸¹

In Ghana, the recent host of the African Cup of Nations football competition (Ghana 2008),¹⁸² worry about human trafficking following soccer fandom continued when the Ghana police uncovered plans for recruiting children for prostitution during the games.¹⁸³ The ILO seized

173. 2007 TIP REPORT, *supra* note 8, at 185.

174. 2008 TIP REPORT, *supra* note 59, at 228.

175. UNODC, *supra* note 30 (opting out of the compulsory jurisdiction of the International Court of Justice).

176. VOA News: 2010 World Cup Lure for Human Traffickers, *supra* note 30.

177. 2007 TIP REPORT, *supra* note 8, at 185.

178. Semeyi Zake, *Local Stats Needed To Devise Policy on Human Trafficking*, SAYS INSTITUTE, BUS. DAY (S. Afr.), June 22, 2006, available at <http://www.businessday.co.za/articles/article.aspx?ID=BD4A220044>.

179. Tiefenbrun, *supra* note 54, at 277. FIFA collaborated with the ILO on the "Red Card to Child Labour" campaign. FIFA, *supra* note 97.

180. *Red Card To Fight Child Trafficking Launched*, GHANA NEWS ASS'N, Jan. 19, 2008, available at <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=137869>.

181. *Id.*

182. Olaolu Olusina, *Trafficked Children—'We Are Human, Not Commodities'*, THIS DAY (Nig.), Jan. 15, 2008, available at <http://allafrica.com/stories/200801160440.html>.

183. *Id.*

on the public awareness opportunity afforded by Ghana 2008 to spread the message against human trafficking with the help of the Red Card campaign.¹⁸⁴ The TIP Report classifies Ghana in Tier 2.¹⁸⁵ Ghana penalizes trafficking with at least five years imprisonment and had its first conviction in February 2005.¹⁸⁶ In preparation for Ghana 2008, the Ghana Journalists Association organized a workshop on “Combating Child Trafficking in Ghana—the Role of the Media” that was sponsored by the British High Commission.¹⁸⁷ Although several articles were published by a variety of sources, now that the tournament has ended, little news can be found commenting on the success, or lack thereof, of human trafficking prevention efforts during the games.

Activity in South Africa demonstrates recognition of the human trafficking issue within the context of soccer and the World Cup. South Africa’s popular soccer team wore counter-trafficking t-shirts before a nationally televised game in 2006 to inaugurate South Africa’s National Human Trafficking Awareness campaign.¹⁸⁸ The campaign has been specially geared toward reducing human trafficking before the 2010 World Cup.¹⁸⁹ NGOs are already involved in antitrafficking efforts, campaigning for South Africa to adopt tougher human trafficking laws before the expected onslaught of prostitutes for World Cup 2010 spectators.¹⁹⁰ For example, IOM’s Southern African Counter-Trafficking Assistance Program (SACTAP) works within Southern African countries assisting with victim reintegration and rehabilitation.¹⁹¹

FIFA has implemented programs in recognition of its social responsibilities to South Africa prior to the World Cup in 2010.¹⁹² FIFA has launched the “20 Centres for 2010” Campaign. While it does not have programs specific to human trafficking, the 20 Centres for 2010 program will build facilities for South African youths to receive health and educational services, in harmony with the provisions of the Palermo

184. *Red Card To Fight Child Trafficking Launched*, *supra* note 180.

185. 2008 TIP REPORT, *supra* note 59, at 126.

186. Olusina, *supra* note 182.

187. Isaac Essel, *As the Nation Prepares for Ghana 2008*, ACCRA MAIL, Dec. 13, 2007, available at <http://allafrica.com/stories/200712130148.html>.

188. *State Dept.: NGOs Work To Eradicate Human Trafficking, Help Victims*, *supra* note 6; 2007 TIP REPORT, *supra* note 8, at 38.

189. *State Dept.: NGOs Work To Eradicate Human Trafficking, Help Victims*, *supra* note 6.

190. *See VOA News: 2010 World Cup Lure for Human Traffickers*, *supra* note 30.

191. Margaret Mangani, *Dehumanising Tales of Human Trafficking*, TIMES OF ZAMBIA, Mar. 8, 2007, available at 2007 WLNR 4399762.

192. FIFA, 20 Centres for 2010 Launched, <http://www.fifa.com/aboutfifa/worldwide/programs/20centres2010.html> (last visited Mar. 2, 2008).

Protocol Against Human Trafficking, which seeks to lessen the number of possible human trafficking victims.¹⁹³ FIFA, backed by the United Nations, also has the “Win in Africa with Africa” program, wherein FIFA supports local organizations working in the fields of social and human development.¹⁹⁴

VII. OPEN ISSUES: PREPARING FOR THE 2010 WORLD CUP

Where Germany waited to ratify the Trafficking Protocol until in the midst of the World Cup,¹⁹⁵ South Africa has already ratified the Protocol.¹⁹⁶ South Africa’s goal is not ratification but implementation. It is now time for laws to catch up to ideals. Germany reported higher instances of trafficking,¹⁹⁷ but South Africa’s numbers are debatable due to the lack of a structural framework for addressing human trafficking concerns. The South African Law Reform Commission (SALRC) has addressed the dearth in human trafficking law.¹⁹⁸ Open for comment through July 2006, the SALRC developed a discussion paper on the human trafficking issues, containing preliminary suggestions for legal reform.¹⁹⁹ It recommended changes to the Trafficking Protocol’s definition of trafficking for implementation in the South African legal system²⁰⁰ and proposed a detailed regime providing for criminalization, prosecution, victim protection, and prevention.²⁰¹ It also defined the need for governmental departments to prepare for training programs and the implementation of legislation on human trafficking.²⁰² The South African Government is in the process of enacting comprehensive legislation arising from the “investigation by the South African Law Reform

193. *Id.*; see also Trafficking Protocol, *supra* note 12, § III.

194. FIFA, Win in Africa with Africa, <http://www.fifa.com/aboutfifa/worldwideprograms/wininafrica/buildbetterworld.html> (last visited Mar. 2, 2008).

195. UNODC, *supra* note 30; cf. HENNIG ET AL., *supra* note 2, at 21 (explaining that the 2006 World Cup began June 9 and ended July 9).

196. UNODC, *supra* note 30.

197. Compare UNODC, *supra* note 11, at 34, with UNODC, *supra* note 30, at 18.

198. See S. AFRICAN LAW REFORM COMM’N, THIRTY FOURTH ANNUAL REPORT 2006/2007, at 17 (2007), available at <http://www.doj.gov.za/salrc/anr.pdf>. The SALRC formed pursuant to the South African Law Reform Commission Act 19 of 1973 with the object of continually improving the South African law. S. African Law Reform Comm’n, Objects and Constitution (2007), http://www.doj.gov.za/salrc/docs_gen/objects.htm.

199. SALRC, Discussion Paper, *supra* note 169, at i, iii.

200. *Id.* at 48.

201. See generally *id.*

202. *Id.* at 267.

Commission relating to the trafficking of persons” in order that trafficking be elevated to a substantive offense.²⁰³

Anecdotal references suggest that preparations for the World Cup have encouraged illegal migration activity and increased the likelihood of trafficking in men for forced labor.²⁰⁴ While most studies have focused on the trafficking of women and children for sexual exploitation, there is a growing awareness on the issue of trafficking men for the purpose of forced labor.²⁰⁵ According to the SALRC, “a substantial number of men are being brought to South Africa for purposes of forced labour,” but it cannot be certain that they are also victims of trafficking.²⁰⁶ An IOM project, funded by the United States State Department, currently is working on a study of forced labor in Africa, particularly Southern Africa.²⁰⁷

Although the United Nations and the United States are among those who encourage the eligibility for permanent residence of trafficking victims, Africa still follows the traditional immigration law practice of deportation.²⁰⁸ Suggested human trafficking legislation in South Africa involves protection for trafficked victims, but then ships them home; additionally, it punishes customers of women trafficked for prostitution purposes.²⁰⁹ The Commission pays respect to the safety needs of victims, but continues to endorse repatriation of foreign victims of trafficking.²¹⁰

South Africa would do well to address the demand side of human trafficking. Scholars continue to posit that popular sporting events turn a profit, encouraging pimps to traffic prostitutes there due to an increased customer base.²¹¹ One suggested that “greater police presence and community outcry” can prevent the move,²¹² while “the availability of

203. Portfolio Comm’n on Justice & Constitutional Dev., Criminal Law (Sexual Offences and Related Matters) Amendment Bill 81 (2007), available at <http://www.info.gov.za/gazette/bills/2003/b50b-03.pdf>.

204. Press Briefing, IOM, Research on Trafficking of Men for Labour Exploitation (Dec. 18, 2007), <http://www.iom.int/jahia/Jahia/phhAF/cache/offonce?entryId=16263> (“IOM in Ethiopia, for example, is increasingly aware of stories of men who are promised lucrative contracts in the construction industry in South Africa as the country prepares for the football World Cup in 2010.”).

205. See *id.*; see also SALRC, Discussion Paper, *supra* note 169, at 26.

206. *Id.* at 32.

207. Press Briefing, *supra* note 204.

208. Tiefenbrun, *supra* note 54, at 277-78.

209. VOA News: 2010 World Cup Lure for Human Traffickers, *supra* note 30.

210. SALRC, Discussion Paper, *supra* note 169, at 224.

211. Cheryl Hanna, *Somebody’s Daughter: The Domestic Trafficking of Girls for the Commercial Sex Industry and the Power of Love*, 9 WM. & MARY J. WOMEN & L. 1, 19 (2002) (discussing sex trafficking in the United States).

212. *Id.*

customers and their money and the lack of public and political outcry” enable trafficking.²¹³ The 2006 TIP Report recommended that Germany address domestic demand issues, and South Africa would do well to follow this advice.²¹⁴ The European Parliament called for a “European-wide [public education] campaign during international sporting events,” with an effort to reduce demand through client awareness.²¹⁵ South Africa, like Germany, is a destination country for traffickers.²¹⁶ This status recommends the need for media and public awareness campaigns at a similar level to those offered in Germany before and during the World Cup.

Unlike German women, South African women and children have been found to commonly fall prey to sex traffickers and trafficking for the purpose of forced marriage.²¹⁷ Therefore, while demand issues are important and should be addressed, prevention issues also will be vital to countering human trafficking in South Africa. The SALRC recommended that national departments strengthen poverty alleviation programs already in place to address those vulnerable to victimization by traffickers.²¹⁸ It also recommended that the South African Department of Labor implement job creation initiatives and skills training programs.²¹⁹ The SALRC specifically pointed to the need to educate women and girls in rural communities.²²⁰

There is worry about possible growth in businesses selling sex. Regulation of the movement and growth of new business prior to the World Cup could be a challenge. The Businesses Act, a radical example of South African deregulation, removed former licensing requirements in 1991, thereby enabling the quick growth of small businesses.²²¹ Now, in preparing for the World Cup, fears rise based on the fact that new business applicants do not have to identify their business as “sex-related,” and authorities cannot consider the nature of the business in approval of an application.²²²

213. *Id.*

214. 2006 TIP REPORT, *supra* note 148, at 124.

215. HENNIG ET AL., *supra* note 2, at 13 (noting a study finding that most German clients were against “coercion and violence in the context of prostitution”).

216. SALRC, Discussion Paper, *supra* note 169, at 27.

217. *Id.* at 28-29, 33.

218. *Id.* at 57.

219. *Id.*

220. *Id.*

221. ANDREW BRISCO, SEPAC WORKING GROUP FOR “POLICY ISSUES,” REVIEW OF BUSINESS LICENSING LAWS OF SOUTHERN AFRICA (1999).

222. Ella Smook, *City Officials Fear World Cup Red-Light District*, FIN. TIMES (Cape Argus), Aug 27, 2007, available at 2007 WLNR 16345242.

While prostitution currently is illegal in South Africa, the SALRC recognizes the need to address the possible relation between prostitution and human trafficking.²²³ It identified the likelihood of trafficking in Germany based on the high number of foreign women working as prostitutes there. However, it would be a near impossibility for these women to get there, pay all the costs involved, and get set up on their own.²²⁴ The SALRC went on to note the recognized relation between prostitution and human trafficking and the need to address their relationship in further research and in any legislation regarding legalizing prostitution.²²⁵ No final statement was made on whether there really is a connection between the two, or whether legalizing prostitution would help South Africa as the German Government believes it has helped their country.²²⁶

VIII. CONCLUSION

Many reasons have been put forth explaining why there is no actual relationship between human trafficking and international sporting events such as the World Cup.²²⁷ Yet, the limited nature of a study based on just one event in a country where antitrafficking efforts were garnered, necessarily or not, should serve to warn South Africa and the international community away from discounting the possibility of human trafficking during the upcoming World Cup.²²⁸ Although governments, NGOs, and international organizations did not always address the issue of human trafficking with the pure, single-minded motivation to fight the scourge of modern day slavery, the key is that they did address the issue.

It cannot be an accident that Germany finally ratified the Palermo Protocol against Human Trafficking in the midst of the international attention focused there due to the 2006 World Cup.²²⁹ Germany developed legislation and implemented preventative and prosecutorial techniques under the jaundiced eye of the international community.²³⁰ How, why, or even *if* those acts stemmed a tide of women that otherwise would have been trafficked for the tournament may mean less than the fact that Germany acted. The problem was an identified issue in

223. SALRC, Discussion Paper, *supra* note 169, at 61.

224. *Id.* at 64.

225. *Id.* at 61.

226. See Memorandum from the German Embassy in Washington, D.C., *supra* note 114.

227. See HENNIG ET AL., *supra* note 2, at 24 (noting the fan base, weather, and logistical difficulties for traffickers as explanations for the lack in increase of human trafficking).

228. See *id.*

229. See UNODC, *supra* note 30.

230. Cf. 2007 TIP REPORT, *supra* note 8, at 106.

Germany;²³¹ that alone meant a strong step for the former World Cup host country in the fight against human trafficking. The country continues efforts begun due to international pressure pre-World Cup, sharing lessons learned with other countries to assist in planning for future international sporting events.²³² South Africa has a long way to go before the country can effectively counter its own human trafficking trouble, but in the deluge of attention that fell upon the World Cup in 2006, South Africa may have found much needed inspiration to step up its game before hosting the FIFA World Cup in 2010.

231. See UNODC, *supra* note 11, at 34.

232. 2008 TIP REPORT, *supra* note 59, at 125.