



GLOBAL THEMATIC REPORT ON SPORT TRAFFICKING



Global Thematic Report on Sport Trafficking (2024)

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**GLOBAL THEMATIC REPORT
ON SPORT TRAFFICKING
2024**



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Lerina Bright
Executive Director

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**Baroness Lola Young
of Hornsey OBE**

Member of the House
of Lords of the United
Kingdom

It is widely acknowledged that millions of women, men, and children are currently trapped in vicious cycles of poverty and deprivation, debt bondage, forced marriage, sex trafficking, and exploitative labour systems. They earn low wages and are subject to exorbitant recruitment fees and child labour. This understanding informs this report and motivates us to work towards creating solutions to address these issues.

Human trafficking and modern forms of enslavement are rife across the globe. However, it is only relatively recently that we have become aware of how the supply chains of companies involved in virtually any industry or sector one cares to name are likely to find forced and/or exploitative labour practices in their value chains.

In sport, the general public has yet to realise the extent to which the trafficking of minors, in particular, is sadly quite a common feature. This lack of awareness is significant, as the role and scale of trafficking in sport largely escapes not only the eyes and ears of the public, but also the sustained scrutiny of policymakers, governing bodies, and legislators. Consequently, the progress we can make in tackling this issue is not as substantial as it should be.

We can speculate why this might be the case, but perhaps it is more important to spend our time and energy ensuring that this apparent lack of attention is challenged and addressed.

More robust, rigorous research is an important part of the necessary change. An increasing number of non-governmental organisations are concerned with trafficking in and through sport (this critical distinction is explained in the report that follows), especially when it involves children and young people. They are working hard to eliminate these practices and need resources and support to fulfil and sustain their advocacy and awareness-raising roles. The insights gained from this research will significantly inform their policy and strategic priorities, thereby enhancing their effectiveness. Additionally, policymakers and legislators can draw immense value from this significant resource.

This global report represents a significant contribution to the literature on trafficking and modern forms of enslavement within sport. It not only encompasses legal definitions that urge us to be more exact in identifying and categorising the various ways in which sports are implicated in these abhorrent practices, but also incorporates a comprehensive survey of the attitudes and strategies of professionals and other stakeholders operating within the sports policymaking domain.

It should be emphasised that the content herein should be retained for reference, particularly by those who care about minimising the impact of modern forms of enslavement and human trafficking in and through sport. Of course, as awareness of the implications delineated in this report and other sources becomes more widespread, it will become impossible for policymakers, politicians, legislators, and the public to justify ignorance and inaction.

We must work tirelessly to dismantle the criminal networks that profit from the suffering of others. We must provide comprehensive support and rehabilitation for survivors. We must create a sporting environment where every athlete, regardless of origin, has the opportunity to flourish without fear. Together, we can transform the landscape of sport, ensuring that it becomes a force for good that uplifts and empowers all.



01

1. EXECUTIVE SUMMARY

Sport trafficking was not on the minds of the international community at the time of the negotiations and conclusions of the United Nations Convention Against Transnational Organised Crime (UNTOC) and its Protocols from 1998 to 2000. One of them is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, also known as the 'Trafficking in Persons (TIP) Protocol' or 'Palermo Protocol'. More than two decades later, and with inadequate data, the international community is trying to understand the context, the typology, and the specificities of human trafficking in sport, which led to the inception of this global thematic report offering a comprehensive understanding of this problem with several novel insights.

Sport is a huge industry that connects many different activities and has a significant annual contribution to both local and global economies. At the centre of this booming business sit young talents (boys and girls), often from the Global South, who aspire to a successful career in sport, adding their own value and skills to this industry. Beyond the economic, professional, and social benefits, sport also attracts unscrupulous criminals and human traffickers willing to take advantage of this multi-billion-dollar industry to exploit children and adults in, through, and around sport; for which this report uses 'sport trafficking' as an umbrella term to define and conceptualise.

Trafficking in persons is a serious crime and a grave violation of human rights, but sport trafficking remains a lesser-known form of this crime. It often involves organised criminal groups exploiting people in vulnerable situations. For many young people around the world, a professional career as an athlete, under the bright lights of sport's famous venues/arenas, is the stuff dreams are made of. This is the dream sold to thousands of youths globally, many of whom end up signing up for a form of modern slavery. This report also responds to the need for attention to policy and legislative design to tackle this problem and develops an empirical evidence base to assist anti-trafficking efforts against it.

The approach of the report is to systematically examine sport trafficking through the lens of the legal definition in Article 3 of the TIP Protocol Supplementing the UNTOC Convention and to demonstrate the specificities of sport trafficking based on the Protocol's key definitional elements. The research design focused on the three key definitional elements of the crime of trafficking in persons under the TIP Protocol: acts, means, and purpose of exploitation. These elements were essential in producing the empirical evidence presented in the report. Also, the definitional elements were used as an analytical framework to guide the examination of the empirical data. Such an approach is not only academically rigorous but also practically applicable, facilitating the dissection of the phenomenon of sport trafficking to clearly identify and comprehensively establish its elements as a crime.

In this respect, the report provides a portrayal of the problem based on empirical data gathered through a rigorous research process. In building a strong empirical base, a robust methodology that synthesises quantitative data with qualitative insights was adopted. This approach captured a diverse range of experiences and perspectives from the field, yielding a comprehensive body of evidence on sport trafficking. The report also captures perspectives on the efficacy of measures by governments and sports stakeholders in tackling sport trafficking. This is an extremely under-researched area within the existing body of work on sport trafficking and one of the key novel insights of this report.

In providing a comprehensive understanding of the problem, the report also develops a working definition of sport trafficking, which is another key novel aspect. The need for a specific definition of sport trafficking has been captured over the years through the efforts of Mission 89 who have been extensively and constructively engaging with various stakeholders in over 14 countries to draw attention and mobilise action. They have also engaged with the UN General Assembly and Human Rights Council to promote this agenda. The report recognises and also contributes to the general need to create specific definitions of other forms of trafficking for the purposes of better and increased targeted interventions to eradicate human trafficking.

In this respect, the absence of a specific definition for sport trafficking results in significant challenges that blur into the broader and more general forms of human trafficking and the wider issue of exploitation, hindering targeted interventions. Hence, the report makes a compelling case for defining sport trafficking and offers the following working definition; ***“Sport trafficking is the act of recruiting, transporting, transferring, harbouring, or receiving an individual—typically an athlete or aspiring athlete—within or across borders, through coercive, deceptive, or other abusive means for the purpose of exploitation in, through or around sports. Exploitation may manifest as forced labour, sexual exploitation, slavery, servitude within sport-related activities or events. In the case of children, no means need to be present”***. Policymakers and other stakeholders will find the working definition the report offers useful. The research findings in this report demonstrate that in order for policymakers to address the problem, there is a need for precise legal language that applies anti-trafficking legislation (in the form of the internationally accepted legal definition found in the TIP Protocol) to the context of sport.

Alongside the definition of sport trafficking, the report also offers a conceptualization of sport trafficking that consists of three subsets: ‘trafficking in sport’, trafficking through sport’, and ‘trafficking around sport’. This conceptualization is research-informed and is based on a comprehensive review of the existing literature and the empirical findings of the research. The third subset – ‘trafficking around sport’ – is a novel conceptual contribution of the report to the conceptual duality – ‘trafficking in sport’ and ‘trafficking through sport’ – that has already been established within the existing body of work. By adding ‘trafficking around sport’ as a third subset of sport trafficking, the report aims to offer further conceptual clarity of the problem.

The report also presents a typology of sport trafficking supported by case studies that are identified and developed through the research. This typology of sport trafficking, as another novel aspect of the report, provides an overview of the different types of trafficking evident in, through, and around sports. In each case, the existence of the type of trafficking is determined by the presence of the necessary constituent elements of the trafficking crime as per the definition of the TIP Protocol. Thus, there is a novel understanding of the various forms of sport trafficking that have been demonstrated to exist and are grounded in the legal definition of the TIP Protocol. The typologies serve as a seminal work on sport trafficking in this regard.

The report identifies a range of different areas for improvement in efforts to combat sport trafficking and more effectively protect vulnerable athletes and aspiring athletes. They are consolidated as a set of recommendations for policymakers, law enforcement, prosecutors, the judiciary, service providers, and sport organisations. In this respect, the insight of this report, typologies, and interpretive guide provide support and guidance for these actors in pursuing the recommendations and supporting their anti-trafficking efforts.

Finally, the report also includes an interpretive guide, in Annex A, that seeks to explain the context, content, meaning, and interpretation of the legal definition of trafficking in persons, as it applies to the specific phenomenon of sport trafficking. This specific interpretive guide is also another novel aspect of the report and aims to offer guidance on the application of international, regional, and domestic anti-trafficking law to cases of sport trafficking. The interpretive guide clarifies each element of the trafficking crime, and how these fit together to constitute trafficking, and presents indicative insights on how the various elements of the legal definition may manifest or apply in sport trafficking cases. Furthermore, it provides a framework for classifying and recognising situations that may constitute sport trafficking, with relevance for identification, investigation, prosecution, and judicial decision-making. National policymakers, including parliamentarians and legislators, law enforcement including investigators, prosecutors, and the judiciary, as well as service providers and sports organisations would find this interpretive guide very useful.

Sport trafficking can no longer be ignored or overlooked within the international human trafficking and modern slavery agenda. To give meaningful effect to the recommendations in this report, there must be: sustained and concerted coordination and partnership among all relevant stakeholders; awareness raising and sensitisation; capacity building that will empower young people and the athlete community, and the law enforcement in particular; laws and regulations that would create legitimate pathways to a constructive life in sport, and preventative measures that regulate the sports industry against the trafficking and exploitation of young athletes; as well as research that is crucial to understanding the issue in order to provide evidence-based solutions and to influence impactful policy decisions.

The expectation is that the report would strengthen the understanding of governments, non-governmental organisations, and sports stakeholders, including governing bodies, by providing them with the knowledge needed to take decisive and informed action against sport trafficking. Above all, it is expected that the report will contribute to the global effort to 'eradicate forced labour, end modern slavery and human trafficking and secure prohibition and elimination of the worst forms of child labour' (SDG Target 8.7) and to 'end abuse, exploitation, trafficking, and all forms of violence against and torture of children' (SDG Target 16.2).



02

2. INTRODUCTION

In an era where the global sports industry is celebrated for its dazzling economic scale, it has unfortunately also become a fertile ground for various forms of human trafficking. This Global Thematic Report on Sport Trafficking offers a critical and comprehensive exploration of human trafficking as it manifests in, through, and around the world of sports. The necessity of carving out a specific definition for 'sport trafficking' underpins this report, given the potential scale of the crime, the violation of the human rights of athletes and the sheer numbers of related individuals who remain at risk of becoming victims. According to existing literature, trafficking within the context of sports involves the sale or exploitation of athletes, or related individuals, for profit.¹ Therefore, delineating this form of exploitation from other types of human trafficking remains crucial for more effective legal actions, targeted prevention, and appropriate support for victims within the unique context of sports.

Global Sports Insight estimates that the sport industry values range from \$471 billion to \$1.4 trillion. This makes the exploitation of athletes and related individuals in, through and around sports, a lucrative playground for traffickers.

Whether victims are exploited for labour or defrauded for sporting opportunities, there is a clear path to profiting from the industry. Existing statistics are illuminating as seen with the literature review. For instance, according to Guilbert, 15,000 young players are trafficked yearly from West Africa with hopes of becoming professional footballers.² Although several estimated statistics over the decade have lost their impact, there is no denial that more research is required.³ In

2023, 47 young players (including 36 minors) from Africa, Asia and South America, believed to be victims of human trafficking from a football academy in Portugal, were rescued by local authorities.⁴ Additionally, during the 2017 Super Bowl, a nationwide sweep by the US police authorities, who defined this top sporting event as a 'magnet for illicit sex'⁵, resulted in about 750 arrests related to human trafficking activities, highlighting the intersection of major sporting events and increased trafficking vulnerabilities.⁶

The phenomenon of sport trafficking not only involves the direct exploitation of athletes but also extends to the myriad ways through which the sports industry can serve as a conduit for labour and sexual exploitation, especially during mega sporting events which attract increased demand for informal labour and entertainment services (that may involve trafficking for sexual exploitation). Despite these staggering figures, the hidden nature of sport trafficking means that the extent of those affected by this crime remains largely unknown.⁷

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- 1 Brackenridge, C., Fasting, K., Kirby, S., & Leahy, T. (2010). *Protecting children from violence in sport*. Innocenti Publications. https://www.unicef-irc.org/publications/pdf/violence_in_sport.pdf; Esson, J. (2020). Playing the victim? Human trafficking, African youth, and geographies of structural inequality. *Population, Space and Place*, 26(6), 1-12. <https://doi.org/10.1002/psp.2260>
 - 2 Guilbert, K. (2015). Chasing dreams: Young African footballers duped, dumped by traffickers. *Reuters*. <https://www.reuters.com/article/sports/chasing-dreams-young-african-footballers-duped-dumped-by-traffickers-idUSKBN0TQ0IS/>
 - 3 In 2005, Belgian senator Jean-Marie Dedecker reported over 400 cases of illegal trafficking of young athletes from Nigeria. Sparre, K. (2007a, February 23). Danish football club reported to FIFA for trafficking of young players. *Play the Game*. <https://www.playthegame.org/news/news-articles/2007/danish-football-club-reported-to-fifa-for-trafficking-of-young-players/>
 - 4 Africanews. (2023, June 15). Portugal: 47 footballers victim of human trafficking released. *Africanews*. <https://www.africanews.com/2023/06/15/portugal-47-footballers-victim-of-human-trafficking-released/>
 - 5 Malo, S. (2017). U.S. police arrest record 750 suspects in Super Bowl sex-trafficking stings. *Reuters*. <https://www.reuters.com/article/us-usa-trafficking-super-bowl-idUSKBN15O2MU/>
 - 6 Lapchick, R. (2019, January 29). The state of human trafficking and sports. *ESPN*. https://www.espn.com/espn/story/_/id/25876477/the-rise-exposure-human-trafficking-sports-world
 - 7 Jardine, A., Turner, T., & Capalbo, L. S. (2021). The problem of sports trafficking: Setting an agenda for future investigation and action (Report). University of Nottingham. <https://www.nottingham.ac.uk/research/beacons-of-excellence/rights-lab/resources/reports-and-briefings/2021/august/the-problem-of-sports-trafficking.pdf>

Traditionally, the delineation of human trafficking has been fraught with complexities, evolving continuously to adapt to new realities. This historical difficulty underscores the importance of establishing a precise definition for sport trafficking – a term that captures the unique conditions and vulnerabilities within sports environments. Such a definition is crucial for enabling law enforcement, advocates, frontline workers, governments, and other stakeholders to effectively identify, combat, and prevent exploitation, as well as to provide appropriate support to victims.

The current lack of a specific and unified clarity in defining what sport trafficking constitutes in reality has led to significant gaps in victim identification and support. Often, exploitative practices occur at the initial stages of athletic recruitment – far from the gaze of the mainstream sports industry – making these abuses harder to detect and address. This report emphasises that, without recognising and understanding the full scope of these activities, many victims remain invisible and unsupported.

This report sets the stage for a deeper inquiry into the specificities of sport trafficking, informed by international legal standards, particularly the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (hereafter referred to as the 'TIP Protocol'). However, this report goes beyond legal definitions to incorporate a broad spectrum of empirical research and case studies that illuminate the multifaceted nature of sport trafficking.

2.1. Identifying the need for a definition

Over the last six years, Mission 89 has extensively engaged with various stakeholders in over fourteen countries, through initiatives such as the Not In Our Game (NIOG) campaign, workshops, high-level meetings⁸, conferences, and training sessions, towards raising awareness, building capacity and driving discussions on sport trafficking.⁹ Engaging with diverse groups such as The International Federation of Association Football (FIFA), The International Criminal Police Organization (INTERPOL), sports federations, sports academies, the United Nations (UN), and directly with victims, Mission 89 has triggered and facilitated conversations on sport trafficking and its unique challenges. One such occasion was in March 2023 at the UK Parliament in London. During the committee hearing exercise on the issue of human trafficking in the context of sport, a question was raised by a Parliamentarian if it was best to create new legislation that addressed child trafficking and exploitation in sport or to amend existing national anti-trafficking legislation with new provisions.¹⁰ Questions like this, or related, have been raised in numerous events organised by Mission 89 with key stakeholders, including events held at the UN Headquarters.¹¹



Indeed, the absence of a specific definition for 'sport trafficking' continues to present significant challenges in distinguishing this phenomenon from migrant smuggling, irregular migration, and other forms of human trafficking, thereby preventing targeted interventions.

This lack of a definition affects multiple areas, including legal clarity and enforcement, protection of vulnerable groups, stakeholder responsibility, prevention strategies, and focused research and advocacy.

The Zheyun Ye case in Belgium¹² illustrates the intricate challenges surrounding the international movement of young athletes, particularly from Africa to Europe. This case, involving a Chinese businessman and Nigerian footballers, sparked significant controversy. Despite

clear evidence of exploitation, the judge's decision to classify it as migrant smuggling rather than human trafficking ignited debates about the definitions and legal frameworks governing these issues. This ruling underscores the

8 Mission 89. (2018, October 16). *Time for Europe to stand against child trafficking in sport*. High-level panel session hosted by the European Parliament Intergroup on Sport, Brussels.

9 Mission89 projects from 2018 – 2024

10 CPA UK. (2023, March 13-17). *Westminster Seminar 2023*. UK Parliament, London.

11 Mission 89 UNGA Events in New York, 2022, 2023 and at the UN Human Rights Council in April 2024.

12 The Brussels Times. (2015, January 8). *2004-2006 football match-fixing case - Appeal hearing begins*. <https://www.brusselstimes.com/31002/2004-2006-football-match-fixing-case-appeal-hearing-begins>. This article discusses the appeal hearing for the 2004-2006 football match-fixing scandal in Belgium, which involved Zheyun Ye. It provides details on the charges against the various individuals convicted, including Ye receiving the heaviest sentence of 5 years in prison in absentia.

urgent need for a more precise legal framework specifically addressing sport trafficking, as the current ambiguity can lead to potentially inadequate protection for vulnerable athletes.

This issue is further compounded by what the US Department of State identifies as unsatisfactory oversight by sport governing bodies, enabling the persistence of trafficking within the context of sport.¹³ Even with existing regulations, such as FIFA's prohibition on international transfers of minors under 18, numerous disputes suggest either regulatory ambiguities or deliberate exploitation of loopholes. The United Nations Children Fund (UNICEF), for example, highlights that the absence of comprehensive data has led to an incomplete understanding of both the scale and characteristics of sport trafficking, hampering effective policymaking and intervention strategies.¹⁴

Drawing a parallel, the recognition of orphanage trafficking as a form of modern slavery, under the Australian Modern Slavery Act of 2018, demonstrates how specialised definitions can lead to targeted interventions. Similarly, a distinct definition of sport trafficking could pave the way for sport-specific anti-trafficking efforts, potentially preventing cases like Zheyun Ye's from falling through legal systems.

These factors collectively underscore the urgent need for a distinct definition of sport trafficking to enhance legal protection, guide policymaking, improve victim identification and support, enable prevention strategies, and educate stakeholders. Such a definition would also provide the judiciary with a clearer framework for adjudication, ensuring that instances of sport trafficking are recognised and appropriately addressed within the legal systems.

Finally, the absence of a specific definition for sport trafficking has resulted in significant challenges that blur into the broader and more general forms of human trafficking, hindering targeted interventions. Making a case for defining sport trafficking involves highlighting several key facts that underscore the need for distinct recognition and a specialised approach to this issue. These include:



Enabling legal clarity and enforcement



Advancing protection of vulnerable groups



Ensuring stakeholder responsibility



Enabling targeted prevention strategies



Informing focused research and advocacy



Identifying precedents and enabling comparisons

2.2. Enabling legal clarity and enforcement

Legal clarity and enforcement are vital components in addressing sport trafficking effectively. A precise definition helps differentiate sport trafficking from other forms of human trafficking by recognising the unique methods and targets involved in sports-related cases. This specificity is crucial for understanding the distinct dynamics of exploitation within the sports industry. Moreover, clear definitions equip law enforcement, prosecutors, and judicial systems with the necessary legal frameworks to prosecute offenders effectively under circumstances specific to sports. This ensures that legal actions are both appropriate and effective. Additionally, a unified definition enhances international legal cooperation and facilitates the enforcement of States' obligations under treaties, which are essential for combating trafficking across borders. This is particularly important for international sports events and athlete transfers, where cooperation is vital for addressing the global nature of sport trafficking.

13 U.S. Department of State. (2024). *Trafficking in persons report 2024*. <https://www.state.gov/reports/2024-trafficking-in-persons-report/>

14 UNICEF UK. (2022, September 30). Addressing the complex issues of trafficked children in and around sport. <https://www.uk-cpa.org/news-and-views/unicef-addressing-the-complex-issues-of-trafficked-children-in-and-around-sport>

2.2.1. Advancing protection of vulnerable groups

Protection of vulnerable groups, especially young athletes who are often minors, is critical in combatting sport trafficking. These individuals are particularly susceptible to exploitation due to their aspirations and promises of careers in professional sports. A specific definition of sport trafficking aids in creating targeted protective measures that are tailored to address these specific vulnerabilities. Furthermore, policies developed with a clear understanding of the nuances of sport trafficking can more effectively address prevention, detection and response strategies, thereby protecting athletes at all levels. Having a clear definition also ensures that victims receive appropriate support services tailored to their specific experiences, which can vary from those encountered in other forms of trafficking.

2.2.2. Stakeholder responsibility

According to the US Department of States, unsatisfactory oversight by sport governing bodies also enables trafficking in sport to persist.¹⁵ Even though sports bodies like FIFA have established regulations that prohibit the international transfer of minors under the age of 18, the numerous disputes arising suggest either ambiguities in FIFA's regulations or deliberate exploitation of regulatory gaps by football clubs to exploit foreign minors.¹⁶ Sports organisations, agents, and sponsors must be well-informed about the specific threats and legal implications of sport trafficking to effectively recognize and combat it. Additionally, a clear definition of sport trafficking helps to enforce accountability across all levels of the sports industry, from grassroots to professional. This ensures that all stakeholders adhere to best practices in athlete management and recruitment, creating a safer and more ethical sporting environment.

2.2.3. Focused research and advocacy

The absence of comprehensive data has resulted in an incomplete understanding of both the scale and characteristics of sport trafficking.¹⁷ A well-defined framework of sport trafficking enables more focused research into the methods, extent, and impacts of trafficking within the sports sector, which in turn leads to the development of more effective solutions. A clear definition also helps to design and develop educational programmes and training programmes that inform stakeholders, including athletes, coaches, and parents, about the risks and signs of trafficking in sport. Moreover, clearly defining sport trafficking significantly enhances public awareness of the issue, shedding light on the risks associated with the sports industry that often go unnoticed by the general public. This increased awareness and clear categorisation facilitate greater advocacy and engagement from non-governmental organisations (NGOs), government bodies, and the international community, thereby driving a more concerted effort to tackle sport trafficking effectively.

2.2.4. Precedents and comparisons

Orphanage trafficking parallel: Similarly, to the recognition of orphanage trafficking which led to specialised interventions, recognizing sport trafficking as a form of human trafficking can pave the way for specific anti-trafficking efforts targeting the problem. For instance, the Australian Modern Slavery Act of 2018 recognises orphanage trafficking as a form of modern slavery.¹⁸ Consequently, entities that operate, fund, or are otherwise linked to the supply chain in orphanages are required to evaluate and disclose any risks of modern slavery within these operations. In this connection, the recognition of sport trafficking as a form of human trafficking, could lead to the adoption of more targeted anti-trafficking approaches.

15 U.S. Department of State. (2020). Trafficking in Persons Annual Report. <https://www.brusselstimes.com/31002/2004-2006-football-match-fixing-case-appeal-hearing-begins>.

16 FIFA. (2021). Regulations on the Status and Transfers of Players. https://www.icsspe.org/system/files/FIFA%20-%20Regulations%20on%20the%20Status%20and%20Transfer%20of%20Players_0.pdf.

Nkang, I. (2019b, May 29) Tackling modern slavery in soccer. Sportcal. <https://www.sportcal.com/Insight/Opinion/126121https://www.sportcal.com/Insight/Opinion/126121>

17 United Nations Children's Fund. (2020). The sale and sexual exploitation of children: Sport and sporting events. <https://www.unicef-irc.org/publications/pdf/Post-%20Consultation-Brief-Sale-Sexual-Exploitation-of-Children-Sport.pdf>

18 Modern Slavery Act, 2018 (Australia Cmlth)

Enhanced prevention: Clear definitions can ensure that, pre-emptive measures can be more effectively implemented, reducing the incidence of trafficking by addressing its root causes within the sports industry. The Not in Our Game (NIOG) youth engagement campaign by Mission 89, carried out in source countries like Cote d'Ivoire, Nigeria, Egypt and Thailand, exposed the vulnerability of young people to sport trafficking, especially in the game of football. It declared the possibility of missing victims who have been trafficked using promises of a successful career in football, and never get to the last stage of trafficking in football.¹⁹ Esson's Ten Steps to Football Trafficking highlights the key stages of human trafficking in and through football.²⁰ In the process of trafficking, victims are doubly hidden because they have limited interaction with the frontlines stakeholders who are more likely to identify them. They represent a much larger group, as for every individual identified as trafficked, tens of thousands remain undetected. Hence, there is an urgent need for comprehensive prevention programs to protect individuals who finds themselves in precarious conditions.

2.3. Working definition of sport trafficking

This report presents an analysis of sport trafficking, drawing on established academic literature and original research insights. Our goal is to equip policymakers, sporting bodies, and advocacy groups with detailed strategic guidance necessary to effectively tackle sport trafficking. By doing so, we aim to protect and uphold the rights and dignity of all individuals within the sports community, from aspiring athletes to behind-the-scenes workers, ensuring that the sports industry remains a realm of fair play both on and off the field.

The report leverages a methodological approach including an extensive literature review, expert focus group discussions with key stakeholders from sports and anti-human trafficking fields, illustrative case studies, and a development of sport trafficking typology. These efforts culminate in an interpretative legal guide, alongside legislative considerations, that provides a nuance definition of sport trafficking open for discussion and expert critique, advancing the dialogue in anti-human trafficking advocacy.

Based on the typologies and research insights outlined in this report, we have developed a working definition. This definition recognizes the distinct mechanisms and targets involved in sport trafficking, incorporating definitional elements from the TIP Protocol while addressing the specificities identified in sport trafficking cases. The comprehensive definition aims to capture both broad and nuanced aspects of exploitation specific to the sports environment.

The interpretative guide in Annex A aims to significantly influence the discussion and advocacy surrounding sport trafficking. By clarifying the intricate legal definitions and practical implications of the problem, the guide provides a structured approach to understanding how trafficking can manifest within the sporting context. It delineates specific acts, means, and purposes that constitute sport trafficking under existing legal frameworks, aiding stakeholders across various jurisdictions in recognising and addressing these incidents effectively.

This detailed explanation fosters a standardised understanding and approach, crucial for effective legal actions and preventive measures. Additionally, the guide serves as a critical capacity-building tool for stakeholders, including parliamentarians, sports organisations, law enforcement, and judiciary systems. It aims to enhance their capacity to detect, respond to, and prevent sport trafficking through informed training and policies. The unified approach proposed in the guide also encourages international cooperation and the development of comprehensive strategies that involve multiple stakeholders, which is vital for tackling the global nature of sport trafficking as outlined in the recommendations of this report.

The rest of the report proceeds as follows: Section 3 presents the conceptualization that sport trafficking consists of three subsets; 'trafficking in sport', 'trafficking through sport', and 'trafficking around sport'. This is a research-informed conceptualization based on a comprehensive review of the existing literature and the empirical findings of the research. In this respect, the third subset – 'trafficking around sport' – is a novel conceptual contribution of the report to the conceptual duality – 'trafficking in sport' and 'trafficking through sport' – that is present within the existing work. Section 4 presents empirical findings from the research conducted, adopting a mixed methods

¹⁹ Reports and interviews with youth during Mission89 NIOG Campaign Workshops.

²⁰ Esson, J. (2015). *10-step guide to football trafficking*. Loughborough News Blog. <https://www.lboro.ac.uk/news-events/news/2015/march/football-trafficking-guide.html>

approach including desk-study, a questionnaire, and focus groups. Section 5 outlines the typologies of sport trafficking which have been developed based on the underpinning research. These typologies are elucidated through real-life case studies - a detailed analysis of case studies is presented under Annex B of the report) - exemplifying each type's distinct manifestations in practice. Section 6 sets out recommendations to support efforts in combatting sport trafficking, setting out a clear direction for future action and research.

Working definition of sport trafficking:

“the act of recruiting, transporting, transferring, harbouring, or receiving an individual—typically an athlete or aspiring athlete—within or across borders, through coercive, deceptive, or other abusive means for the purpose of exploitation in, through or around sports. Exploitation may manifest as forced labour, sexual exploitation, slavery, servitude within sport-related activities or events. In the case of children, no means need to be present”.





03

3. CONCEPTUALISATION OF THE PROBLEM OF SPORT TRAFFICKING



[L - R] Samuel Eto'o, President of the Cameroonian Football Federation; Prof. Parosha Chandran, Professor of Practice in Modern Slavery Law, Dickson Poon School of Law, Kings' College; H.E. Mr. Michel Xavier Biang, Permanent Representative of the Gabonese Republic to the United Nations; H.E. Mr. Dennis Francis, President of the 78th session of the General Assembly, and H.E. Ms. Isabelle Picco, Permanent Representative of Monaco to the United Nations.

Human trafficking is a complex crime which manifests in a myriad of ways. It represents an egregious violation of human rights in the ways in which control over victims is established, which may curtail certain fundamental rights and freedoms and/or their earning capacity – typically coupled with serious violations of their physical and mental integrity in the process.²¹ The identification and investigation of human trafficking cases is perhaps one of the most challenging and complex activities facing criminal justice actors, due to the complexity and hidden nature of the crime. Disturbingly, the prevalence of trafficking appears to be increasing, whilst the number of reported cases resulting in a successful conviction remains comparatively low.²² According to the 2023 Walk Free Global Slavery Index, approximately 50 million people were living in ‘modern slavery’ in 2021 – almost 10 million more than in 2016.²³ Of those in modern slavery, approximately 28 million are thought to be victims of forced labour. The most recent UNODC Global Report on Trafficking in Persons indicated that 11 per cent fewer trafficking victims were detected in comparison to 2019.²⁴ However, what is evident is that despite good intentions, anti-trafficking laws “have failed to make good strides in addressing the problem”.²⁵

21 Touzenis, K. (2010). *Trafficking in human beings: Human rights and transnational criminal law, developments in law and practices*. UNESCO Migration Studies. UNESCO.

22 Global convictions have dropped by 38 per cent since 2015. See, Justice and Care, ‘Top human trafficking prosecutors unite in bid to boost global conviction rates’, 6 March 2024. Available at <https://justiceandcare.org/news/top-human-trafficking-prosecutors-unite-in-bid-to-boost-global-conviction-rates/>

23 Walk Free. (2023). *The global slavery index 2023*. Minderoo Foundation. <https://cdn.walkfree.org/content/uploads/2023/05/17114737/Global-Slavery-Index-2023.pdf>

24 UNODC. (2022). *Global Report on Trafficking in Persons 2022*. https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTiP_2022_web.pdf

25 Franklin, A. (2021). Human Trafficking of Athletes: An Unseen Urgency in the Wide World of Sports, *Thurgood Marshall Law Review* 46, no. 1 : 3.

The TIP Protocol provides the internationally accepted definition of human trafficking.

Article 3 of the Protocol defines trafficking:

(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;²⁶

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) "Child" shall mean any person under eighteen years of age.

Human trafficking encompasses a wide spectrum of exploitation and abusive experiences, intersecting with issues of gender, economic survival, legacies of servitude, and concepts of vulnerability, that ultimately perpetuate cycles of abuse. It is a multidimensional issue, and any narrow portrayal fails to capture the lived experiences of those whose experiences deviate from traditionally recognised forms of trafficking. Some forms of trafficking are thus more visible and have garnered the attention of researchers, practitioners and policymakers alike. In contrast, the dynamics and environments of other forms of trafficking remain less well understood, and subsequently under-researched, impacting victim identification and access to justice. This is particularly true of human trafficking within the context of sport.

The sports industry is a large and multifaceted sector encompassing a wide range of businesses and organisations, including agencies, clubs, teams, federations, elite performance and coaching, venues, major events, data and technology, education, charity, leisure and fitness, media and broadcast, sporting goods, marketing, sponsorship, sports science, medicine, and health, and betting. Sport is a multi-billion-dollar global business. "The global sports market reached a value of nearly \$484 billion in 2023, having grown at a compound annual growth rate (CAGR) of 3.6% since 2018. The market is expected to grow from \$484 billion in 2023 to \$651 billion in 2028 at a rate of 6.1%. The market is then expected to grow at a CAGR of 5.8% from 2028 and reach \$862 billion in 2033".²⁷ However, it also has a dark side, of which many are reluctant to fully acknowledge, let alone adequately address. One only need look at the various abuse, maltreatment and corruption scandals that have rocked the world of elite sport for decades.²⁸ Some bear the hallmarks of what could be considered sport trafficking, but instead were categorised as abuse or other offences.

Sport trafficking – particularly in relation to the trafficking of athletes – is by and large absent from academic, political and social discourse.²⁹ "The lack of recognition by governments and organisations of this novel trend in trafficking athletes makes the determination of its origin and scope impossible".³⁰ The concept of 'football trafficking'

26 The definition thus contains three distinct, but interconnected elements: (i) The act: the recruitment, transportation, transfer, harbouring or receipt of persons; (ii) the means: by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving payments or benefits to achieve the consent of a person having control over another person; and the purposes: for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

27 The Business Research Company. (2024, April 17). *Sports Industry Revenue and Top Trends for 2024 and Beyond*. <https://blog.marketresearch.com/sports-industry-revenue-and-top-trends-for-2024-and-beyond>

28 'Cases such as those of Larry Nassar in the USA, the UK football sexual abuse scandal or the case of the ski coach Bertrand Charest in Canada shed light on the disturbing fact that young athletes are vulnerable to maltreatment.' Fortier, K., Parent, S., & Lessard, G. (2020). Child maltreatment in sport: Smashing the wall of silence: A narrative review of physical, sexual, psychological abuses and neglect. *British Journal of Sports Medicine*. <https://doi.org/10.1136/bjsports-2018-100224> See also, Kavannah, E. J. (2014). *The dark side of sport: Athlete narratives of maltreatment in high performance environments* (Unpublished doctoral thesis). University of Bournemouth. [https://eprints.bournemouth.ac.uk/21488/1/PhD%20EK%20Final%20\(2\).pdf](https://eprints.bournemouth.ac.uk/21488/1/PhD%20EK%20Final%20(2).pdf)

29 Franklin, A. (2021). Human trafficking of athletes: An unseen urgency in the wide world of sports. *Thurgood Marshall Law Review*, 46(1), 1-28.

30 Cramer, S. (2024). Human trafficking: European Union's regulations to protect African athletes' dreams. *Suffolk Transnational Law Review*, 47(1), 58-104.

being an exception – although regulatory responses have been limited and fragmented, and even contradictory, particularly in the case of minors.³¹ Regulations and policy solutions, based on misconceptions of social contexts within which athletes and players reside, tend to be inadvertently reductive as a result.³² Similarly, the rules and regulations governing sport are typically perceived to operate separately from labour law and national law under the so-called ‘sporting exception’.³³ This autonomous network of international and national sport governing bodies (teams, leagues, associations and federations) has its own structures for internal regulation and enforcement which resemble a closed circuit and can present a significant barrier to access to justice for victims of crime (whether it is maltreatment or exploitation in sport). In the case of sport trafficking, lax regulations and oversight, as well as inconsistent enforcement, have created an enabling environment for traffickers. “*The process [of sport trafficking] is facilitated by the lack of effective governance within the sector, complexity and multi-jurisdictional nature of the crime as well as sport’s perceived impermeability to legal and moral obligations to regulate and safeguard the welfare of its stakeholders, especially that of minors*”.³⁴ The consequences of trafficking within the context of sport, and the different actors involved, thus may be underestimated. Where sport trafficking coincides with migration, “*sports associations, governments, courts, and law enforcement seem undecided on whether athlete trafficking meets the legal definition set out in anti-trafficking legislation, whether it is a sports issue at all or simply a matter of human migration, and which entity should have legal authority to enforce the law*”.³⁵

This debate is reflected in the academic literature where description of what can be considered sport trafficking is drawn heavily from football and, to a lesser extent, baseball. However, sport trafficking has also been observed in athletics (track and field), basketball, hockey, rugby and martial arts. The trafficking of children for camel racing to the United Arab Emirates and Qatar, for example, was rampant until criminal legislation was introduced in 2002 and 2005 respectively, banning the use of child jockeys and assisting the repatriation of, and compensation for, child victims.³⁶ In addition, many attribute sport trafficking to trafficking that occurs along the fringes of major sporting events (off-field), by traffickers and victims who may not be linked to sport at all. Moreover, inconsistency in terminology can impair measurement of the problem and result in confusion by the sport community and the public about what really constitutes ‘sport trafficking’. As Franklin notes, “*conflicts in defining athlete trafficking, inconsistencies in judicial interpretation of trafficking, deficiencies in the inherent subjectivity of prosecutorial discretion, under-prosecution of athlete trafficking cases, difficulties in victim identification and victim cooperation, and failures of victim protection*”³⁷ allow traffickers to operate with seeming impunity. The relative paucity of available literature and case law necessitates the development of a coherent conceptualisation of the problem of sport trafficking, to avoid conceptual confusion when applied to different sporting codes, the contexts within which trafficking may occur, and how exploitation may manifest.

Within the existing literature review, as analysed in section 3.1 below, sport trafficking is an umbrella term used to denote two broad subsets of trafficking within the context of sport: (i) **trafficking in sport** and (ii) **trafficking through sport**. Although this duality in the existing conceptualization of the problem is useful, a third subset – (iii) **trafficking around sport** – is incorporated into the conceptual understanding to bring further conceptual clarity. The report places more emphasis on ‘trafficking in sport’ and ‘trafficking through sport’ as the process of trafficking does not always conform as easily with the international legal definition of trafficking, due to its amorphous, and at times contested, nature.³⁸

31 Esson, J., & Drywood, E. (2018). Challenging popular perceptions of child trafficking in football. *Journal of Criminological Research, Policy and Practice*, 4(1), 60-72. <https://pdfs.semanticscholar.org/4585/5edcc4d32edb6a12e6439735e887e976cc13.pdf>

32 Ibid.

33 Parrish, R., & Miettinen, S. (2008). *The sporting exception in European Union law*. ASSER International Sports Law Series, T.M.C. Asser Press: The Hague.

34 Global Initiative Against Transnational Organized Crime. (2015, April). *Living the Dream? Human Trafficking, the Other Organised Crime Problem in Sports*. <https://globalinitiative.net/analysis/living-the-dream-human-trafficking-the-other-organized-crime-problem-in-sports/>

35 Franklin, A. (2021). Human trafficking of athletes: An unseen urgency in the wide world of sports. *Thurgood Marshall Law Review*, 46(1), 11.

36 Prior to addressing this form of trafficking in affected countries, and turning to the use of robot jockeys, some victims ‘were as young as 2-3 years of age, mostly trafficked illegally from Pakistan and Bangladesh. Evidence of corruption, trafficking, starvation, use of drugs to stunt growth, beatings, fatalities and serious injury, plus widespread, serious sexual assault was documented.’ The Environmental Press Agency. (n.d). *The child camel jockeys of the UAE – Riding for their Lives*. <https://www.tepagency.com/child-camel-jockeys>;

Haque, N. (2009, May 22). ‘I was so scared ... they beat us’: Former child jockey tells how he was made to race camels in the UAE. Al Jazeera. <https://www.aljazeera.com/news/2009/5/22/i-was-so-scared-they-beat-us> ;

Asghar, S. M., Farhat, S., & Niaz, S. (2005). *Camel jockeys of Rahimyar Khan: Findings of a participatory research on life and situation of child camel jockeys*. Save the Children Sweden. https://documentation.lastradainternational.org/lsidocs/351%20Camel-jockeys_of_rahimyar_khan.pdf

37 Franklin, A. (2021). Human Trafficking of Athletes: An Unseen Urgency in the Wide World of Sports. *Thurgood Marshall Law Review* 46, no. 1, 11

38 Jardine, A., Turner, T., & Capalbo, L. S. (2021, August). The problem of sports trafficking: Setting an agenda for future investigation and action. University of Nottingham Rights Lab. p. 8. <https://www.nottingham.ac.uk/research/beacons-of-excellence/rights-lab/resources/reports-and-briefings/2021/august/the-problem-of-sports-trafficking.pdf>

SUBSET ONE

‘Trafficking in sport’ – places sport and the sporting environment at the heart of the exploitation. Athletes are recruited and exploited primarily for their talent and the material benefit that they can provide their traffickers and/or other actors who are complicit in their ongoing exploitation. In other words, the athlete is exploited within the sport.

Debt bondage and exploitative contracts are common features of this subset of trafficking.³⁹ Trafficking in sport is typically subsumed under labour exploitation, with forced labour as the exploitative purpose in the process. However, there have been recorded instances of sexual exploitation as well. The *USA Taekwondo* case study (presented in Annex B) illustrates the intersection of labour and sexual exploitation in trafficking in sport. While much of our understanding of trafficking in sport comes from football, in reality it manifests in diverse ways depending on the sport. Transfer of allegiance (athletics), child boxers and organised betting (Muay Thai), and third-party ownership (football) represent other examples of what can comprise trafficking in sport for labour exploitation – as discussed in more detail in the literature review section.

*“[T]he recruitment of children into sports can involve a ‘cocktail’ of deception by unlicensed sports agents and businessmen, coupled with corruption, fraud and exploitation to “auction the child off to sports franchises and clubs around the world, in a quest to maximize the financial return on their investment” . . . competition between licensed and unlicensed agents in securing talented players and the use of deception to lure parents into signing fraudulent contracts. Relatedly, parents have handed over money to fraudulent agents who make false promises of trials for their children with professional sports clubs (UNICEF, 2020b). Like other forms of trafficking, agents take advantage of athletes and their families’ aspirations to become successful and better their livelihood”.*⁴⁰

Young athletes, typically from the Global South, are recruited by predatory agents (generally licensed or registered with the governing bodies or relevant sport bodies with authority to regulate them) or intermediaries, who operate as a middleman, whilst others merely pose as such actors (fraudulent agents, also known as ‘fake agents’, who have no formal, regulated agent status).⁴¹ Time and effort are expended in creating such personas with connections to high profile clubs and academies, particularly in football. Traffickers engage in what can be likened to a grooming process of young players, and by extension their parents or guardians. These predatory agents “offer to arrange for a child to train at a street-side academy, sports club, or school, with the promise of signing the child with a professional team. Many of these families will do whatever it takes to meet the agent’s price. In cases where the agent does arrange for the children’s admittance and travel to a club or school, typically for a fee of thousands of dollars, the children often find themselves in situations that increase their vulnerability to predatory behaviours”.⁴² Similarly, the young player’s family may find themselves indebted in the process. Moreover, as part of the grooming process, these predatory agents or intermediaries actively build relationships of trust with their intended victims in order to “instil a sense of dependency as early as possible”.⁴³ These predatory agents, who may work independently or be

39 See for example, case studies from football, baseball and athletics (sections 3.2, 5 and Annex B).

40 McGee, D. (2012). Displaced childhood: Labour exploitation and child trafficking in sport. In: Quayson, A. & Arhin, A. (eds.) 1 ed. *Labour Migration, Human Trafficking and Multinational Corporations: The Commodification of Illicit Flows* (pp.71-90). New York: Routledge. Cited in Jardine, A., Turner, T., & Capalbo, L. S. (2021, August). *The problem of sports trafficking: setting an agenda for future investigation and action*. <https://www.nottingham.ac.uk/research/beacons-of-excellence/rights-lab/resources/reports-and-briefings/2021/august/the-problem-of-sports-trafficking.pdf>

41 The distinction between ‘agent’, ‘intermediary’, and ‘fraudulent agent’ are important concepts in the understanding of sport trafficking. In the existing literature ‘agent’ and ‘intermediary’ are interchangeably used, partly due to FIFA who defined football agents as ‘intermediary’ under relevant regulatory framework, the Regulations on Working with Intermediaries, from April 2015 to October 2023. However, in the sports industry, ‘agent’ is used to define those natural persons or legal persons who has an official regulated agent status. This status is generally gained through formal licensing or registration with governing bodies or relevant actors who has regulatory authority to govern agents. On the other hand, an ‘intermediary’ is one who acts as a middleman but not necessarily with a formal regulated agent status. A ‘fraudulent agent’ is one who despite not having a formal regulated agent status but portrays themselves as one.

42 United States Department of State. (2020). *Trafficking in Persons Report 2020* (p.53). <https://www.state.gov/reports/2020-trafficking-in-persons-report/>

43 Ibid.

linked to sporting organisations⁴⁴, or even organised crime⁴⁵ (as discussed in more detail in the literature review in section 3.1) subsequently abuse these positions of trust and young players' inherent vulnerability. Two common pathways are observed here: (i) players who fail to advance to the next level (e.g. offered a place with a club) are subsequently abandoned; (ii) where a trial has been successful and position on a team has been offered, these traffickers are well-positioned to control the course of the athlete's career, often through exploitative contracts with major commission schemes that further bind players to the agent.⁴⁶ In both scenarios, traffickers "maintain control of athletes' travel and identity documents to prevent them from leaving, or they exploit a debt amassed from previous fees or interest on loans to keep the athlete in a state of debt-based coercion".⁴⁷ In addition, "the residency status of foreign athletes is often linked to their sports clubs, which usually sponsor them. This makes foreign athletes highly dependent on their employers, which in turn makes them more vulnerable to various forms of exploitation".⁴⁸

Linked to football is the issue of third-party ownership which, despite being globally banned by FIFA in 2015, essentially commodifies players. This allows third-party owners and associate football clubs to treat players like a property, and accounts for 17.6% of international transfers.⁴⁹ Moreover, "[un]regulated sports academies such as football academies have come under particular scrutiny for separating children from their families and imposing arduous training regimes on them with the aim of profiting from their eventual transition to professional clubs".⁵⁰ In such configurations, exploitation is embedded within the structure of sport.

Young athletes, typically from the Global South, are recruited by predatory agents (generally licensed or registered with the governing bodies or relevant sport bodies with authority to regulate them) or intermediaries, who operate as a middleman, whilst others merely pose as such actors (fraudulent agents, also known as 'fake agents', who have no formal, regulated agent status).

In cases of sexual exploitation, those in positions of authority and power, such as coaches or judges, may misuse their influence to force student-athletes or athletes into engaging in sexual activities in exchange for preferential treatment, good scores, opportunities, or advancement in their respective sports.⁵¹ Athletes may be pimped out while on circuit/tour to judges or other officials as well. This may benefit the traffickers not only financially, but in terms of leverage with others who form part of such networks of abuse.

SUBSET TWO

'Trafficking through sport' – can be understood as how sport is used to recruit athletes, primarily through the use of fraud, deception and abuse of vulnerability, for exploitation outside of sport. Traffickers prey on the aspirations of their victims with false promises of careers and opportunities in elite sport.⁵²

Various levels of organisation and sophistication exist within this form of trafficking. More organised networks may have links to organised crime and migrant smugglers where transnational trafficking occurs.⁵³ Exploitation

44 See for example, Africa News. (2023, June 15). Portugal: 47 footballers victim of human trafficking released. *Africa News*. <https://www.africanews.com/2023/06/15/portugal-47-footballers-victim-of-human-trafficking-released/>

45 Abderrahmane, A. (2022, November 24). Going for gold: Africa's young footballers exploited by smugglers, *ISS Today*. <https://issafrica.org/iss-today/going-for-gold-africas-young-footballers-exploited-by-smugglers>

46 United States Department of State. (2020). *Trafficking in Persons Report 2020*. <https://www.state.gov/reports/2020-trafficking-in-persons-report>

47 Ibid.

48 United Nations Office on Drugs and Crime. (2022). *Crime, Corruption, and Wrongdoing in the Transfer of Football Players and Other Athletes* (p18). https://www.unodc.org/documents/Safeguardingsport/Publications/Advocacy_Paper_Crime_Athlete_Corruption_Transfers_Football_NOV22.pdf

49 Mission 89. (2019, July 23). *System of third-party ownership totally commodifies players – UN Special Rapporteur*. <https://mission89.org/system-of-third-party-ownership-totally-commodifies-players-un-special-rapporteur/>

50 International Labour Organization. (2024, May). *Professional athletes and the fundamental principles and rights at work* (ILO Technical Brief, pp. 11-12)

51 See for example, *Gilbert v. United States Olympic Committee, USA Taekwondo, Inc., Steven Lopez, Jean Lopez, and John Does 1–5*, Civil Action No. 18-cv-00981-CMA-MEH (D. Colo. 2019)

52 What distinguishes this subset from trafficking in sport is where the exploitation takes place – i.e. not within the sporting environment.

53 Abderrahmane, A. (2022, November 24). Going for gold: Africa's young footballers exploited by smugglers, *ISS Today*. <https://issafrica.org/iss-today/going-for-gold-africas-young-footballers-exploited-by-smugglers>

typically manifests in one of two ways: (i) athletes are primarily exploited financially by traffickers (predatory actors such as agents, intermediaries or academies, or those posing as them) who abandon their victims once they have drained their resources; or (ii) athletes are trafficked for labour or sexual exploitation to industries unrelated to sport,⁵⁴ forced criminality, and, in rare circumstances, organ trafficking.⁵⁵ The first pathway renders victims vulnerable to further exploitation or re-trafficking, particularly in cases where they find themselves in precarious legal situations without valid travel or identity documents, and them or their families deeply indebted. In some cases, former victims may resort to criminal activities as a means of surviving or become part of a trafficking network. This pathway is not without controversy and debate exists as to whether this is truly a form of trafficking or an unethical fraud-based practice. However, as Vanwersch, Willem, Constandt and Hardyns argue “*motivated offenders, suitable targets, and the lack of capable guardians render sport vulnerable for fraud in general, and for competition manipulation, corruption, financial fraud, and human trafficking in particular*”.⁵⁶ The interplay of fraud and trafficking solely for financial benefit/exploitation is an important aspect of trafficking through sport that needs to be further explored and researched.

It is important to illustrate the interplay of fraud and trafficking through sport: a young man, a Nigerian national, had been a talented and aspiring football player in his own country. He was lured by two agents working in cahoots with promises of a football career in Denmark and Ukraine. He subsequently paid over 1 million naira to them to facilitate his travel. They absconded with the money and left him in serious debt. A fellow Nigerian national in South Africa, upon hearing his plight, offered a place for him at the football academy he had set up. The young man travelled to South Africa in 2011 and their team, which also had six or seven other foreign nationals, won a number of tournaments in their minor league. However, it soon emerged that the academy had been operating illegally – leaving the young man once again in dire financial straits. Unbeknownst to him, the unregistered owner was engaged in organised drug dealing and prostitution. In all likelihood, the academy was used to launder money from these illicit activities. When it closed and he found himself on the street without any other means of survival (it is uncertain if he was in the country legally), he soon became part of this drug and sex trafficking ring – which preyed upon addicted young women to sell both themselves and drugs for them. Ultimately, this young man became an informant about human and drug trafficking-related activities in Cape Town and Johannesburg. This example is a double tragedy. Not only were a promising athlete’s dreams of a successful football career robbed from him by predatory recruiters and agents, but he was further exploited through his vulnerability in a foreign country, which later introduced him to a life of crime as a means of survival.⁵⁷

SUBSET THREE

‘Trafficking around sport’, cases are more readily identifiable, as sport is typically incidental to the exploitation rather than a primary driver of it. Exploitation can take place around the fringes of sport – as is the case of the use of forced labour in the construction of stadiums, the manufacture and production of goods and services for sports or sporting events, or coerced commercial sexual exploitation.

The previous two subsets of sport trafficking are conceptually limited in instances where the victim is not engaged in sport (i.e. is not an athlete), thus necessitating a third category to account for victims who are neither athletes nor exploited within sport. In subset iii) ‘trafficking around sport’, cases are more readily identifiable, as sport is typically incidental to the exploitation rather than a primary driver of it. Exploitation can take place around the fringes of sport – as is the case of the use of forced labour in the construction of stadiums, the manufacture and production of goods and services for sports or sporting events, or coerced commercial sexual exploitation. A

54 The story of former premier league footballer, Al Bangura, is a prime example. Kotecha, S., & Bell, S. (2015, November 20). *Former Premier League footballer ‘was trafficked for sex’*. BBC News. <https://www.bbc.co.uk/news/uk-34849619>

55 Mission 89. (2024). *Personal correspondence*.

56 Vanwersch, L., Willem, A., Constandt, B., & Hardyns, W. (2022). A scoping review of the causes and consequences of fraud in sport. *Journal of Sport and Social Issues*, 46(6), 2

57 Personal correspondence, Marcel Van der Watt, Unpublished interview, 2022. It should be further noted that the young man has never been formally recognised as a victim of trafficking.

common lure used by traffickers around which they weave their web of deceit is major sporting events. In both ‘trafficking through sport’ and ‘trafficking around sport’, sport, as an environment, career or event, is used to recruit victims for exploitation outside of the sport itself. However, what distinguishes victims and their traffickers from other subsets is that they are not athletes, nor are they directly engaged in sport.

3.1. Literature review

3.1.1. Trafficking in sport

As a starting point, the quintessential example of trafficking in sport as witnessed in the case of football is discussed. ‘Football trafficking’ has been a preoccupation of researchers for much longer than other forms of sport trafficking. Much of our understanding of sport trafficking is thus drawn from this knowledge base. In the case of football, and other sports such as baseball and basketball, similar recruitment methods and pathways to exploitation exist. Trafficking in sport in these sports is predominantly, although not exclusively, transnational in nature.⁵⁸ In the case of football, much of the literature focuses on the transnational trafficking of young talent from Africa to Europe. It is estimated that 15,000 children are trafficked from West Africa into Europe every year - many with the hope of becoming professional footballers.⁵⁹ As the most watched and participated-in sport in the world, the global football market stood at \$3.3 billion in 2023,⁶⁰ with Europe at its epicentre. “*The organization of association football is unique compared with the structure of other professional sports: baseball, basketball, ice hockey, and American football are not integrated on a worldwide scale. Each of FIFA’s continental confederations are organised to allow member clubs to transfer players to those outside of their own continent*”.⁶¹

While issues analogous to trafficking were reported as early as the 1980s and 1990s in African football, FIFA responded by attempting to more stringently regulate the international transfer of minors through the adoption of Article 19 in 2001, within its regulations governing the status and transfer of player.⁶² In 2008, allegations of human trafficking within football resurfaced. Issues pertaining to unlicensed academies facilitating this practice and exploiting the abundance of young African talent were underscored.⁶³ “*Coaches, as well as European and Arab middlemen, haggle over the best players, signing some as young as seven on tightly binding pre-contracts – effectively buying them from their families – with the hope of making thousands of dollars selling the boys on to clubs in Europe. In other cases, they extort the cost of passage from their families. Many take the deeds on houses and even family jewellery in return for their services*”.⁶⁴

Third-party ownership deals in South America, “*through which shady businessmen buy the rights to teenagers and control where they play for their entire careers*”⁶⁵, was also highlighted in subsequent media reports. By 2024, not much had changed despite FIFA’s efforts over the years to address the issue of unlicensed agents and academies and requiring that all international transfers be registered via its online system, the Transfer Matching System.⁶⁶ Part of the issue lies with the non-compliance of such sporting organisations. Even where there are anti-trafficking measures in place, “*agents who traffic athletes ... recognize and understand the complexities and inconsistencies in compliance*

58 While the literature focuses predominantly on transnational forms of trafficking in sport, this does not imply that domestic and intraregional trafficking in sport does not occur or represent a significant problem.

59 Marsh J. (2015). International Centre for Security in Sport. In Global Initiative Against Transnational Organized Crime, *Living the Dream? Human Trafficking, the Other Organized Crime Problem in Sports* (April 2015). <https://globalinitiative.net/analysis/living-the-dream-human-trafficking-the-other-organized-crime-problem-in-sports/>

60 IMARC Group (2024). *Market Research Report*. <https://www.imarcgroup.com/football-market>

61 Najarian, A. C. (2015). The Lost Boys: FIFA’s Insufficient Efforts to Stop Trafficking of Youth Footballers, *Sports Lawyers Journal*, 22, 156.

62 FIFA. (n.d.). *Regulations on the Status and Transfer of Players*. <https://digitalhub.fifa.com/m/41c272bc3b19df/original/c83ynehmkp62h5vgwg9g-pdf.pdf>; for the details of the regulatory regime on the international transfer of minors in football see Yilmaz, S. (2018). Protection of minors: Lessons about the FIFA RSTP from the recent Spanish cases at the Court of Arbitration for Sport. *The International Sports Law Journal*, 18(1), 15-28. <https://doi.org/10.1007/s40318-018-0126-y>

63 ‘The desire among young Africans to become professional footballers is evident in the number of children who ... attended continent-wide trials for the Aspire sports academy in Qatar. Fighting for around 23 places on Aspire’s coveted football programme, approximately 750,000 children, from Ghana to Kenya and Nigeria to South Africa, went to trials.’ An abundance of supply and limited opportunities for placement create opportunities for traffickers to leverage and exploit the aspirations of young athletes to their nefarious advantage. McDougall, D. (2008, January 6). The scandal of Africa’s trafficked players, *The Guardian*. <https://www.theguardian.com/football/2008/jan/06/newsstory.sport4>

64 McDougall, D. (2008, January 6). The scandal of Africa’s trafficked player. *The Guardian*. <https://www.theguardian.com/football/2008/jan/06/newsstory.sport4>

65 McGowan, C. (2015, January 25). FIFA’s child trafficking problem. *Vice*. <https://www.vice.com/en/article/xyj9p3/fifas-child-trafficking-problem>

66 FIFA. (2022, November 17). UNODC highlights FIFA’s transfer system reform and safeguarding initiatives. *Inside FIFA*. <https://inside.fifa.com/legal/football-regulatory/news/unodc-highlights-fifas-transfer-system-reform-and-safeguarding-initiatives>

Clarke B. (2020). *Diamonds in the Rough: Examining the Impact of FIFA’s Transfer Market Policies on the Wellbeing of Minors*. (Unpublished Thesis). Woodrow Wilson School, Princeton University;

Yilmaz, S., Esson, J., Darby, P., Drywood, E., & Mason, C. (2020). Children’s rights and the regulations on the transfer of young players in football. *International Review for the Sociology of Sport*, 55(1), 115–124. <https://doi.org/10.1177/1012690218786665>



and enforcement of anti-trafficking regulations. For traffickers, this systematic failure provides the perfect opportunity for exploitation, and a means to take advantage of it".⁶⁷ More so when the anti-trafficking regulations, and knowledge underlying them, are based on a poor understanding of how trafficking manifests within sport.

Historically, Spain and France were identified as two of the top European destinations for trafficked minors. African children as young as 10 were registered on one Spanish club's youth books, and thousands of children had allegedly been trafficking to France.⁶⁸ Italy and Portugal are also popular destinations.⁶⁹ Corruption was cited as a major driver of trafficking not only in terms of facilitation of travel documents but also for the opportunity to join a team.⁷⁰ McDougall found that it was not uncommon for youngsters from Niger, Nigeria, Burkina Faso, Cameroon and Mali to be playing for teams in Ivory Coast and Ghana "in the hope of gaining passports from – and eventually playing for – their adopted nation, in direct contravention of FIFA's eligibility rules".⁷¹

Whilst much of the literature focuses on the transnational trafficking of young Africans to Europe, victims have also derived from South America, and victims have also been trafficked further afield to Southeast Asia. For instance, in 2023, 47 young players (including 36 minors from Africa, Asia and South America) who were believed to be victims of human trafficking from a football academy in Portugal were rescued by local authorities.⁷² Moreover, it is important to note that there is also a largely underexplored issue of the domestic and intraregional trafficking of victims – particularly in relation to unregistered academies (which often act as feeders to exploitation abroad or are sites of exploitation themselves). In the case of African football, North African clubs and academies may be similarly exploited by traffickers and other predatory actors as they are viewed as springboards to European leagues, whilst offering aspiring players better training opportunities and more financial benefits than in their home countries.⁷³

The terms 'trafficking in football' and 'trafficking through football' under the umbrella 'football trafficking' were first coined by Poli.⁷⁴ These concepts have been subsequently further developed in the academic literature.⁷⁵ Esson's 'ten-step guide to football trafficking'⁷⁶ for instance, is a useful conceptual device for transnational trafficking:

67 Franklin, A. (2021). Human Trafficking of Athletes: An Unseen Urgency in the Wide World of Sports. *Thurgood Marshall Law Review* 46(1),16.

68 Culture Foot Solidaire cited in McDougall, D. (2008, January 6). The scandal of Africa's trafficked players. *The Guardian*.

69 Oliveira, N. (2022) 'Before Returning I Intend to Achieve my Goals': Networks, Strategies and the Struggle for Achieving of African Migrants Footballers in Europe, Paper presented at *ISSA World Congress of the Sociology of Sport*.

70 Ibid.

71 Ibid.

72 Africanews. (2023, June 15). Portugal: 47 footballers victim of human trafficking released. *Africanews*. <https://www.africanews.com/2023/06/15/portugal-47-footballers-victim-of-human-trafficking-released/>

73 Abderrahmane A. (2022, November 24). Going for gold: Africa's young footballers exploited by smugglers. *ISS Today*. <https://issafrika.org/iss-today/going-for-gold-africas-young-footballers-exploited-by-smugglers>

74 Poli, R. (2010). *The migrations of African football players to Europe: Human trafficking and neo-colonialism in question*. http://www.footballfordevelopment.net/uploads/tx_drblod/storage/Poli_migration-of-African-football-players_01.pdf

75 See for example, Darby, P., Akindes, G., & Kirwin, M. (2007). Football academies and the migration of African football labour to Europe. *Journal of Sport and Social Issues*, 31(2), 143–161. <https://doi.org/10.1177/0193723507300481>; Donnelly, P., & Petherick, L. (2004). Workers' playtime? Child labour at the extremes of the sporting spectrum. *Sport in Society*, 7(3), 301–321. <https://doi.org/10.1080/1743043042000291659>; Esson, J. (2015). Better off at home? Rethinking responses to trafficked West African footballers in Europe. *Journal of Ethnic and Migration Studies*, 41(3), 512–530. <https://doi.org/10.1080/1369183X.2014.927733>; Esson, J., & Drywood, E. (n.d.). Challenging popular representations of child trafficking in football. Available at: <https://pdfs.semanticscholar.org/4585/5edcc4d32edb6a12e6439735e887e976cc13.pdf>; Esson, J. (2020). Playing the victim? Human trafficking, African youth, and geographies of structural inequality.; James Esson and Eleanor Drywood, 'Challenging popular representations of child trafficking in football', <https://pdfs.semanticscholar.org/4585/5edcc4d32edb6a12e6439735e887e976cc13.pdf>; James Esson, 'Playing the victim? Human trafficking, African youth, and geographies of structural inequality', *Population, Place and Space*, 2020, <https://doi.org/10.1002/psp.2309>; Mason, C., Darby, P., Drywood, E., Esson, J., & Yilmaz, S. (2020). Rights, risks, and responsibilities in the recruitment of children within the global football industry. *International Journal of Children's Rights*, 27(4), 728–756, <https://doi.org/10.1163/15718182-02704005https://doi.org/10.1163/15718182-02704005>.

76 Esson, J. (2015). Better Off at Home? Rethinking Responses to Trafficked West African Footballers in Europe *Journal of Ethnic and Migration Studies*, 41(3),512-530.

10 STEPS OF FOOTBALL TRAFFICKING BY DR. JAMES ESSON

- 01  An intermediary claiming to be a football agent or talent scout identifies a player in a match or trial and offers him the opportunity to be signed by a foreign club. The intermediary need not physically meet the player, as recruitment increasingly takes place via the Internet.
- 02  The intermediary asks the player for money in exchange for securing this opportunity, akin to a 'finder's fee'. Additional funds are also asked for to cover living costs and spending money in the destination country.
- 03  The player's immediate and extended family often sell family possessions, remove siblings from schooling or take out a loan to meet the costs. This is on average in the region of €3-5,000.
- 04  The player arrives in a destination country often on a short-term tourist visa. Contrary to popular media reportage the travel conditions are not always illegal or dangerous. Players often arrive using legal channels, and in the instances where they do not, it is often using conventional modes of transportation with false travel documents
- 05  On arrival in a destination country, the intermediary often takes the player's documents and any spending money for 'safe keeping'.
- 06  While in a destination country the player may or may not attend a trial with a club. In some cases, the agent abandons the player on arrival in a destination country.
- 07  If the player is not abandoned on arrival, they might be taken to multiple trials until a contract is offered and the agent is satisfied with the terms.
- 08  If the trials are successful, the player signs a contract with the club. Problematically, the contract is typically exploitative with unfavourable terms for the player.
- 09  If the player is unsuccessful at his trials or his contract is not renewed and another club cannot be found, the intermediary abandons him; Often taking his 'finder's fee', the player's documentation and any remaining money with him.
- 10  Once the player realises the precarious nature of his situation, he is often reluctant to return to his country of origin and may decide to remain in the destination country illegally without any means of subsistence.

Esson's research focuses on the intersection of football migratory processes and trafficking, and asserts that this type of migratory process conforms with the trafficking as defined in the TIP Protocol.⁷⁷ In this particular subset of trafficking, the three definitional elements of trafficking are readily identifiable: steps 1-5 feature *an act* such as the recruitment and transportation of players, which is followed by the *methods* (means) used to enforce those act(s), such as threat, the use of force, fraud, coercion or abuse of power and/or of a position of vulnerability. Steps 5-9 demonstrate the motive/exploitative purposes (i.e. to obtain financial benefit through exploiting the player).⁷⁸ However, it should be noted that in terms of Article 3(c) of the TIP Protocol, the means element is not an evidentiary requirement for children to be considered trafficked.

A similar process is witnessed in the case of trafficking through football. However, what distinguishes it from trafficking in football is that it typically involves deceiving a player with the false promise of trials. Consequently, in trafficking through football, the player is effectively robbed and abandoned or becomes a victim of another form of exploitation.⁷⁹

77 Ibid.

78 Ibid.

79 Ibid.

In the case of trafficking in football, trials do materialise, and (professional) contracts may be secured, which is the element of the victims' participation in sport as a key characteristic of this subset. "[W]hat allows this process to be defined as trafficking is the fact that these contracts are often highly exploitative and unfavourable for the players, with agents taking as much as 50 per cent of the players' salary for the duration of the contract. Although trafficking in football is associated primarily with young men and boys ... women and young girls especially if they have migrant status, can also find themselves tied to exploitative contractual terms".⁸⁰ There have been reported incidences where athletes have been exploited without a binding contract.⁸¹

The intersection of both regular and irregular migration with trafficking within the context of sport also warrants further attention. In a vast majority of football trafficking cases, players followed regular migration channels and entered destination countries legally on short-term visas. It is only once they are abandoned without documentation that their legal status becomes precarious. However, there are also numerous cases where aspirant athletes and players or their agents have turned to migrant smugglers to facilitate their entry to destination countries via irregular means.⁸² Moreover,

"[T]he practice of trafficking footballers is closely related to organised crime. [A] 2007 investigation revealed that businessmen in the Ivory Coast were turning away from diamond and timber smuggling in favour of setting up illegal academies. Belgium's discovery of 442 illegally traded Nigerian players indicated that those trafficking players also traffic sex workers and drugs".⁸³

Other sports that follow a similar trajectory in terms of modus operandi of traffickers and type of exploitation include baseball and basketball. Aspiring teenage basketball players, primarily from the Global South (and in many instances from Africa), are recruited much like in the case of football, by predatory agents, coaches or other intermediaries who facilitate their travel primarily to the United States "with the promise of a high school education and a shot at a college scholarship".⁸⁴ Creating relationships of trust and instilling dependence are means of later leverage or influence should the young player make it to the National Basketball Association (NBA). It has been noted that "sports agents eager to represent a top-draft prospect will pay for an introduction to the player. In some cases, this has even resulted in coaches getting a percentage of the agent's fee for negotiating a first contract ... Basketball handlers can make money even when their players don't rise to the professional level. That's because colleges will award coaching jobs and sometimes find ways to funnel cash to coaches and scouts who can steer top players to their teams".⁸⁵

American basketball is allegedly "littered with corrupt fly-by-night high schools and shadowy middlemen and academies that mislead families, run roughshod over immigration rules and sometimes commit federal crimes".⁸⁶ In some instances, intermediaries facilitate the emigration of teenage players to the United States and become their legal guardians, subsequently compelling them to sign away 40 per cent of their future earnings upon arrival in the country.⁸⁷ In other instances, players are abandoned when schools close down, squandering their potential and future as they fall through the cracks of the social system and navigate homelessness.⁸⁸

80 Esson, J., Darby, P., Drywood, E., Mason, C., & Yilmaz, S. (2020). *Children before players: Current risks and future research agendas*. Loughborough University. https://repository.lboro.ac.uk/articles/report/Children_before_players_Current_risks_and_future_research_agendas/11590800 cited in UNODC. (2021). *Global report on corruption in sport* (p. 176). United Nations Office on Drugs and Crime. https://www.unodc.org/documents/corruption/Publications/2022/Global_Report_on_Corruption_in_Sport_Full_report.pdf

81 FIFPro. (2016). FIFPro Global Employment Report. Hoofddrop, Netherlands; United Nations General Assembly. (2019). *Report of the Special Rapporteur: Sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material*, Human Rights Council, Fortieth session (25 February–22 March 2019). <https://documents.un.org/doc/undoc/gen/g18/446/93/pdf/g1844693.pdf>

82 Abderrahmane, A. (2022, November 24). Going for gold: Africa's young footballers exploited by smugglers. *ISS Today*

83 Global Initiative Against Transnational Organized Crime (2015, April). *Living the Dream? Human Trafficking, the Other Organized Crime Problem in Sports*. Global Initiative Against Transnational Organized Crime. <https://globalinitiative.net/analysis/living-the-dream-human-trafficking-the-other-organized-crime-problem-in-sports/>

84 Starr, A. (2015, April 6). A Lesser-Known Human Trafficking Problem: Teenage Basketball Players. *Code Switch*, NPR. <https://www.npr.org/sections/codeswitch/2015/04/06/397822833/a-lesser-known-human-trafficking-problem-teenage-basketball-players>

85 Ibid.

86 Wertheim, L. J., Zill de Granados, O., & Gordon, E. (2020, March 27). For African Players, Chasing Hoop Dreams Is a Risky Proposition, *Sports Illustrated*. <https://www.si.com/nba/2020/03/27/nba-african-players-trafficking>

87 Ibid.

88 Ibid.

Major League Baseball (MLB) has been a well-documented site of exploitation of talent from Latin America, primarily Cuba. The historical political tensions and economic embargo between the United States and Cuba has resulted in Cuban players -one of the biggest sources of international baseball talent- having to resort to smugglers and irregular migration to facilitate their entry to the United States. Compounding this are MLB's rules around contracts, encouraging Cuban players to travel to a third country, like Mexico or the Dominican Republic, before they enter the United States, in order for them to be eligible for more lucrative contracts.⁸⁹ One of the unintended consequences of this policy is the entrenchment of smuggling syndicates (organised crime) within *la bolsa negra*, Cuba's black market for baseball players, as "high-value migrants" offer significant financial incentives for such operations.⁹⁰ Baseball trafficking provides a good example of where smuggling and trafficking may intersect. "Leaders within *la bolsa negra* have developed a highly specialized expertise, encompassing marine navigation, boat handling, bribery, forgery, money laundering, the immigration policies of multiple nations, and the ins and outs of MLB's collective bargaining agreement.' Smugglers often contact the players, enticing them to defect by offering cash payments and promising MLB fame ... [T]he smugglers hire *lancheros* to extract the player from the island nation. The smugglers also finance the daily needs of the player while they are held in the third-party country. Because these up-front costs can be quite expensive for the smugglers, they often demand 20-30% of the player's first MLB contract as compensation".⁹¹ Kidnapping and extortion of high-value migrants is not uncommon during the migration process. They are not released until what are effectively ransom demands have been met: the *signing of part of their earning rights away to their traffickers*. The threat of the use of force looms large and, in the case of other 'ordinary' migrants, coercive violence, including murder, may be meted out against them. Some of these smugglers-cum-traffickers also have ties to Mexican cartels.⁹² As Cutz notes, "while many Cuban athletes have successfully ventured from Cuba to America, others have lost their lives or found themselves in debt to smugglers and human traffickers, violent gangs and narco-traffickers".⁹³



In the case of athletics, particularly track and field, athletes were often persuaded to switch their allegiance to countries such as Azerbaijan, Qatar and Bahrain. Athletes were lured with promises of good salaries, housing and vehicles in exchange for winning races. However, as in the case of Ethiopian middle-distance runner Lily Abdullayeva, who switched her national allegiance to Azerbaijan, none of this ever materialised.⁹⁴ "In 2013 she had been given \$25,000 by the government for winning a race but claims the Azerbaijan Athletics Federation president took \$7,000 of that money and also refused to continue paying her salary".⁹⁵ She further claimed that she was tricked into doping with 'tribulus testosterone' by her coach.⁹⁶ Similarly, Kenyan distance runner, Leonard Mucheru, was enticed to switch allegiances to Bahrain in 2003. He likened his experience to slavery. Upon arrival in Bahrain, he claims that his freedom of movement was curtailed, and his passport was confiscated. In addition, he alleges that he and other athletes were promised a contract once they changed their citizenship, but this never materialised. When

89 Lind, D. (2014, September 15). Major League Baseball's human-trafficking problem. *Vox*. Available at: <https://www.vox.com/2014/9/15/6147663/baseball-players-trafficking-cuba-puig-cartels-smuggling>; DeGregorio, V. (2021). Reversing Progress: The Trafficking of Cuban Baseball Players Continues After Cancellation of MLB-FCB Agreement. *St. Louis University Law Journal*, 65, 103.

90 Ibid.

91 DeGregorio, V. (2021). Reversing Progress: The Trafficking of Cuban Baseball Players Continues After Cancellation of MLB-FCB Agreement. *St. Louis University Law Journal*, 65 (3), 391.

92 Lind, D. (2014, September 15). Major League Baseball's human-trafficking problem. *Vox*.

93 Cutz, F. (2019, January 31). Major League Baseball's Deal With Cuba Will Fight Human Trafficking. *Miami Herald*. <https://www.miamiherald.com/opinion/op-ed/article225304760.html> quoted in Burton, C. (2020). America's Pastime: Human Trafficking, Cuba, and the Road to the Show. *Northern Illinois University Law Review*, 40(3),286-314.

94 Weinreb, M. (2019, March 29). Traffickers lure athletes with dreams of sporting glory only to abandon them far from home. *Global Sport Matters*. <https://globalsportmatters.com/youth/2019/03/29/traffickers-lure-athletes-with-dreams-of-sporting-glory-only-to-abandon-them-far-from-home/>

95 Kelnor, M. (2017, August 3). 'We are treated like sporting slaves': Ethiopian lifts lid on trade in athletes. *The Guardian*. <https://www.theguardian.com/sport/2017/aug/03/sporting-slaves-ethiopian-trade-athletes-lily-abdullayeva-azerbaijan>

96 Ibid.

he was injured in 2006, he claims to have gone a year without being paid by the Bahrain Athletics Federation due to the lack of a signed contract.⁹⁷ In 2019, however, World Athletics chief Sebastian Coe instituted new regulations preventing anyone under the age of 20 from changing allegiance and demanding athletes prove their ties to their new nation after a three-year waiting period in an attempt to curb a practice he found “*all but indistinguishable from human trafficking*”.⁹⁸

The transfer of athletes may also involve nefarious actors, including organised criminal groups, and has exposed deficiencies in the design and oversight of transfer systems. According to the UNODC, crime linked to the transfer of athletes can be traced by: (i) the transfer of funds (‘financial flows’) through a sport associated with the transfer of athletes; (ii) the movement of athletes (‘people flows’).⁹⁹ “*Two points are noteworthy in relation to the wider context of transfers, sport and trafficking in persons. First, the residency status of foreign athletes is often linked to their sports clubs, which usually sponsor them. This makes foreign athletes highly dependent on their employers, which in turn makes them more vulnerable to various forms of exploitation. Second, not much is known about athletic accomplishment as a form of exploitation, in particular when it includes the subject of payment. For example, college athletes may receive compensation in the form of free tuition or in-kind reimbursement rather than payment in monetary terms, while their colleges can make significant financial profits from the same sporting activity*”.¹⁰⁰

Previously discussed, and a common theme in the literature, are regulatory gaps and the so-called sporting exception, whereby jurisdiction by States has been ceded to powerful transnational sporting organisations. This has created a permissive environment for exploitation through the asymmetric power relationships that have been established, especially in relation to recruitment of athletes. In the case of Muay Thai, child boxers and a system of organised illegal betting, developed around these fights in Thailand, offer insight into how trafficking in sport may manifest at the domestic level. Children as young as 8 or 9 are forced to compete in full contact fights with other children by their parents and boxing camps.¹⁰¹

While trafficking in sport has been primarily cast in the literature as a form of labour exploitation, there have been reported instances of sexual exploitation as well. The two forms of exploitation may coincide with one another. *Gilbert v United States Olympic Committee, USA Taekwondo, Inc., Steven Lopez, Jean Lopez, and John Does 1 – 5*, Civil Action No. 18-cv-00981-CMA-MEH, 2019, (hereafter *USA Taekwondo Case*), provides an illustrative case study.¹⁰² The Plaintiffs were elite female taekwondo athletes who competed on behalf of the United States at international sporting events, including the Olympics, and alleged forced labour and services, sex trafficking, and other travesties.¹⁰³ Moreover, they contended that the Lopez brothers (Defendants), who were the primary perpetrators, “*raped numerous female taekwondo athletes*” and that Defendant USOC and Defendant USAT (the ‘Institutional Defendants’) “*facilitated the Lopez Defendants’ sex crimes and “protected [the Lopez brothers] from law enforcement and suspension by Team USA*”.¹⁰⁴ Claims levelled under the violation of the United States Trafficking Victims Protection Act (TVPA) of 2000 included claims of: forced labour; sexual exploitation, transportation, and illegal sexual activity; trafficking with respect to forced labour; sex trafficking of children by force, fraud, or coercion; benefitting from a venture that sex traffics children, or by force, fraud, or coercion; obstruction, attempted obstruction, and interference with enforcement.¹⁰⁵

From the analysed literature, it becomes apparent that trafficking in sport is “*a form of labour trafficking involving*

97 Ibid.

98 Reuters. (2020, August 22). Athletics: Some allegiance switches were akin to human trafficking – Coe. *Reuters, Sports*. <https://www.reuters.com/article/us-athletics-coe/some-allegiance-switches-were-akin-to-human-trafficking-coe-idUSKBN25101R/>

99 UNODC. (2022). *Crime, Corruption and Wrongdoing in the Transfer of Football Players and Other Athletes*. https://www.unodc.org/documents/Safeguarding-sport/Publications/Advocacy_Paper_Crime_Athlete_Corruption_Transfers_Football_NOV22.pdf

100 UNODC. (2022) *Crime, Corruption and Wrongdoing in the Transfer of Football Players and Other Athletes*, 14. Available at https://www.unodc.org/documents/Safeguardingsport/Publications/Advocacy_Paper_Crime_Athlete_Corruption_Transfers_Football_NOV22.pdf

101 Kuhakan, J. (2021, April 14). Punching out of poverty: Despite risks, nine-year-old Thai fighter eager to return to ring. *Reuters*. <https://widerimage.reuters.com/story/punching-out-of-poverty-despite-risks-nine-year-old-thai-fighter-eager-to-return-to-ring>; Hartley, M., & Walker, C. (2013, June 10). The Brutal Business Of Child Boxing In Thailand. *Forbes*. <https://www.forbes.com/sites/morganhartley/2013/06/10/the-brutal-business-of-child-boxing-in-thailand/>

102 This putative class action is discussed in detail as a case study 2 within Annex B.

103 Case Text. (n.d.). *Gilbert v. U.S. Olympic Comm.* <https://casetext.com/case/gilbert-v-us-olympic-comm-1>; <https://www.classaction.org/media/gilbert-et-al-v-unit-ed-states-olympic-committee-et-al.pdf>; See also, Dingus, S. (2019, May 21). *At What Price Glory?* Advocacy for Fairness in Sports. <https://advocacyforfairnessinsports.org/current-litigation/current-olympic-sport-cases/gilbert-v-usa-taekwondo/at-what-price-glory/>

104 Ibid.

105 A number of the claims against the institutional defendants were dismissed. However, the forced labour and trafficking in relation to forced labour charges levelled by Plaintiff Joslin against USAT, and Plaintiff Mean’s claim of forced labour against institutional defendants, were not. Similarly, the plaintiffs’ claim of obstruction against USAT were also not dismissed.

clandestine networks of actors including, agents, intermediaries, and powerful sports bodies who exert ownership and control of young athletes".¹⁰⁶ Athletes may be bound by unfavourable and exploitative contracts. A significant portion of earnings are diverted to the agent or coaches, or some other intermediary. In some cases, contracts are signed in a language which the player is not able to understand, or without legal representation. The athletes are treated as disposable commodities with little to no rights. Athletes that are permanently injured are summarily abandoned. In such cases, financial gain as an economic motive from the exploitation of athletes' sporting labour is the primary motive underpinning trafficking in sport.

Traffickers seek to identify and recruit talented young athletes, in the hope that they can see a return on their 'investment'. Predatory agents and intermediaries (traffickers) exert their control over athletes by managing all aspects of the athlete's budding career. Often this control goes unchecked. Confiscation of passports and identity documents are not uncommon in the case where athletes have travelled abroad – thereby limiting their freedom of movement. In addition, intermediaries may exert "*coercive control by exploiting a debt that the athlete or his family accrued*".¹⁰⁷ Coupled with exploitative contracts, such control mechanisms allow agents and other intermediaries to trade athletes from club to club or train them intensively to the point of exhaustion or injury, "*under the threat of losing an opportunity or finding themselves undocumented, having their dreams crushed, and with no resources*".¹⁰⁸

Recruitment is associated with various sporting activities (such as trials, matches, competitions, and so forth). The trafficking of individuals to play sports relies on the initial passion for the sporting activities.¹⁰⁹ Different methods are used to recruit victims, including the use of social media and internet platforms. Actors involved in recruitment may include coaches, trainers, agents, sports personnel, teammates, and other intermediaries, such as scouts. Some agents and intermediaries may be accredited but predatory in nature, whereas others may be unaccredited/fraudulent. Similarly, this may be the case as witnessed in football where aspirant players are recruited and transferred to unregistered academies. In some cases, sporting organisations may be either directly involved or may be complicit.¹¹⁰ International athletes rely on agents or other intermediaries to facilitate and handle recruitment to clubs, especially in instances where the athlete may be a minor, visa regulations are complex, or there is a general lack of familiarity with the destination country.

3.1.2. Trafficking through sport

The existing literature on 'trafficking through sport' also draws heavily from football as its evidence base. While conceptually useful, it also indicates that there is a dearth of research being conducted into this subset of trafficking outside of football. Trafficking through sport, as previously discussed, refers to the use of sport as a mean to recruit victims, with exploitation occurring outside of sport by predatory actors (who may or may not be affiliated with sport). There is a broader range of crimes that may be committed against athletes in this category, as well diverse actors involved and modus operandi. Exploitation in such cases may involve forced labour outside of sport, sexual exploitation, and even forced criminality. Trafficking through sport often renders victims vulnerable to further exploitation, particularly where (aspiring) athletes may find themselves on circuit or transferred to other countries and subsequently abandoned by predatory agents or other intermediaries.

In the case of football, Esson's ten step guide is once more instructive. Recruitment of players follows a similar pattern. However, instead of controlling victims and exploiting their labour for financial benefit (as in the case of trafficking in sport), victims are lured with false promises of trials and a career in professional football, only to be abandoned upon entry into the destination country; in many instances, this is after having confiscated their travel and identity documents and available funds – typically over and above what a player's parents may have paid them. Here the purpose of exploitation is purely for the immediate financial benefit of the predatory agent. However, it is important to note that such actions typically leave their victims in a precarious legal situation – without documentation

106 McGee (2012) quoted in Jardine, A., Turner, T., & Capalbo, L. S. (2021). *The problem of sports trafficking: Setting an agenda for future investigation and action* (p. 7). University of Nottingham Rights Lab. Available at <https://www.nottingham.ac.uk/research/beacons-of-excellence/rights-lab/resources/reports-and-briefings/2021/august/the-problem-of-sports-trafficking.pdf>

107 Franklin, A. (2021). Human Trafficking of Athletes: An Unseen Urgency in the Wide World of Sports. *Thurgood Marshall Law Review* 46(1), 23.

108 Ibid.

109 *The problem of sports trafficking: Setting an agenda for future investigation and action* (p. 7). University of Nottingham Rights Lab. <https://www.nottingham.ac.uk/research/beacons-of-excellence/rights-lab/resources/reports-and-briefings/2021/august/the-problem-of-sports-trafficking.pdf>

110 See for example, McGee (2012).

or resources in a foreign country – rendering them vulnerable to other exploitation (including trafficking for other purposes).¹¹¹ This type of financial exploitation is distinctive to sport trafficking. Victims of this subset of trafficking often are not identified as their narratives of exploitation do not easily conform to the scope of the TIP Protocol's definition of trafficking.¹¹² More so, when victims find themselves in destination countries with irregular migration status, and often stay on in the countries they were abandoned in eking out a living. In such cases, the victims of this particular subset are typically charged with immigration offences when discovered.



Al Bangura arrived in the UK as a vulnerable 14-year-old, promised a Premier League path. Abandoned in a strange building, he was then targeted by three men attempting sexual assault.

“Often victims stranded in foreign countries without contacts become engaged in other types of organised crime as victims or perpetrators. A large number of boys [footballers] can be found in the sex trade, involuntary domestic servitude, working as forced labourers in the catering industry and as participants in the drug trade. Most of these eventualities are based on the assumption that athletes survive the journey. In the worst case scenario attempts to arrive in Europe result in death or poor health.”¹¹³

The story of the former Premier League footballer, Al Bangura, is a case in point where false promises of a career in professional football led him to being trafficked for sexual exploitation transnationally.¹¹⁴ At the age of 14, Al Bangura fled Sierra Leone to Guinea where he

was befriended and recruited by a Frenchman who claimed that he could help him fulfil his dream of becoming a professional footballer in Europe. The pair travelled to France and then the United Kingdom, whereupon Bangura was sold into the sex trade.¹¹⁵ It is unknown whether Bangura had legal documents, or why immigration did not question a young boy travelling internationally in the company of a man who was not his legal guardian/parent or relative. The role that corruption may play in such cases should not be discredited.

In a similar case, a trafficking network was discovered in Spain wherein which five youths (two from Argentina and three from Colombia) were trafficked with the promise of success in professional football.¹¹⁶ The victims were recruited from the hundreds who underwent trials. Most of them had played for the Colombian national team in the youth categories and were between 17 and 25 years old. Some had even debuted in the First Division and had experience in Mexico or the United States.

The victims were assured they had contacts in the football world in Spain. They were shown photos and videos of sports centres and fantastic fields – none of which their traffickers actually had access to. They had to pay for their own tickets, but, as they were told, they would earn enough in Spain to cover the expense. The families of the youths even resorted to money lenders to pay for the trip. No trials ever materialised. Upon arrival they were crowded into a small single dwelling and subjected to debt bondage. They were forced to engage in online sex chats and source male clients and provide sexual services (i.e. forced commercial sexual exploitation). It is alleged that the ringleader took away their passports, withheld their salaries, and charged 50% commission when any of the young men found clients on their own. The accused face charges of trafficking in persons, sexual abuse, pimping of a minor, forced prostitution, sexual exploitation, conspiracy to commit a crime and trade of a person under 18 years of age.¹¹⁷

111 Esson, J. (2015). Better Off at Home? Rethinking Responses to Trafficked West African Footballers in Europe. *Journal of Ethnic and Migration Studies*, 41(3), 512-530. <https://doi.org/10.1080/1369183X.2014.927733>; Jardine, A., Turner, T., & Capalbo, L. S. (2021). (p. 7). University of Nottingham Rights Lab. <https://www.nottingham.ac.uk/research/beacons-of-excellence/rights-lab/resources/reports-and-briefings/2021/august/the-problem-of-sports-trafficking.pdf>

112 Ibid.

113 Global Initiative Against Transnational Organized Crime. (2015, April). *Living the Dream? Human Trafficking, the Other Organized Crime Problem in Sports*. <https://globalinitiative.net/analysis/living-the-dream-human-trafficking-the-other-organized-crime-problem-in-sports/>

114 Kotecha, S., & Bell, S. (2015, November 20). Former Premier League footballer 'was trafficked for sex'. *BBC News*. <https://www.bbc.com/news/uk-34849619>; Leventhal, A. (2020, May 24). How Watford saved Al Bangura: 'I wouldn't be alive if they sent me back'. *The Athletic*. <https://www.nytimes.com/athletic/1813746/2020/05/24/watford-saved-al-bangura-boothroyd-deportation/>

115 Ibid.

116 Reyes García, C.J. (2020, Julio 16). Así operaba la red que engañó y prostituyó a jóvenes futbolistas. *El Tiempo*. <https://www.eltiempo.com/mundo/europa/futbolistas-enganados-en-espana-que-terminaron-en-una-red-de-trata-de-personas-507142>; Jelinek, K., & Parise, F. (2022, September 6). Falsos empresarios de fútbol manejaban una red de prostitución en Infobae. <https://www.infobae.com/america/colombia/2022/09/06/falsos-empresarios-de-futbol-manejaban-una-red-de-prostitucion-en-colombia-y-espana/>

117 Ibid.

3.1.3. Trafficking around sport

Trafficking around sport refers to trafficking that occurs along the fringes of sport. Sport is secondary to the exploitation of the person - victims neither participate nor engage in sporting activity. Victims in this subset may be recruited to work in construction, provide services or labour linked to an upcoming sporting event, such as the Olympics or FIFA World Cup or Super Bowl, or manufacture and produce goods (e.g. sporting apparel) for a company that sponsors such an event. Victims are thus recruited to meet a particular demand associated with a particular sporting event - such as the construction of stadiums, working in the hospitality industry, production of sporting goods and equipment, or providing sexual services. Victims may also be recruited by traffickers through their love of sport and desire to attend a major sporting event. Victims and their traffickers are typically not directly linked to sport.

Trafficking around sport is not without controversy. Much conjecture exists as to whether major sporting events are linked to increased cases of trafficking, particularly in relation to sexual exploitation. *“To date, the quantitative evidence of increased trafficking during these large, international sporting events has been scant. This is largely due to poor data as a result of both the difficulty of uncovering much of this activity and a confused judicial system that, even when it has uncovered trafficking, will often misaddress the issue”*.¹¹⁸

Trafficking around sport for labour exploitation has been documented in the construction of stadiums for major sporting events, like the FIFA World Cup, in countries that rely on migrant labour and have traditionally poor human rights track records. Thousands of migrant workers were involved in construction, hospitality, and other key areas of infrastructure required for the World Cup to take place in Qatar in 2022. *“Workers reportedly suffered widespread abuses including debt bondage, wage theft, being prevented from changing employers, forced to work excessive hours, and having identity documents withheld by unscrupulous employers”*.¹¹⁹ For instance, Filipino workers who were involved in the construction of stadiums for the 2022 FIFA World Cup in Qatar sued a United States construction firm for subjecting the workers to perilous and inhumane conditions. *“The legal complaint accuses Jacobs [U.S. construction firm, Jacobs Solutions Inc.] and its subsidiaries of violating a U.S. law that prohibits trafficked or forced labour, even when such conduct takes place outside the United States”*.¹²⁰ It was alleged that workers were forced to live in cramped, dirty barracks and work up to 72 hours straight in blistering heat without food and water.¹²¹ Unfortunately, the exploitation of trafficked workers garners less attention from the anti-trafficking community, than compared to sexual exploitation.¹²²

Trafficking around sport for (commercial) sexual exploitation, on the other hand, is greatly debated. Few studies are able to provide a positive correlation between international or major sporting events and an increase in sex trafficking. One of the reasons for the lack of evidence might also be attributed to increased police presence and targeted anti-trafficking strategies which might deter consumers and also be noticed by traffickers.¹²³ However, in the case of the United States Super Bowl, the signature event of the National Football League (NFL), significant upticks in online sex advertisements were observed before and during the 2020 and 2021 Super Bowls in Miami and Tampa, Florida, respectively. Noticeably, the upticks were stronger for advertisements that exhibited indicators of sex trafficking than those posted by independent sex workers, in terms of both magnitude and statistical significance.¹²⁴ There have been isolated cases, however. In 2018, Jason Daniel Gandy (a US Citizen) was convicted on four counts of sex trafficking of minors, after he had attempted to traffic a 15-year-old boy to the 2012 London Olympics to use him to perform ‘erotic massages’ and other sex acts.¹²⁵

118 Bowersox, Z. (2016). International sporting events and human trafficking: Effects of mega-events on a state’s capacity to address human trafficking. *Journal of Human Trafficking*, 2(3), 201-220.

119 Reuters. (2023, October 12). World Cup stadium workers file lawsuit against U.S. firm for labor trafficking. Freedom United. <https://www.freedomunited.org/news/us-lawsuit-2022-world-cup/>

120 Ibid.

121 Ibid.

122 Bowersox, Z. (2016). International sporting events and human trafficking: Effects of mega-events on a state’s capacity to address human trafficking. *Journal of Human Trafficking*, 2(3), 201-220.

123 Ibid.

124 Huang, X., Yoder, B. R., Tsoukalas, A., Entress, R. M., & Sadiq, A.-A. (2022). Exploring the relationship between Super Bowls and potential online sex trafficking. *Trends in Organized Crime*, 1-23. <https://doi.org/10.1007/s12117-022-09472-z>

125 U.S. Attorney’s Office, Southern District of Texas. (2018, December 18). *Houston man gets 30 years for trafficking children for commercial sex*. <https://www.justice.gov/usao-sdtx/pr/houston-man-gets-30-years-trafficking-children-commercial-sex>; Bentham, M. (2018, December 20). ‘Evil’ sex trafficker who tried to smuggle boy into London gets 30 years in jail. *The Standard*. Available at: <https://www.standard.co.uk/news/crime/evil-sex-trafficker-who-tried-to-smuggle-boy-into-london-gets-30-years-in-jail-a4021241.html>

As Finkel and Finkel note: “quantifying human trafficking for sexual exploitation at large global sporting events has proven to be elusive given the clandestine nature of the industry. This is not to say that human trafficking for sex as well as forced sexual exploitation does not occur. It almost certainly exists, but to what extent is the big question”.¹²⁶ One major issue that exists is the unfortunate role played by the media and advocacy groups in creating hysteria by (re)circulating unverifiable information as fact, ultimately detracting from the plight of victims, when such zombie data is proven to be false. Flawed research methodologies, truncated definitions of trafficking and ideological underpinnings may further skew research results. In addition, as a hidden crime and hard to reach population, victims of trafficking around sport for sexual exploitation may be undercounted or misclassified in police statistics, whilst some sex workers may not self-identify as victims even where they meet the criteria for being regarded as such. Anecdotal evidence based on observations by practitioners and sporting officials, however, support the view that more research needs to be conducted into this subset of trafficking.

3.2. Factors influencing victim identification in sport trafficking

The accurate identification of victims of human trafficking, particularly within the context of sports, is a complex issue influenced by various interrelated factors. Key elements such as gender, migration, agency, and cultural considerations can significantly undermine the ability to effectively identify and support victims.

3.2.1. Gender

Gender plays a crucial role in creating specific vulnerabilities to trafficking, particularly for women and girls. According to the Global Alliance Against Traffic in Women (GAATW), gender norms and societal expectations often place women and girls at greater risk of exploitation, as “the socialisation and regulations put in place for a specific gender may increase an individual’s risk of being trafficked”.¹²⁷ In many trafficking narratives, women and children are frequently the focus of victim identification efforts due to their prominence in the humanitarian space. This focus is partially driven by the reality that women’s susceptibility to trafficking is often exacerbated by gender-based discrimination, such as lower wages, limited access to education, and their higher exposure to gender-based violence. Additionally, women are traditionally socialised to fulfil caregiving roles, increasing their likelihood of accepting exploitative work conditions to provide for their families.¹²⁸

In the context of sport trafficking, however, the identification of women as victims is less prevalent. This may be due to the historically lower participation of women in professional sports, their limited visibility in high-profile games, media and financial investment in women’s sports. However, where cases of trafficking in sport are found to include women and girls, endemic sexual abuse obfuscates the line between these two phenomena, necessitating a delimitation of the sexual abuse–sexual exploitation nexus. Moreover, where it comes to trafficking that may occur during major sporting events, women as commodities of trafficking for sexual exploitation remains unabated.

Specific to football, the rapid growth of women’s football, particularly in Europe and the United States, has created new opportunities for female athletes. With a number of professional women’s league having been created in Europe and in the United States, the option of pursuing their dream there, with better competitions, leagues, infrastructure and financial opportunities, becomes a key driver for migration.¹²⁹ However, this also means that girls are becoming at risk of being recruited by unscrupulous agents and intermediaries and thus also become vulnerable to ‘football trafficking’ like their male counterparts. This highlights the need for a gender-sensitive approach to victim identification, particularly in sports where women are still marginalised.

The vulnerability of women and girls in sport trafficking is also reflected in broader trafficking statistics. For example, in 2018, it was reported that for every ten victims of trafficking identified globally, five were adult women, and two

126 Finkel, R., & Finkel, M. L. (2015). The ‘dirty downside’ of global sporting events: Focus on human trafficking for sexual exploitation. *Public Health*, 129, 17-22. <https://scholarlyresearchandarticles.wordpress.com/wp-content/uploads/2015/03/expolitation.pdf>

127 GAATW. (n.d.). *Gender dimensions of trafficking: Submission to the Special Rapporteur on trafficking in persons*. http://www.gaatw.org/advocacy/GAATW-Gender%20Dimensions%20of%20Trafficking_Submission_to_SR.pdf

128 Ibid.

129 Mission 89 (n.d.). *Debunking human trafficking: Exploitation in sport*. <https://mission89.org/debunking-human-trafficking-exploitation-in-sport/>

were girls.¹³⁰ Furthermore, approximately 72% of child victims of sexual exploitation are girls.¹³¹ As Esson et al. argue, if girls continue to be integrated into male-dominated sports models, they may face all the harms that male athletes encounter, along with additional risks linked to their gender.¹³² Therefore, efforts to combat trafficking in sport must include strategies to protect both male and female athletes from exploitation.¹³³

3.2.2. Men as victims

While women and children are often the focus of anti-trafficking efforts, men also face significant risks of exploitation, particularly within the sports sector. However, men are less likely to be identified as trafficking victims in traditional scenarios. This is due, in part, to cultural constructions of masculinity that discourage men from seeking help when they are in exploitative situations. Men are often socialised to be the primary breadwinners in their families, and the pressure to fulfil this role can lead them to remain in exploitative conditions, even when it is detrimental to their well-being. The fear of social ostracism and humiliation can prevent men from acknowledging their victimhood, making it harder for frontline stakeholders to identify them as victims.¹³⁴

In sport trafficking, men are more frequently identified as victims compared to other forms of trafficking, largely because of their higher participation in professional sports. However, the cultural perception of Black African boys and men as physically strong and resilient means they do not fit the stereotypical image of trafficking victims. This can lead to a gross denial of their victimhood and hinder efforts to protect them from exploitation. For instance, Black African male athletes often do not align with the stereotypical image of human trafficking victims, largely due to their physical appearance and demeanour, which may not evoke the level of concern or protective response typically associated with victimhood. This disparity must be carefully considered when analysing gender and victim identification in the context of trafficking.

3.2.3. Migration

Migration is a fundamental factor in sport trafficking, as young athletes are frequently moved across borders in search of better opportunities. Athletes from economically disadvantaged countries often migrate to wealthier nations, hoping to secure professional contracts that will improve their financial standing. However, many athletes are trafficked under the guise of legitimate sports opportunities. While some athletes initially travel through regular immigration channels, short-term visas and abandonment by agents often leave them in precarious situations. Many become undocumented migrants when their visas expire, rendering them vulnerable to criminalisation and exploitation. According to Feingold, “trafficking is often migration gone terribly wrong”.¹³⁵



The criminalisation of trafficking victims, particularly in destination countries, remains a significant issue.¹³⁶ Law enforcement agencies frequently prioritise border security over the identification and protection of trafficking victims. This results in the misclassification of victims as illegal migrants, rather than recognising them as individuals who have been exploited. The vulnerability of trafficked athletes is further exacerbated by their irregular immigration

130 United Nations Office on Drugs and Crime. (2021). *Global report on trafficking in persons 2020*. https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf

131 Ibid.

132 Esson, J., Darby, P., Drywood, E., Mason, C., & Yilmaz, S. (2020). *Children before players: Current risks and future research agendas*. Loughborough University. https://repository.lboro.ac.uk/articles/report/Children_before_players_Current_risks_and_future_research_agendas/11590800

133 Ibid.

134 Ibid.

135 Feingold, D. A. (2005). Human trafficking. *Foreign Policy*, (150), 32.

136 Goodey, J. (2003). Migration, crime and victimhood: Responses to sex trafficking in the EU. *Punishment & Society*, 5(4), 415-431. <https://doi.org/10.1177/14624745030054003>

status, which traffickers use to maintain control over them.¹³⁷ As a result, many victims of sport trafficking remain hidden, unable to seek help for fear of deportation or legal consequences.

3.2.4. Agency

Agency is a critical consideration in discussions of trafficking, particularly when it comes to young athletes.¹³⁸ While these individuals have the right to dream of better opportunities, traffickers often exploit their aspirations to trap them in exploitative situations. The concept of agency must be carefully balanced with the understanding that many victims of trafficking may have made choices under conditions of coercion or deception. As noted by Franklin, “individual agency is burdened when choices and actions are placed under systemic constraints that are incompatible with the dignity of persons”.¹³⁹ In the context of sport trafficking, young athletes may willingly pursue opportunities presented by traffickers, unaware of the exploitation that awaits them. This complicates the process of victim identification, as trafficked athletes may not initially perceive themselves as victims.

Esson argues that the agency of young African athletes, particularly in football, is often misinterpreted and works against their claims of being trafficked.¹⁴⁰ These athletes, driven by aspirations for a better life, actively engage in migration processes, which can blur the lines between voluntary migration and trafficking. Esson highlights that while these youths are exercising agency, their situation is complicated by structural inequalities, which make them vulnerable to exploitation.¹⁴¹ The misunderstanding of their agency often leads to their exploitation being overlooked, as their actions are seen as voluntary, rather than as a result of coercion or manipulation. There is a need to consider the broader socio-economic conditions that shape the agency of these athletes and make them susceptible to trafficking.

In some cases, the interplay between gender, migration, and agency can result in the denial of victimhood for individuals who have been trafficked. For example, male athletes may be reluctant to report their exploitation due to cultural norms that associate masculinity with strength and independence. Similarly, female athletes may be hesitant to disclose their victimisation due to fears of stigmatisation and shame.

3.2.5. Cultural considerations

Cultural factors, especially in African contexts, have a direct link to sport trafficking, as they shape both the opportunities and vulnerabilities faced by young athletes. In many African societies, pursuing sports, especially football, is seen as a pathway to financial success and improved socio-economic status. Families and communities often encourage children to pursue these opportunities, sometimes without fully understanding the risks involved. Unscrupulous agents exploit this cultural expectation, luring young athletes with promises of professional contracts or trials abroad, only to traffic them for labour or exploitation once they leave their home countries.

Sport trafficking thrives in environments where the pursuit of athletic success is heavily glorified, and cultural norms normalise the idea of children being sent abroad for better opportunities. This obscures the exploitation that occurs during the trafficking process. For example, boys who are sent abroad for football trials are often left stranded without resources if the promised opportunities fall through, leading to exploitative labour conditions. The societal pressure to succeed and the glorification of migration through sports create fertile ground for traffickers, who take advantage of the trust placed in them by families and communities. Understanding these cultural dynamics is key to addressing sport trafficking and implementing effective preventative measures.

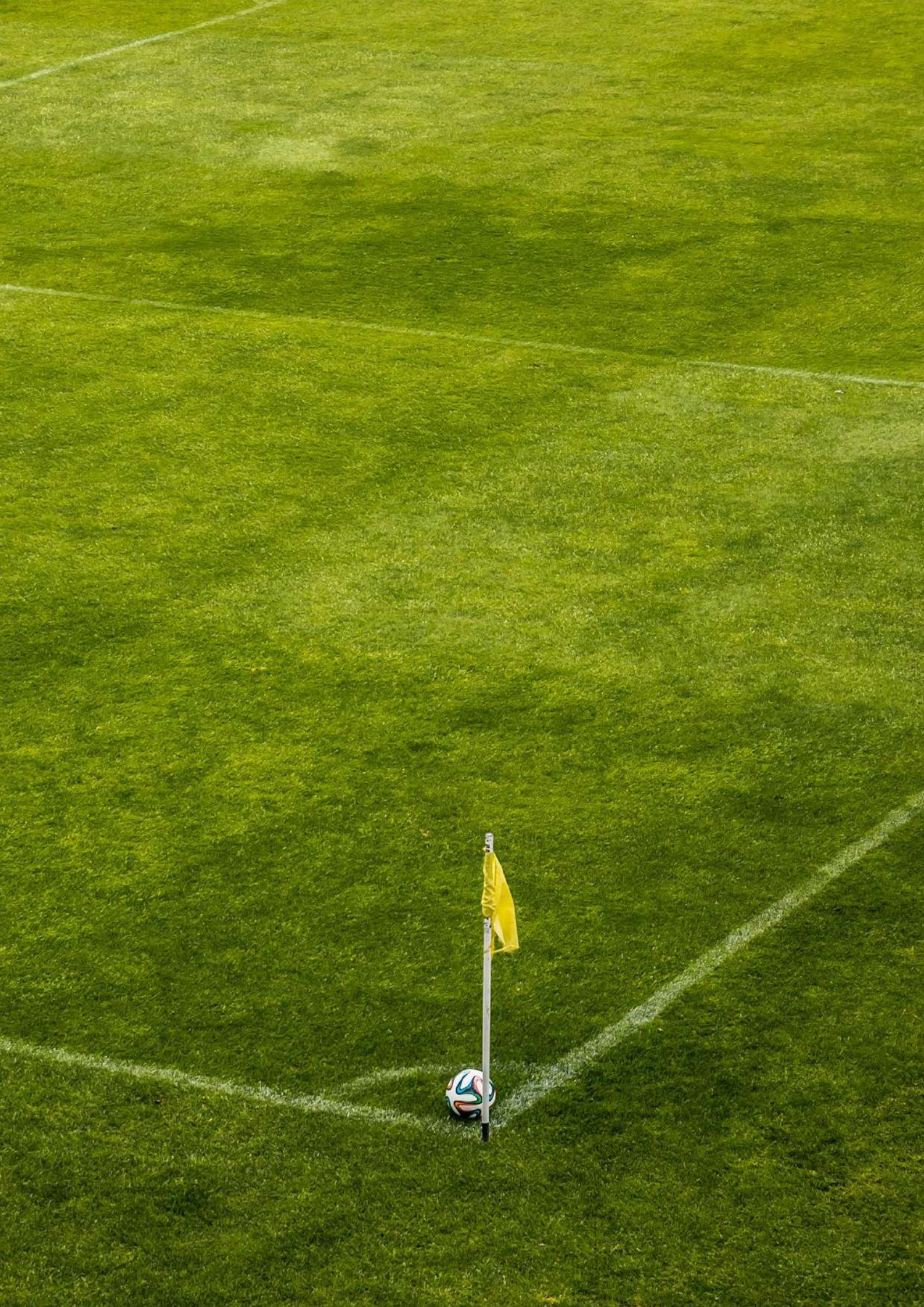
137 Malakooti, A. (2020). *The intersection of irregular migration and trafficking in West Africa and the Sahel: Understanding the patterns of vulnerability*. Global Initiative Against Transnational Organized Crime. <https://globalinitiative.net/wp-content/uploads/2020/11/The-intersection-of-irregular-migration-and-trafficking-in-West-Africa-and-the-Sahel-GITOC.pdf>

138 Esson, J. (2020). Playing the victim? Human trafficking, African youth, and geographies of structural inequality. *Psychology, Crime & Law*. <https://doi.org/10.1002/psp.2309>

139 McMahon, D. (2013). Victims, agency, and human rights. *E-International Relations*. <https://www.e-ir.info/2013/12/09/victims-agency-and-human-rights/>

140 Esson, J. (2020). Playing the victim? Human trafficking, African youth, and geographies of structural inequality. *Psychology, Crime & Law*. <https://doi.org/10.1002/psp.2309>

141 Ibid.



04

4. RESEARCH FINDINGS

4.1. Methodology

The report draws upon a mixed-methods approach, integrating both quantitative and qualitative techniques to offer a comprehensive examination and understanding of the complex problem of 'sport trafficking'. The research incorporated a comprehensive literature review, empirical data collection, case studies (Annex B), and stakeholder consultation to ensure that the study captured diverse perspectives whilst providing robust, evidence-based insights into sport trafficking, to develop a typology of sport trafficking and an interpretive guide (Annex A). Moreover, it further contributed to producing actionable recommendations for policymakers, sports organisations, and law enforcement to prevent and combat sport trafficking.

Fieldwork consisted of a survey questionnaire and two focus groups. A purposive sampling design was employed due to the nature of 'sport trafficking', requiring the selection of informants to be "*based on their particular knowledge of, and/or experience with, the focus of empirical inquiry*".¹⁴² The research employed a sequential explanatory design, where the quantitative research was conducted prior to the qualitative focus groups. This strategy allowed the initial quantitative data, together with the literature review, to guide and inform the subsequent qualitative phase, ensuring a deep understanding of the findings and enabling triangulation. The quantitative data were thus validated and enriched by the qualitative insights, enhancing the credibility and depth of the findings.

Case studies were developed based on real-world examples of sport trafficking. The case studies illustrated the complexities of trafficking in different regions and contexts, contributing to the typology of sport trafficking.

4.1.1. Questionnaire

The questionnaire comprised 47 questions: 43 closed questions and 4 open-ended/free response questions and was limited to 'trafficking in and through sport' subsets.¹⁴³ 'Trafficking around sport' was not included in the questionnaire but emerged later as a significant theme necessitating further examination. We advocate that it should be included in conceptualisations and discussions, and recognised as a subset, of sport trafficking. JISC online surveys was employed as the platform to host the questionnaire and provide basic analytics. The questionnaire was distributed to experts in the field of sport and human trafficking. The questionnaire elicited 116 responses globally – with the most responses coming from the African and North American regions (ca. 40.5% and 25.8% respectively). The European region elicited ca. 20.6% of responses, while Asia, Latin America, and the Middle East were underrepresented (ca. 6%, 4.3%, and 0.8% respectively).¹⁴⁴ The geographical distribution of survey respondents is shown in the map below.

142 Robinson, R.S. (2014). Purposive Sampling. In: Michalos, A.C. (eds) *Encyclopedia of Quality of Life and Well-Being Research*. Springer, Dordrecht. https://doi.org/10.1007/978-94-007-0753-5_2337

143 The questionnaire is available in Annex D of the report.

144 Skewing these numbers were about 3 respondents who worked in multiple regions or globally, and one who did not indicate their country or region.

FIGURE 1

Map of where survey respondents were based



The breakdown of respondents was weighted more towards non-governmental organisations (NGOs), international organisations (IOs), and government agencies when compared to sporting bodies and athletes. Robust data could be extracted from NGOs (40.5%), IOs (16.3%), and government agencies (18.1%) who deal with the issue of human trafficking and together accounted for 75% of respondents. Members of law enforcement agencies made up a further 4.3% of respondents. 9.4% of respondents were directly involved either in sports or sports administration (2.5% sport associations/federations; 2.5% sport clubs; 1.7% former athletes).

4.1.2. Focus groups

The empirical data gathered from the questionnaire was augmented with the qualitative findings from the two consultative forums, in the form of focus groups, held in Abidjan, Côte d'Ivoire and London, United Kingdom. The focus groups delved into complex issues surrounding sport trafficking.¹⁴⁵ The two forums sought to capture a wide range of perspectives on sport trafficking. Each consultative forum had different objectives based on their composition. The Abidjan policy forum was convened by the International Organization for Migration (IOM), the UN Network on Migration (UNNM), and Mission 89, and took place on the margins of the CAF African Cup of Nations (AFCON). The Abidjan policy forum explored the vulnerabilities of athletes to exploitation, notably deceptive recruitment, poor working conditions, and forced labour, and to evaluate the effectiveness of existing policies while proposing comprehensive policy and legislative responses. The global experts' consultative forum held in London, however, was designed to examine some key themes emanating from the questionnaire and contributing to deepening our understanding of sport trafficking. The London forum was attended by 28 anti-trafficking and sports experts. The hybrid event was hosted both in-person and online, which facilitated a broader participation of global experts.

145 'Focus groups are completely different from the other methods, in which the data can be collected individually, because they promote interaction among participants with spontaneity. The type and range of data generated through the social interaction of the group are often deeper and richer than those obtained from one-to-one interviews (Thomas et al., 1995).' - Gundumogula, M. (2020). Importance of focus groups in qualitative research. *International Journal of Humanities and Social Science (IJHSS)*, 8(11), 299-302. <https://doi.org/10.24940/thejihss/2020/v8/i11/HS2011-082>

4.2. Research findings: insights from the questionnaire

There was overwhelming consensus from the 116 respondents that trafficking in and through sport represents a significant problem. While 73.2% of respondents indicated that trafficking in sport is a problem, trafficking through sport was perceived to be a more significant problem, with 78.4% of respondents indicating that it was a cause for concern (of which 36.2% strongly agreed that it was an issue).¹⁴⁶ In both categories, the majority of respondents (56% and 52.5% respectively) felt that it was a common occurrence compared to 27.5% and 29.3% of respondents who felt it was uncommon. 13.8% went so far as to claim that trafficking in and through sport ‘always’ occurs. This perception was unpacked during the consultative processes and linked to the theme of invisibility of victims (discussed later in this section of the report).

There was overwhelming consensus from the 116 respondents that trafficking in and through sport represents a significant problem. While 73.2% of respondents indicated that trafficking in sport is a problem, trafficking through sport was perceived to be a more significant problem, with 78.4% of respondents indicating that it was a cause for concern (of which 36.2% strongly agreed that it was an issue).

Questions concerning the legal definition and elements of trafficking persons in relation to athletes and sport were posed. Each of the constitutive elements of trafficking in persons - the act, means, and purpose elements (as defined in the TIP Protocol) - provided a discrete theme. These themes and questions were divided into the categories of trafficking in and through sport. The results are compared and discussed below:

The ‘act’ element

	Trafficking in Sport	Trafficking Through Sport
Recruitment	51.7%	75%
Transportation	76.7%	76.7%
Transfer	52.5%	70.6%
Harbouring	75.8%	72.4%
Receipt of a person	70.6%	75%

Most respondents agreed¹⁴⁷ that the ‘act’ element is present in cases described as trafficking in persons in sport and through sport. Of interest is that the mean average for responses in agreement to the prompts given for the ‘act’ element is 73.9% for cases of **trafficking through sport**, compared to 65.4% for cases of **trafficking in sport**. The variations are particularly pronounced in the categories of recruitment and transfer. Lower scores in ‘agreement’ were offset by a higher choice of the neutral response (neither agree nor disagree). The mean average for disagreement to the prompts was 11.8% for cases of trafficking in sport and 7.4% for trafficking through sport. The lack of ethical recruitment practices, particularly in football, was highlighted as an issue of key concern by respondents and during the focus group sessions (discussed in the qualitative findings section). In addition, athletes may be subject to contract substitution (which feeds into the ‘means’ element of fraud and/or deception).¹⁴⁸

The lack of ethical recruitment practices, particularly in football, was highlighted as an issue of key concern by respondents and during the focus group sessions (discussed in the qualitative findings section).

¹⁴⁶ Respondents were provided with an explanation of what the terms ‘trafficking in sport’ and ‘trafficking through sport’ referred to in the context of the study.

¹⁴⁷ Agreed and strongly agreed categories were merged.

¹⁴⁸ Contract substitution refers to ‘the process of overriding a contract and replacing it with a harsher, “substituted” one, is a dominant practice in nearly 161 countries’ (Dressmember, n.d.). For a more extensive discussion, see UNODC, The Role of Recruitment Fees and Abusive and Fraudulent Recruitment Practices of Recruitment Agencies in Trafficking in Persons, 2015.

The 'means' element

	Trafficking in Sport	Trafficking Through Sport
Threat or use of force	62%	68.9%
Deception	82.7%	75.6%
Fraud	77.5%	78.4%
Abuse of a position of vulnerability	84.4%	83.6%
Abuse of power	75.6%	79.3%
The giving or receiving of payments or benefits to achieve consent	68.1%	72.4%

Most respondents agreed that the various 'means' elements listed above were present in cases of trafficking in and through sport. The mean for trafficking in sport was 75.05% and 73.4% for trafficking through sport. The mean average for disagreement to the prompts was 5.4% and 6.5% respectively. The questionnaire findings correlate to the available literature which suggests that fraud and deception, coupled with the abuse of a position of vulnerability and/or abuse of power, play significant roles in trafficking in and through sport. To a slightly lesser extent, respondents indicated that force and the exchange of payments or benefits to achieve consent are commonly used by traffickers. The most significant 'means' element perceived by respondents was that of the abuse of a position of vulnerability.

Traffickers exploit the vulnerability and often the naivety of athletes and their parents/guardians. These individuals may overlook risks due to the prospects of international athletic careers and associated socio-economic benefits. In the case of minors, parents or guardians may be similarly groomed by trafficking actors to secure their consent. This was underscored in the Abidjan consultative forum (and is discussed later in the report).

The 'purpose of exploitation' element

	Trafficking in Sport	Trafficking Through Sport
Forced Labour	66.3%	73.2%
Slavery	69.8%	64.6%
Sexual Exploitation	49.1%	59.4%
Servitude	68.9%	70.6%
Illicit Activities	50.8%	56.8%

While most respondents agreed that various forms of exploitation listed above occur, as indicated in the mean average of 60.9% for trafficking in sport and 64.9% for trafficking through sport, there was significantly less consensus when compared to the previous two elements. While disagreement was still marginal with a mean average of 5.8% and 5.4% respectively, more respondents chose the neutral option (neither agree nor disagree). The mean average for this was 33.3% and 29.7% respectively. As per the TIP Protocol, exploitation is a key element for a case to meet the threshold to be considered trafficking in persons. However, trafficking in sport can be difficult to detect due to the so-called 'specificity of sport', sporting exceptions, and the normalisation of maltreatment of athletes, which may also extend to consensual and mutually advantageous exploitation. As trafficking in sport remains an understudied, underreported, and not well-understood phenomenon, the lack of certainty in this category could point to current gaps in knowledge, lack of reported cases, and limited case law. However, what can be garnered from the responses is that various forms of exploitation (as delineated in the TIP Protocol) are present in cases of trafficking in and through sport. It still needs to be ascertained the extent to which victims of trafficking in and through sport may be exposed to multiple and/or concurrent forms of exploitation (as might be the case in other forms of trafficking).

4.2.1. Efficacy of existing anti-trafficking policies and responses

The next section of the questionnaire explored the regulatory frameworks of sporting governing bodies. 48.2% of respondents did not feel that there were effective regulations in place by sporting bodies to address trafficking in persons in the sports industry (as opposed to 28.4% who did). Moreover, 87.9% of respondents agreed that there was a need for more comprehensive and effective regulations by sport governing bodies to address trafficking in persons in sport (with 47.4% strongly agreeing with the need for this). Respondents were further asked for their opinions as to what sport governing bodies could do to address trafficking in persons. There was consensus by many of the respondents that sport governing bodies need to recognise that trafficking can take place in all forms of sport. Moreover, a need for more due diligence is required in the areas of vetting, recruiting, and safeguarding, which may create an enabling environment where trafficking can take place where not adequately addressed. Unregistered and unvetted recruitment of athletes are repeatedly mentioned by respondents. Stringent regulations and monitoring thereof is needed. Sanctions and penalties need to be consistent and sufficiently harsh. Contracts and working conditions need to be explained in simplified/understandable terms to athletes. The lack of oversight by sport governing bodies and clubs, in general, to ensure that regulations are adhered to was also mentioned. The need for collaboration and education, as well as leveraging technology, were also highlighted. Collaborative partnerships with experts, and within and amongst sporting organisations (from governing bodies down to the club level), were perceived to be a vital component to address gaps and failures in existing safeguarding policies/regulations. Such partnerships were deemed necessary to ensure accountability and access to justice and redress by victims. Education and awareness of key stakeholders within sporting bodies, including athletes and their guardians, were underscored. Moreover, some respondents indicated the opportunities presented by technology in terms of vetting, reporting/whistleblowing, awareness raising, and networking of athletes and agents. Similar findings and recommendations are noted in the findings from the Abidjan event. Below are a few excerpts:

Moreover, 87.9% of respondents agreed that there was a need for more comprehensive and effective regulations by sport governing bodies to address trafficking in persons in sport (with 47.4% strongly agreeing with the need for this).

Moreover, a need for more due diligence is required in the areas of vetting, recruiting, and safeguarding, which may create an enabling environment where trafficking can take place where not adequately addressed.



Respondent 1124955-1124937-119694197: First, they can acknowledge in writing and through a declaration that trafficking in persons through sport exists, is problematic, and there has been nothing done to collectively and substantively address the problem. Next, they can seek collaborative partnerships with experts (organizations and individuals) to work with them in designing, developing, and implementing policies, practices, protocols, and training to ensure we can capture the extent of the problem and address all the complex nuances. Next, we can fund an oversight team of experts from diverse backgrounds to investigate and bring forth complaints and criminal procedures to ensure everyone is compliant, victims, survivors, and families are appropriately identified and served, and communities and governments are formally notified.

Respondent 1124955-1124937-120389076: In my own opinion, I am convinced beyond doubt that the governing bodies can play a crucial role in tackling human trafficking through sports. According to a report by the Rights Lab, sports governing bodies can improve their understanding of the problem of sports trafficking, where aspiring athletes are lured into exploitative situations with the promise of developing and professionalizing their technical skills. The report recommends that sports governing bodies should develop and implement comprehensive anti-trafficking policies in sports, with a focus on addressing trafficking linked to the organization of major sports events, competition manipulation, illegal betting, and the involvement of organized crime in sports. It is important to note that the problem of human trafficking is complex and requires a multifaceted approach. Sports governing bodies can play a significant role in addressing this issue, but they cannot do it alone. It requires a joint effort from all stakeholders, including governments, civil society organizations, and the private sector, to effectively tackle human trafficking and ensure the protection of Human Rights.

Respondent 1124955-1124937-120441495: Independent investigations of suspected or witnessed cases of trafficking for sports; certify the legitimacy of agents, representatives; review family issues of trafficked or induced sports participants; place bond requirements on organizations; insert LEO (legal ombudsman) into whistleblowing.

Respondent 1124955-1124937-120753660: Fund at national and local levels awareness raising activities. Have clear policies, procedures and practices that are ENFORCED WITHOUT EXCEPTION. Work collectively - governing bodies of all sports should have consistent policies and standards. Approach to this problem must go beyond football and Europe - including in research. Ensure strong and easily accessible whistleblowing procedures are in place. Ensure remedy for victims of trafficking. Work with national governments to ensure that national laws related to trafficking include explicit provisions related to sport.

Respondent 1124955-1124937-121332005: Sport governing bodies can tackle human trafficking through sports by implementing education and awareness programs, establishing a strong code of conduct, conducting rigorous background checks, collaborating with law enforcement, providing support for victims, regulating sports agents, implementing monitoring and reporting mechanisms, offering training programs for athletes, fostering international collaboration, and conducting regular audits and assessments.

The final part of the questionnaire examined governmental organisation legislative frameworks. 46.5% of respondents felt that existing legislative frameworks were **not** effective in addressing trafficking in persons in sport (as opposed to 18.1% who did). 50% felt that existing legislative frameworks were **not** effective in addressing trafficking through sport (as opposed to 17.2% who did). 35.3% and 32.8% opted for the neutral response (neither agree nor disagree) respectively. 78.4% of respondents indicated that there is a need for more specialised legislation addressing trafficking in sport, and 80.1% in the case of trafficking through sport. Only 3.4% and 4.3% of respondents respectively did not feel that there was a need for specialised sport trafficking legislation. The overwhelming consensus (average of 79.25%) of respondents were in favour of specialised 'sport trafficking' legislation and/or policy. In addition, respondents were asked to indicate whether there was specific legislation dealing with trafficking in and through sport in their territory. Most respondents referred to national anti-trafficking legislation, and interrelated legislation and policy, which applies to all forms of trafficking in persons, and in some cases sporting laws. However, the vast majority indicated that there was no specific legislation that dealt exclusively with trafficking in or through sport. In some countries, respondents decried the lack of anti-trafficking legislation in general. One respondent (1124955-

1124937-119743470), however, cautioned: *Often we call for more legislation, when what is actually required is more effective use.* This was reiterated by Respondent 1124955-1124937-120128723 who spoke to issues of implementation, rather than available legislation. While the vast majority of respondents pointed to comprehensive anti-trafficking legislation available in their countries, none could point out any anti-trafficking legislation, policy, or guidance exclusively for sport.



Lastly, respondents were asked to share any existing case law from their territory pertaining to trafficking in or through sport. There were only 54 responses for this section of the question, with the majority (79.2%) indicating that they were not aware of any. Of those who were able to respond, football, basketball, and rugby were cited as sites of exploitation, as well as the case of Devano Williams in the Olympics, and historic abuse in professional sport. Four respondents alluded to cases in the United States of America. As Respondent 1124955-1124937-120441495 stated: *All organizational authorities are aware of the 'medical' and sexual abuses of their athletes yet allow it to continue until the victims can no longer endure it.* This suggests in environments where historic cases of abuse have been ignored and not adequately addressed, a hidden crime, like trafficking in persons, may go unnoticed due to a lack of (political

and/or regulatory) will to address such crimes within the world of sport. It further underscores the need to address this underreported crime through legislative and policy channels, and crafting evidence-based interventions that can be adapted and implemented effectively at different levels. The inability of most respondents to reference cases or case law indicates a worrying gap between perception of the scope of the problem and identification of victims and prosecuted cases. Paucity of research into the complex nature of trafficking in and through sport suggests that such knowledge gaps, and ultimately lack of access to justice for victims, will continue to abound if not adequately addressed by sport governing bodies, policymakers, and key stakeholders.

The findings of the questionnaire provided a basis to guide further discussions in the focus groups in the form of two consultative forums in the field.

4.3. Research findings: Insight from the focus groups

This section of the report presents and analyses the findings of the two consultative forums which were held in Abidjan, Côte d'Ivoire (25 January 2024) and London, United Kingdom (30 January 2024). The Abidjan policy forum had a wider brief, addressing the need to safeguard athletes from exploitation within the realm of sports migration. The policy forum focussed on two key themes to promote safe migration and regular pathways in sport: (i) challenges and risks faced by athletes in the context of migration; and (ii) policy and legislative responses to address these challenges. In contrast, the global experts' consultative forum held in London was designed to elicit a deeper understanding of key findings and insights from the desktop study and questionnaire, and address knowledge gaps that had been identified. More focus is placed on the findings from the London meeting. A number of common themes were identified and form part of the discussion section.

4.3.1. Abidjan Policy Forum

The conveners framed the discussion around the sustainable development goals and their positive impact of sport on development. Sport represents a \$1 trillion industry in which potential exploitation of athletes, particularly from the Global South, exists. Many athletes experience deceptive recruitment practices, poor working conditions, and even forced labour, often with psychological and professional consequences. Conveners emphasised the need for a rights-based approach, which would provide opportunities for African athletes to reach their full potential while discouraging dangerous irregular migration. Moreover, they called for the eradication of sport trafficking

and for states and sport governing bodies to play a more active role in protecting athletes from exploitation and discrimination (particularly during their migration journeys).

Migration features prominently in the field of football where athletes have been trafficked. While migration has a positive impact on economic development, diplomacy and culture, and social integration, the perilous and, at times, illicit migration routes taken by some migrants to reach destination countries highlight the need for regular migration channels. The migration-trafficking nexus is apparent in some cases of so-called football trafficking. Abderrahmane claims that transnational organised crime, in the form of trafficking and smuggling networks, has become deeply embedded within African football.¹⁴⁹ The need for regular migration channels in sport, which are accessible and flexible, was underscored to ameliorate this particular dimension of vulnerability to trafficking.

The discussion then turned to the challenges faced by athletes, with participants reporting:

- Concerns regarding the limitations of legislation in addressing complex societal issues, particularly regarding the responsibilities of families and parents.
- Criticism towards the pressures exerted by families on aspiring athletes, which could hinder their lives and push them to resort to irregular pathways.

Issues surrounding documentation and the credibility of sports agents were identified as significant challenges for athletes navigating the sports industry.

Participants shared a similar perspective on the need for the education of athletes in conjunction with their sporting careers. Mirroring some of the findings from the questionnaire, there were calls for stricter legislation and regulatory frameworks to address issues such as short-term visas, discrepancies in football ages on passports, and unscrupulous practices by football agents. Adequate support systems were also underscored.

Thereafter, the discussion turned to the recruitment of minors by 'fake agents' (fraudulent agents), leading to irregular migration and/or precarious legal situations and exploitation of young players. Examples cited included Cameroonian players deceived by so-called agents to play in Georgia; the importation of 23 players from West Africa to train at an unregistered football club in Laos; athletes from East Africa switching nationalities for competitions; and abuse and harassment in combat sports.

Ultimately, this focus group highlighted the vulnerabilities of athletes, particularly in Africa, to deceptive recruitment, poor working conditions, and forced labour, emphasising the imperative for effective policy and legislative responses.

4.3.2. London Expert Consultative Forum

The structure of the London consultative forum was focused specifically on questions emanating from desktop research and the questionnaire. Participants were divided into four focus groups. Findings are synthesised and discussed.

As many of the constitutive elements of trafficking in persons have not been defined in international law, the first focus group session focused on the acts of 'harbouring' and 'receipt of a person' in 'sport trafficking'. According to the UNODC, "*harbouring is one of the most frequent acts when committing human trafficking*".¹⁵⁰ Moreover, "*harbouring can take place at any stage of a trafficking process, either before or during exploitation of the victim*".¹⁵¹ Participants noted that harbouring is not just as a physical state but also as a condition that perpetuates exploitation, linking the act of harbouring with the element of means and the purpose of exploitation. Participants also focused on one aspect of harbouring by characterising it as an act that restricts freedom. As a strategic infringement on personal

149 Abderrahmane, B. (2022, November 24). Going for gold: Africa's young footballers exploited by smugglers. *ISS Today*. <https://issafrika.org/iss-today/going-for-gold-africas-young-footballers-exploited-by-smugglers>. Despite this acknowledgement by researchers and practitioners, data remains anecdotal, with only 5 cases being recorded for the African region in 2023; and 25 cases over the 2018-2023 period globally (23 in Tunisia; and 2 in Kazakhstan originating from Côte d'Ivoire).

150 UNODC. (2021). *The concept of 'harbouring' in the Trafficking in Persons Protocol* (Issue Paper, p. 8). United Nations Office on Drugs and Crime. https://www.unodc.org/documents/humantrafficking/The_Concept_of_Harbouring_Issue_Paper.pdf

However, 'there is no uniform understanding of the act of harbouring nor a consistent approach to this concept during court proceedings' (ibid.). However, 'there is no uniform understanding of the act of harbouring nor a consistent approach to this concept during court proceedings' (ibid.).

151 Ibid. 9.

liberties, which can manifest through the confiscation of identity documents, the victim remains captive and controlled. Participants delved deeper into the physical aspect of harbouring within sport entities, such as clubs or academies in football, and called for accountability from them. It raises critical questions about the nature of engagement between agents who facilitate the placement of talent and the clubs themselves, suggesting that these interactions may contribute to creating or sustaining conditions of harbouring. The concept of harbouring can also extend to psychological aspects. For instance, *“the question of control over the victim at the place of harbouring, whether or not the trafficker is physically present, is referable to the means element”*.¹⁵² Overall, the focus group discussions revealed a collective understanding that harbouring extends beyond physical containment and includes actions that contribute to maintaining an individual in a state of exploitation. What became evident from the discussions around delimiting harbouring in the context of sport trafficking was the role played by actors facilitating victims’ recruitment and placement into exploitative situations, as well as those receiving them.



The ‘receipt of a person’ involves receiving or taking charge of trafficked individuals. The person or entity receiving the trafficked individuals is aware, or should be aware, that these individuals are being controlled for the purpose of exploitation. The receipt of persons can occur at various stages within the trafficking process and can involve different actors, including intermediaries, employers, or others who benefit from the exploitation of the trafficked individuals. This term underscores the role of not just the initial recruiters or transporters, but also those who subsequently take custody of the trafficked persons, facilitating the continuation of their exploitation. It becomes evident that in the context of sport, the receipt of athletes may not be straightforward and could be muddled with the legitimate transfer and acquisition of athletes. It highlights the necessity for sports clubs and other sporting bodies to scrutinise the conditions under which players are received into their organisations, ensuring that they are not complicit in trafficking by ensuring that they create safeguards and reporting mechanisms for potential victims, and perform their due diligence when acquiring or transferring players.

Moreover, the discussions regarding the act of ‘receipt of a person’ in sport trafficking underlined that there is an important distinction drawn between trafficking and smuggling. Participants alluded to the issue of smuggling, where some young athletes may choose to follow irregular migration routes to destination countries, often engaging directly or indirectly with smugglers to facilitate this. Human trafficking and smuggling are two distinct crimes. Migrant smuggling is defined in terms of article 3(a) of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime as “the procurement, for financial or other material gain, of irregular entry into a country where the migrant is not a national or resident”. Migrant smuggling is categorised as a transactional arrangement with a clear beginning and ending. The services and interactions with a smuggler end upon illegal entry into the destination country. However, increasingly traffickers may make use of smuggling networks, or migrant smugglers may engage in the exploitation of their clients (either during or after the migration process).

Similarly, migrants may engage smugglers to facilitate their entry to the destination country independently after being recruited by a trafficker, and only be exploited upon reaching their destination. In the case of football trafficking, so-called agents and other intermediaries may facilitate this process where the player either is undocumented or cannot secure a visa. In some instances, such as in the case of baseball, the families of athletes become

¹⁵² Ibid.

indebted or are unable to pay the full amount required by smugglers – opening another avenue of susceptibility to trafficking of these migrant athletes. While some participants discussed the issue of smuggling as being a crime that should also be considered when reviewing cases to ascertain whether they met the threshold to be considered trafficking, in reality the lines between these two crimes are often blurred. This is particularly relevant where a victim has facilitated their irregular entry into a third state using the services of a smuggler. In many instances, law enforcement, border authorities, and even social welfare agencies conflate trafficking with smuggling – resulting in numerous victims being deported instead of assisted. In the case of transnational trafficking, the receipt of a person is differentiated from migrant smuggling through its entwinement with the means and exploitation components of trafficking.

4.3.3. The complicity of sporting actors in sport trafficking

The complicity of sport actors/organisations in sport trafficking emerged as a significant theme. Corruption and complicity are viewed as major drivers and determinants of human trafficking. This was noted at both the Abidjan and London events. Complicity

The complicity of sport actors/ organisations in sport trafficking emerged as a significant theme.

of sporting actors and organisations was identified by participants as an issue of serious concern facilitating trafficking within sport. For instance, coaches, agents, and other intermediaries within the sports industry may knowingly or unknowingly facilitate trafficking by exploiting their positions of trust and influence over athletes. Of particular concern is where sports organisations, sponsors, or governing bodies may turn a blind eye to trafficking within their ranks or prioritise financial gain over the well-being of athletes, thereby enabling exploitation to occur. In addition, corrupt and/or complicit state officials may also play a role in the trafficking process. The findings in relation to the ‘complicity’ of such actors in sport trafficking reveal significant concerns regarding the obligations and responsibilities of key actors, particularly clubs and parents. Participants emphasised the need for due diligence by clubs when receiving players and interacting with agents. This includes a responsibility to be proactive in identifying and mitigating trafficking risks, which ties directly to their wider corporate responsibility under the international human rights law regime. Moreover, legitimate stakeholders, such as sport organisations, clubs, and parents of minor athletes, play a critical role in preventing sport trafficking, particularly trafficking in sport. Accountability of sport stakeholders was underscored. The issue of ‘uninformed consent’ to exploitation which refers to where consent is rendered irrelevant in terms of article 3(b) of the TIP Protocol¹⁵³ was raised, and further underscored the need for accountability and due diligence when receiving athletes by sport stakeholders.

4.3.4. Common themes

The exploitative nature – particularly of trafficking in sport – is not always apparent. This was highlighted in the questionnaire findings, which offered the lowest consensus among respondents as to how exploitation may manifest in sport. The focus group discussions sought to unpack this further. A key question posed to participants at both the Abidjan and London events was ‘Why is exploitation invisible in the world of sport?’

The Abidjan findings reflect the perceptions primarily of football stakeholders based on the African continent. Subthemes identified included: (i) the networked nature of trafficking, particularly transnational trafficking which is facilitated by (ii) corruption and complicity of predatory agents and state institutions (discussed earlier), as well as (iii) some football academies (particularly unregulated academies) actively engaging in trafficking; (iv) a lack of awareness of parents and guardians was cited as a factor propelling minor players into such exploitation; and (v) lastly, the lack of available data and case law pertaining to sport trafficking renders it ‘invisible’ or ‘insignificant’ to stakeholders, and as such there is a lack of comprehensive support services for survivors.

153 ‘Trafficking occurs if consent is nullified or vitiated by the application of any improper means by the trafficker. In other words, consent of the victim at one stage of the process cannot be taken as consent at all stages of the process—and without consent at every stage of the process, trafficking has taken place.’ Albanese, J. S., Broad, R., & Gadd, D. (2022). Consent, coercion, and fraud in human trafficking relationships. *Journal of Human Trafficking*, 8(1). <https://www.tandfonline.com/doi/full/10.1080/23322705.2021.2019529>

The London event garnered more detailed and diverse responses. As mirrored in the questionnaire, and to a lesser extent the Abidjan event, a lack of political will was cited as a key concern hampering anti-trafficking efforts within sport. As a result, denial of the problem and/or lack of data-driven awareness translates into a limited number of cases being detected and investigated. The positive image that sport conveyed and a need to protect that image and commercial viability, often at the expense of victims, was highlighted by participants. Similar to the Abidjan event, complicity of stakeholders was reiterated.

A further number of subthemes emerged from the discussions, such as (i) types of exploitation; (ii) detection and investigation of cases; and (iii) control methods. Exploitation in contractual and non-contractual settings encompassing child and forced labour, sexual exploitation, and/or some other form of economically exploitative provision of labour or services was referenced. Although not defined by the participants, economic exploitation was perceived as a defining feature in many cases of sport trafficking. In some sports, predatory and/or fake agents and intermediaries, (un)licensed academies which have been developed to channel development of aspiring talent (in most cases children and youth), and clubs exploit regulatory loopholes governing the international transfer of minors, compound and intersect with the phenomenon of sport trafficking. While there are numerous exploitative practices within the world of sport, not all necessarily meet the threshold to be considered trafficking in persons.¹⁵⁴ Participants noted the confluence of deception/fraud and corrupt practices that lead to the exploitation of athletes. Fraudulent contracts and contract substitution (unfair contracts resulting in defrauding the athlete of earnings through excessively high agent commission, power of attorney or debt bondage, excessive working hours, and unfair working conditions, etc.) were commonly cited and are supported by available literature. McGee notes that in some instances agents “*auction the child off to sports franchises and clubs around the world, in a quest to maximize the financial return on their investment*”.¹⁵⁵ Such exploitation not only deprives children of their childhood and educational opportunities, but may also involve excessive work hours, inadequate compensation, and poor living conditions that violate their basic rights.

This fed into the second subtheme whereby the perceived invisibility of sport trafficking, specially where voluntary aspects – such as consensual exploitation – may appear to be present. For instance, “*one question that comes up is whether the issue can be defined as trafficking if someone, even over the age of majority, willingly pays fees to travel to a foreign country and at what point then, is a crime committed. To illustrate this point, attorneys lost a case in Belgium involving minor athletes after an investigation revealed that fake passports were used; and in a Nigerian sports academy, sports agents signed contracts with athletes despite terrible conditions enumerated throughout the contract, after the athletes revealed they wanted to go to Europe to play*”.¹⁵⁶

Recruitment practices were cited as a possible indicator for sport trafficking cases. Cross-border cooperation and collaboration were underscored in the case of transnational trafficking cases. In addition, participants indicated that sport trafficking is linked to other illegal activities and crimes, like tax evasion and money laundering. By acknowledging and investigating discrete offences – as intersecting crimes – that may be committed during the trafficking process, this may allow prosecutors to cast a wider net and still be able to secure a conviction of offences where, for whatever reasons, the evidentiary threshold of trafficking may not have been met. It was underscored that understanding the business model of sport trafficking, including financial flows and exploitation methods, is crucial in identifying and disrupting the operations behind such crimes.

Lastly, control mechanisms and their interrelationship with grooming and an abuse of a position of vulnerability and power were discussed. Power dynamics are inherent within sport – whether between the athlete and coach, agent or club, or even parent. Parents and guardians can unintentionally contribute to the exposure of young athletes to trafficking and exploitation due to their lack of understanding of the sports industry’s workings and/or the pressure they place on young athletes to succeed at all costs. In extreme cases, parent/guardians may be complicit in the

154 Exploitation in contractual settings often further serves as a control mechanism, binding the individual or victim to maintain an exploitative relationship. This could manifest through contracts that are heavily exploitative in nature and in favour of the club or agent, incorporating unfair terms that restrict the athlete’s autonomy.

155 McGee, D. (2012). Displaced childhood: Labour exploitation and child trafficking in sport. In A. Quayson & A. Arhin (Eds.), *Labour migration, human trafficking and multinational corporations: The commodification of illicit flows* (1st ed., p. 74). New York: Routledge.

156 Hall, M. (2018, April 20). Foreign policy: The scramble for Africa’s athletes. *Foreign Policy*. <https://foreignpolicy.com/2018/04/20/the-scramble-for-africasathletes-trafficking-soccer-football-messi-real-madrid-barcelona/> Cited in Franklin, A. (2021). Human trafficking of athletes: An unseen urgency in the wide world of sports. *Thurgood Marshall Law Review*, 46(1), 1-23.

exploitation of a minor athlete as they may be aware of exploitative purpose of perpetrators in the process and also seek their material enrichment. The findings suggest that the unique vulnerability of athletes to maltreatment (which is markedly higher than the general population), the relationships and power dynamics at play within sport, coupled with weak safeguarding regulatory systems, may create enabling environments for traffickers. Especially in football, the complicity of clubs, where the compensation regime can be manipulated, underscores the need to scrutinise football's control methods that are underpinned by the operation of its regulations.¹⁵⁷

4.3.5. Efficacy of anti-trafficking polices and responses

Participants at both events were asked about their perceptions of the efficacy of current legal frameworks in addressing trafficking in and through sport. Similar to the findings in the questionnaire, a number of participants called into question the efficacy of existing legal and regulatory frameworks, whilst others pointed to the need for better implementation and policy guidance. Participants indicated that sport regulations are not sufficient to address the problem of trafficking. They felt that this stemmed from sport's lack of acknowledgement of the problem as an issue requiring serious intervention.

A number of common themes emerged and reiterated certain findings discussed earlier in the section, such as the absence of reliable data which impedes awareness, detection, and prosecution of sport trafficking cases. Participants felt that sport regulatory frameworks do not adequately address trafficking. Limited regulatory power within sport governing bodies and a lack of collaboration between stakeholders contribute to gaps in addressing human trafficking in and through sport. Some participants felt that the lack of sport-specific juridical terminology and recognition of sport trafficking hampers prevention, protection, and prosecution efforts. Trafficking in and through sport are lesser-known forms of trafficking, and thus, lack of awareness by law enforcement and prosecutors may mean that fewer cases are identified or investigated as such. As a result, it was recommended that policy development in this field be prioritised. Issues pertaining to the protection of athletes across the gamut of abuse and exploitation, barriers to reporting, access to justice and redress, as well as victim protection, need to be addressed in order to effectively reduce vulnerability of athletes. In addition, the commodification of athletes, particularly in the case of football's transfer system, was cited as requiring further intervention to reduce vulnerability and exploitation. Cooperation and coordination of key stakeholders, including sport governing bodies, law enforcement agencies, and civil society, are needed to address this phenomenon in sport effectively.

4.3.6. Recommendations

Participants at the Abidjan event proposed a number of interventions to address the perceived gaps in anti-trafficking response within sport. Proposed interventions included: (i) awareness-raising initiatives amongst parents and athletes; (ii) education and training of football academy staff and owners; (iii) development of realistic opportunities for children in their home countries; (iv) enhancing legislation to address loopholes in anti-trafficking laws and strengthen regulations to identify and penalise traffickers posing as legitimate agents; and (v) establish an independent office to manage athlete documents for monitoring and supervision.

These recommendations reiterate many of the points made throughout the section. While there are initiatives and organisations working to address 'sport trafficking', the perceived reluctance to fully tackle trafficking stems from various factors, such as enforcement challenges, cultural norms, and the complex nature of exploitation within the industry. Of significance in this context is the call to strengthening and rigorous enforcement of existing legislation and regulatory instruments, coupled with a call for child safeguarding legislation and policy frameworks. Safeguarding policies and enforcement at all levels remain insufficient in sport. It was felt that without addressing these issues, athletes will remain vulnerable to exploitation, and reporting of cases will remain low. Continued

¹⁵⁷ Compensation rules in football are regulations governing the financial obligations and entitlements related to player transfers and contracts. These rules can inadvertently create vulnerabilities that facilitate human trafficking, particularly in the context of young players. For example, the complex nature of international transfers and the significant amounts of money involved can obscure the true nature of transactions. This opacity can be exploited by traffickers to move players illicitly and profit from their exploitation.

efforts and collaboration, as well as ensuring accountability of sport stakeholders, are essential to overcome these challenges and ensure the protection and well-being of athletes, especially children, in the world of sports.

Awareness and education of key stakeholders, including agents, intermediaries, coaches, clubs, academies, and parents/guardians is vitally important. Raising awareness about the risks and signs of exploitation can empower individuals within the sports community to prevent and report exploitation. Educational programmes and campaigns can be developed to inform stakeholders about the legal frameworks that exist to protect athletes, particularly minors, and the channels available for reporting suspected cases of trafficking or exploitation.

An innovative approach to raising awareness and education of key stakeholders is the use of simulated parliamentary committee hearings on 'sport trafficking'. This approach can help lawmakers, stakeholders, and the public understand the intricacies of sport trafficking. It can also serve as an advocacy tool to push for legislative or policy changes by demonstrating the need for robust legal frameworks to protect victims and prosecute perpetrators.

4.4. Conclusion

A marked consensus of major points is noted in the questionnaire and two consultative forums. The need for strengthened regulatory and legislative frameworks, coupled with political will, to address trafficking in and through sport is underscored. Mechanisms to ensure greater oversight and accountability within the field of sport are required. Greater efforts through awareness-raising, education, and resource allocation are required to protect vulnerable, at-risk groups of athletes. Similarly, interventions are required amongst agents and at the club level to address questions of complicity within the trafficking process. Cooperation and coordination are once again underscored.



05

5. A TYPOLOGY OF SPORT TRAFFICKING

This section of the report presents a typology of sport trafficking supported by case studies, the evidence from the reviewed literature in section 3, and research findings of section 4. The typology provides a novel understanding of the various types of sport trafficking that have been demonstrated to exist, grounded in the legal definition of the TIP Protocol. This section serves as a seminal work on sport trafficking in this regard.

This typology of sport trafficking provides a brief review of the different types of trafficking evident in, through, and around sports. In each case, the existence of trafficking will be determined by the presence of the necessary constituent elements of the trafficking crime as per the definition of the TIP Protocol. Thus, the determination of whether trafficking of a specific type has occurred will hinge on whether the situation involves the requisite act, means, and exploitative purpose (or in the case of child trafficking, act and purpose).



Experts during the High Level Side Event at the 78th session of the General Assembly themed Technological Solutions to Tackling Exploitation and Human Trafficking in Sport at the UNGA 78th Session.

TABLE 1

Sport trafficking typology overview

Category	Type	Perpetrator(s)	Context of exploitation	Description
Trafficking in Sport	Exploitative sport entity	Sports organisation	In sport	Direct recruitment by sports organisations intending to exploit athletes within their own operations.
	Exploitative intermediary for non-exploitative organisation	Intermediary/ agent	In sport	Agents or intermediaries exploit athletes during recruitment for sports organisations that do not engage in exploitation themselves.
	Non-Exploitative intermediary for exploitative organisation	Sports organisation	In sport	Agents or intermediaries recruit athletes without exploitation, but the sports organisation exploits the athletes.
	Exploitative intermediary for exploitative organisation	Intermediary/ agent + sports organisation	In sport	Both the agent or intermediary and the sports organisation are involved in exploiting the athlete.
	Family trafficking in sport	Family members	In sport	Families exploit or facilitate the exploitation of their athlete family members, often minors.
Trafficking Through Sport	Fraudulent agents	Fraudulent agent / intermediary	Through sport	Fraudulent agents lure athletes into exploitation outside the sports industry using false promises of sports opportunities.
	Fraudulent agents for outside exploitation	Fraudulent agent / intermediary + outside actor	Through sport	Fraudulent agents collaborate with third parties to exploit athletes outside of sports.
	Non-sporting actor for onward exploitation	Outside actor	Through sport	Athletes exploited by non-sporting actors due to vulnerabilities from unsuccessful sports careers.
	Family trafficking through sports	Family members	Through sport	Families exploit or facilitate the exploitation of athletes using false sports opportunities.
Trafficking Around Sport	Sex trafficking in connection with sporting events	Outside actor	Around sport	Increased demand at sporting events leads to sex trafficking by external actors.
	Labour trafficking in connection with sporting events	Outside actor	Around sport	Labour exploitation by subcontractors at sporting events, e.g. venue cleaning or concessions.
	Labour trafficking in sport supply chains	Outside actor (possible sports organisation involvement)	Around sport	Trafficking in the supply chains related to sports organisations, e.g., in the production of merchandise or venue construction.

For the purposes of the typology, it is recognised that sport trafficking may involve a wide range of actors, interacting with one another in various ways. However, there are four general categories of people that may be involved in sport trafficking cases in addition to athletes and aspiring athletes themselves: the families of athletes and aspiring athletes; agents and intermediaries that operate between athletes and sports organisations (both with legitimate agent status and fraudulent agent status); sports organisations; and outside actors beyond the sports industry. These outside actors may take a wide variety of forms, including traffickers connected to exploitation in any sector or industry, whether operating individually or as part of an organised criminal network.

FIGURE 2

Actors involved in sport trafficking



Athletes and
aspiring athletes



Intermediaries/
agents



Sports
organisations



Families of athletes and
aspiring athletes



Outside
actors

A single sport trafficking case may only involve trafficking by one of these actor groups. On the other hand, a case may involve trafficking by multiple different actors, either working in concert or independently. Trafficking is often constructed as a form of organised crime and frequently involves organised criminal actors. However, this is not a necessary element of the legal definition of trafficking, which can be performed by a single individual working in isolation.

The typology is delineated along two core dimensions, the context in which the exploitation takes place (or is intended to take place) and the identity of the actors involved in perpetration.



CONTEXT OF EXPLOITATION

Where the exploitation takes place or is intended to take place. This includes exploitation in the performance or sports activities or within the sports industry (trafficking in sport), exploitation outside the sports industry without a substantive connection to sports (trafficking through sport), and exploitation in a non-sporting activity connected to sports organisations, activities, or events (trafficking around sport).

In sport

Through sport

Around sport



PERPETRATOR IDENTITIES

The actors involved in the perpetration of sport trafficking. This includes those directly involved in the exploitation of people or intending to engage in such, as well as those engaged in activities that contribute to a trafficking scenario. Actors may include the families of athletes and aspiring athletes, intermediaries and agents, sports organisations, and outside actors.

Intermediaries/ Agents

Sports Organisations

Outside actors

Families

Within each 'type' of sport trafficking, other features of trafficking may vary widely. This includes:

- **Level of organisation:** The degree to which different actors in a trafficking scenario are coordinated, as well as the extent and level of structure of networks involved.
- **Methods of control:** The coercive methods used to establish, develop, or maintain a trafficking scenario.
- **Exploitation type:** The form of exploitation to which the victim is subjected. This may take a single form (e.g., labour exploitation or sexual exploitation) but may also involve a combination of several types of exploitation concurrently, consecutively, or varying over time.
- **Perpetrator motivations:** The underpinning motives of those involved in the perpetration of sport trafficking, whether they are driven by financial profit, personal gratification, or other factors.
- **Movement and migration:** The extent and nature of movement involved in the trafficking scenario, including whether the victim moves or migrates domestically (within their home country) or internationally (to a third country), how often they are moved, how far they are moved, what modes of transportation are employed, who is involved, and their migration status and documentation.
- **Additional violations:** Other crimes or forms of violence or abuse committed against the sport trafficking victim in conjunction with their sport trafficking experience, which may themselves constitute additional crimes by the perpetrator(s). Victims may be subjected to a wide range of different violations, which themselves may or may not form one of the elements of a trafficking crime but which may constitute distinct crimes. Perpetrators may also commit connected crimes not directly associated with a victim's experience of trafficking, but relevant for law enforcement (e.g. money laundering).

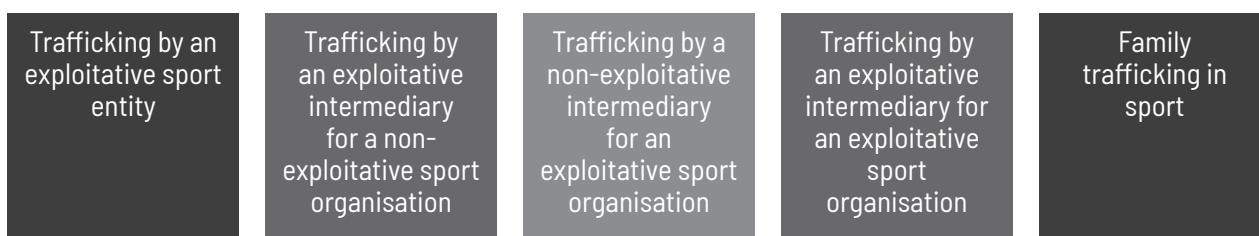
The typology seeks to capture the wide diversity of sport trafficking cases, without limiting consideration of potential cases as assessed against the requirements of the legal definition of trafficking. The typology should therefore be read in conjunction with the interpretive guide (Annex A) to understand the various circumstances which may constitute sport trafficking.

5.1. Trafficking in sport

Trafficking in sport is the recruitment, transportation, transfer, harbouring, or receipt of athletes or aspiring athletes for the purpose of their exploitation in sports organisations, activities, competitions, or events (i.e. the exploitative purpose involves the victim's participation in sports). This may include the recruitment or transfer of athletes in sport for forced labour (compelling athletes to work under threat or coercion and involuntarily), sexual exploitation (committed in the context of sporting activity and might be in commercial nature (economic) and non-commercial (personal)), and situations where athletes are treated as property, bought and sold, or have severe restrictions on their freedom. A victim's participation in sports may take various forms, including participation in a range of sports activities (trials / try outs, training, matches, games, competitions) in different capacities and status (amateur or professional).

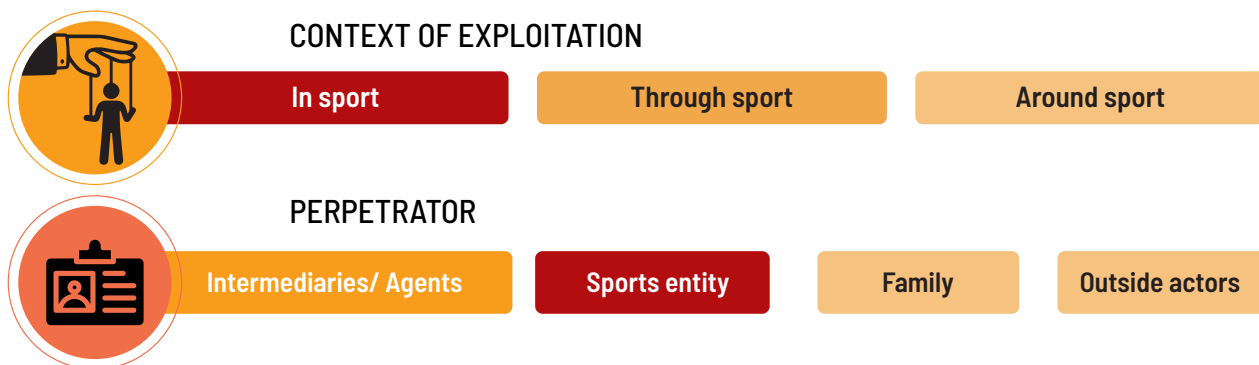
The defining characteristic of trafficking in sport is that the exploitation takes place (or is intended to take place) within the sports industry or sporting activities.

Trafficking in sport breaks down into five overarching types, based on the knowledge and behaviour of different actors involved:



Note: Not all forms of exploitation of athletes will rise to the level of severity required to establish a trafficking crime, and the elements of the specific exploitation types set out in the law must be satisfied. Other legal regimes are also relevant for addressing the exploitation of athletes and aspiring athletes and may tackle forms of exploitation that do not cross the threshold of trafficking.

5.1.1. Trafficking by exploitative sport entity



In this type of trafficking in sport, sports organisations are responsible for directly recruiting athletes into their organisation, without employing the services of an intermediary or agent. The sports organisation does so with the intention that the athlete will be exploited within their organisation, often in the form of forced labour or services.

CASE STUDY 1

Moninda Marube and the Duma Runners Club

Moninda Marube—a Kenyan runner who had already competed internationally in Europe, Asia, and Australia—travelled to the US to compete in a marathon on a temporary visitor visa. While there, a friend suggested he travel to Minnesota to train with William Kosgei, another Kenyan expat and founder of a successful running club ‘Duma Runners Club’. Marube and Kosgei exchanged emails, discussing visas and potential training arrangements. Kosgei made Marube sign a 9-page contract without giving him time to go through it.

Marube stayed in Kosgei’s house for 9 months, during which his visa expired and he ‘feared arrest if he tried to leave or approached the authorities about his treatment’. Marube witnessed Kosgei threatening other athletes with being sent back to Kenya or revocation of their visas, which fuelled his fear about his own immigration situation. Kosgei confiscated his passport and visa, prevented him from communicating via phone or internet, restricted his mobility, and pocketed all but a fraction of his appearance fees and winnings. Marube was forced to run in dozens of races, but did not retain enough of his own race income even to afford food, which Kosgei did not provide consistently.

Marube says he was forced to share a single room with 5 to 7 other runners, some staying on mattresses and others on the floor. Other Duma runners who also lived in Kosgei’s house at the time also complained about unfair financial arrangements with Kosgei.

Perpetrator	Act	Means	Purpose
Sport entity: coach Kosgei, agent of Duma Runners Club	Recruitment Transportation Harbouring	Other forms of coercion Deception Abuse of power or a position of vulnerability	Forced labour



CASE STUDY 2

Elite Taekwondo athletes in the US

Elite female taekwondo athletes were recruited by Steven López to train under him and travel to domestic and international tournaments. While acting as their coach, López abused his position of power and the vulnerability of athletes that he recruited and groomed, often as minors. Athletes were sexually exploited by both López and his brother. Athletes feared both physical harm and retaliation in their sporting careers if they did not comply. Physical violence by López against some athletes amplified the fear of similar treatment amongst others. López's control over who would be a part of competitive teams, and the quality of training athletes would receive was also used to coerce the athletes.

The United States Olympic Committee (USOC) housed one of the athletes at their facilities, paid her a stipend, and observed her in competitions. This athlete also reported the López brothers' abuse to USOC both verbally and formally in writing, but they did not take any action to intervene. USOC also benefitted from López's venture, collecting sponsorships, licensing, grants, publicity, and medals. For this reason, USOC was also found to have been 'associated in fact' to the abuse.

Perpetrator	Act	Means	Purpose
Sport entity: coach López	Recruitment	Threat or use of force	Sexual exploitation (non-commercial)
	Transportation	Other forms of coercion	
	Harbouring	Abuse of power or a position of vulnerability	
	Receipt		



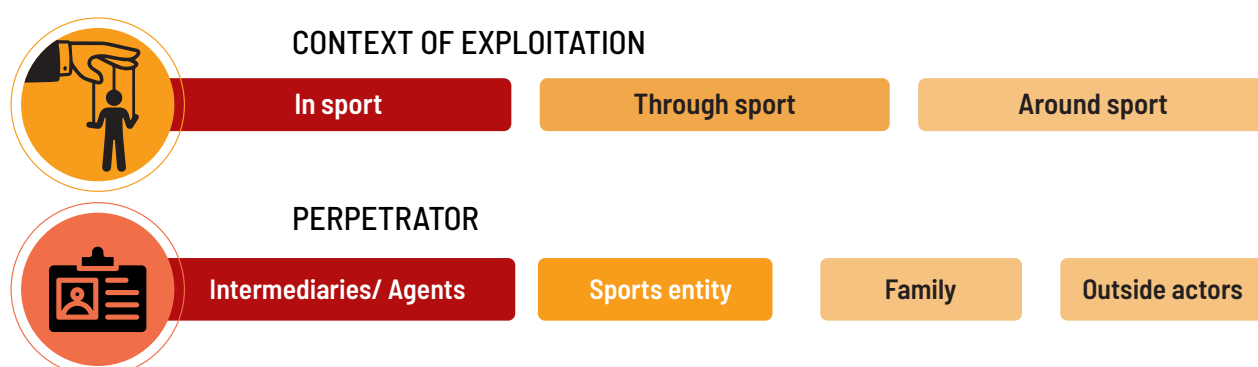
CASE STUDY 3

An Ethiopian long-distance runner

An 18-year-old Ethiopian long-distance runner was recruited in Addis Ababa by a Turkish running coach, who persuaded her to switch her allegiance to Azerbaijan. The recruiter promised her a good salary, a house, and a car if she won races. These promises were never fulfilled. Instead of receiving \$300 a month (increased to \$1,000 if she had a good result), she only received \$150 a month. The remaining payments and prize money were stolen by her coach. She was pressured and tricked into taking performance enhancing drugs, to train in freezing conditions at a training camp, and to compete while injured.

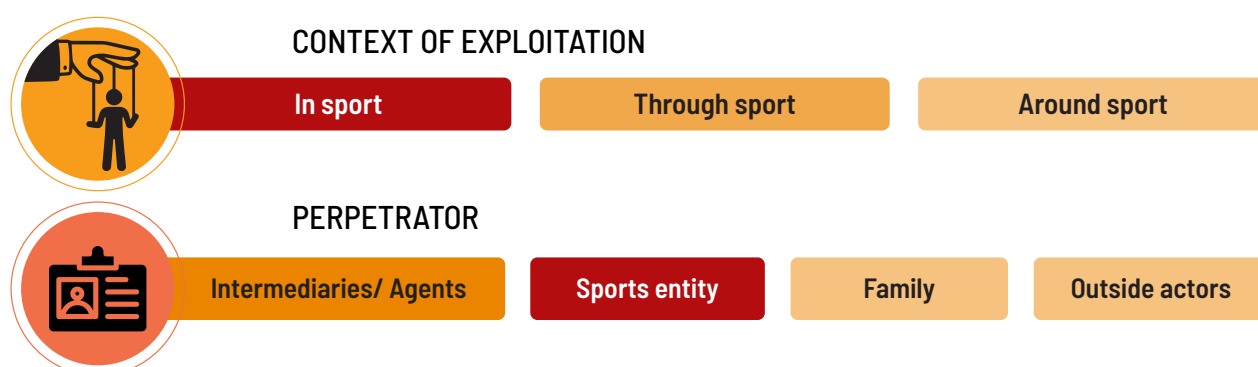
Perpetrator	Act	Means	Purpose
Sport entity: running coach	Recruitment	Other forms of coercion	Forced labour
	Transportation	Deception	
	Harbouring	Abuse of power or a position of vulnerability	

5.1.2. Trafficking by exploitative intermediary for non-exploitative sport organisation



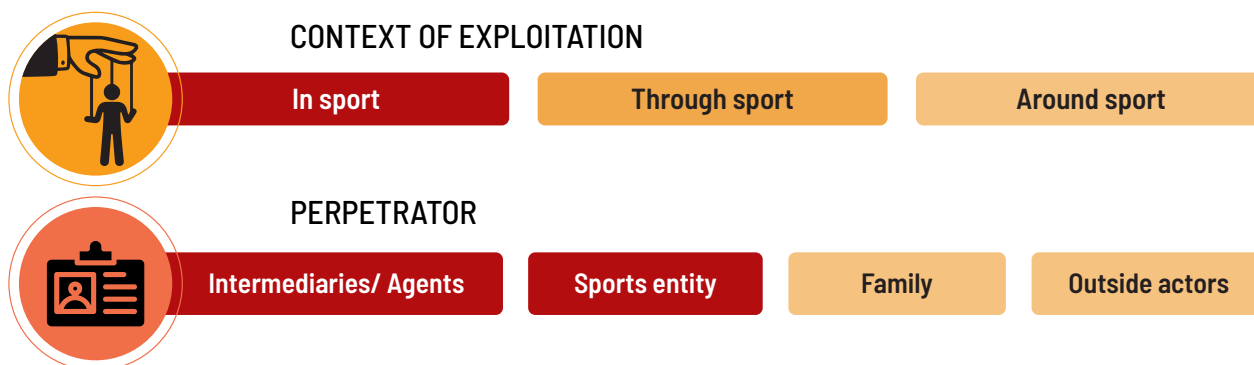
In this type of trafficking in sport, intermediaries or agents facilitate the recruitment of athletes for a sports organisation. While the sports organisation does not perpetrate the exploitation of the athlete, the intermediary or agent is responsible for exploiting the athlete. This may occur during the migration journey, or once the athlete has joined the sports organisation. The form that the exploitation takes varies from case to case, and may involve economic exploitation, forced labour or services, debt bondage, or sexual exploitation of the athlete. Agents and intermediaries often have a relationship of power over athletes and aspiring athletes, which they may use to perpetrate exploitation against them. Abuse of the vulnerability of aspiring athletes and their families as a result of socio-economic conditions is also a common marker of this type.

5.1.3. Trafficking involving non-exploitative intermediary for exploitative sport organisation



In this type of trafficking in sport, intermediaries or agents facilitate the recruitment of athletes for a sports organisation, without themselves engaging in exploitation of the athlete and without knowledge or intent that the athlete will be exploited by the sports organisation. The sports organisation, on the other hand, engages the athlete with the purpose of their exploitation either within the organisation or by other organisations. They may have an intent to exploit the athlete from the outset, or the situation of the athlete within the organisation may develop into exploitation over time.

5.1.4. Trafficking by exploitative intermediary for exploitative sport organisation



In this type of trafficking in sport, intermediaries or agents facilitate the recruitment of athletes for a sports organisation with knowledge or intent that the sports organisation will engage in exploitation of the athlete, or themselves engaged in exploitation of the athlete in addition to the exploitation perpetrated by the sports organisation. Thus, this type of trafficking in sport has two basic sub-types:

Type A: The intermediary or agent knows that the athlete will be exploited in the sports organisation (purpose element), and themselves commit one of the specified trafficking acts (and for adult victims, does so through one of the specified means). However, the intermediary does not themselves engage in an exploitative act against the victim.

Type B: The intermediary or agent themselves engages in exploitation of the athlete (satisfying the requisite act, means, and purpose elements of the trafficking crime), as well as facilitating the athlete's relationship with an exploitative sports organisation. In this case, the intermediary or agent need not be aware that the sports organisation is also exploitative.



CASE STUDY 4

The Atlético Independiente Football Club

The Atlético Independiente Football Club collaborated with intermediaries to recruit children (aged 13-17) from Argentinian provinces from poor socio-economic backgrounds, transported them to the interior of the country, integrated them into the club, and housed them in a sports complex on the outskirts of Buenos Aires. There, several members of staff would take the children during their free time to private apartments across the city and forced them to perform sexual acts in exchange for money. Money, tickets to visit their relatives, and sports clothes were also sometimes used to coerce the children into sexual acts. The transportation of the athletes to apartments was facilitated by a 19-year-old former club player who continued to reside on the premises with the athletes, as well as at least four other members of the club staff. One intermediary in particular – Alberto Amadeo Ponte – was also implicated in the exploitation, although it is not clear whether he participated directly in the sexual exploitation.

Perpetrator	Act	Means	Purpose
Intermediary: agents in origin countries	Recruitment Transportation Transfer	Deception Abuse of power or a position of vulnerability	Forced labour
Sport entity: Atlético Independiente Football Club	Recruitment Transportation Harbouring Receipt	Other forms of coercion Deception Abuse of power or a position of vulnerability	Sexual exploitation (Commercial) Forced labour
Outside actor: individuals engaged in purchasing sexual acts from athletes	Receipt	N/A	Sexual exploitation (Commercial) Forced labour



CASE STUDY 5

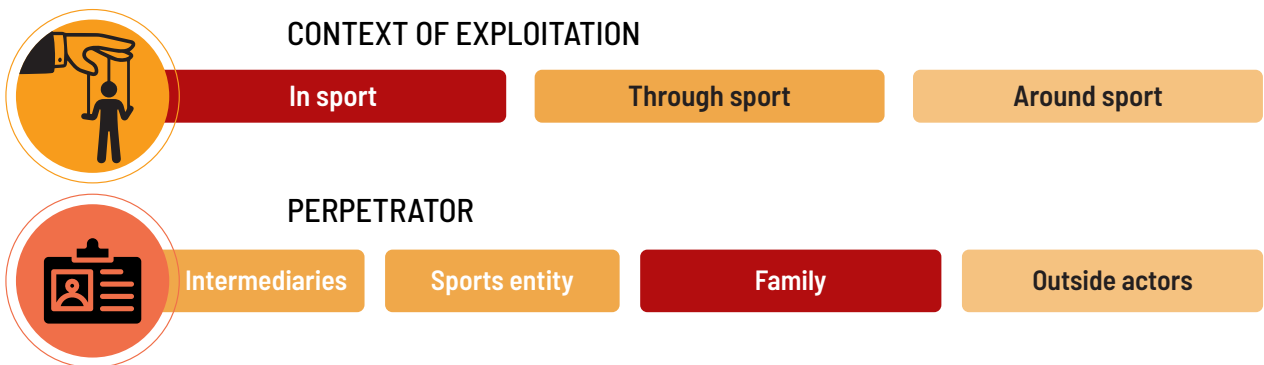
The Bsport Football Academy, Portugal

Coaches in local academies in origin countries in Africa and South America conspired with the Bsport Football Academy in Portugal to recruit young talent to the academy. Athletes were promised a bright future and professional career. Local coaches convinced the parents and relatives of young aspiring athletes to pay large sums to cover travel, documents, and maintenance for their children at the Bsport Academy. Thousands of Euros were collected from families, who were also forced to pay additional sums when their children arrived at Bsport.

When the children arrived in Portugal, Bsport management confiscated their passports and identity documents, prevented them from travelling or seeing their families, and prevented from talking to their families except to ask for additional payments. The coaches at Bsport constantly criticised and insulted the children to 'break them down,' causing them to lose confidence. They were intentionally isolated, mistreated, and humiliated. They were required to train for long hours without being properly fed or taken care of, housed in poor living conditions. Most of the children spent more than two years at Bsport before they were rescued and were found emaciated and depressed.

Perpetrator	Act	Means	Purpose
Intermediary: coaches in origin countries	Recruitment Transportation Transfer	Other forms of coercion Deception Abuse of power or a position of vulnerability	Forced labour
Sport entity: Bsport Football Academy	Recruitment Transportation	Other forms of coercion Deception Abuse of power or a position of vulnerability	Forced labour

5.1.5. Family trafficking in sport



In this type of trafficking in sport, the families of athletes or aspiring athletes (usually minors) qualify as perpetrators of trafficking. This may be achieved in multiple different ways, but broadly requires that the family have knowledge that the athlete will be exploited as part of the process they are engaging in seeking to enter the sports industry, or that they themselves become involved in the exploitation. Thus, this type of trafficking in sport has two basic sub-types:

Type A: The family knows that the athlete will be exploited by the intermediary or agent, or by the sports organisations, and themselves commits one of the specified trafficking acts (and for adult victims, does so through one of the specified means). Most commonly, this will be established through the transfer of the athlete (see further section 4.4.3). However, the family does not themselves engage in an exploitative act against the victim. It is not sufficient that the family understands that there is a risk of trafficking in the sports industry generally, the knowledge or intent must be specific to the case at hand (unless objective recklessness is an element of the crime in the domestic legal system – see further section 4.3.2 on the construction of *mens rea* in trafficking cases).

Type B: The family themselves engage in exploitation of the athlete (satisfying the requisite act, means, and purpose elements of the trafficking crime) in conjunction with their journey into the sports industry. This may be achieved for instance through the family of a minor controlling the child’s contract with a sports organisation and their finances, forcing them to work in the organisation without receiving pay or benefits. In this case, it is not necessary that an intermediary, agent, or sports organisation are also exploitative, or where they are the family need not be aware of this fact.

5.2. Trafficking through sport

Trafficking through sport is the recruitment, transportation, transfer, harbouring, or receipt of athletes, aspiring athletes, or retired athletes for the purpose of exploitation by non-sports organisations, using false promises about engagement in the sports industry as a lure or taking advantage of vulnerabilities generated by an individual’s engagement with the sports industry (i.e., the exploitative purpose does not involve the victim’s participation in sports). This may include fraudulent agents making false promises to an aspiring athlete in order to lure them into a situation where they are placed in exploitation with no connection to sports, often with the athlete having travelled away from home and therefore disconnected from support networks.

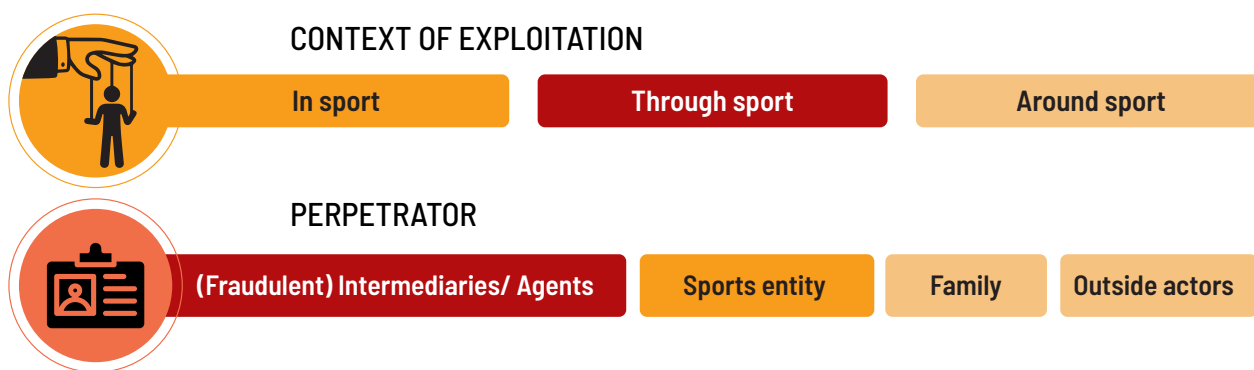
Trafficking through sport may also involve targeting of athletes who were unable to establish a successful athletic career, taking advantage of vulnerabilities generated by an individual’s engagement with the sports industry. For instance, where a young athlete migrates to pursue an academic prospect, does not find success, and is left vulnerable as a result of their precarious immigration status, lack of supportive connections in the host country, and potentially by having been taken advantage of by sports intermediaries or organisations.

In contrast to trafficking in sport, trafficking through sports is predicated on the use of sport by perpetrators of human trafficking as a mechanism for achieving, facilitator, or enabler of trafficking crimes. The exploitation itself does not take place within the sports industry or sporting activities.

Trafficking through sports breaks down into four overarching types, based on the knowledge and behaviour of different actors involved:



5.2.1. Trafficking by fraudulent agents



In this type of trafficking through sport, fraudulent individuals misrepresent themselves as sports agents or intermediaries with a relationship with a sports organisation that will enable an athlete or aspiring athlete to enter or progress in the sports industry. The fraudulent intermediary or agent then uses the promises related to engagement in the sports industry to lure an athlete or aspiring athlete into a situation of exploitation outside the sports industry, where the fraudulent intermediary or agent is themselves the perpetrator of the exploitation.

5.2.2. Trafficking by fraudulent agents for outside exploitation



In this type of trafficking through sport, fraudulent individuals misrepresent themselves as sports agents or intermediaries with a relationship with a sports organisation that will enable an athlete or aspiring athlete to enter or progress in the sports industry. The fraudulent intermediary or agent then uses the promises related to engagement in the sports industry to lure an athlete or aspiring athlete into a situation of exploitation outside the sports industry, where the exploitation is perpetrated by a third actor.



CASE STUDY 6

Trafficking through football from Colombia to Spain

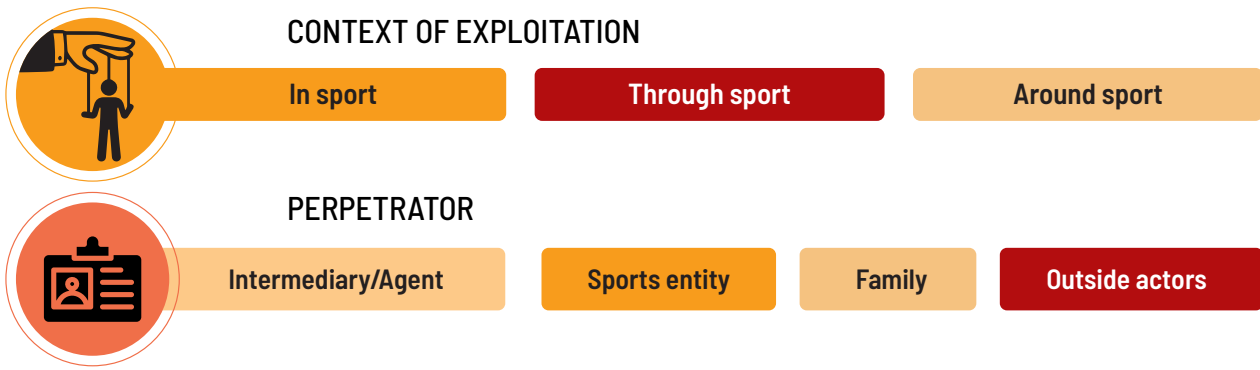
Three fraudulent agents from Colombia and one from Spain conspired to recruit five young football players (generally aged 17-25) from Colombia and Argentina, transporting them to Spain on the promise of a football career. The agents used photos and videos of sports centres and fields (none of which they had access to) to convince the athletes of their legitimacy. The fact that the agents knew and moved around sport networks also added to the appearance of legitimacy. Athletes were required to cover the expenses of the travel, but the agents assured them that they would earn enough in Spain to cover the expense. Many of the athletes' families contracted debts to pay for the trip.

Once the athletes arrived in Spain, they were crowded into a single dwelling and only allowed to interact with each other. They were kept in conditions of absolute poverty, sometimes having to beg to survive. The athletes were required to pay a monthly fee for accommodation and maintenance. To cover all expenses, they were forced to participate in same-sex intimate encounters chat, controlled and managed by the organisation's leader. They were transported around the province to perform sexual acts in exchange for money. The agents confiscated all money they earned and threatened to tell their families about the activities, causing them great shame. They also confiscated the athletes' passports and charged a 50% commission when any of the young men found clients on their own.

Perpetrator	Act	Means	Purpose
Intermediary:	Recruitment	Other forms of coercion	Sexual exploitation (commercial)
Fraudulent agents	Transportation	Fraud	Forced labour
	Transfer	Deception	
	Harbouring Receipt	Abuse of power or a position of vulnerability	

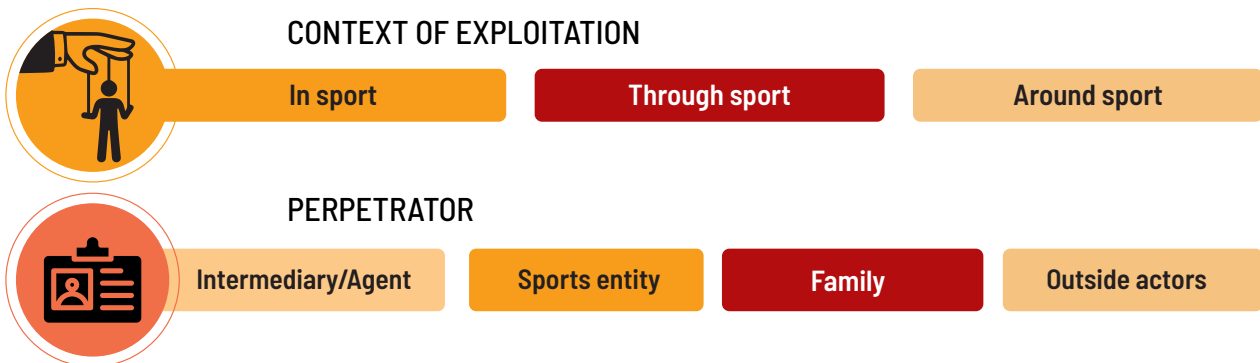


5.2.3. Trafficking by non-sporting actor for onward exploitation after sport



In this type of trafficking through sport, athletes who have been engaged in the sports industry in some way but have not achieved success become vulnerable to exploitation by outside actors because of circumstances associated with their experience in the sports industry. Most commonly, this occurs with foreign nationals that have been enticed to a country in pursuit of a sports career that has been unsuccessful, but whose immigration status, mental or physical health, socio-economic background, and current economic conditions make it difficult for them to secure alternative work in the foreign country or to return home. This may occur after a legitimate journey into the sports industry without inherent exploitation but is more likely to arise where there has been an element of exploitation or trafficking in sport.

5.2.4. Family trafficking through sport



In this type of trafficking through sport, the families of athletes or aspiring athletes (usually minors) qualify as perpetrators of trafficking. This may be achieved in multiple different ways, but broadly requires that the family have knowledge that the aspiring athlete will be exploited as part of the false process they are engaging in seeking to enter the sports industry, or that they themselves become involved in the exploitation. Thus, this type of trafficking through sports has two basic sub-types:

Type A: The family knows that the aspiring athlete will be exploited by the intermediary or agent or outside actors, and themselves commits one of the specified trafficking acts (and for adult victims, does so through one of the specified means). However, the family does not themselves engage in an exploitative act against the victim. It is not sufficient that the family understands that there is a risk of trafficking associated with migrating in pursuit of a sports career generally, the knowledge or intent must be specific to the case at hand (unless objective recklessness is an element of the crime in the domestic legal system – see further section 4.3.2 on the construction of *mens rea* in trafficking cases).

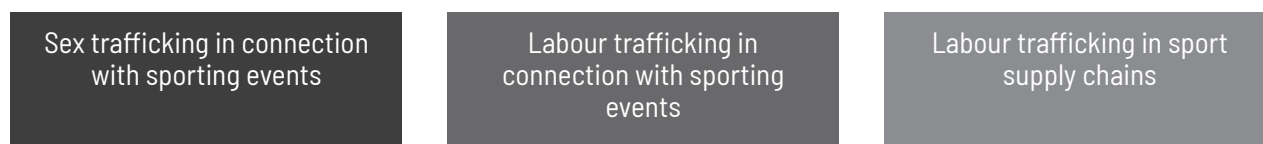
Type B: The family themselves engage in exploitation of the athlete or aspiring athlete (satisfying the requisite act, means, and purpose elements of the trafficking crime) in conjunction with their false journey seeking entry into the sports industry. This may be achieved for instance through extended family networks, placing the athlete or aspiring athlete in the care of a distant family member who exploits them in labour or sexual exploitation or domestic servitude.

5.3. Trafficking around sport

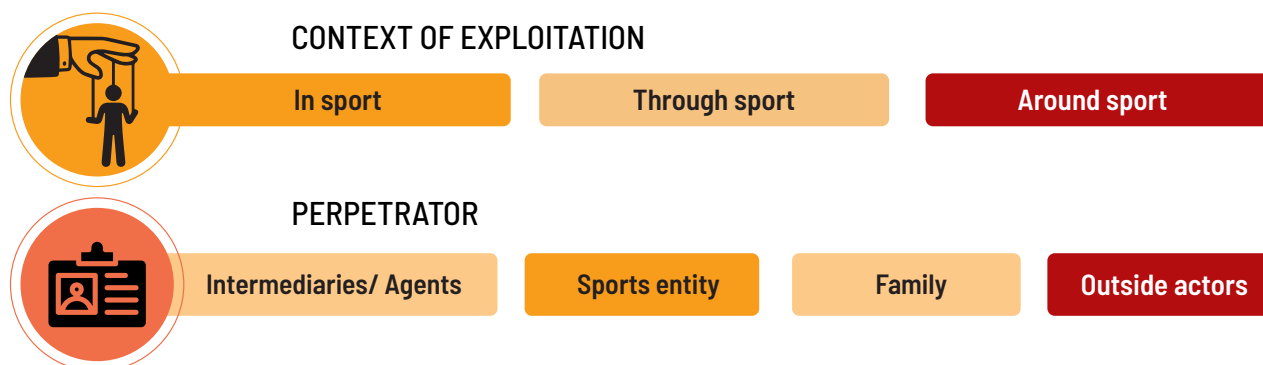
Trafficking around sport involves the recruitment, transportation, transfer, harbouring, or receipt of persons for the purpose of exploitation connected to sports organisations, activities, competitions, and events but not conducted within sporting activities (i.e., the exploitative purpose involves the victim being exploited at sporting events or in sports supply chains, but not directly participating in sports). This may include the recruitment or transportation of individuals into a host city of sporting event for sexual exploitation, labour exploitation in sports-related facilities or at sporting events, exploitation in sports supply chains including the construction of stadiums, forced criminality using sports events or facilities as a front to force individuals to engage in illegal activities, such as drug trafficking, illegal betting, or other forms of crime.

In contrast to trafficking in and through sports, trafficking around sport is not focused on the exploitation of athletes or aspiring athletes, but on the exploitation of others in conjunction with the sports industry or activities.

Trafficking around sport breaks down into three overarching types, based on the knowledge and behaviour of different actors involved:

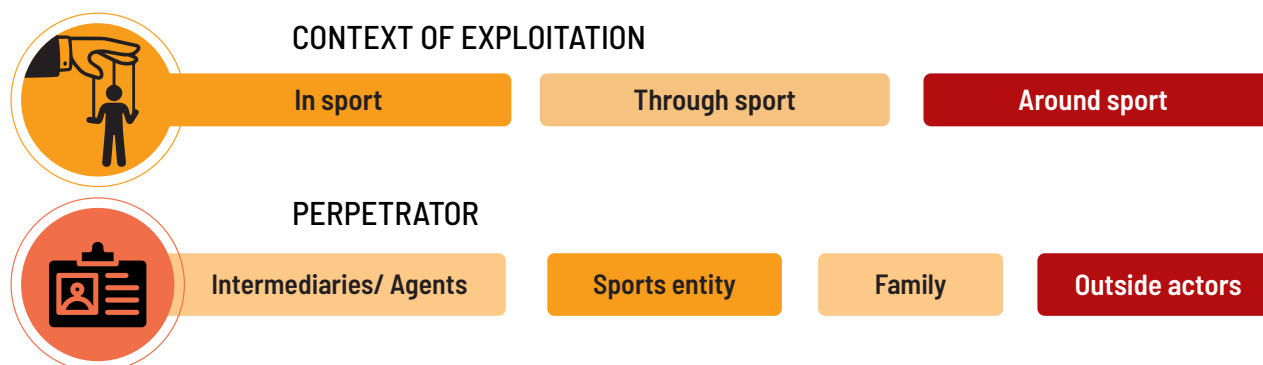


5.3.1. Sex trafficking in connection with sporting events



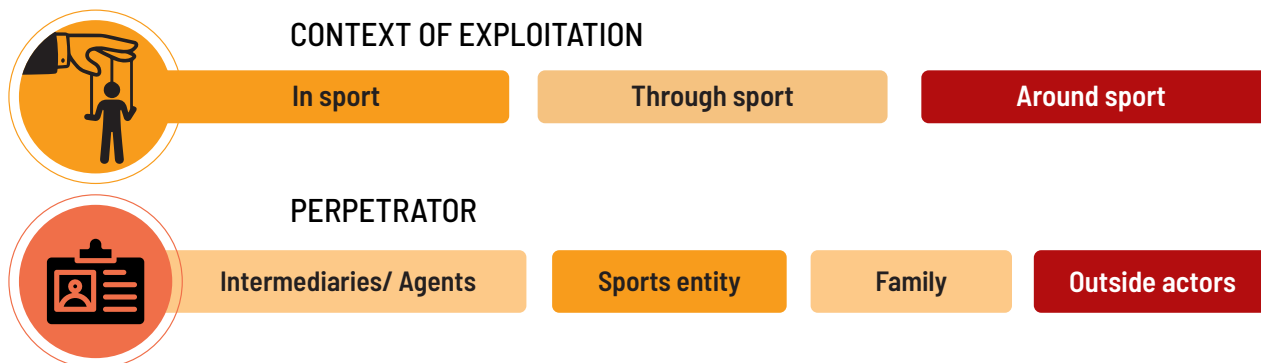
In this type of trafficking around sport, trafficking in persons for the purpose of sexual exploitation takes place in conjunction with sporting events or activities. The influx of people attending sporting events is seen as a driver of increased trafficking for sexual exploitation, and those involved in the event (whether sports organisations, athletes, or bystanders) are potential demand-side offenders. The extent to which sporting events drive an increase in trafficking for sexual exploitation is not well evidenced. However, demand connected to sporting events may still be seen as a form of trafficking around sport.

5.3.2. Labour trafficking in connection with sporting events



In this type of trafficking around sport, trafficking in persons for the purpose of labour exploitation takes place in conjunction with sporting events or in sporting venues. This may be seen in the use of labour exploitation by sub-contractors engaged in organising or running sporting events, including for instance in cleaning venues or operating concessions.

5.3.3. Labour trafficking in sport supply chains



In this type of trafficking around sport, trafficking occurs in industries connected to the sports organisation through their supply chains but is perpetrated outside of the sports organisation itself. This may occur where trafficking is evident in the construction, maintenance, or operation of sporting venues, as well as in the production of materials purchased (and potentially sold) by the sports organisation such as kit, equipment, and merchandise.

Note: In these cases, responsibility may also attach to the sports organisation, depending on the structure of domestic law governing supply chain management and vicarious liability.



CASE STUDY 7

The FIFA World Cup in Qatar

In preparation for the 2022 FIFA World Cup being hosted in Qatar, the Khalifa International Stadium refurbishment faced scrutiny due to the presence of human rights violations against migrant workers. In 2015, Amnesty International uncovered abuse of over 100 migrant workers employed on the project, as well as labour rights violations among those working in landscaping in the surrounding 'Aspire Zone'. The majority of Qatar's workforce is migrant workers, primarily from South Asia, operating under a sponsorship system that grants employers significant control over their lives. Migrant workers are vulnerable to exploitation, as sponsorship withdrawal can lead to deportation without recourse.

Migrant workers in the project reported having to pay recruitment agents in their home countries fees from \$500 to \$4,300 (a practice prohibited in Qatari law). Workers were promised fair wages and decent working conditions, but on arrival faced squalid accommodations and significantly lower wages than promised. Employers confiscated workers' passports to prevent workers from leaving. Fear of reprisals was widespread among workers, and managers leveraged financial penalties and threats to withhold permits to coerce compliance.

Perpetrator	Act	Means	Purpose
Outside actors	Recruitment Transportation Harbouring Receipt	Other forms of coercion Deception Abuse of power or a position of vulnerability	Labour exploitation

5.4. Next steps and recommendations

This typology is intended to advance understanding of the different manifestations of sport trafficking evident globally and in line with the established legal definition of trafficking in persons set out in the TIP Protocol. It provides a framework for classifying and recognising situations that may constitute sport trafficking, and may therefore be relevant for data collection, processing, and analysis. Many sport trafficking cases are complex, and therefore cannot easily be classified within a single, distinct type. Cases may also cut across multiple types, especially as situations evolve over time. Nonetheless, understanding the different ways that sport trafficking arises can support a more effective and tailored policy and operational response. In particular, the typology may be engaged:

- To guide policymakers and parliamentarians in the development or amendment of statutory guidance related to their domestic anti-trafficking law.
- To inform policymakers and parliamentarians in the development of dedicated policy frameworks and initiatives for tackling sport trafficking and regulating sports actors.
- To advance understanding of the different manifestations of sport trafficking among frontline staff and agencies that may interact with sport trafficking victims or vulnerable populations and thereby improve identification.
- To support the development of practical tools for frontline staff and agencies that may interact with sport trafficking victims or vulnerable populations to improve identification, such as indicators and checklists.
- To improve due diligence and reporting conducted by sports organisations to identify and mitigate risks of modern slavery in their operations and supply chains.
- To develop tailored and detailed country typological frameworks that focus on the specific manifestations of sport trafficking within a defined geographic context.
- To develop tailored and detailed industry or organisational typological frameworks that focus on the specific manifestations of sport trafficking within a defined sporting industry or organisation.
- As a basis for data collection, processing, and analysis to provide a better picture of the prevalence and manifestations of sport trafficking in practice.
- As a basis for further research to better understand the problem of sport trafficking and develop evidence-based solutions.



6. CONSOLIDATED RECOMMENDATIONS

This report identifies a range of different areas for improvements to efforts to combat sport trafficking and more effectively protect vulnerable athletes and aspiring athletes. These concerns are consolidated in this section as a set of recommendations for policymakers, law enforcement, prosecutors, the judiciary, service providers, and sport organisations. The substance of this report, typology, and interpretive guide provides support and guidance for these actors in pursuing the recommendations.

6.1. Policymakers, including parliamentarians and legislators, should:

Developing and implementing legislative frameworks:

- Ensure compliance with the TIP Protocol and relevant regional anti-trafficking instruments in the construction of domestic anti-trafficking laws.
- Ensure that the definition of trafficking set out in domestic law includes all listed acts, means, and purposes set out in the definition of human trafficking under the TIP Protocol, and that there is explicit recognition in the legislation that coercive means are not required in the case of the trafficking of children.
- Consider advocating for the adoption and effective implementation of a 'non-punishment' provision in domestic law, which protects victims of trafficking from becoming liable to criminal prosecution for acts committed as a direct result of their trafficking or force labour experiences. In sport trafficking cases, especially migrant athletes shall not become liable to criminal prosecution for the fact of having been object trafficking and/or smuggling and this should particularly be extended to protect victims from criminalisation for immigration offences.
- Consider the introduction of a new recognised form of exploitation within the purpose element of their domestic anti-trafficking law, encompassing severe forms of economic exploitation. Inclusion of this form of exploitation in domestic definitions of trafficking could provide stronger protection for vulnerable athletes and aspiring athletes, as well as encompassing other practices of economic exploitation relevant to anti-trafficking (such as benefit fraud). This would require careful development of a definition of severe forms of economic exploitation consistent with the trafficking framework.
- Consider developing new, or amending existing, statutory guidance related to domestic anti-trafficking law to capture the dynamics of sport trafficking as set out in this report and the typology, in line with the interpretive guide.

Immigration and labour laws:

- Review and consider amending the immigration regime governing athletes and aspiring athletes, examining risks associated with immigration status and how these are abused by traffickers. Where a tied visa scheme exists, policymakers should consider abolishing this framework or placing stronger constraints on it to mitigate risks.
- Consider developing bilateral or multilateral frameworks to facilitate safe migration of athletes and aspiring athletes and reduce trafficking risks.
- Consider establishing or amending legislative or policy frameworks governing the recruitment of athletes and aspiring athletes, informed by international best practice relating to international recruitment for labour.

- Ensure that labour rights protections are extended to cover athletes and aspiring athletes to prevent them from falling through the cracks of protection from a wide range of exploitative acts. Even though not all these acts may amount to trafficking, there is a necessity to protect athletes and aspiring athletes from such acts to reinforce improved safeguarding in sport.

Victim support and remedy:

- Ensure holistic victim assistance and support provision extends across the country and across the diverse range of different forms that trafficking may take, including sport trafficking.
- Ensure that a right to remedy exists for trafficking victims in their domestic legal system, and that victims of sport trafficking (and all trafficking victims) are able and empowered to pursue civil claims against their traffickers, irrespective of their immigration status.
- Consider improving frameworks for, and implementation of, confiscation of traffickers' assets (including confiscation *in rem*), and the application of these assets towards victim compensation funds.

Capacity building:

- Consider developing dedicated policy frameworks and initiatives for tackling sport trafficking and regulating sport actors, including providing training for identifying and combating sport trafficking to relevant officials and frontline actors.
- Provide for the development of educational and practical tools for frontline staff and agencies that may interact with sport trafficking victims or vulnerable populations to improve identification, such as indicators and checklists.
- Provide for the development of educational and practical tools for actors in sports, in particular young athletes and their families, to enhance their understanding and awareness of sport trafficking.
- Provide for improved data collection, processing, and analysis regarding sport trafficking within existing official data on trafficking in persons, for instance through the inclusion of variables capturing the industry of exploitation in case data and consolidated official data sets.

6.2. Sports organisations should:

Developing and implementing regulatory frameworks:

- Develop more robust regulations to protect against sport trafficking, including through stronger regulations of recruitment, licensing of agents, and increased monitoring of both recruitment and conditions.
- Develop organisational policies and processes to safeguard against sport trafficking in their operations, identify cases where they emerge, to ensure appropriate care, support, and remedy for survivors.
- Endeavor to evaluate periodically existing relevant regulations and administrative practices with a view to detecting their vulnerability to misuse by sport traffickers.

Capacity building:

- Utilise existing organisational platforms and communication channels to provide comprehensive guidance on safe recruitment pathways and practices for athletes seeking to join the sport and/or work with sport agents/intermediaries affiliated with the organisation.
- Improve their due diligence and reporting efforts to identify and mitigate risks of trafficking in both their operations and their supply chains.

- Support the development of tailored and detailed industry or organisational typological frameworks that focus on the specific manifestations of sport trafficking within their own industry or organisation, to support more effective and targeted action.
- Support the development of educational and practical tools for actors in sports, in particular young athletes and their families, to enhance their understanding and awareness of sport trafficking.

6.3. Law enforcement officials should:

- Undertake efforts to improve the identification and investigation of sport trafficking cases, including by ensuring that officers have sufficient training and information on the manifestations of sport trafficking and how the legal definition of trafficking applies in these cases.
- Develop and maintain collaborative relationships with sports organisations, relevant NGOs, and international law enforcement agencies to facilitate information sharing, cross-border investigations, and coordinated responses to sport trafficking cases.
- Ensure investigation of the full range of intersecting crimes associated with a sport trafficking case.
- Remove gaps in the enforcement of existing human trafficking laws often exploited by traffickers and reduce the number of identified victims.

6.4. Prosecutors should:

- Seek to ensure that decisions on whether to progress a case to prosecution are conducted on the basis of a robust understanding of how the legal definition applies to cases of sport trafficking.
- Ensure that the construction and presentation of the case in prosecutions in sport trafficking cases are informed by a robust understanding of the dynamics of sport trafficking and how the legal definition of trafficking applies in such cases.
- Ensure consideration of the full range of intersecting crimes associated with a sport trafficking case when determining what charges to bring forward.

6.5. Judges and magistrates should:

- Seek to ensure interpretation of the legal definition of trafficking in sport trafficking cases being adjudicated is conducted in line with the interpretive guide.
- Undertake efforts to improve understanding of how sport trafficking cases manifest, and how the legal definition of trafficking applies in these cases, to ensure proper application of anti-trafficking law to situations of sport trafficking.
- In sport trafficking cases, as appropriate, consider the unique vulnerabilities of athlete victims when deciding on sentencing of offenders, protection measures, and compensation or remedy, balancing the gravity of the offense with the need for the athlete's rehabilitation and reintegration into society.
- Ensure consideration of a 'non-punishment' principle protecting victims of trafficking from liability to criminal prosecution for acts committed as a direct result of their trafficking experience, if such a provision is in place in the relevant domestic jurisdiction.

6.6. Service providers should:

- Undertake efforts to improve understanding of the dynamics and manifestations of sport trafficking to improve identification of victims of sport trafficking and ensure appropriate care and support tailored to the needs of victims.
- Develop specialised programmes and support services that address the unique psychological and physical impacts of sport trafficking, including issues related to athlete identity, education, career transitions, and potential long-term health effects from the exploitation in sports.

- Provide efficient comprehensive victim-centred and trauma-informed psychosocial services to victims and survivors of sport trafficking.
- Collaborate with sports organisations, educational institutions, and local communities to create awareness programs and prevention strategies that target potential victims, particularly young athletes in vulnerable situations.

6.7. Researchers should:

- Conduct further research on the dynamics and manifestations of sport trafficking, the effectiveness of the design and implementation of existing law and policy, and additional interventions needed to tackle the problem.
- Develop tailored and detailed country typological frameworks that focus on the specific manifestations of sport trafficking within a defined geographic context, as well as country-specific interpretive guidance applying the relevant domestic law.
- Develop a comprehensive and dedicated database to sport trafficking that would facilitate evidence-based responses to human trafficking in sport and contribute to the emerging consensus on the sport trafficking terminology guidelines initiated by this report.

ANNEX

ANNEX A: THE INTERPRETATIVE GUIDE FOR SPORT TRAFFICKING

Sport trafficking is the act of recruiting, transporting, transferring, harbouring, or receiving an individual—typically an athlete or aspiring athlete—within or across borders, through coercive, deceptive, or other abusive means for the purpose of exploitation in, through or around sport. Exploitation may manifest as forced labour, sexual exploitation, slavery, servitude within sport-related activities or events. In the case of children, no means need to be present.

The legal definition of trafficking in persons established in international law is: “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”

With regard to **sport trafficking of adults**, the act must be achieved through coercive means, namely the threat or use of force or other forms of coercion, deception, fraud, abuse of power or a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over the person being trafficked.

Sport trafficking of children does not require the presence of any of the means, only the specified act and an exploitative purpose, although in practice its often seen that coercive and other means may provide helpful evidence of trafficking.

Sport Trafficking is comprised of three core types of trafficking, each with a set of sub-types (as set out in section 5).

- 1. Trafficking in sport** involves the exploitation of athletes or aspiring athletes in the sports industry or in sporting activities.
- 2. Trafficking through sport** takes advantage of athletes, aspiring athletes, and retired athletes to facilitate exploitation outside the sport industry.
- 3. Trafficking around sport** involves trafficking that has a connection to the sport industry, but where exploitation does not take place within sporting activities.

Purpose and structure of this Interpretative Guide

This Interpretative Guide seeks to explain the context, content, meaning, and interpretation of the legal definition of trafficking in persons, as it applies to the specific phenomenon of sport trafficking. It offers guidance on the application of international and domestic anti-trafficking law to cases of trafficking in persons in and through sports.

Who should use the guide?

- **National policy makers**, including parliamentarians, legislators and government officials, should use this guide to inform the development of national-level statutory and interpretative guidance to supplement their anti-trafficking legislation and policy, clarifying the application of trafficking law and policy in cases of trafficking in, through and around sport.
- **Investigators** should use this guide to better understand the manifestation of trafficking in, through and around sport to improve the identification and investigation of potential cases.
- **Prosecutors** should use this guide to inform the pursuit of successful prosecutions in cases of trafficking in, through and around sport.
- **Judges and magistrates** should use this guide to inform the interpretation and application of legal provisions related to trafficking in persons in sport trafficking cases.
- **Service providers** should use this guide to improve identification of potential victims of trafficking in, through and around sport and to ensure the delivery of effective and responsive support services for survivors.
- **Sport organisations** should use this guide to inform the development of organisational policies and processes to safeguard against sport trafficking in their operations, to identify cases where they emerge, and to ensure appropriate care and support for survivors.

Structure of the guide

The guide is broken into three substantive parts:

- Section A.1 provides an overview of the **legal frameworks for combatting trafficking**, outlining the international standards and obligations established in the TIP Protocol, as well as how regional and domestic laws have adapted these.
- Section A.2 sets out general guidance for **understanding how the legal definition of trafficking operates in criminal law**, and therefore how the construction of the crime of trafficking should be conducted in sport trafficking cases. The section also provides guidance for **interpreting the legal definition of trafficking in sport trafficking cases**, addressing the acts, means, and purposes that constitute a trafficking offence in turn.
- Section A.3 provides an outline of potential **next steps and recommendations** for various actors engaged in addressing sport trafficking, including consideration of other areas for legislative consideration, beyond the direct criminalisation of trafficking and application of the definition of trafficking established in criminal law.

A.1. Existing legal frameworks for combating trafficking

A range of legal frameworks govern efforts to combat trafficking in persons at the international, regional, and domestic level. These frameworks share a common foundation—the basic construction of a trafficking crime—although sometimes differ in the nuances of definitional construction, as well as associated obligations. For the vast majority of states, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (TIP Protocol)—adopted on 15 November 2000—serves as the starting point for understanding trafficking. This may then be supplemented, adapted, or expanded in regional and domestic legal frameworks.

This section maps the relevant legal frameworks defining and governing trafficking in persons. It outlines the foundational legal definition of trafficking established in the TIP Protocol, and how this is contextualised in regional and domestic law.

At the international level, the TIP Protocol is the primary legal instrument addressing trafficking in persons. Other international instruments relevant for anti-trafficking include:

- The 1989 Convention on the Rights of the Child, which requires States Parties take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form (article 35).
- The 1999 Worst Forms of Child Labour Convention, which recognises trafficking of children to fall within the definition of the ‘worst forms of child labour’ (article 3) and requires States Parties to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency (article 1).
- The 1979 Convention on the Elimination of All Forms of Discrimination Against Women, which requires States Parties take all appropriate measures, including legislation, to suppress all forms of trafficking in women and exploitation of prostitution of women (article 6).
- The 1926 Slavery Convention, which provides the international definition of slavery that may inform interpretation of slavery as a form of exploitation included in the trafficking definition.
- The 1930 Forced Labour Convention, which provides an international definition of forced or compulsory labour that may inform interpretation of ‘forced labour or services’ as a form of exploitation included in the trafficking definition.
- The 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, which provides the international definition of institutions and practices similar to slavery that may inform interpretation of ‘practices similar to slavery’ as a form of exploitation included in the trafficking definition.

The international legal definition of trafficking

The TIP Protocol defines trafficking in persons under article 3(1) as:

...the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

As such, the definition of trafficking in persons is divided into three parts. Trafficking in adults requires all three elements to be present to constitute a trafficking offence. Trafficking in children, however, requires only the act and the purpose—it does not require the use of any of the specified means. For the purpose of the TIP Protocol, a child is any individual under the age of 18 years (article 3(d)).

The TIP Protocol further specifies that the consent of a victim to the intended exploitation satisfying the third element of this definition is irrelevant where the specified means have been employed (article 3(b)).

In addition to requiring the domestic criminalisation of trafficking in persons itself, the Protocol recognises that success in tackling the crime of human trafficking requires criminalisation of all elements of trafficking in persons (Article 5). Hence, it also requires criminalisation of attempts to commit the crime, participation as an accomplice, and organising and directing others to commit trafficking.

FIGURE 3

Elements of trafficking in persons as defined in the TIP Protocol



Scope of application of the TIP Protocol Definitional variation in regional instruments

The general scope of application of the TIP Protocol is limited by article 4:¹⁵⁸

This Protocol shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of the offences established in accordance with article 5 of this Protocol, where those offences are transnational in nature and involve an organised criminal group, as well as to the protection of victims of such offences.

This means that the Protocol as a whole does not govern the preventative, investigatory, prosecutorial, or protective response to trafficking in persons crimes that are internal in nature or which are not committed by OCGs (although exceptions are envisaged where stated in the Protocol itself). While article 4 limits the scope of the obligations established under the TIP Protocol, it does not prevent states from exceeding these standards (as indeed many states have chosen to do).

158 Article 4.

An **'organised criminal group'** is a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.¹⁵⁹

A **'structured group'** is a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure.¹⁶⁰

A **'serious crime'** is conduct constituting an offence punishable by imprisonment of at least four years.¹⁶¹

An offence is **'transnational in nature'** if it is committed in: more than one State; one State but has a substantial part of its preparation, planning, direction or control takes place in another State; one State but involves an organised criminal group that engages in criminal activities in more than one State; or one State but has substantial effects in another State.

While this limitation on scope of application relates to the prevention, investigation, and prosecution of trafficking and protection of victims, it is not part of the definition of trafficking set out in article 3 (defining trafficking as set out above, with no reference to these limitations). Under article 5 of the Protocol, States are obliged to criminalise trafficking in their domestic legal systems, as defined in article 3. The obligation of domestic criminalisation is thus not constrained by the limitations set out in article 4. As the UNODC explained:¹⁶²

States parties are required to adopt anti-trafficking measures that apply regardless of whether the crime occurred domestically or transnationally and regardless of whether it was perpetrated by one individual or an organised criminal group.

This broader scope of application (not limited to transnational offences committed by OCGs) is evident in both regional and domestic anti-trafficking laws.

In addition to the global regime established through the TIP Protocol, various regional organisations have sought to establish frameworks for combating trafficking in persons within their regional contexts. This includes the following instruments (further summarised below):

- ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP)
- Council of Europe Convention on Action against Trafficking in Persons (ECAT)
- EU Directive 2011/36/EU on Preventing and Combatting Trafficking in Human Beings and Protecting its Victims
- Inter-American Convention on International Traffic in Minors (1994)
- SAARC Convention on Preventing and Combatting Trafficking in Women and Children for Prostitution (2002)

These instruments generally adopt the definition of trafficking established in the TIP Protocol, with the exception of the Inter-American Convention which was adopted prior to the negotiation of the Protocol. Further, the EU Directive expands the TIP Definition, defining trafficking in human beings under article 2 to include exploitation in begging and of criminal activities:

- The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

159 United Nations Convention against Transnational Organised Crime, article 2.

160 Ibid.

161 Ibid.

162 UNODC. (2020). *Legislative guide for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (p. 25). United Nations Office on Drugs and Crime. Vienna.

- A position of vulnerability means a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved.
- Exploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs.

Trafficking in persons is also addressed at the regional level through broader instruments related to human rights, women's rights, and children's rights.

ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP)¹⁶³

ACTIP is based on the three overarching aims of preventing trafficking, protecting and assisting victims, and promoting cooperation between States (article 1). The scope of application of the convention is limited to the prevention, investigation and prosecution of offences that are transnational in nature, including those committed by OCGs, although protection obligations extend to all victims (article 3) and criminalisation obligations are also not limited by this scope (article 5). The definition of trafficking set out in ACTIP (article 2) echoes the definition set out in the TIP Protocol.

Council of Europe Convention on Action against Trafficking in Persons (ECAT)¹⁶⁴

ECAT is based on the overarching aims of preventing trafficking, protecting and assisting victims, ensuring effective investigation and prosecution, and promoting cooperation (article 1). It provides for measures to raise awareness, identify victims, protect and assist victims, grant residence to victims, criminalise trafficking, and protect privacy and safety of victims in judicial proceedings. The scope of application extends to all trafficking crimes, whether national or transnational, and whether or not connected with organised crime (article 2). The definition of trafficking set out in ECAT (article 4) echoes the definition set out in the TIP Protocol.

EU Directive 2011/36/EU on Preventing and Combatting Trafficking in Human Beings and Protecting its Victims¹⁶⁵

The EU Anti-Trafficking Directive establishes minimum rules for the definition of criminal offences and sanctions on trafficking and introduces common provisions to strengthen prevention and protection of victims (article 1). The definition of trafficking set out in the Directive (article 2) expands upon the definition set out in the TIP Protocol, clarifying that the listed acts include “the exchange or transfer of control over those persons”. Article 2(2) specifies that a position of vulnerability means ‘a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved’. Article 2(3) expands upon the listed forms of exploitation that are the minimal requirements for trafficking, adding both begging and exploitation of criminal activities to the forms listed in the TIP Protocol.

Inter-American Convention on International Traffic in Minors (1994)¹⁶⁶

The Inter-American Convention on International Traffic in Minors seeks to protect the fundamental rights of minors, prevent and punish international traffic in minors, and regulate the civil and penal aspects of international trafficking in minors (article 1). International traffic in minors is defined as the ‘abduction, removal or retention, or attempted abduction, removal or retention, of a minor for unlawful purposes or by unlawful means’ (article 2(b)). ‘Unlawful purpose’ is broadly defined as including (*inter alia*) prostitution, sexual exploitation, servitude or any other purpose unlawful in either the State of the minor’s habitual residence or the State Party where the minor is located

163 ASEAN. (2015). *ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP)*. <https://asean.org/asean-convention-against-trafficking-in-persons-especially-women-and-children/>

164 Council of Europe. (2005). *Council of Europe Convention on Action against Trafficking in Human Beings*. CETS No. 197. <https://rm.coe.int/168008371d>

165 European Parliament and Council. (2011). *Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims*. <https://www.legislation.gov.uk/eudr/2011/36/2020-01-31#:~:text=This%20Directive%20establishes%20minimum%20rules,protection%20of%20the%20victims%20thereof>.

166 Organization of American States. (1994). *Inter-American Convention on International Traffic in Minors*. https://www.oas.org/dil/treaties_B-57_Inter-American_Convention_on_International_Traffic_in_Minors.htm

(article 2(c)) while ‘unlawful means’ is defined as including (*inter alia*) kidnapping, fraudulent or coerced consent, the giving or receipt of unlawful payments or benefits to achieve the consent of the parents, persons or institution having care of the child, or any other means unlawful in either the State of the minor’s habitual residence or the State Party where the minor is located.

SAARC Convention on Preventing and Combatting Trafficking in Women and Children for Prostitution (2002)¹⁶⁷

The SAARC convention was the first regional instrument to address trafficking after the adoption of the TIP Protocol. It provides for the amendment of domestic law, capacity-building for law enforcement, and regional cooperation to support the implementation of the TIP Protocol. The definition of trafficking set out in the SAARC convention differs from that set out in the TIP Protocol, relating to ‘moving, selling, or buying of women and children for prostitution within and outside a country for monetary or other considerations with or without the consent of the person subjected to trafficking’ (article 1). Thus, the SAARC convention more closely mimics the historical trafficking conventions adopted between 1900 and 1950 than the new generation trafficking instruments following TIP.¹⁶⁸

Other relevant regional frameworks

In addition to the specialised anti-trafficking instruments adopted at the regional level, various regional organisations have also addressed trafficking in persons through broader frameworks for human rights, women’s rights, and children’s rights.

167 International Labour Organization. (2014). *Guidelines for the effective implementation of the ILO’s minimum age convention, 1973 (No. 138) and the worst forms of child labour convention, 1999 (No. 182)*. https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-new_delhi/documents/genericdocument/wcms_251026.pdf

168 International Agreement for the Suppression of the “White Slave Traffic.” (1904). *Paris, 18 May 1904*. https://treaties.un.org/doc/Treaties/1920/09/19200907%2006-00%20AM/Ch_VII_8p.pdf ; International Convention for the Suppression of the White Slave Traffic. (1910). *Paris, 4 May 1910*. https://treaties.un.org/doc/Treaties/1888/01/18880101%2006-01%20AM/Ch_VII_10p.pdf ; International Convention for the Suppression of the Traffic in Women and Children. (1921). *Geneva, 30 September 1921*. https://treaties.un.org/doc/Treaties/1921/09/19210930%2005-59%20AM/Ch_VII_3p.pdf ; Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. (1959). *Lake Success, New York, 21 March 1959*. https://treaties.un.org/doc/Treaties/1951/07/19510725%2010-37%20PM/Ch_VII_11_a_bp.pdf

TABLE 2
Overview of regional instruments relevant to trafficking in persons

Regional organisation	Instrument	Rights framework	Substantive coverage
African Union	African Charter on Human and Peoples' Rights	Human rights	The African Charter does not explicitly address trafficking in persons, although article 6 does prohibit 'all forms of exploitation and degradation of man particularly slavery, the slave trade...'
African Union	Protocol to the African Charter in Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)	Women's rights	Article 4(g) of the Maputo Protocol obliges State Parties to take appropriate and effective measures to prevent and condemn trafficking in women, prosecute the perpetrators, and protect women most at risk.
African Union	African Charter on the Rights and Welfare of the Child (ACRWC)	Children's rights	Article 29(a) of the ACRWC obliges State Parties to take appropriate measures to prevent traffic in children for any purpose or in any form, by any person including parents or legal guardians of the child.
African Union	Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights (Malabo Protocol)	International criminal law	Article 28A introduced by the Malabo Protocol gave the International Criminal Law Section of the African Court of Justice and Human Rights jurisdiction and therefore power to try persons for the crime of trafficking in persons. Trafficking in persons was defined under article 28J, echoing the definition set out in the TIP Protocol. The Malabo Protocol is not yet operational.
Council of Europe	European Convention on Human Rights (ECHR)	Human rights	Although trafficking is not explicitly mentioned in the text of the ECHR, the European Court of Human Rights has recognised the prohibition of trafficking as an element of the article 4 prohibition of slavery, servitude, and forced labour. This entails obligations of prevention, protection, and punishment with regard to trafficking, as well as to ensure that victims have access to effective remedy.
League of Arab States	Arab Charter on Human Rights	Human rights	Article 10 establishes an absolute prohibition on trafficking in persons.
Organisation of American States	American Convention on Human Rights	Human rights	Article 6 establishes the right to freedom from slavery, including an obligation to prohibit traffic in women. The Inter-American Court of Human Rights has further recognised that this prohibition of trafficking extends to all potential victims and is not limited to women.
Organisation of American States	Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women	Women's rights	Violence against women is defined in article 2(b) of the convention to include trafficking in persons. The convention includes a range of obligations on the State to prevent, punish, and eradicate violence against women.
SAARC	SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia	Children's rights	Article 4(3)(a) of the Convention commits parties to ensure appropriate legal and administrative mechanisms and social safety nets to protect children from trafficking.

Definitional variation in domestic legislation

The definitions of trafficking in persons established under the TIP Protocol and relevant regional instruments provide a minimum standard for the criminalisation of trafficking in domestic law. State Parties are obliged to at least meet these standards but may also choose to expand their definition of trafficking. Various countries have therefore adopted contextually specific expanded definitions of trafficking, including additional acts, means, or purposes in response to the specific trafficking dynamics evident in their contexts. Such additional measures are particularly relevant where the nature of the additional element is sufficiently distinct from those set out in the TIP Protocol to present a challenge for the application of the definition to a particular situation. Examples of additional forms of exploitation included in the purpose element of trafficking crimes in several states include forced criminal activity, forced begging, forced marriage, child labour, forced pregnancy, and illegal adoption.

Rwanda also specifically addresses sport trafficking in domestic legislation through the inclusion of 'harmful sports' in its listed forms of exploitation. Article 250 of the Penal Code (as amended in 2016) defines human trafficking as:

...the acts by which the individual becomes a commodity consisting in recruitment, transfer of a person to another part of the country or to another country by use of deception, threat, force or coercion, position of authority over the person, in most cases for the purpose of harming his/her life or unlawfully exploiting by indecent assault, prostitution, unlawful practices, practices similar to slavery by torturing and subjecting to cruel treatment or domestic servitude because he/she is vulnerable due to troubles with the authorities, being a single pregnant woman, ill, disabled or due to other situation which impairs a normal person to act.

Human trafficking also means the exploitation of people by involving them in forced begging, illegal adoption upon payment, taking indecent pictures, harmful sports, armed conflicts and living together with them as husband and wife for the purpose of torturing them and selling their body organs.

A.2. Interpreting the legal definition of trafficking in sport trafficking cases

The definition established in the TIP Protocol serves as the foundation for criminalisation in domestic law. In criminal law, offences are defined according to two fundamental concepts:

- **Actus reus:** the material or physical element of a crime; and
- **Mens rea:** the mental element of a crime.

These concepts are fundamental to criminal law systems and help in the interpretation and application of criminal law in practice. Both elements must be established to constitute a criminal offence.

Actus reus in trafficking cases

In the case of human trafficking, the 'act' and the 'means' elements together constitute the *actus reus*. The 'act' describes *what* is done while the 'means' element describes *how* this is done. In each trafficking case involving adults, the *actus reus* is established when at least one of the specified acts is accomplished through at least one of the specified means. In each trafficking case involving children, the *actus reus* element should be established when at least one of the specified acts is present, irrespective of whether this is accomplished through at least one of the specified means.

Note: Not all States' domestic criminal provisions align with the TIP Protocol in not requiring the means element in cases of child trafficking. There are still a small number of States where the means element is required to find a crime of trafficking of children.¹⁶⁹ In these cases, legislative amendments are required to bring domestic legislation into compliance with international law—legislation including the means element as a necessary component of child trafficking is in breach of a State's obligations under the TIP Protocol and should be remedied. However, in the absence of legislative amendment, establishing a crime of trafficking in children in domestic criminal courts may require the means element be proven. In such cases, the specific vulnerabilities of childhood should be highlighted to lower the threshold for recognising coercive means and international law engaged to challenge the requirement.

Mens rea in trafficking cases

In cases of human trafficking, the final 'purpose' element (exploitation) constitutes the *mens rea* of the crime – why the action is done. This 'purpose of exploitation' element is a *dolus specialis* (special deceit or special intent) component. *Dolus specialis* is the specific goal that the offender had in mind when they carried out the *actus reus* of the offence—the purpose of exploitation. What counts is the intention, not the outcome. Therefore, the actual achievement of exploitation is not necessary for a trafficking crime to have occurred – the perpetrator's 'act' and 'means' must aim towards the exploitation of the victim, but need not actually manifest that exploitation in practice. The *mens rea* of the crime concerns the perpetrator's state of mind – the intent or knowledge that exploitation will take place – rather than whether actual exploitation occurs.

The structure of the *mens rea* element of trafficking in practice may differ slightly from one jurisdiction to another. *Direct intention* is the strongest form in these cases, implying that the perpetrator desired that exploitation would flow from their actions. *Indirect intention*, or *knowledge*, entails the perpetrator understanding that exploitation is almost certain to occur as a result of their actions. This may require both that the outcome (exploitation) is a natural and probable consequence of the perpetrator's actions (objective element), and that the perpetrator themselves foresaw the outcome as a natural consequence of their actions (subjective element). Both direct intent and indirect intent or knowledge are likely to be sufficient to satisfy the *mens rea* element of the trafficking crime in most jurisdictions. Some countries may also recognise *recklessness* as to whether the victim would be exploited as sufficient to satisfy the *mens rea* element of trafficking. This is more likely to take the form of *subjective recklessness*, which requires that the perpetrator foresees a specific risk and unreasonably takes the risk. However, *objective recklessness* may also be relevant, entailing an assessment of what risks a reasonable person in the situation of the defendant would have foreseen and taken.

Although the elements of the trafficking crime are firmly established in the international definition, the constituent concepts within each element are not themselves defined. While some are already defined in international or national law, others have no common established definition. This section therefore seeks to unpack each of the constituent concepts included in the three elements of trafficking, providing interpretive guidance on their meaning, examples of their manifestation in cases of sport trafficking, and key indicators for assessing sport trafficking cases.

169 Schwarz, K. & Allain, J. (2020). *Antislavery in Domestic Legislation: An Empirical Analysis of National Prohibition Globally*. University of Nottingham Rights Lab and Monash University Castan Centre for Human Rights Law. <https://antislaverylaw.ac.uk/resources/summary-of-findings/>
For a summary of domestic legislation in place in each UN Member State, see <https://antislaverylaw.ac.uk/countries/>

Note: To ensure consistency and avoid duplication, this section draws from the UNODC Legislative Guide for the TIP Protocol. These references provide general guidance on the interpretation of the constituent elements of trafficking in persons as defined in the Protocol. This is then supplemented with additional commentary, examples, and indicators specific to the interpretation of the definition of trafficking in cases of sport trafficking.

The 'act' element

The 'act' element of a trafficking crime as defined in the TIP Protocol is established by the presence of one of five listed acts: recruitment, transportation, transfer, harbouring, or receipt of persons. These acts are disjunctive or alternatives to one another. **To establish a trafficking crime, only one of the specified acts needs to be identified.**

These acts cover a wide range of activities, likely to be satisfied in many cases. All five listed acts are commonly evident in sport trafficking cases. The threshold for establishing a specified act took place is relatively low, as the listed acts are broad and inclusive. The key distinguishing feature of these acts that constitutes the trafficking crime is the exploitative purpose overlaid on top of the act itself, and in the case of trafficking in adults the additional layer of coercive means.

The acts may be committed by a wide range of different actors, including the families of athletes and aspiring athletes, intermediaries and agents, corrupt and complicit officials¹⁷⁰, sports organisations, and outside actors.

The commission of the relevant act does not need to coincide with the manifest exploitation of an athlete or aspiring athlete, it must only coincide with a recognised intent or purpose of exploitation. Thus, people committing the identified acts may be committing trafficking if they intend, or are aware of, the exploitation of the athlete or aspiring athlete at the end of a trafficking chain. On the other hand, evidence that one of the listed forms of exploitation took place will almost inevitably engage at least one of the listed acts.

Each of the specified acts included in the trafficking crime are addressed in turn in this section.



Note: Movement is often understood to be a central element of trafficking in persons. However, the list of acts as constructed in the TIP Protocol does not require movement to have occurred to constitute a trafficking crime. Indeed, the only listed act that strictly requires movement is transportation. All others may be established without movement.

¹⁷⁰ Officials involved may include, but are not limited to, law enforcement, border enforcement, and officials within agencies responsible for protecting vulnerable individuals and addressing trafficking.

Recruitment

In a general sense, 'recruitment' refers to the act of drawing a person into a process and can involve a multitude of methods, including orally, through advertisements, or online through the internet. In transnational cases, recruitment can involve activities in the country of origin, of transit or of destination, for example, involving legal or semi-legal private recruitment agencies.¹⁷¹

In sport trafficking, recruitment may be conducted directly by sport organisations scouting and enlisting athletes and aspiring athletes. However, this act often occurs through intermediaries—licensed or unlicensed, legitimate or fraudulent—who act as agents or talent scouts, promising the opportunity to join a sport organisation, often in a third country. While fraudulent actors impersonating licensed agents for a specific sports organisation are common actors involved in the recruitment of athletes and aspiring athletes, recruitment into trafficking is also conducted by 'legitimate' licensed agents.

Recruitment in sport trafficking cases is often associated with the 'scouting' of young talent for opportunities to train in sports academies, contract with a sports club, or opportunities to trial for academies, clubs, or leagues.

Recruitment is often conducted with the intention of transporting an aspiring athlete from their home community to a sport academy, club or other opportunity that is geographically distant. This might involve international movement to a third country (within or outside the home region) but might also involve movement from an isolated rural community to an urban centre. In some instances, recruiters may travel into a country from abroad to scout talent, but in others the recruitment may be conducted by local actors. Traffickers may draw on connections into the community being targeted in their recruitment efforts, including engaging through local interlocutors.

Use of technology and social media is common in the recruitment of athletes and aspiring athletes in sport trafficking cases. For instance, traffickers may use Facebook to advertise fake trials, which they use to recruit aspiring athletes into trafficking. WhatsApp groups are also utilised by traffickers as a means of transmitting information and connecting with vulnerable aspiring athletes. Conversations may also be progressed from public facing social media platforms (such as Facebook, Instagram, and X) to encrypted services like WhatsApp by traffickers, presenting a barrier to investigation. A social media presence can also be employed to legitimise fraudulent actors in the eyes of aspiring athletes and their communities. Fraudulent agents may go so far as to generate fake images connecting them to high profile athletes and clubs for their social media profiles.

Transportation

'Transportation' would cover the acts by a carrier by land, sea or air by any means or kinds of transportation. Transportation may occur over short or long distances, within one country or across national borders.¹⁷²

Sport trafficking often involves migration of athletes and aspiring athletes, whether domestically or internationally. The act of transportation of the talent to a foreign country is often facilitated by an intermediary. This is likewise common for transportation of talent from rural areas to urban centres within a country, and international movement is not required to establish the transportation element of trafficking.

The travel conditions of the talent 'are not always illegal and dangerous' often using legal channels with short-term tourist visas, yet 'in instances often through traditional modes of transportation with false documents'. Fraudulent

171 United Nations Office on Drugs and Crime. (2020). *Legislative guide for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (p. 29). Vienna, Austria.

172 Ibid.

travel documentation may be produced by intermediaries to facilitate the migration of athletes and aspiring athletes, and then used as a method of coercion to maintain an exploitative situation.

The act of transportation need not be actually performed by the intermediary (or sport organisation in cases of direct recruitment)—it is sufficient for the agent to have arranged or facilitated the travel.

Transportation might also occur while an athlete is engaged by a sport organisation. Athletes may be transported to sporting events, matches, tournaments, trials, and for other purposes during the course of their engagement with a sport organisation. Specific forms of exploitation may be associated with this movement, whether that be forced labour in the performance of sporting activities, sexual exploitation in transit and at destination, or other forms of exploitation.

Note: There is a connection between trafficking in persons and smuggling of migrants, which is particularly relevant for consideration of transportation in sport trafficking cases. Smuggling of migrants and trafficking in persons are legally distinct and governed by different international instruments—trafficking by the TIP Protocol, and smuggling by the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organised Crime.¹⁷³ Smuggling of migrants is defined under article 3(a) as “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident”. Where an athlete or aspiring athlete is moved irregularly by an intermediary without the intention of exploitation required for a trafficking crime (see section 4.6), the situation is likely to constitute smuggling but not trafficking. Further, a situation that commenced as smuggling (e.g., an aspiring athlete engaging an intermediary to move them irregularly to a third country) may become trafficking where the intermediary takes advantage of the smuggling situation to exploit the person or place them at the hands of an exploitative actor. This exploitation may occur during the journey, at destination, or both.

Transfer

“Transfer”, too, can refer to transportation of a person but can also mean the handing over of effective control over a person to another. This is particularly important in certain cultural environments where control over individuals (mostly family members) may be transferred to other people.¹⁷⁴

Transfer is a frequent feature of the sport industry, and likewise of sport trafficking. An athlete may be transferred many times over the course of their careers, but equally may only be transferred once.

Transfer may occur at multiple points of a sport trafficking case and involve different actors. Families of child athletes and aspiring athletes may hand over effective control of their child to an intermediary, agent, or sports organisation. Agents and intermediaries in turn may transfer an athlete or aspiring athlete to a sport organisation,

173 United Nations. (2000). *Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime*. https://www.unodc.org/documents/middleeastandnorthafrica/smuggling-migrants/SOM_Protocol_English.pdf

174 United Nations Office on Drugs and Crime. (2020). *Legislative guide for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*. Vienna, Austria.

or to an outside actor. Sport organisations in turn may transfer the effective control over an athlete to other sport organisations or to outside actors. This includes the practice of ‘loaning’ athletes to other clubs.

‘Effective control’ may manifest in a variety of ways. This may involve physical dimensions (i.e. the physical control of the athlete), but most commonly involves contractual and psychological control. With regard to children, effective control may be tied to guardianship of the child.

Harbouring

‘Harbouring’ may be understood differently in different jurisdictions and may refer, for instance, to accommodating a person at the point of departure, transit, or destination, before or at the place of exploitation, or it may refer to steps taken to conceal a person’s whereabouts. Harbouring can also be understood to mean holding a person.¹⁷⁵

Harbouring is a broad concept and may apply to a range of acts conducted in the context of sport trafficking. In particular, where a person retains effective control or in some way houses or accommodates the athlete or aspiring athlete, they may be seen to be harbouring them. During the migratory journey of an athlete or aspiring athlete, harbouring may be evident in the conduct of intermediaries and agents, who may have effective control over the athlete or aspiring athlete and thus be seen to be holding them. Sport organisations may accommodate, lodge, or hold athletes while they are engaged within their organisation. This may be achieved through physical restrictions on movement or contractual restrictions but may also be achieved simply through the provision of accommodation.

Many athletes and aspiring athletes are highly dependent on intermediaries and agents when they arrive at a destination. Their livelihoods, documents, and money may be controlled by the intermediary, limiting their capacity to leave the situation. Contractual relationships – often poorly understood by vulnerable athletes and aspiring athletes, who may have little capacity to assert their legal rights in this regard – can further facilitate the establishment and maintenance of effective control. While many sport trafficking cases may not involve a physical lock and key, the promise of an athletic career can provide an extremely strong mechanism for the maintenance of effective control over an athlete or aspiring athlete.

Receipt

‘Receipt’ of a person is the correlative of ‘transfer’ and may refer to the arrival of the person, the meeting of a person at an agreed place, or the gaining of control over a person. It can also include receiving persons into employment or for the purposes of employment, including forced labour. Receipt can also apply to situations in which there was no preceding process, such as inter-generational bonded labour or where a working environment changes from acceptable to coercively exploitative.¹⁷⁶

Any time an actor in a sport trafficking scenario exercises effective control over an athlete or aspiring athlete, they may be understood to have received the athlete at the inception of this control. Receipt may occur at multiple points in a trafficking case where transfer occurs. Intermediaries and agents may receive effective control of an athlete or aspiring athlete from their family, sport organisations may receive effective control from intermediaries or agents (or directly from families), and outside actors may receive effective control from sport organisations or intermediaries or agents. Where a sport organisation brings an athlete or aspiring athlete under contract in the organisation, this may constitute receipt. Likewise, when a sports organisation receives an athlete ‘on loan’ from another organisation, they may be seen to receive that athlete.

¹⁷⁵ Ibid.

¹⁷⁶ Ibid.

Receipt may also be seen to occur in the absence of transfer, where conditions of work or service become exploitative after not being so at the outset. Receipt in this context is not premised on the physical arrival of the athlete or aspiring athlete, but on their entry into an exploitative situation.

The 'means' element

The 'means' element of a trafficking crime as defined in the TIP Protocol is established by the presence of one of seven listed means: threat or use of force, other forms of coercion, abduction, fraud, deception, abuse of power or a position of vulnerability, or giving or receiving of payment or benefits to achieve control over a person. These means may be committed by the families of athletes and aspiring athletes, intermediaries and agents, sports organisations and outside actors. These means are disjunctive or alternatives to one another. **To establish a trafficking crime, only one of the specified means needs to be identified.** These means may be committed by the families of athletes and aspiring athletes, intermediaries and agents, sports organisations and outside actors.

These means cover a range of different forms of coercive control, involving both physical, emotional, and psychological manipulation. While any of the listed means may be present in a case of sport trafficking, the most commonly identified means in cases of trafficking in and through sports are the use of deception, fraud, abuse of power, and abuse of vulnerability.

Each of the specified means including the trafficking crime are addressed in turn in this section.

Note: The means element is only required in cases involving trafficking of adults and is not necessary for trafficking of children (which only requires the presence of a specified act and purpose). However, these coercive means may provide important evidence for establishing the purpose element of the trafficking crime, as many of the listed forms of exploitation (addressed in section 4.6) require some level of coercive control.

Threat or use of force

The terms 'threat' and 'force' do not need much explanation and definitions under domestic law may apply where they exist. Threats may be related to physical, psychological, emotional or economic outcomes. It is important to note that nothing is said in the definition as to the person (or possibly property) against whom (or which) the threat or force is directed. It may be the victim of trafficking or a third party. For example, a person may be 'recruited' as a result of a threat of violence to their family member. The recruiter may also tell the victim they will disclose private information to the victim's family or community if they fail to comply with their demand that they come with them. That is true, mutatis mutandis, of almost all the various means listed.¹⁷⁷

Threat and use of force appear to be relatively uncommon means employed to initiate cases of trafficking in and through sport. This is because the sport industry is used as a coercive draw for athletes and aspiring athletes, who are often seeking legitimate employment and success in the industry. Threat or use of force are therefore not principal *modus operandi* of those drawing athletes or aspiring athletes into a sport trafficking process, as they are not necessary to entice athletes into the process.

¹⁷⁷ Ibid.

However, threat or use of force may be employed after an athlete has been drawn into a sport trafficking process, to maintain control over the individual and enable their transition into an exploitative situation. For instance, threats are frequently used by exploitative sport organisations to maintain control over an athlete or aspiring athlete and keep them in an exploitative situation. Threats to an aspiring athlete's prospective career, including threats of expulsion from the organisation are common. Threats related to immigration status are also common in sport trafficking. In some cases, exploiters may also use threats of violence to an athlete's family as a means of maintaining control.

Sexual violence committed against athletes and aspiring athletes by agents, intermediaries, coaches, medical staff, and others within a sport organisation may also be employed and form an element of coercion in sport trafficking cases. Sexual exploitation and abuse may be employed to exert power over athletes and maintain dominance, and the threat of such can also be leveraged by perpetrators to maintain an exploitative situation. This threat may attach to the athlete having been subjected to sexual exploitation or abuse themselves (the threat then relating to further abuse), having witnessed or being aware of sexual exploitation and abuse committed against other athletes (the threat then relating to being subjected to similar abuse), or believing in the perpetrator's willingness to engage in such activity (the threat then relating to prospective abuse). Shame and stigma associated with sexual abuse can add an additional layer of coercive control to these situations, making it more difficult for an athlete to leave an exploitative situation.

Other forms of coercion

***'Other forms of coercion' are not further defined but the interpretation of this term may be informed by domestic law. This would, for instance, include blackmail, extortion and other forms of unjustified demand. Generally, however, coercion can be understood as an umbrella term that encompasses the use of physical or psychological pressure, force or threat thereof.*¹⁷⁸**

Athletes and aspiring athletes in situations of trafficking are subjected to various different forms of coercion and manipulation, used to entice and maintain them in exploitative situations. In sport trafficking cases, psychological pressure is often one of the most extensively employed coercive means. Manipulation of vulnerable individuals' athletic dreams can exert significant psychological pressure, achieved through patterns of both promises (e.g. athletic success, contracts) and threats (e.g. expulsion, blacklisting). This 'carrot/stick' approach can be particularly effective in sport trafficking cases due to the strength of the athletic dream as an ongoing factor, particularly for athletes and aspiring athletes from deprived socioeconomic backgrounds with few alternatives.

Sport actors may also use gifts or benefits provided to athletes and aspiring athletes as a means of enticing them into exploitative situations or of maintaining the exploitative situation. Gifts and benefits may be employed not only to maintain a situation of labour exploitation in sports, but also to facilitate other forms of exploitation in a context of high levels of vulnerability and dependency. For instance, coaches and agents have been found to use gifts of boots and sportswear in exchange for 'sexual favours' from minors.

Abduction

***Abduction' may, in some States, be interpreted to mean kidnapping. Kidnapping may require evidence that someone was detained against their will. In other States, abduction may be understood as taking a person without lawful authority or otherwise taking them and restricting their liberty. It will very often involve the threat or use of force; the various means may overlap in practice.*¹⁷⁹**

¹⁷⁸ Ibid.

¹⁷⁹ Ibid.

Abduction appears to be a relatively uncommon means employed to initiate cases of trafficking in and through sport. This is because the sport industry is used as a coercive draw for athletes and aspiring athletes, who are often seeking legitimate employment and success in the industry. Abduction is therefore not a principal *modus operandi* of those drawing athletes or aspiring athletes into a sport trafficking process.

However, abduction may be evident where an athlete or aspiring athlete is deprived of their liberty or detained against their will after having entered into the sport trafficking process. This may occur if an athlete becomes discontent with the situation into which they have been drawn – by virtue of a realisation of the true nature of the situation or by their experience of exploitation – or where exploitative agents seek to ensure a greater level of control to enable exploitation and prevent the victim's escape from the situation.

While abduction at the inception of a sport trafficking scenario is relatively uncommon, the connections between sport trafficking, international smuggling networks and organised criminal actors may produce situations in which athletes and aspiring athletes are abducted. Aspiring athletes may engage smugglers in the pursuit of their athletic dreams overseas. In engaging smuggling networks, athletes may become more visible to other illicit actors within the network, who perceive athletes as high value targets. Cases have emerged where athletes in these situations have been kidnapped for ransom or physically detained and forced to sign away a significant proportion of their future earnings to escape. Hostaging in itself does not constitute trafficking but is a distinct crime. However, this abduction may become trafficking where it includes a specific exploitative purpose.

Fraud and deception

In some contexts, 'fraud' and 'deception' are synonymous. In some legal systems, however, there are differences between these terms. Deception can be understood to mean words or conduct that cause someone to believe something that is false. Fraud, on the other hand, can be understood to mean deceiving someone with the intent of depriving the person deceived of something. Because the definition of trafficking in persons uses both the terms deception and fraud, it can be inferred that this reflects an intention that they were meant to address different things.

In the context of trafficking in persons, fraud and deception frequently involve misrepresentations as to the nature of the job for which victims of trafficking are recruited, the location of jobs, their end employer, living and working conditions, the legal status in destination countries, and the travel conditions, among other things. In many cases, fraud and deception are used in conjunction with threats, violence, or coercive practices.¹⁸⁰

Fraud and deception are the coercive means most evident in literature on sport trafficking. Fraud in sport trafficking cases often involves individuals misrepresenting themselves as official or sanctioned agents of a sport organisation when they do not hold such status. It may also involve licensed agents making fraudulent misrepresentations to aspiring athletes about the nature of an opportunity.

Deception in sport trafficking cases often involves false representations of playing contracts or trials with foreign clubs, alleged club interest, and false trial arrangements. The aim of fraud and deception is often to lure young talent into the process of recruitment and then transportation to a geographically distant destination – whether a foreign country or a different area within the country – where they may enter an exploitative sport organisation or be redirected to an exploitative outside actor. While many sport trafficking cases may involve international movement, domestic movement is also common with aspiring athletes from isolated rural communities being

180 Ibid.

transported to an urban centre. Geographic distance can make deception easier, as there is often no way for the aspiring athlete or their family to vet or monitor the conditions at destination.

Abuse of power or a position of vulnerability

The phrase ‘abuse of power’ is not defined and has received comparatively little attention. Early drafts of the TIP Protocol also used the term ‘abuse of authority’ as one of the means element, but there was no agreement about the exact meaning of the word ‘authority’ in this context. The Travaux Préparatoires contain a note that “[t]he word ‘authority’ should be understood to include the power that male family members have over female family members in some legal systems and the power that parents might have over their children.”

Although later drafts of the Protocol moved away from the term ‘abuse of authority’ in favour of ‘abuse of power’, the note in the Travaux Préparatoires may nevertheless be instructive about the types of situation in which this means element can be relevant. In some countries, the concept of abuse of power has been interpreted to include situations where a person has power over another person by virtue of their relationship (e.g. employer and employee, teacher and student, coach and athlete).¹⁸¹

Abuse of power and abuse of a position of vulnerability may be understood as interrelated in many ways, as abuse of power almost inevitably involves an unequal power imbalance in a relationship that itself creates vulnerability. Likewise, vulnerability may be understood to create or exacerbate an imbalance in power in a relationship that enables abuse of power. In sport trafficking cases, abuse of power may be seen in the relationship between an athlete or aspiring athlete and their parents or guardians, the agents or intermediaries that form a contractual relationship with them, or the sport organisations that employ them.

UNODC guidance highlights the relevance of the nature of the relationship between persons when considering whether a situation constitutes an abuse of power, and specifically note the relationship between coach and athlete as an unequal relation that involves an imbalance of power. Beyond athlete and coach, sport trafficking scenarios may involve a variety of relationships that entail power imbalances. Intermediaries, agents, and clubs all exercise a high level of control over athletes and aspiring athletes. They control their professional and career possibilities, and often their ability to leave without sacrificing their careers completely. The extent and exclusivity of contractual relationships with these actors can also be an important element of this power imbalance.

¹⁸¹ United Nations Office on Drugs and Crime. (2020). *Legislative guide for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (p. pp 32-33). Vienna, Austria.

'Vulnerability' can be defined as a condition resulting from how individuals negatively experience the complex interaction of social, cultural, economic, political, and environmental factors that create the context for their communities. As such, vulnerability is not a static, absolute state, but one that changes according to context as well as to the capacity for individual response. A response to vulnerability therefore needs to take into account the external conditions of an individual as well as the coping mechanisms that enable the individual to protect him- or herself against a negative impact from those external conditions.

Abuse of a position of vulnerability comprises two components: proof of the existence of a position of vulnerability on the part of the victim and proof of abuse of that vulnerability.

The existence of vulnerability is best assessed on a case-by-case basis, taking into consideration the personal, situational or circumstantial situation of the alleged victim. Personal vulnerability for instance, may relate to a person's physical or mental disability. Situational vulnerability may relate to a person being irregularly in a foreign country in which he or she is socially or linguistically isolated. Circumstantial vulnerability may relate to a person's unemployment or economic destitution.

Such vulnerabilities can be pre-existing and can also be created by the trafficker. Pre-existing vulnerability may relate (but not be limited) to poverty; mental or physical disability; youth or old age; gender; pregnancy; culture; language; belief; family situation; or irregular status. Created vulnerability may relate (but not be limited) to social, cultural or linguistic isolation; irregular status; or dependency cultivated through drug addiction

Children are inherently vulnerable due to their age and relative level of maturity. Factors such as being unaccompanied when travelling or lacking birth registration are additional factors, that may further increase their vulnerability. It is further agreed that factors shaping vulnerability to trafficking tend to impact differently and disproportionately on groups that already lack power and status in society, including women, children, minorities, migrants, refugees, and internally displaced persons.

Abuse of a position of vulnerability occurs when an individual's personal, situational or circumstantial vulnerability is intentionally used or otherwise taken advantage of. An Interpretative Note to article 3 subparagraph (a) explains that "[t]he reference to the abuse of a position of vulnerability is understood to refer to any situation in which the person involved has no real and acceptable alternative but to submit to the abuse involved." This describes the effect of the behaviour by the accused on the person to whom it is directed at.¹⁸²

182 Ibid.

Abuse of a position of vulnerability is a common means element identified in sport trafficking cases, particularly identified by the personal, family, and environmental circumstances of victims. For child athletes and aspiring athletes, childhood itself is a marker of personal vulnerability.¹⁸³ The socio-economic situation of athletes, particularly those living in economically vulnerable communities with absolute and relative poverty where they have few alternatives, is an underlying circumstance that also creates vulnerability.¹⁸⁴ Consequent desperation to leave their socio-economic conditions behind not only increases players' vulnerability to deception and coercion, which can be abused by perpetrators, but may also increase their powerlessness to extract themselves once they find themselves in an exploitative situation.¹⁸⁵

For migrant athletes who have travelled abroad in pursuit of an athletic career, migration status can be an important vulnerability factor. Where victims' migration status is contingent on a particular organisation (as in the case of tied visas), they can be more vulnerable to exploitation by that organisation as they are reliant on the organisation to remain in the country. For athletes whose migration status is irregular, or has become irregular, vulnerability can be connected to the threat of immigration enforcement or deportation. In these cases, victims may fear reporting exploitation to the authorities because of their immigration status – a fact that exploiters frequently capitalise on in maintaining coercive control. For athletes that have escaped from repressive regimes or otherwise unstable home countries, the danger associated with returning home can also add an additional layer of vulnerability.

Giving or receiving of payments or benefits to achieve the consent of a person having control of another person

The notion of 'having control over another person' can be established as a matter of fact. For example, a parent may have control over a child, a prison guard may have control over an inmate, or a kidnapper may have control over their victim. The giving of the benefit must be linked to obtaining consent of the person in control of the victim; for example, the payment of a sum of money to a parent in order to transport their child in order to exploit them. Furthermore, state authorities have also been known to accept financial compensation or other benefits in exchange for handing over individuals under their control to the traffickers.¹⁸⁶

Giving or receiving of payments or benefits to achieve the consent of a person that has control over an athlete or aspiring athlete may manifest through payments made to parents by intermediaries or agents or sport organisations, payments made by sport organisations to intermediaries or agents that facilitated an athlete's recruitment, or payments to the sport organisation that holds the athlete under contract made by another sport organisation to 'borrow' the athlete. Payments may also be made by outside actors seeking to exploit an athlete or aspiring athlete to fraudulent agents. Benefits may be less common in sport trafficking cases than payments, but may be evident, in particular, in the relationship between sport organisations and intermediaries or agents.

In some cases, intermediaries and sport organisations have been noted to provide benefits to the families of athletes and aspiring athletes, effectively 'grooming' the family into agreeing to contracting the child to that actor. For perceived high-value talent, this can involve building a relationship with families over time through the giving of benefits to manipulate them to agreeing. While payments to families may be more common in wealthier countries, payments made by families to sports agents are more common in less wealthy settings. Intermediaries may extort significant sums of money from aspiring athletes' families in order to facilitate their sporting career. This exchange entails the receipt of payments by the intermediary to achieve the consent of the family.

183 Fortier, K., Parent, S., & Lessard, G. (2019). Child maltreatment in sport: Smashing the wall of silence: A narrative review of physical, sexual, psychological abuses and neglect. *British Journal of Sports Medicine*, 54(1), 4-7. <https://doi.org/10.1136/bjsports-2018-099202>

184 Ibid.

185 Stanford Encyclopedia of Philosophy. (n.d.). Exploitation. <https://plato.stanford.edu/entries/exploitation/>

186 United Nations Office on Drugs and Crime. (2020). *Legislative guide for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (p. 33). Vienna, Austria.

The 'purpose' element: exploitation

The 'purpose' element of a trafficking crime as defined in the TIP Protocol is established by the presence of intent or knowledge on the part of the trafficker that the victim will be subject to exploitation. Exploitation is defined through a non-exhaustive list of exploitative practices, which must be included in states' domestic definitions, namely: exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. However, states are also free to supplement this list in their domestic law with additional forms of exploitation. The different forms of exploitation listed are disjunctive. **Only one of the specified forms of exploitation need to be captured in the purpose of the trafficker.**

The listed purposes cover various forms of exploitation, including both labour and sexual exploitation, as well as removal of organs. While any of the listed forms of exploitation may be present in a case of sport trafficking, the most common forms of exploitation evident in cases of trafficking in sport are forced labour or services and practices similar to slavery. Sexual exploitation may also be common in sport trafficking, both in conjunction with labour exploitation and in isolation. Trafficking through and around sports may include any of the listed forms of exploitation.

Each of the specified forms of exploitation mandated for inclusion in the purpose element of the trafficking crime are addressed in turn in this section.

Note: The purpose element of the trafficking crime is a mens rea – mental element – of the trafficking crime. It does not require that the specified form of exploitation actually take place, merely that the trafficker intended or knew that exploitation was to take place as a part of the overall process to which they were contributing.

Exploitation of the prostitution of others or other sexual exploitation

Exploitation of the prostitution of others and other sexual exploitation are not specifically defined in the TIP Protocol. The Protocol is specifically designed in this way to allow states to adopt different approaches to prostitution in their domestic legal systems. As the UNODC observes:

The Protocol's approach to prostitution accommodates different domestic legal schemes. Those with legislative frameworks regulating prostitution are able to exclude prostitution that is treated as non-exploitative from their national trafficking framework, while countries whose prostitution laws treat it as a form of sexual exploitation are able to include this conduct within their anti-trafficking frameworks.¹⁸⁷

Thus, the legal frameworks governing prostitution in the specific country in which sport trafficking is seen to occur are of particular relevance for determining the boundaries of exploitation of prostitution. With regard to minors, any involvement in prostitution is likely to be automatically classed as exploitative and therefore satisfy this element of the trafficking definition. With regard to adults, domestic practice may differ more substantially. In some countries, prostitution taken alone will satisfy this element of the trafficking definition and automatically be defined as exploitation for adults as well as minors. In others, some scope for legal or regulated sex work may be accommodated by domestic law, thus requiring an additional layer of force or coercion in order to establish exploitation.

187 Ibid.

Sexual exploitation, on the other hand, is a “broader category of which exploitation of prostitution is one form”.¹⁸⁸ The UNHCR defines sexual exploitation as follows:¹⁸⁹

Sexual exploitation means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another. It includes, but is not limited to, exchanging money, employment, goods or services for sex. This includes transactional sex regardless of the legal status of sex work in the country. It also includes any situation where sex is coerced or demanded by withholding or threatening to withhold goods or services or by blackmailing.

In sport trafficking cases, sexual exploitation may occur in conjunction with the labour exploitation of an athlete or aspiring athlete, or it may constitute the primary form of exploitation evident in a case. This may occur both within sport organisations and outside them. For instance, sport agents and intermediaries may be seen to take advantage of their position of power or trust with the victim in order to sexually exploit them on their journey or during their time in a host organisation. Likewise, officials and employees within a sports organisation (including coaches, doctors, and other agents) may abuse the level of power and control they have over athletes to enable sexual exploitation—whether by sexually exploiting the athletes themselves or by coercing them into sexual exploitation involving others. Perpetrators may use sports-related benefits to coerce individuals into sexual exploitation—for instance, coaches and agents have been seen exchanging boots and sportswear for ‘sexual favours’ from minor athletes and aspiring athletes. Sports-related threats may also be employed to enable sexual exploitation, for instance threats of depriving athletes of competition opportunities or places on teams. In some cases, athletes being ‘sold’ for sex during sporting events has been reported, associated with threats to the athletes that they would not be allowed to travel to sporting events in the future if they did not comply.

Sexual exploitation and abuse can serve as both an exploitative purpose in a trafficking case and a coercive means employed to maintain a trafficking situation (i.e. as threat or use of violence – see further section 5.5.1). Where sport entities employ sexual exploitation and abuse, they may do so as a primary purpose in itself, or as a means of maintaining control over athletes and continuing to continue coercing the performance of (for instance) forced labour, or a combination of purposes.

With regard to trafficking through and around sport, sexual exploitation may have been a primary purpose from the outset, perpetrated by fraudulent agents and/or outside actors.

Note on the relationship between sexual and labour exploitation: While sexual and labour exploitation are separately identified as forms of exploitation within the purpose element of the trafficking crime, the TIP Protocol does not conclude that a situation of exploitation of prostitution or other sexual exploitation cannot also be classified as a form of labour exploitation. Forced prostitution in particular may fall within the scope of forced or compulsory labour, although this may be impacted by the specificities of domestic law in this regard in the jurisdiction in question.

¹⁸⁸ Ibid.

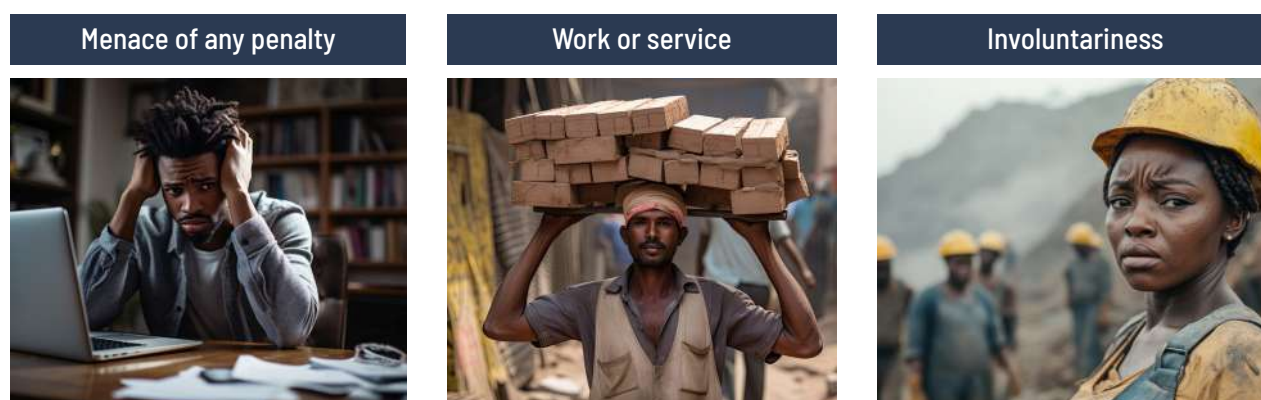
¹⁸⁹ UNHCR. (n.d.). *Defining sexual exploitation and abuse and sexual harassment*. <https://www.unhcr.org/uk/what-we-do/how-we-work/tackling-sexual-exploitation-abuse-and-harassment/what-sexual-exploitation>

Forced labour or services

Forced or compulsory labour is defined in the 1930 Forced Labour Convention as:¹⁹⁰

...all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

The convention sets out five practices considered to fall outside the scope of the term, although these have limited overlap with sport trafficking cases, relating to military service, normal civic obligations, labour resulting from a conviction in a court of law, labour exacted in times of emergency, and minor communal service.¹⁹¹ Thus, the definition of forced or compulsory labour relevant for consideration in sport trafficking cases has three central elements:



Forced labour or services is likely to be the most common exploitative purpose found in cases of trafficking in sport.

Work or service

'All work or service' encompasses all types of work, services, employment or occupation, regardless of the industry and sector within which it is found and irrespective of whether or not national rules and regulations recognize them as an 'economic activity', or a legal activity. This means that many regular or irregular types of activity could be captured by 'forced labour or services', provided the other elements of the definition are met. This may seem obvious for work that takes place in regular work sectors, but less obvious for other types of activities such as begging, domestic work, or criminal activity including drug cultivation and trafficking'.¹⁹²

Under the definition of forced or compulsory labour, work or service is broadly understood to encompass a wide range of activities. In the context of sport, many activities in which athletes and aspiring athletes engage could be classified as work or service, which would then constitute forced labour if the other two elements of the definition were satisfied. The definition of work or service does not require labour to be a remunerated activity in order to

190 International Labour Organization. (1930). *Forced Labour Convention, 1930 (No. 29)*, Art. 2. https://www.ilo.org/dyn/normlex/en/F?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029

191 International Covenant on Civil and Political Rights. (1966). *Adopted 16 December 1966 by General Assembly resolution 2200A (XXI)*. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>. , also establishes a right not to be subjected to forced or compulsory labour, with substantially similar though slightly diverging exceptions. , also establishes a right not to be subjected to forced or compulsory labour, with substantially similar though slightly diverging exceptions.

192 United Nations Office on Drugs and Crime. (2020). *Legislative guide for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (pp. 35-36). Vienna, Austria.

satisfy this element of the definition of forced or compulsory labour. Indeed, non-payment of wages may be an indicator of forced labour.

Menace of penalty

The extraction of work or services ‘under the menace of any penalty’ refers to a wide range of penalties used to compel someone to perform work or service, including penal sanctions and various forms of coercion such as physical violence, psychological threats or the non-payment of wages. The ‘penalty’ may also consist of a loss of rights or privileges (such as a promotion, transfer, or access to new employment) or the threat of deportation.¹⁹³

The International Labour Organisation (ILO) has confirmed that ‘menace of penalty’ should be understood ‘in a very broad sense’, covering penal sanctions as well as a wide range of coercive means used to compel someone to perform work or service against their will.¹⁹⁴ Thus, there is an overlap in establishing the means element of a trafficking crime and establishing the presence (or purpose) of forced or compulsory labour. Evidence of the means element of trafficking may also provide evidence of menace of penalty.

Menace of penalty may be achieved through either direct or indirect coercion. A perpetrator need not directly and explicitly threaten an individual to create a menace of penalty – this may also be achieved through a combination of the material circumstances of the victim and perpetrator behaviour that together creates a menace of penalty.¹⁹⁵

The ILO provides a range of examples of coercion that may constitute menace of penalty, namely actual or credible threat of any of the circumstances outlined in Table 3.¹⁹⁶ These circumstances are presented alongside indicative examples related to sport trafficking below.

TABLE 3

ILO circumstances relevant to menace of penalty and their manifestation in sport trafficking cases

ILO circumstances relevant to menace of penalty	Examples from sport trafficking
Physical, psychological or sexual violence against a worker or family or close associate	Psychological violence against athletes and aspiring athletes is relatively common in sport trafficking cases, used as a means of coercive control. Sexual violence against athletes is also evident in a range of cases and may be both a penalty attaching to labour and a form of exploitation in its own right.
Retaliation	Sport trafficking victims may be threatened with a wide range of retaliatory measures if they refuse to perform work or service required of them by their exploiter. This might include threats of being withdrawn from sporting competitions or otherwise denied sporting opportunities.
Imprisonment or other restriction of movement	While imprisonment and restrictions on movement may be relatively uncommon in sport trafficking cases, they are evident in some situations. This may be particularly relevant where the athlete’s or aspiring athlete’s living situation is controlled by their exploiter.

193 Ibid.

194 International Labour Organisation. (n.d.). *Tool No 2: Forced labour and related concepts* (ILO Toolkit on Developing National Action Plans on Forced Labour), p. 1. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_762168.pdf

195 For instance, in the case of *Siliadin v France* before the European Court of Human Rights, the court found that the perpetrators had nurtured the victim’s fear—connected to the fact that she was an adolescent in a foreign country, with irregular immigration status, and afraid that she would be arrested by the police—and used promises of regularisation to coerce her into remaining in an exploitative situation.

196 International Labour Organisation. (n.d.). *Tool No 2: Forced labour and related concepts* (ILO Toolkit on Developing National Action Plans on Forced Labour), pp. 1-2. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_762168.pdf

ILO circumstances relevant to menace of penalty	Examples from sport trafficking
Financial penalties	Financial penalties appear to be a relatively uncommon penalty in sport trafficking cases, although sport actors may threaten athletes with fines or deductions.
Withholding wages or other promised benefits	Withholding wages and other benefits may be employed in sport trafficking cases to force an athlete or an aspiring athlete to continue performing labour in poor conditions.
Withholding valuable documents, such as identity documents or residence permits	Withholding of identity documents is a commonly reported concern in sport trafficking cases involving international migration. While this may be less commonly employed as a penalty associated with non-performance of labour, it can be used as a mechanism of coercive control to force an athlete to continue working in poor conditions.
Debt bondage or manipulation of debt	Debt bondage and manipulation of debt are relatively common in sport trafficking cases. Athletes and aspiring athletes may accrue debts to sport organisations and/or intermediaries for travel, accommodation, fees, equipment, kit, expenses and events (among others). For athletes with limited understanding of their rights and entitlements and the legal constraints in place on these actors in relation to debt, these can be strongly coercive.
Denunciation to authorities (such as police or immigration) and deportation	Threats of reporting athletes to immigration authorities may go hand-in-hand with confiscation of documents, as well as being common in cases where athletes or aspiring athletes have irregular immigration status or travelled on fraudulent documents.
Dismissal from current employment	Dismissal is a relatively common threat associated with sport trafficking cases. Where athletes have few or no livelihood alternatives, have been removed from home communities, and have no alternatives for a sporting career this may be particularly influential.
Exclusion from future employment	As with dismissal, exclusion from future employment may be used as a threat to force athletes to continue working in poor conditions. The threat may relate not only to employment with a particular sport actor but may relate to all employment in an athlete's sport.
Exclusion from community and social life	Exclusion from community and social life may be less common in sport trafficking cases. However, it may be particularly relevant in cases involving children removed from home and living under the control of a sport actor.
Removal of rights or privileges (such as promotion, transfer, access to new employment, social benefits)	Removal of rights and privileges, often associated with an athlete's prospects of success in their sporting careers, can be an effective tactic used to force athletes to continue to labour in poor conditions. As with dismissal and exclusion, this is closely related to the strength of an athlete's athletic dreams, and the hold that this therefore has over them.
Deprivation of food, shelter or other necessities	Deprivation of food, shelter, and other necessities may be engaged as a penalty to force athletes to continue to train or perform in poor conditions. This may be particularly relevant where an athlete's living situation is controlled by the exploitative sport actor.
Shift to even worse working conditions	Threats of transfer to a lesser sport organisation or club, or of demotion to a less advantageous role, may be used to force an athlete to continue to labour in poor conditions.
Loss of social status	Being in favour with a sport actor that has sway over future career prospects can be perceived as of great significance for an athlete or aspiring athlete. Exploitative sport actors may therefore threaten athletes with damage to their reputation among such influential actors, or by refusing to advocate for them in these settings.

Threat is to be assessed from the perspective of the individual victim, rather than from the perspective of the perpetrator or from an objective or third-party perspective. For instance, the vulnerability of childhood may result in threats being more readily perceived by minor victims as credible. Likewise, for migrants, threats related to the criminal justice or immigration system in a foreign country may be more readily believed where the victim is unfamiliar with the country's systems, does not speak the language, and or comes from a context in which corruption in justice systems is rife. Threats to denounce a victim to police or immigration authorities when their immigration status is irregular may constitute threat of penalty¹⁹⁷, particularly relevant for sport trafficking victims after the expiry of short-term visas or where intermediaries have facilitated irregular travel.

Involuntariness

The third element of the definition, 'voluntary offer', refers to the free and informed consent of a worker to enter into an employment relationship and to the freedom to leave the employment at any time (i.e. to revoke the freely given consent to work).¹⁹⁸

For those who freely entered into a contract to perform work or service, the existence of sanctions if the person does not honour the agreement (menace of any penalty) is not sufficient to establish forced labour. This is so because the person freely entered into that arrangement. Some elements of coercion or involuntariness is needed in the conditions of work or service that the person experienced. An athlete or aspiring athlete willingly signing on to particular work—even demanding work that entails penalties for non-performance (e.g. threat of termination or not being allowed to participate in sporting events)—does not establish forced labour by itself. The element of involuntariness is also required.

It is important to note that while a person may appear at first sight to have freely entered into a contract or arrangement related to sport, they may have been subjected to various different forms of coercion that mean that they did not give the free and informed consent to the employment relationship that is required. In considering involuntariness, it is therefore crucial to look beyond what might appear to be a voluntary undertaking, to consider the circumstances (as set out below) that may have undermined free and informed consent. The presence of any of the ILO indicators of forced labour or circumstances relevant to involuntariness may point to involuntariness, and therefore forced labour.

The element of involuntariness relates to the individual not having given free and informed consent to undertake the work or service or enter into the employment relationship, combined with an inability to freely withdraw their consent at any time (i.e. to freely leave the employment).¹⁹⁹ Voluntariness is ongoing rather than only being relevant at the initiation of an employment relationship. Thus, involuntariness may manifest either:

1. At the inception of an employment relationship, for example through coercion or an abuse of a position of vulnerability to enter into the arrangement or through deception, fraud or an abuse of a position of vulnerability about the working conditions; or
2. During the course of employment if circumstances materially change, so that the individual cannot be seen to have voluntarily entered into the arrangement.

For instance, where a sport organisation or recruiter made false representations as to the nature of the work or service, the athlete or aspiring athlete can be understood to have 'volunteered' only for the working conditions

197 European Court of Human Rights. (2022, August 31). *Guide on Article 4 of the European Convention on Human Rights: Prohibition of slavery and forced labour*, p. 10. https://www.echr.coe.int/documents/d/echr/guide_art_4_eng

198 United Nations Office on Drugs and Crime. (2020). *Legislative guide for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (pp. 35-36). Vienna, Austria.

199 International Labour Organisation. (n.d.). *Tool No 2: Forced labour and related concepts* (ILO Toolkit on Developing National Action Plans on Forced Labour), p. 2. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_762168.pdf

that were promised. Material change in the circumstances would produce involuntariness if the athlete or aspiring athlete was then prevented from revoking the agreement.

Relevant circumstances identified by the ILO as potentially giving rise to involuntary work are set out in Table 4 below,²⁰⁰ presented alongside examples of these circumstances related to sport trafficking.

TABLE 4
ILO circumstances relevant to involuntariness and their manifestation in sport trafficking cases

ILO circumstances relevant to involuntariness	Examples from sport trafficking
Birth or descent into "slave" or bonded status	Birth or descent into slave or bonded status are not generally associated with sport trafficking cases that have been brought to light to date.
Physical abduction or kidnapping	Physical abduction and kidnapping are not generally associated with sport trafficking cases that have been brought to light to date.
Sale of person into the ownership of another	Athletes and aspiring athletes are often 'transferred' between sports actors as a part of their journey in the sports industry.
Physical confinement in the work location, in prison or in private detention	Athletes and aspiring athletes, particularly in training camps and academies, may be required to live on premises also owned and/or managed by the sports actor for whom they are working. Although this may not entail being physically locked in, they may have no ability to leave the location due to practical constraints.
Psychological compulsion, such as an order to work backed up by a credible threat of a penalty for non-compliance	Psychological compulsion is a common tool employed in sport trafficking cases, which often prey on already vulnerable athletes and aspiring athletes. Threats to the person's athletic career can be extremely coercive where the person has no alternative for a good life. Threats related to immigration enforcement (criminalisation or deportation) are also common.
Induced indebtedness (for example by falsification of accounts, inflated prices, reduced value of goods or services produced, or excessive interest charges)	Athletes and aspiring athletes may be induced into debt to intermediaries or other sports actors in order to enter into a sport career pathway. For instance, intermediaries may cover the costs of an athlete migrating for a sport opportunity and hold these costs as a debt with excessive interest rates.
Deception or false promises about types of work, terms of work, activities or employers	Deception and false promises about sporting work are common in sport trafficking cases. Recruiters and intermediaries often tout fantastic promises about lucrative sport careers to entice aspiring athletes abroad or away from their home community.
Withholding and non-payment of wages	An athlete's wages may be withheld either by the sport organisation employing them, or by an intermediary or agent that controls the athlete's finances.
Retention of identity documents or other valuable personal possessions	Athletes and aspiring athletes who have migrated in pursuit of a sporting career may have their passports and travel documentation confiscated and/or withheld in both transit and destination countries. Coupled with threats of criminalisation or deportation if the athlete or aspiring athlete reports to the police, this can substantially constrain their ability to leave, as well as preventing them from pursuing alternative employment or returning home.

200 Ibid.

ILO circumstances relevant to involuntariness	Examples from sport trafficking
No or limited freedom to terminate the work contract	Vulnerable athletes and aspiring athletes are often placed in situations where their ability to terminate exploitative work is limited. Often drawn from deprived socioeconomic situations and moved abroad in pursuit of an athletic career, athletes and aspiring athletes may have no real alternatives, nowhere else to go, and no way to get home if they did leave. This lack of alternatives in itself may create a situation that substantially limits their freedom to leave.

Indicia of forced labour

Looking at the presence of forced or compulsory labour more holistically, the ILO has identified a set of indicators that may point to a situation of forced labour (listed below). Several of these indicators align with the means elements set out for trafficking in persons. Thus, the guidance associated with this element may also provide guidance for determining if a situation constitutes forced labour. This may be relevant for both adult and minor victims, as although the means element of trafficking is not required for minors, it is nonetheless necessary to establish in trafficking cases that one of the listed forms of exploitation (each with their own thresholds) was intended. Circumstances relevant to menace of penalty (see Table 3) and involuntariness (see Table 4) also have some overlap with these indicators.

The ILO indicators of forced labour include:²⁰¹

- Abuse of vulnerability
- Deception
- Restriction of movement
- Isolation
- Physical and sexual violence
- Intimidation and threats
- Retention of identity documents
- Withholding of wages
- Debt bondage
- Abusive working and living conditions
- Excessive overtime (considering the number of hours worked, in comparison to other athletes of similar standing, and in light of what is appropriate to preserve the physical and mental health of the athlete)

While the presence of a single indicator may in some cases imply the existence of forced labour, in others several indicators together will point to a forced labour case. Taken together, these indicators cover the primary elements of forced labour situations and thus provide a strong basis for determining whether an individual sport trafficking case involves forced or compulsory labour.

While the presence of a single indicator may in some cases imply the existence of forced labour, in others several indicators together will point to a forced labour case. Taken together, these indicators cover the primary elements of forced labour situations and thus any one or more of these indicators, taken with the presence of the trafficking definition requirements being met, namely an act and one of the means being present (the means being required only in the case of adults), can provide a strong basis for determining whether an individual sport trafficking case involves the intention to exploit the individual for their forced or compulsory labour.

201 International Labour Organisation. (n.d.). ILO indicators of forced labour (Special Action Programme to Combat Forced Labour). https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf

With regard to forced labour of children, work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children is recognised as one of the worst forms of child labour under the 1999 Worst Forms of Child Labour Convention (article 3(d)). While this may not automatically result in a situation being classified as forced or compulsory labour, it may provide evidence of abusive working conditions.

Slavery

In the 1926 Slavery Convention, slavery is defined as ‘the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised’ (article 1). This definition was reaffirmed in the 1956 Supplementary Convention (article 7) and the Rome Statute of the International Criminal Court (article 7(2)(c)), as well as by the European Court of Human Rights²⁰², the ECOWAS Community Court of Justice²⁰³, and the Inter-American Court of Human Rights.²⁰⁴ While there is widespread consensus over the basic definition of slavery in international law, the interpretation of this definition by judicial bodies has evidenced some contestation.

Under the 1926 definition, slavery is widely understood to cover both situations of *de jure* slavery (slavery in law) and *de facto* slavery (slavery in fact).²⁰⁵ As explained by the Inter-American Court of Human Rights:²⁰⁶

With regard to the ‘property’ element, it must be understood in relation to the phenomenon of slavery as ‘possession’, that is, the demonstration of control by one person over another. Therefore, “when determining the level of control required to consider an act as slavery, [...] it could be equated with the loss of one’s own will or a considerable decrease in personal autonomy”. In this sense, the so-called “exercise of powers attaching to the right of ownership” should be understood in the present day as the control exercised over a person that significantly restricts or deprives that person of his/her individual liberty, with the intent to exploit through the use, management, profit, transfer or disposal of that person. Usually this exercise will be supported by, and obtained through, means such as violence, deception and/or coercion.

202 *Siliadin v. France* (2005, July 26). Judgment: Merits and just satisfaction, para. 122. European Court of Human Rights

203 *Hadijatou Mani Koraou v. Niger*, ECW/CCJ/JUD/06/08 (Economic Community of West African States Court of Justice, 2008). Judgment, para. 74

204 *Case of the Workers of the Hacienda Brasil Verde v. Brazil* (2016, October 20). *Preliminary objections, merits, reparations, and costs*, para. 248. Inter-American Court of Human Rights.

205 This was explicitly recognised by the Inter-American Court of Human Rights in *Brasil Verde*, above n. 150, para 270. It was also affirmed in domestic jurisprudence by the Australian High Court in *R v Tang* [2008] HCA 39, para 25. The European Court of Human Rights in 2005 advanced a more restrictive interpretation, finding that the 1926 definition ‘corresponds to the “classic” meaning of slavery as it was practised for centuries’, in other words a ‘genuine right of legal ownership’ over a person that reduced the to the ‘status of an “object”’ – *Siliadin*, above n.148, para 122. However, in recognising that ‘trafficking in human beings, by its very nature and aim of exploitation, is based on the exercise of powers attaching to the right of ownership’, the ECHR opened the gate for a wider interpretation of slavery – *Rantsev v Cyprus and Russia* (Judgment: Merits and Just Satisfaction) 07/01/2010, para 281.

206 *Brasil Verde*, above n. 150, para 271. This decision echoes the Bellagio-Harvard Guidelines, which provide guidance for the legal interpretation of the 1926 definition – Research Network on the Legal Parameters of Slavery. (2012). *Bellagio-Harvard guidelines on the legal parameters of slavery*. https://glc.yale.edu/sites/default/files/pdf/the_bellagio-harvard_guidelines_on_the_legal_parameters_of_slavery.pdf

The Guidelines explain: In cases of slavery, the exercise of “the powers attaching to the right of ownership” should be understood as constituting control over a person in such a way as to significantly deprive that person of his or her individual liberty, with the intent of exploitation through the use, management, profit, transfer or disposal of that person. Usually, this exercise will be supported by and obtained through means such as violent force, deception and/or coercion.

The ‘background relation of control’ required to reach the threshold of slavery is ‘control tantamount to possession’ (guideline 3).

In 2002, the International Criminal Tribunal for the former Yugoslavia (ICTY) established a set of ‘indicia’ of enslavement, which may provide evidence of enslavement.²⁰⁷ The indicia were subsequently reaffirmed by the ICTY²⁰⁸, the Special Court for Sierra Leone²⁰⁹, and the Extraordinary Chambers in the Courts of Cambodia²¹⁰, as well as being recognised by the ECOWAS Community Court of Justice²¹¹ and Inter-American Court of Human Rights²¹² as relevant for the consideration of slavery in human rights law.²¹³ The ICTY indicia of enslavement include:

- Control of someone’s movement
- Control of physical environment
- Psychological control
- Measures taken to prevent or deter escape
- Force, threat of force or coercion
- Duration
- Assertion of exclusivity
- Subjection to cruel treatment and abuse
- Control of sexuality
- Forced labour

These indicia are not a checklist for identifying slavery; the presence of any or all of the indicia is not determinative of slavery. Rather, they are factors to be considered ‘in addition to the attributes of the right of ownership which characterises slavery’.²¹⁴ They involve questions of degree²¹⁵ to be considered against the overarching question of whether the level and circumstances of control exercised over the person represent control tantamount to ‘possession’²¹⁶ or ‘effective ownership’.²¹⁷

Sport trafficking may constitute a form of slavery when the level of control exercised over the victim rises to the level of control tantamount to possession or effective ownership—where a person was treated as if they were owned or as if they were the property of another. This may be established by reference to the indicia of enslavement identified by the ICTY (listed above). The circumstances of the case should be considered holistically, to determine whether the facts of the case in aggregate (including the factors outlined by the ICTY) represent this level of control over the person, to treat that person as if they were property.

Two characteristics that may provide particularly strong evidence in identifying cases of slavery in sports (although not necessarily determinative):

- The period of time for which the victim is deprived of their liberty is, from the perspective of the person, indeterminate.²¹⁸ If the person being exploited in sport trafficking cannot reasonably foresee and does not expect an end to their experience of exploitation, this provides a strong indicator for the situation being considered to rise to the level of control tantamount to possession and therefore slavery.
- The level of mistreatment or neglect of the victim severely curtails ‘the capacity of the human body to sustain

207 Appeals Chamber of the International Criminal Tribunal for former Yugoslavia (ICTY), in the case concerning *Public Ministry v. Dragoljub Kunarac, Radomir Kovac and Vukovic Zoran*, Judgment of 12 June 2002, IT-96-23 & 23/1. Enslavement in international criminal law is defined in line with the 1926 definition, although limited in application to the context of crimes against humanity (acts committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack) – e.g., Rome Statute of the International Criminal Court, article 7.

208 *Prosecutor v. Krnojelac*, Case No. IT-97-25-T (International Criminal Tribunal for the former Yugoslavia, Chamber of the Court, March 15, 2002). *Judgment*, para. 357.

209 *Prosecutor v. Sesay, Kallon and Gbao*, Trial judgment, Case No. TESS-04-15-T, Trial Chamber I, March 2, 2009, para. 199; *Prosecutor v. Brima, Kamara and Kanu*, No. TESS-04-16-T-628, 1st Instance Chamber. Judgment of June 20, 2007, paras. 744-74.

210 Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Democratic Kampuchea Period. Extraordinary Chambers in the Courts of Cambodia. (2012, February 3). *Duch case, No. 001/18-07-2007/ECCC/SC, Supreme Court judgment*, para. 119.

211 *Hadijatou*, above n.149, para 77.

212 *Brasil Verde*, above n.150, para 262.

213 For the interpretation of the definition of slavery under the African Charter of Human and Peoples’ Rights and American Convention on Human Rights respectively. In both cases, the courts revert to the 1926 definition as a foundation. The European Court of Human Rights also cited the indicia in *Siliadin v France* (above n.148, para 143) and *Rantsev v Cyprus and Russia* (2010) Application No 25965/04 (para 280) although without explicit affirmation. The Australian High Court in *R v Tang* likewise acknowledged that the factors set out in *Kunarac* ‘are relevant to the application of s 270.3(i)(a) of the Code’ – above n.151, para 35.

214 *Hadijatou*, above n.149, para 77.

215 This was explicitly noted by the Australian High Court in *R v Tang* [2008] HCA 39, (2008) 237 CLR 1, para. 32. Above n.151 para 32.

216 *Brasil Verde*, above n.150, para 271; Bellagio-Harvard Guidelines, above n.152, guidelines 3 and 4.

217 *R v Tang* [2008] HCA 39, (2008) 237 CLR 1, above n.151.

218 Bellagio-Harvard Guidelines on the Legal Parameters of Slavery. (n.d.). *Guideline 3*.

itself or function effectively'.²¹⁹ Where the victim's experience of sport trafficking includes sustained or severe physical or psychological abuse or the imposition of physical demands that result in significant and/or long-term harm, this provides a strong indicator for the situation being considered to rise to the level of control tantamount to possession and therefore slavery.

Practices similar to slavery

Practices similar to slavery within the definition of trafficking in persons is best understood with reference to the four practices delineated as 'institutions or practices similar to slavery' under the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.²²⁰ The two institutions and practices similar to slavery of greatest relevance for sport trafficking cases are debt bondage and delivery of children for exploitation.

Debt bondage

The institution or practice similar to slavery of debt bondage is defined under article 1(a) of the Supplementary Convention as follows:

Debt bondage, that is to say, the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

This may be particularly relevant in cases where an intermediary or agent (or a sports organisation or outside actor) purports to loan an athlete or aspiring athlete money in order to facilitate their engagement in the sport industry or to arrange their migration for the same purpose. Such loans will not automatically create a situation of debt bondage but will become debt bondage where the terms of repayment are exploitative—either because the person's labour applied towards discharging the debt is being substantially undervalued, or because the terms of repayment are not clearly delineated.

The application of exorbitant interest rates and the addition of further charges to the debt that were not part of the original agreement can provide evidence towards debt bondage. Creditors may also restrict accommodation and subsistence options of the debtor, forcing or coercing them to rely on the creditor for their basic needs and adding additional and exorbitant charges to the debt for these living expenses.

The consent of a victim to a debt bondage situation has no bearing on the legal categorisation of a situation as debt bondage (irrespective of whether the victim is an adult or a child). As the UNODC observed:

Unlike forced labour, the international legal definition of debt bondage makes no reference to the concept of voluntariness. This means that the presence or absence of consent has no bearing on whether a situation of debt bondage exists.²²¹

Thus, an athlete or aspiring athlete having freely entered into a debt arrangement is not determinative in establishing debt bondage. What matters are the terms of the loan and repayment of such. Further, where the conditions of the

219 Bellagio-Harvard Guidelines on the Legal Parameters of Slavery. (n.d.). *Guideline 4(f)*.

220 United Nations. (1956). *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery*. <https://www.ohchr.org/en/instruments-mechanisms/instruments/supplementary-convention-abolition-slavery-slave-trade-and>.

221 United Nations Office on Drugs and Crime. (2020). *Legislative guide for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (pp. 37-38). Vienna, Austria.

loan make it impossible for the athlete or aspiring athlete to repay the debt, resulting in a situation of perpetual exploitation, this may indicate that the situation of debt bondage has risen to the level of slavery.

Delivery of children for exploitation

The institution or practice similar to slavery of delivery of children for exploitation is defined under article 1(a) of the Supplementary Convention as follows:

Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour.

This institution or practice similar to slavery creates space for a wider range of exploitative practices committed against children to fall within the definition of trafficking, as the threshold for exploitation is *prima facie* lower than that established by the definition of forced work or service. This may be particularly relevant in cases involving the economic exploitation of child athletes or aspiring athletes, as this form of exploitation may not fall within the other types of exploitation included in the purpose element of trafficking.

Servitude

***Servitude, a term that is also used in article 8 paragraph 2 of the International Covenant for Civil and Political Rights, generally includes egregious exploitation of one person over another that is in the nature of slavery but does not reach the very high threshold of slavery.*²²²**

Servitude is not defined in international law, nor is it clearly delineated or defined at the regional or domestic level. Article 7(a) of the Supplementary Convention indicates that ‘a person of servile status’ is a person subjected to one of the four institutions or practices similar to slavery set out in that instrument. This implies that servitude and institutions and practices similar to slavery have a close relationship, borne out in analysis of the negotiation of the 1956 convention.²²³ This connection was likewise observed by the UNODC in the interpretive guidance on the TIP Protocol.²²⁴ However, to the extent that this issue has been considered before authoritative international tribunals, echoes of the relationship between the two concepts have been evident but the connection has not been embedded.

In the 1980 case of *Van Droogenbroeck v. Belgium*, the European Commission declared servitude a ‘particularly serious form of denial of freedom’, including ‘the obligation to perform services for others’, ‘the obligation for the ‘serf’ to live on another person’s property and the impossibility of altering his condition’.²²⁵ In 2000 the European Court addressed the issue of servitude again, affirming the interpretation adopted in *Van Droogenbroeck*, including the reference to the ‘serf’, and went on to describe servitude as ‘an obligation to provide services under duress’ connected to slavery.²²⁶

In a more substantive consideration of the content of servitude, the European Court in *Siliadin v France* supported both of these prior declarations, and the connection to slavery.²²⁷ The Court considered relevant to the finding of servitude: the fact that the applicant was required to perform forced labour; that this labour lasted almost fifteen

222 Ibid.

223 See Schwarz, K. (2021). Fragmentation and Convergence in International Antislavery Law. In D. Méndez Royo & E. Díaz Bravo (Eds.), *Diálogo en el Derecho Internacional Público (Dialogue in Public International Law)* (Tirant Lo Blanch, 2021).

224 United Nations Office on Drugs and Crime. (2020). *Legislative guide for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (p. 37). Vienna, Austria.

225 Paras 78-80. Affirmed by *Van Droogenbroeck v. Belgium* (1982). Application No. 7906/77, para. 58, European Court of Human Rights.

226 *Seguin v France* (2000) Application No 42400/98.

227 Paras 123-124.

hours per day, seven days per week; that the applicant had not chosen to work for her exploiters; that she was a vulnerable and isolated minor with no resources and no means to live elsewhere; that her papers had been confiscated leaving her 'entirely at the mercy' of her exploiters; that she was not provided with the promised education; and that she had no freedom of movement and no free time.²²⁸ Emphasis was placed on the fact that that the applicant was completely dependent on her exploiters, and that she could have no hope that her situation would improve.²²⁹

In *CN and V v France*, the European Court described servitude as a 'special type of forced or compulsory labour or, in other words, "aggravated" forced or compulsory labour' with the 'fundamental distinguishing feature' between forced labour and servitude being the victim's 'feeling that their condition is permanent'.²³⁰ Ultimately, the European Court in *Siliadin* and *CN* affirmed the interpretation of servitude as the obligation to provide service, imposed through use of coercion, combined with the obligation to live on another person's property, and without the possibility for the exploited person to alter this condition (i.e. for an indeterminate period of time). Whether the Court would require the victim live on the land of another in all cases of servitude remains untested, as no case not meeting this element but satisfying all others has yet to be determined. In *Brasil Verde*, the Inter-American Court affirmed the definition of servitude adopted by the European Court in *Siliadin*, interpreting servitude to mean: 'the obligation to perform work for others, imposed by coercion, and the obligation to live on the property of another person, without the possibility of changing that condition'.²³¹

In cases of sport trafficking, the concept of servitude may be particularly relevant where the victim is forced to perform work whilst residing in accommodation provided by the intermediary, agent or sport organisation and are unable to change their situation. Such conditions of work may provide strong evidence of servitude. The inability of the athlete or aspiring athlete to change their condition will be particularly relevant.

Servitude may also be seen as an aggravated form of forced labour, falling short of slavery but rising beyond forced work or service. Determining servitude in this context is a matter of degree, considering the athlete or aspiring athlete's level of dependence on their exploiters and their capacity to change the situation. Various factors may be relevant in considering whether a sport trafficking case involves servitude (rather than being limited to forced labour or rising to the level of slavery). Factors that may be considered in this determination include:²³²

- The foundational presence of forced labour
- The number of hours worked per day and days worked per week
- The level of coercion and control being exerted over the athlete or aspiring athlete
- The level of choice exercised by the athlete or aspiring athlete in who they work for
- Vulnerability and isolation of the athlete or aspiring athlete
- Whether the athlete or aspiring athlete has the freedom and/or means to live away from their exploiters
- Whether the athlete or aspiring athlete retains possession of their travel and identity documents, or if these have been confiscated by their exploiters
- Whether promises that form the basis of the athlete or aspiring athlete being at the hands of the exploiters are being met
- Whether the athlete or aspiring athlete has freedom of movement
- Whether the athlete or aspiring athlete has free time

228 Paras 126-128.

229 Para 128.

230 Para 91.

231 Para 280.

232 These factors are derived from the jurisprudence cited above.

Removal of organs

Removal of organs is unique among the stipulated forms of exploitation in that it does not constitute a practice that is inherently exploitative. The removal of organs may be lawful or unlawful depending on the purpose and circumstances of that removal. In most States, organ removal will be lawful under certain specified circumstances. Some countries have, therefore, defined this practice as exploitative where additional indicia are present, including where the removal of the organs was accomplished through force, fraud or other coercive means.

The term 'removal of organs' is not further defined in the Trafficking in Persons Protocol. Organs envisaged by the Protocol include kidney, liver, heart, lung, and pancreas.²³³

Human trafficking for the purpose of the removal of organs is distinct from the trafficking of organs and the removal of human cells or tissues. The TIP Protocol applies to the former, but not the latter. Human organs are defined in the Council of Europe Convention against Trafficking in Human Organs as:

...a differentiated part of the human body, formed by different tissues, that maintains its structure, vascularisation and capacity to develop physiological functions with a significant level of autonomy. A part of an organ is also considered to be an organ if its function is to be used for the same purpose as the entire organ in the human body, maintaining the requirements of structure and vascularisation.

The removal of human cells or tissues falling short of this definition may constitute an offence of a different kind, but would not constitute removal of organs as a form of exploitation within the definition of trafficking in persons.

Trafficking in persons for organ removal is also legally distinct from trafficking in organs, cells, and tissues. Trafficking in organs involves: illicit removal of human organs; use of illicitly removed organs; illicit solicitation, recruitment, offering and requesting undue advantages; and preparation, preservation, storage, transportation, transfer, receipt, import and export of illicitly removed human organs.²³⁴ These activities alone may constitute a separate crime, but will not constitute human trafficking in isolation. Trafficking in persons for the purpose of organ removal requires the presence of both the act and means of the trafficking crime committed in relation to the person whose organs an exploiter seeks to remove. Thus, the two crimes may go hand-in-hand, but are themselves distinct offences.

The UNODC provides further guidance on the scope and manifestations of trafficking in persons for organ removal:²³⁵

233 United Nations Office on Drugs and Crime. (2020). *Legislative guide for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (pp.38-39). Vienna, Austria.

234 Council of Europe. (2015). Council of Europe Convention against Trafficking in Human Organs, Article 2. Council of Europe Treaty Series - No. 216. <https://rm.coe.int/16806dca3a>

235 United Nations Office on Drugs and Crime. (2020). *Legislative guide for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (pp.38-39). Vienna, Austria.

...organ trafficking will fall under the Protocol, for example, where victims are coerced into entering an arrangement to sell their organs. Alternatively, victims may be deceived about the benefit or compensation they will receive, or they may not be fully informed about the procedures and health consequences of organ removal. Another method involves luring the donor abroad under false promises, such as employment opportunities.

Athletes and aspiring athletes may be placed in a position of vulnerability that presents a risk of trafficking for organ removal through a range of mechanisms. For instance, trafficking for the purpose of removal of organs in the context of sport trafficking may occur through false promises of sport opportunities, used to lure athletes and aspiring athletes into a situation in which their organs will be harvested. Alternatively, upon failing to secure a training contract or athletic opportunity in a host context, athletes or aspiring athletes may be coerced into entering an arrangement to sell their organs or deceived about the terms of such. However, no evidence of cases of this practice was identified in the study, and it is not currently clear whether perpetrators of trafficking for the purpose of organ removal are using sport as a conduit for their activities.

A.3. Next steps and recommendations

This Interpretative Guide is intended to advance understanding of how the legal definition of trafficking in persons—as set out in international law in the TIP Protocol and echoed in regional and domestic law—applies to cases of sport trafficking. It clarifies each element of the trafficking crime, and how these fit together to constitute trafficking. It further presents indicative insights on how the various elements of the legal definition may manifest in sport trafficking cases. The Interpretative Guide provides a framework for classifying and recognising situations that may constitute sport trafficking, with relevance for identification, investigation, prosecution, and judicial decision-making. By aiding in the differentiation of cases that do, and do not, cross the threshold of trafficking, the guide is also relevant for data collection, processing, and analysis. It may further inform the development of additional regulatory and policy instruments designed to more effectively tackle the problem of sport trafficking.

Understanding the dividing lines between situations that do constitute sport trafficking and those that may not, the guide supports a more effective and tailored policy and operational response. In particular, the interpretive guide may be engaged:

- To inform policymakers and parliamentarians in the development of national-level statutory and interpretative guidance to supplement their anti-trafficking legislation and policy, clarifying the application of trafficking law and policy in cases of trafficking in, through and around sport.
- To improve the identification and investigation of potential cases of sport trafficking by investigators and law enforcement through a better understanding of how the legal definition of trafficking in persons applies to situations of sport trafficking.
- To guide prosecutorial decision-making over whether to pursue a case of trafficking in persons against a perpetrator in a situation that may constitute sport trafficking.
- To inform the framing and construction of the crime of trafficking in persons by prosecutors pursuing a conviction in a sport trafficking case.
- To inform the interpretation and application of legal provisions related to trafficking in persons in sport trafficking cases by judges and magistrates.
- To improve identification of potential victims of trafficking in, through and around sport by frontline agencies and service providers and to ensure the delivery of effective and responsive support services for survivors.
- To inform the development of organisational policies and processes by sport organisations to safeguard against sport trafficking in their operations, to identify cases where sport trafficking has emerged, and to ensure appropriate care and support for survivors.

Other areas for legislative consideration

Trafficking in persons is predominantly considered as an issue of criminal law—both transnational and domestic. However, a range of different legal and policy frameworks intersect in the experience of those subjected to sport trafficking and have potential to prevent exploitation from occurring. This research project identified several additional areas of law directly relevant for tackling sport trafficking, which should be considered alongside the criminalisation of trafficking.

Areas for further consideration identified across the study are set out below. This reflects the concerns raised in consultative activities throughout the project and should not be considered an exhaustive list. Many other areas of law and policy may also be critically relevant for addressing sport trafficking.

Intersecting crimes

The application of trafficking crimes presents specific challenges for law enforcement. Evidencing a case of trafficking in persons—including satisfying all three elements of the TIP definition—can be particularly challenging. Stereotypes of the ‘ideal victim’, the impact of trauma on victim testimony, and the complexity of trafficking crimes can make securing a conviction for trafficking difficult. Thus, law enforcement may pursue strategies to charge and convict traffickers with alternative criminal offences. This may include charges for economic and immigration crimes. Such related crimes may be pursued in addition to trafficking crimes, or where barriers to a trafficking conviction are insurmountable in place of trafficking crimes.

Note: There may be cases where intersecting crimes are committed by victims as a result of their trafficking experience. Trafficking cases may even be brought to the attention of authorities as a result of crimes committed by victims. Countries may have established non-punishment principles in their domestic legislation that provide for the non-criminalisation of victims in these cases, and, where such provisions do not exist, policymakers and parliamentarians should consider advancing such. For States that are party to the Council of Europe Convention on Action against Trafficking in Human Beings, such provisions are mandated under article 26.

Child protection and children's rights

Parents and legal guardians of children have a specific set of legal duties to protect and safeguard children from abuse and exploitation, rooted in the international children's rights framework²³⁶ and protected in specialised domestic legal frameworks in most States. Additionally, public bodies in various States also have child protection obligations under domestic law. In sport trafficking cases, parents and guardians of children can be involved in the trafficking process or negligent in upholding their duties to the child. Pressure on athletes and aspiring athletes exerted by families can hinder their lives and development, push them into irregular pathways that make them vulnerable, and place them in the hands of traffickers and other exploitative actors. Thus, acts committed by parents and guardians in sport trafficking cases may violate child protection laws (irrespective of whether the parents or guardians are found to have committed trafficking). Likewise, a designated authority responsible for child protection within a given state may also be found in violation of its legal obligations and duties.

236 United Nations. (1989). Convention on the Rights of the Child. General Assembly resolution 44/25. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

Immigration and asylum

Irregular immigration, short-term permits, and tied visa schemes are all recognised vulnerability factors that place people at greater risk of trafficking. With regard to sport trafficking, participants in this study noted the need for reform of short-term and tied visa schemes, and the regularisation of individuals found to have been trafficked in, through or around sport. By adapting regular migration options to facilitate labour mobility and decent work, considering demographic and labour market realities, States can reduce risks of trafficking, including in the context of sport. Participants also emphasised the importance of optimising access to education for child athletes and aspiring athletes irrespective of their migration status and upholding their right to family life.

Specific visa categories may be required for athletes, tailored to their needs. Particularly for vulnerable athletes and aspiring athletes, simplified application procedures may be necessary to minimise risks of irregularity. Bilateral agreements may also be developed to facilitate the movement of athletes between countries and reduce risks of trafficking in these flows.

Regulation of recruitment

Sport agents and intermediaries are a key actor engaged in sport trafficking and wield significant persuasive power over aspiring athletes seeking a better life. Improving the regulation of recruitment in the sport industry may therefore be particularly relevant for addressing trafficking in this context. This could involve reviews of existing recruitment mechanisms, practices and policies to identify points of concern. Licensing of recruiters across different sports, strengthening of certification systems, the establishment of national independent offices to manage athlete documents for monitoring and supervision, and background checks of all agents by sport organisations were proposed as potential avenues for improving practice.

Labour rights

Labour rights frameworks are a protective infrastructure to help guard against exploitation and trafficking of individuals. Participants in this study noted that there were areas in which athletes and aspiring athletes could fall through the cracks of labour regulation and advocated for states to ensure conditions of decent work for athletes, including through the extension of labour laws and regulations to sports.

Sport governance

Various aspects of sport governance are seen to create fertile ground for sport trafficking. There is therefore a need for greater interrogation of regulation, organisational structures and policies, and processes and practice, to identify systems that enable or facilitate trafficking. For instance, the commodification of players within the transfer system was flagged as creating opportunities for exploitation by fraudulent agents and clubs. More rigorous enforcement of regulations and policies already in place was also noted to be important to reduce trafficking risks in the sport industry. For instance, participants highlighted the need for stronger enforcement of FIFA Article 19 of the Regulations on the Status and Transfer of Players, which prohibits transfers involving children under 18 years old subject to certain exceptions and calls for better recording and addressing of cases of exploitation.

Victim assistance and support

Frameworks for the provision of victim assistance and support are highly relevant for all trafficking victims, irrespective of the industry in which they were exploited. Expansion of holistic victim support services for trafficking and the extension of support for victims of sport trafficking is therefore critical in confronting the phenomenon and preventing victim re-trafficking. Victims also have an established right to remedy for the violations committed against them and should be empowered and supported to pursue civil claims against their traffickers. States may also consider improving systems for confiscation of traffickers' assets, and the application of these assets to victim compensation funds.

ANNEX B. CONSOLIDATED CASE STUDIES

CASE STUDY 1

Moninda Marube and the Duma Runners Club

Type	Trafficking by exploitative sport entity (Review - section 5.1.1)
Extended summary	
<p>In March 2010 Moninda Marube, a Kenyan competitive runner who competed internationally in Europe, Asia, and Australia, went to the United States to run in the Arkansas' Little Rock Marathon with a temporary visitor visa. According to his testimony, he came to the US from his native Kenya "dreaming of high-profile victories and lucrative sponsorships from companies like Nike".</p> <p>Upon arrival, he discovered the race offered no money, and with limited means, he resolved to stay in the US with a friend and fellow Kenyan to board with the man's family outside Dallas, Texas. As more people started living in the house, the friend suggested Marube travel to Minnesota to train with another Kenyan expat, named William Kosgei. Kosgei was the founder of a successful running club "Duma Runners Club" (a legal athletics club in Coon Rapids, Minnesota) that managed and facilitated the travel of East African runners. Marube exchanged emails with Kosgei and discussed visas and a potential training arrangement.</p> <p>Kosgei made Marube sign a nine-page contract without giving him time to go through it. Marube stayed in Kosgei's house for nine months during which time his visa expired and he "feared arrest if he tried to leave or approached authorities about his treatment". In that time, Kosgei confiscated his passport and visa, prevented him from communicating via phone or internet, restricted his mobility, and pocketed all but a fraction of his appearance fees and winnings. For lack of money, Marube was forced to run in dozens of races, but he did not retain enough of his own race income to even afford food, which Kosgei did not provide consistently.</p> <p>Marube says he was forced to share a single room with five to seven other runners, some staying on mattresses and some others on the floor. Other Duma runners who also lived in Kosgei's house at the time were contacted by a reporter and complained about their financial arrangements. They thought Kosgei had charged them more commission than he did other runners - up to eighteen percent - and/or that they were charged more for expenses than was fair, or more than they had been promised.²³⁷</p>	
Perpetrator	Sport entity: coach Kosgei, agent of Duma Runners Club
Act	Recruitment / Transportation / Harboring
<p>Moninda Marube was drawn into a recruitment process when he exchanged emails with William Kosgei in which they discussed visas and potential training arrangements in the "Duma Runners Club", funded and managed by Kosgei. The Duma Runners Club was advertised as a legitimate athletics organisation known for its role in facilitating the travel and success of East African runners. This reputation, combined with the direct communication Marube had with Kosgei, played a significant role in his recruitment. Thus, the recruitment happened through advertisements, orally, and online.</p> <p>Marube was harboured by Kosgei, who accommodated him in his home for nine months. In this time, Kosgei limited Marube's mobility through confiscation of his passport and visa and by leaving him without sufficient income to leave. Moreover, Kosgei isolated Marube by preventing him from communicating with the outside world via phone or internet.</p>	

237 This case is a news reportage of Moninda Marube's case which includes the testimony of both the alleged victim and perpetrator. Marube talked to two special agents from the Homeland Security Investigations unit of U.S. Immigration and Customs Enforcement, to formally disclose his circumstances in Coon Rapids. However, the agents determined that Marube's account was insufficient to prompt a federal investigation. This shows the difficulty of proving all the components of the human trafficking definition, mainly the exploitation component, which does not mean that Marube is not a victim nor Kosgei a perpetrator, but rather that there is no sufficient proof to corroborate or refute allegations (as mentioned in the reportage) (Miles, 2015).

Means	Other forms of coercion / Deception / Abuse of power or a position of vulnerability
<p>The means used by the alleged trafficker involved other forms of coercion, deception, and abuse of power and a position of vulnerability.</p> <p>The fact that Marube was in communication with the founder of what appeared to be a legitimate athletics club, coupled with his aspirations for success facilitated deception. Kosgei preyed on Marube’s dreams to lure him into an exploitative situation. Kosgei led Marube to believe that he would receive proper training and visa support from the sports club. Kosgei misled Marube about both the living and working conditions that he would face, and later on, his migration status. The information gap between Kosgei and Marube was a key factor in this deception.</p> <p>The confiscation of Marube’s passport by Kosgei reinforced his control over Marube, itself serving as a form of coercion as well as creating a situation of vulnerability which was abused by Kosgei. Marube witnessed or was aware of threats made by Kosgei to other athletes under his control, to send athletes back to Kenya or revoke their visas. Although these threats were not directed at Marube specifically, they served as a clear warning of the consequences he might face if he attempted to resist or leave. This use of indirect threats created an atmosphere of fear and compliance.</p> <p>There was a significant abuse of power in the relationship between the coach (Kosgei) and the athlete (Marube), as well as abuse of Marube’s position of vulnerability. Kosgei took advantage of his control over Marube’s visa and passport, Marube’s limited economic resources, and the precarious living conditions that Marube and the other athletes were subjected to. Despite Kosgei promising Marube that his visa would be taken care of, it was in fact allowed to expire without a new visa being secured. This compromised Marube’s status in the US, and Kosgei took advantage of this irregular migration status to maintain control over Marube. The expiration of his visa left Marube in constant fear of arrest, trapping him and preventing him from seeking help from the authorities. Kosgei’s control over Marube’s legal status, combined with the harsh living conditions and threats, ensured that Marube remained in a state of exploitation, unable to escape or seek assistance.</p>	
Purpose	Forced labour
<p>Upon arrival at the Duma Runners Club, clear indicators of forced labour emerged. In Marube’s case the indicators included the retention of identity documents and the precarious living conditions he endured. Additionally, Kosgei’s retention of a significant portion of Marube’s appearance fees and winnings, which compelled him to participate in “dozens of races” underscores the involuntary nature of the forced labour he endured. The threats and abuse of power described in the ‘means’ section further highlight the “menace of penalty” element of forced labour. These exploitative labour conditions were deliberately imposed by Kosgei to profit from Marube’s races (his work) and to retain him for future economic exploitation.</p>	
<p>Case study sources</p> <ul style="list-style-type: none"> • Miles, K. (2015). <i>Human Trafficking - Moninda Marube</i>. Down East Magazine. Retrieved March 3, 2024, from https://downeast.com/issues-politics/human-trafficking-casualties/ • Lippincott, B. (2021, August 10). <i>Kenya Runner’s Tips for Immigrants on Avoiding U.S. Traffickers</i>. Free the Slaves. Retrieved March 9, 2024, from https://freetheslaves.net/kenya-runners-tips-for-immigrants-on-avoiding-u-s-traffickers/ • Oniracom. (2020, January 27). <i>Moninda Marube Legendary</i>. YouTube. Retrieved March 9, 2024, from https://www.youtube.com/watch?v=wz3mjnCNPqg 	

CASE STUDY 2

Elite Taekwondo athletes in the US

Type	Trafficking by exploitative sport entity (Review - section 5.1.1)
	<p>Extended summary</p> <p>The Lopez brothers, Steven, Jean, Mark, and Diana, are synonymous with American Taekwondo. Steven Lopez's accomplishments in taekwondo are remarkable. He won gold medals at the 2000 and 2004 Olympics and has claimed five World Championship titles. His achievements have made him a household name in American taekwondo, and he has been featured in various media outlets, including a spot-on People's "50 Hottest Bachelors" list in 2004. His brother Jean has played a crucial role in his success, serving as his coach and guiding other family members, including their siblings Diana and Mark, who also achieved Olympic success. Together, the Lopez siblings have become synonymous with American taekwondo, showcasing the sport on international stages and inspiring a generation of athletes.</p> <p>In 2017, serious allegations surfaced against the Lopez brothers, leading to a federal lawsuit filed on April 25, 2018. The case of Gilbert v. USA Taekwondo filed in the United States District Court for the District of Colorado, highlights serious allegations of sexual abuse and misconduct within the USA Taekwondo organisation, focusing on the experiences of several female athletes who have come forward to share their stories. This case is emblematic of broader issues within Olympic sports regarding athlete safety and the need for accountability. The primary defendants in the case included USA Taekwondo (USAT) and Jean Lopez, the former coach and a prominent figure within the organization. The plaintiffs, led by Heidi Gilbert, along with other athletes such as Amber Hill and Mandy Meloon, are the individuals bringing forth the allegations against USAT and Lopez. The allegations included sexual assault, forced labour, and violations of the Trafficking Victims Protection Act. Over the course of the litigation, various motions to dismiss were filed by the defendants, leading to a series of rulings by the court.</p> <p>The plaintiffs allege a pattern of sexual abuse and exploitation that occurred over several years while they were training under the auspices of USAT.</p> <p>Heidi Gilbert recounted her experience of being groomed and sexually assaulted by her coach, Jean Lopez, starting at the age of 16. She describes how the abuse affected her emotionally and psychologically, leading to long-lasting trauma.</p> <p>Amber Hill and Mandy Meloon provide similar accounts, detailing how their coaches exploited their positions of power to manipulate and abuse young athletes. Their stories illustrate a troubling culture within USAT that allowed such predatory behaviour to persist.</p> <p>However, The Gilbert v. USA Taekwondo case has faced numerous challenges throughout its progression as the court addressed several motions including a motion filed by USA Taekwondo to dismiss the claims against it, which was partially granted and partially denied. The court allowed some claims to proceed while dismissing others. The plaintiffs filed multiple amended complaints, which included a range of allegations and claims under federal and state laws.</p> <p>As of the latest updates from the case, the court dismissed certain claims against USAT and other defendants, including a Racketeer Influenced and Corrupt Organizations (RICO) claim and several state law claims. However, the plaintiffs were allowed to refile some of these claims.</p>
Perpetrator	Sport entity: coach López
Act	Recruitment / Transportation / Harboring / Receipt
	<p>The Lopez brothers allegedly recruited young female athletes under the guise of providing professional opportunities in Taekwondo. This recruitment was reportedly misleading, as it led to exploitative situations rather than genuine career advancement.</p> <p>The athletes were often transported to training events and competitions, where they were placed in vulnerable situations, making them susceptible to abuse.</p> <p>Once recruited, the Lopez brothers allegedly controlled the athletes' living conditions and access to resources, further entrenching their power over them.</p> <p>The athletes were effectively trapped in a system that exploited their ambitions and dreams, with limited means to escape or seek help.</p>

Means	Threat or use of force / Other forms of coercion / Abuse of power or a position of vulnerability
<p>While direct threats may not have been reported, the power dynamics and control exerted by the Lopez brothers created an environment where athletes felt they had no choice but to comply with their demands.</p> <p>Reports from the Plaintiffs alleged forced labour against the Defendant Steven Lopez under the following statutes: 18 U.S.C. § 1589(a): Prohibits knowingly obtaining or providing labour or services through coercion, threats, or physical restraint; 18 U.S.C. § 1595(a): Allows victims to file a civil lawsuit for violations of human trafficking and forced labour laws; and 18 U.S.C. § 2255: Provides a civil remedy for victims of certain sexual exploitation crimes.</p> <p>All Plaintiffs also alleged the obstruction and interference with enforcement against Defendant USAT under: 18 U.S.C. §§ 1590(b), 1591(d): Prohibit obstruction or interference with human trafficking enforcement; and 18 U.S.C. § 1595(a), 2255: Allow victims to file civil claims for such violations.</p> <p>The brothers' positions as celebrated Taekwondo figures allowed them to exploit their influence, creating a significant power imbalance that left the athletes vulnerable to abuse. The case also demonstrated how the power imbalance between a coach and their athlete could be abused.</p>	
Purpose	Sexual exploitation
<p>The primary purpose of the alleged actions appears to be sexual exploitation, as the accusations detail incidents of sexual assault and coercive sexual encounters, often facilitated by the brothers' control over the athletes' lives and careers.</p>	
<p>Case study sources</p> <ul style="list-style-type: none"> • Advocacy for Fairness in Sports. (2024). California court of appeal revives civil molestation case against USA Taekwondo. Retrieved from https://advocacyforfairnessinsports.org/feature-stories/olympics/california-court-of-appeal-revives-civil-molestation-case-against-usa-taekwondo/ • Arguello, C. M. (2019, September 27). <i>Gilbert v. U.S. Olympic Comm.</i>, 423 F. Supp. 3d 1112. Casetext. Retrieved March 9, 2024, from https://casetext.com/case/gilbert-v-us-olympic-comm-1/ • Grinberg, E. (2018, May 8). <i>Lawsuit accuses US Olympics, taekwondo stars of sex trafficking</i>. CNN. Retrieved March 9, 2024, from https://edition.cnn.com/2018/05/07/us/taekwondo-lopez-brothers-lawsuit/index.html • Starr, A. (2020, February 16). <i>These Women Are Fighting to Expose Olympic Taekwondo Legends as Predators</i>. The Daily Beast. Retrieved March 9, 2024, from https://www.thedailybeast.com/the-women-fighting-to-expose-olympic-taekwondo-legends-steven-and-jean-lopez-as-predators 	

CASE STUDY 3

An Ethiopian long-distance runner

Type	Trafficking by exploitative sport entity (Review - section 5.1.1)
<p>Extended summary</p> <p>In 2009, at just 18 years old, Lily was discovered by a Turkish coach in Addis Ababa, Ethiopia. This coach persuaded her to switch her allegiance to Azerbaijan, promising her a lucrative contract, housing, and the chance to compete internationally. However, upon her arrival in Azerbaijan, Lily's reality starkly contrasted with the promises made. She was subjected to conditions that she described as akin to slavery, where her movements were restricted, her passport was confiscated, and she was paid only a fraction of what was promised.</p> <p>Lily's experience is not unique. It reflects a broader trend where athletes from poorer countries are exploited by wealthier nations seeking to enhance their competitive edge. The International Association of Athletics Federations (IAAF) has noted a significant increase in athletes switching national allegiances, often under dubious circumstances. In one day alone, the IAAF received 25 applications for such transfers, primarily from oil-rich nations like Qatar and Bahrain.</p> <p>Lily's situation deteriorated further as she was coerced into taking performance-enhancing drugs, including Tribulus testosterone, under pressure from her coaches. This practice was not only illegal but also dangerous, putting her health at risk. Despite achieving success as a European junior silver medallist, the financial rewards she was promised never materialized, leading to her feeling trapped and exploited.</p>	
Perpetrator	Sport entity: running coach
Act	Recruitment / Transportation / Harbours
<p>Lily was initially recruited by a Turkish coach in Addis Ababa, Ethiopia, who persuaded her to switch her national allegiance to Azerbaijan. The promises made to her included a lucrative contract, housing, and the opportunity to compete internationally.</p> <p>Following her recruitment, Lily was transported to Azerbaijan. This movement was not merely logistical; it was part of a broader scheme to place her in a situation where her vulnerability could be exploited.</p> <p>Upon arrival, Lily's passport was harboured by the coach, who maintained effective control over her throughout this time, including by confiscating her passport, restricting her freedom of movement, and effectively trapping her in a foreign country.</p>	
Means	Other forms of coercion / Deception / Abuse of power or a position of vulnerability
<p>Lily's experience included coercion from her coaches to take performance-enhancing drugs, such as tribulus testosterone. This pressure not only compromised her health but also exemplified the coercive tactics used to ensure her compliance with the demands of her coaches and the expectations of her role as an athlete.</p> <p>The promises made to Lily were deceptive. She was led to believe she would receive substantial financial rewards and support, which never materialised. Instead, she faced exploitation, including having her prize money stolen and receiving only a fraction of the pay she was promised. This deception is a common tactic in trafficking scenarios, where individuals are lured with false hopes and dreams.</p> <p>The coach in Lily's situation abused their position of power. He exploited her vulnerability as a young athlete seeking opportunities to succeed in sports. This abuse was evident in the way he controlled her finances, movements, and even her health through coercive drug use, further entrenching her exploitation.</p>	

Purpose**Forced labour**

The ultimate purpose of the actions taken against Lily includes the requisite elements of forced labour. Lily performed work or service in both fulfilling the athletic training activities required of her by the coach, and by performing in sporting events. Menace of penalty was established through the presence of restriction of movement, withholding of wages and other promised benefits, implied threats of exclusion from future employment in the sporting industry, and a loss of social status in the sporting industry in which Lily was competing. Involuntariness was established through deception and false promises about the nature of the work and withholding and non-payment of wages.

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CASE STUDY 4

The Atlético Independiente Football Club

Type	Trafficking by exploitative intermediary for exploitative sport organisation (Review - section 5.1.4)
Extended summary	
<p>The Atlético Independiente Football Club recruited children from Argentinian provinces, predominantly from poor socioeconomic backgrounds, to join their club in the capital, Buenos Aires. Recruitment was conducted by agents, including Alberto Amadeo Ponte, who toured the country looking for future ‘cracks’ (football superstars). Amadeo Ponte promoted the athletes that he recruited through photographs and videos on his social media profile. Children were transported from these provinces to the interior of the country and incorporated into the club’s football squad. Children were housed in a sports complex (Villa Dominico) on the outskirts of the city of Buenos Aires.</p> <p>Several members of staff at the Atlético Independiente Football Club were involved in taking children from the club villa during their free time and forcing them to perform sexual acts in exchange for money, tickets to visit their relatives, and sports clothes. The boys were forced to commit sexual acts with older men in different parts of the city and its suburbs, in exchange for money, most of which was withheld by the club staff. One member of staff in particular—a 19-year-old former player from the club, who continued to reside in the villa alongside the athletes and had himself been subjected to abuse at a young age in the club—was particularly implicated in facilitating the transportation of the young athletes to private apartments around the city after training sessions.</p> <p>The movement of the athletes around the city was facilitated by the fact that the club held a permit, signed by the children’s parents, allowing the children to be moved freely up to 8pm (when they had to be returned to the club premises).</p> <p>One of the victims—a 14-year-old—told the chief of the psychological department at the club that he and 20 other athletes were being forced into prostitution. This resulted in the case being brought to the prosecutor’s office.</p> <p>The case was not categorised as human trafficking by the authorities (instead being classed as a prostitution network and corruption of children). However, the <i>‘Programa Nacional de Rescate y Acompañamiento a las Personas Damnificadas por el Delito de Trata’</i> identified the case as one of human trafficking and advocated for its official recognition as such.</p>	
Perpetrator 1	Intermediary: agents in origin countries
Act	Recruitment / Transportation / Transfer
<p>Football agents were engaged in touring the country to recruit young talent for the Atlético Independiente Football Club. Agents both recruited the young athletes for the club and participated in arranging their transportation to Buenos Aires from their home communities. Where agents maintained effective control over the young athletes during their travel, the handing over of effective control to the club on arrival in Buenos Aires would also constitute transfer.</p>	
Means	Deception / Abuse of power or a position of vulnerability
<p>All victims identified in the case were minors (under the age of 18 years). Coercive means are therefore not required to constitute a case of trafficking in persons. Although not required to establish an offence of trafficking in children, the presence of coercive means may nonetheless be relevant in establishing the circumstances of the case, determining sentencing, and informing a finding of exploitation (for instance in relation to the menace of penalty and involuntariness elements of forced labour).</p> <p>Children in this case were deceived as the circumstances and conditions that they would face within the club by the agents responsible for recruitment. Alberto Amadeo Ponte was at the very least aware of the exploitation taking place and continued to lure children into the club with misleading promises about the opportunity. Amadeo Ponte abused his position of power with regard to aspiring athletes’ career prospects and the agent–talent relationship to manipulate children and their families into the club. By targeting communities from poorer socio-economic communities, Amadeo Ponte abused the vulnerability of poverty in addition to the vulnerability associated with childhood.</p>	

Purpose	Sexual exploitation / Forced labour
<p>Reports identified that Alberto Amadeo Ponte was implicated in the sexual exploitation and forced labour experienced by the young athletes at the Atlético Independiente Football Club (see 'Perpetrator 2' below). At the time of reporting, he had been accused of the crimes of grooming and cyberbullying. It is not clear if Amadeo Ponte directly participated in the sexual exploitation of the athletes in the city of Buenos Aires. However, his participation in the scheme and knowledge that such exploitation was taking place is sufficient to constitute the purpose of exploitation.</p>	
Perpetrator 2	Sport entity: Atlético Independiente Football Club
Act	Recruitment / Transportation / Harboursing / Receipt
<p>The Atlético Independiente Football Club worked with agents to recruit young talent, and to arrange for them to be transported from their home communities to the club facilities in Buenos Aires. At the point at which athletes were brought to the club premises, the club can be understood to have received them. Young athletes were housed in a villa maintained by the club, and the club maintained effective control over athletes during this time, also representing harboursing.</p>	
Means	Other forms of coercion / Deception / Abuse of power or a position of vulnerability
<p>All victims identified in the case were minors (under the age of 18 years). Coercive means are therefore not required to constitute a case of trafficking in persons. Although not required to establish an offence of trafficking in children, the presence of coercive means may nonetheless be relevant in establishing the circumstances of the case, determining sentencing, and informing a finding of exploitation (for instance in relation to the menace of penalty and involuntariness elements of forced labour).</p> <p>Child athletes in the Atlético Independiente Football Club were subjected to coercion by club staff, who manipulated the children's athletic dreams through both threats to their future careers and promises of success. Staff also used payments and gifts to the children (including payments of 1,000 pesos, boots, clothing, sportswear, and tickets to see their families) to maintain the situation. Club staff were involved or complicit in the deception of athletes, who were promised successful sporting careers and opportunities in the club, in decent conditions. The staff abused their positions of power over athletes within the club, including their positions as referees, tournament organisers, and public relations officers. These forms of coercion and abuse were overlaid over the children's vulnerability—connected both to their young age and to their lack of alternatives given their poor socioeconomic backgrounds and removal from their home communities.</p>	
Purpose	Sexual exploitation / Forced labour
<p>Children in the Atlético Independiente Football Club were subjected to sexual exploitation, committed predominantly by actors outside the club in private apartments, facilitated by club staff. The victims were engaged in commercial sexual activity (committing sexual acts in exchange for money and gifts). As the victims were all minors, this constitutes sexual exploitation without requiring coercion. However, coercion was evident in the case.</p> <p>Forced commercial sexual activity may also be understood as constituting forced labour, where the three elements of forced labour are present in the case. Commercial sexual activity satisfies the requirement of 'work or service'. Menace of penalty is established in the case through threats of retaliation in the event of non-compliance, restriction of movement, withholding wages and other benefits, and threats to athletes' future career prospects (removal of privileges). Involuntariness is established through psychological compulsion, deception and false promises, withholding and non-payment of wages, and limited freedom to terminate the arrangement.</p>	

Perpetrator 3	Outside actors: individuals purchasing sexual acts by athletes
Act	Receipt
Individuals involved in purchasing sexual acts by the athletes from the Atlético Independiente Football Club were engaged in receiving these athletes in the private apartments where they were involved in sexual exploitation.	
Means	N/A
All victims identified in the case were minors (under the age of 18 years). Coercive means are therefore not required to constitute a case of trafficking in persons. It is not clear on the evidence whether the outside actors engaged in purchasing sexual acts from the athletes were engaged in coercive means.	
Purpose	Sexual exploitation
Individuals from outside the Atlético Independiente Football Club were engaged in purchasing sexual acts from the child athletes and participating in these activities. As the victims were all minors, their engagement in commercial sexual activity is understood to constitute sexual exploitation without requiring further force or coercion on the part of those purchasing the acts.	
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CASE STUDY 5

The Bsport Football Academy, Portugal

Type	Trafficking by exploitative intermediary for exploitative sport organisation (Review - section 5.1.4)
<p>Extended summary</p> <p>In 2022, Portuguese police uncovered a human trafficking operation linked to the Bsports Football Academy, which was found to be holding around 80 undocumented migrant youths, primarily from South America and Africa. These young players, aged between 13 and 21, were kept against their will, with the Academy's primary goal being to profit from their potential football careers. The investigation, dubbed "El Dorado", led to the rescue of 47 young footballers, including 36 minors, who were subsequently placed under state protection.</p> <p>When the children arrived in Portugal, Bsports management confiscated their passports and identity documents, prevented them from travelling or seeing their families, and prevented from talking to their families except to ask for additional payments. The coaches at Bsports constantly criticised and insulted the children to 'break them down', causing them to lose confidence. They were intentionally isolated, mistreated and humiliated. They were required to train for long hours without being properly fed or taken care of and were housed in poor living conditions. Most of the children spent more than two years at Bsports before they were rescued, and were found emaciated and depressed.</p> <p>The Sindicato dos Jogadores (SJPF), the Portuguese player union, was at the forefront of addressing these issues. They reported that since 2015, they have been warning about human trafficking in football, emphasising that the Bsports case was not an isolated incident but part of a larger pattern of exploitation in Portuguese football. The SJPF has documented numerous cases of players who fell victim to unscrupulous agents and clubs, often driven by the dream of becoming professional footballers, only to find themselves in dire situations.</p>	
Perpetrator 1	Intermediary: coaches in origin countries
Act	Recruitment / Transportation / Transfer
<p>Many athletes in the Bsports Academy were lured to the club by coaches and intermediaries in their home countries, with promises of professional football careers. For instance, Abdou, a seventeen-year-old from Guinea-Bissau, was recruited by a coach who convinced him and his family that moving to Portugal was essential for his football development. This recruitment process often involved misleading information about the opportunities available.</p> <p>Once recruited, these intermediaries often facilitated the transportation of the young athletes to the Bsports Academy, often without proper documentation or legal support. Abdou's experience illustrates this, as he was brought to Portugal under the guise of pursuing his football dreams.</p> <p>Arrival of the athletes at the Bsports Academy then entailed a transfer of effective control over the young athletes from the intermediary to the club.</p>	
Means	Other forms of coercion / Deception / Abuse of power or a position of vulnerability
<p>Intermediaries recruiting young athletes for the Bsports Academy used emotional manipulation, promising a brighter future and better opportunities, which acted to pressure families into agreeing to the arrangements.</p> <p>Many of the young athletes were deceived about the nature of their contracts and the realities of the situation they would face in the club. They were led to believe they would receive training and support, only to find themselves in exploitative conditions.</p> <p>Intermediaries exploited the vulnerability of young athletes who aspire to succeed in football, taking advantage of their dreams and ambitions, as well as targeting young people from poorer socioeconomic backgrounds.</p>	

Purpose	Forced labour
<p>While the intermediaries themselves did not typically engage in forced labour, they generally had sufficient understanding of the exploitative conditions that the athletes faced upon arrival at the Bsports Academy to constitute the purpose element of trafficking for forced labour.</p>	
Perpetrator 2	Sport entity: Bsport Football Academy
Act	Recruitment / Transportation
<p>The Bsports Academy actively recruited young athletes, often through intermediaries who promised them success in football and preyed upon their athletic aspirations.</p> <p>The academy was complicit in the transportation of these athletes, often receiving them without verifying the legitimacy of their recruitment or the conditions under which they arrived.</p> <p>When athletes arrived at the Bsports Academy, they came under the effective control of the club and therefore can be seen to have been received.</p> <p>The athletes were then kept at the club, where they were housed far from their own families and communities with limited freedom of movement. Thus, Bsports Academy can be understood to have harboured the athletes.</p>	
Means	Other forms of coercion / Deception / Abuse of power or a position of vulnerability
<p>Once at the academy, young athletes faced coercive tactics to ensure compliance with the Academy's demands, including isolation from their support networks and manipulation of their aspirations. The coaches at the academy constantly criticised and insulted the children to 'break them down', causing them to lose confidence. They were intentionally isolated, mistreated, and humiliated. The club restricted their movements and access to resources.</p> <p>Bsport management confiscated athletes' passports and identity documents, prevented them from travelling or seeing their families, and prevented them from talking to their families except to ask for additional payments. This confiscation of documents itself constituted a form of coercion, as well as exacerbating the vulnerability of the young athletes in a foreign country.</p> <p>The conditions of training, living arrangements, and financial compensation were misrepresented during recruitment, leading athletes to believe they would be in a supportive environment when, in reality, they are being exploited and deprived of basic necessities (ultimately found emaciated).</p> <p>The Bsports Academy abused the vulnerabilities of athletes associated with age and childhood, migration status, and poor socioeconomic backgrounds, as well as their athletic dreams. They also abused the position of power in the relationship between coaches and athletes, as well as club and athletes.</p>	
Purpose	Forced labour
<p>The Bsports Academy exacted work or service from the young athletes through the training activities that athletes were required to perform. Menace of penalty was achieved through psychological violence, restrictions on movement, withholding of identity documents, threats to athletes' future employment prospects within the football industry, and deprivation of food. Involuntariness was established through deception and false promises about the nature of the work that athletes would perform and the conditions in the club, physical confinement in the club, psychological compulsion, and retention of identity documents.</p>	

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CASE STUDY 6

Trafficking through football from Colombia to Spain

Type	Trafficking by fraudulent agents for outside exploitation (Review - section 5.2.2)
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Extended summary

A complaint was filed against Guillermo Enrique Erazo Melo, Elvis Rojas Ariza, Carlos Arturo Suarez Hernández (Colombian citizens), and Juan Luis Mora (Spanish citizen), who belonged to Club Deportivo Quilmes, Club Deportivo Arsenal Bogotá, and the Foundation for Social Promotion and Development of Sport and Recreation. The Colombian Football Federation, through its Ethics and Discipline Commission, opened an investigation against three Colombians and one Spanish citizen, and the complaint is now in the hands of the ‘Fiscalía General de la Nación’ (Attorney General’s Office of Colombia). The filed complaint details that these individuals were part of a transnational human trafficking network, the facade of which was the aforementioned sports clubs. They recruited several young people from the hundreds who underwent tests such as physical and health screening tests. Most of them had played for the Colombian national team in the youth categories and were between 17 and 25 years old. Some had even debuted in the First Division and had experience in Mexico or the United States.

In June 2020, Juan Luis Mora was arrested in Spain after being accused of bringing five young people (two from Argentina and three from Colombia) to Spain with the promise of success in professional football, specifically at the clubs Rayo Vallecano and Atlético de Madrid. They were assured that the alleged traffickers had contacts in the football world in Spain. They were shown photos and videos of sports centres and fantastic fields, none of which the alleged traffickers actually had access to. They had to pay for their own tickets but were told they would earn enough in Spain to cover the expense. The families of the seven young people even resorted to lenders to pay for the trip.

The young athletes travelled and arrived in Prado del Rey, in southern Spain, in Andalucía. They were crowded into a single dwelling and only allowed to interact with each other, as well as being kept in absolute poverty and sometimes having to beg to survive. The boys had to pay a monthly fee for accommodation and maintenance. To cover all expenses, they were forced to participate in homosexual encounters chats, which were controlled and managed by the organisation’s leader. Then, they were taken to sexual encounters in different places in the province of Cádiz and were waited for nearby. Ultimately, the alleged traffickers took away the sum they had earned, threatening to tell their families about the activities, causing them great shame. Spanish authorities also accused Luis Mora of taking away the passports of his victims, withholding their salaries, and charging 50% commission when any of the young men found clients on their own.

Perpetrator 1	Intermediary: fraudulent agents (Guillermo Enrique Erazo Melo, Elvis Rojas Ariza, Carlos Arturo Suarez Hernández , Juan Luis Mora)
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Act	Recruitment / Transportation / Transfer / Harboring / Receipt
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The five young athletes were recruited by Guillermo Enrique Erazo Melo, Elvis Rojas Ariza, Carlos Arturo Suarez Hernández, and Juan Luis Mora, all affiliated with Club Deportivo Quilmes, Club Deportivo Arsenal Bogotá, and the Foundation for Social Promotion and Development of Sport and Recreation. The athletes underwent several trials before being selected by these men, who promised them opportunities in Spain. Leveraging their knowledge of the sports network and environment, the traffickers facilitated the recruitment of successful athletes.

Juan Luis Mora was responsible for transporting, receiving, and harbouring the young athletes in Prado del Rey, Andalucía.

Means	Other forms of coercion / Fraud / Deception / Abuse of power or a position of vulnerability / Giving or receiving payments
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The young athletes were deceived into believing they would have an opportunity to play professional football in Spain. The traffickers used photos of sports complexes they never had access to, fabricated claims about the money they would earn, and falsely invoked the names of well-known clubs like Rayo Vallecano and Atlético de Madrid. The traffickers' familiarity with the sports network lent them an air of legitimacy.

While the alleged traffickers were affiliated with sport organisations, they were not acting on behalf of these organisations in recruiting these athletes, and therefore can be understood to have defrauded the athletes about the connection between their affiliations and the opportunities being presented.

Once in Spain, the athletes were subjected to harsh living conditions, their passports were confiscated, their mobility and contact with the outside world was severely restricted, and they were forced to pay the alleged traffickers for rent, food, and other expenses. This facilitated the abuse of their position of vulnerability. The athletes' status as migrants, many of whom were minors or young adults, further exacerbated their vulnerability.

The traffickers then threatened to expose the athletes' forced sexual activities to their families, leveraging shame and humiliation as a form of coercion to maintain control.

The traffickers also received payments from the young athletes' families in order to manipulate them into placing the children in their care.

Purpose	Sexual exploitation / Forced labour
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Children under the care of the alleged traffickers were subjected to sexual exploitation, both through forced and coerced participation in sexually explicit chats and through in-person commercial sexual encounters facilitated by the alleged traffickers. Some of the victims in the case were minors, for whom any commercial sexual activity would constitute sexual exploitation without a requirement of coercion. For those that were above the age of majority, the coercion they were subjected to by the alleged traffickers satisfied the requirement of sexual exploitation.

Forced commercial sexual activity may also be understood as constituting forced labour, where the three elements of forced labour are present in the case. Commercial sexual activity satisfies the requirement of 'work or service'. Menace of penalty is established in the case through psychological violence, restriction of movement, withholding of wages (and charging 50% commission when any of the young men found clients on their own), manipulation of debt (having to pay traffickers for rent and food), withholding of passports, and deprivation of food and necessities (harsh living conditions). Involuntariness is established through deception and false promises about the nature of the opportunity, working and living conditions, physical confinement, psychological compulsion (manipulation of shame and stigma), withholding of wages, retention of identity documents, and limited freedom to terminate the arrangement.

Perpetrator 2	Outside actors: individuals purchasing sexual acts by athletes
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Act	Receipt
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Individuals involved in purchasing sexual acts by the athletes from Club were engaged in recruiting young people for sexual exploitation (whether achieved virtually or in person), and in-person receiving these athletes in the locations where they were involved in sexual exploitation.

Means	Unclear
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For the victims identified in the case as minors (under the age of 18 years), coercive means are not required to constitute a case of trafficking in persons.

With regard to the victims over the age of majority, it is not clear on the evidence whether the outside actors engaged in purchasing sexual acts from the athletes were engaged in coercive means. To the extent that these outside actors did engage in any of the specified means, they may also be guilty of trafficking.

Purpose**Sexual exploitation**

Individuals were engaged in purchasing sexual acts from the young athletes and participating in these activities. With regard to the victims that were minors, their engagement in commercial sexual activity is understood to constitute sexual exploitation without requiring further force or coercion on the part of those purchasing the acts. For those that were above the age of majority, an element of coercion exerted by the outside actor would be required. There is no consideration in the evidence available of whether such coercion was exerted by those purchasing sexual acts online or in person.

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CASE STUDY 7

The FIFA World Cup in Qatar

Type	Labour trafficking in sport supply chains (Review - section 5.3.3)
<p>Extended summary</p> <p>The 2022 FIFA World Cup in Qatar has been mired in controversy, with allegations of labour exploitation and human trafficking surrounding the construction of stadiums and infrastructure for the event. Qatar, a country heavily reliant on migrant labour, has faced intense scrutiny over the treatment of workers, particularly those from South Asia, who make up a significant portion of the workforce.</p> <p>Qatar’s migrant labour system, known as the Kafala (sponsorship) system, has been widely criticised for enabling forced labour and human trafficking. Under this system, migrant workers are tied to their employers, who have the power to control their movements and employment status. Workers often face confiscation of passports, non-payment of wages, and restricted freedom of movement.</p> <p>The 2021 US Trafficking in Persons report found that Qatar “did not routinely investigate crimes such as employer passport retention, withholding of wages, labour violations, and complaints of abuse as potential trafficking crimes.”²³⁸ The report further stated that authorities sometimes arrested, detained, and deported potential trafficking victims.</p> <p>In October 2023, a group of Qatar World Cup construction workers filed a lawsuit against a US firm, alleging labour trafficking and exploitation. The lawsuit claimed that the company, which was contracted to work on World Cup projects, failed to protect workers from forced labour and human rights abuses.</p> <p>Amnesty International research also revealed that private security personnel working on World Cup projects were subjected to a range of labour abuses, including long working hours, lack of rest days, and substandard living conditions.</p> <p>In 2017, following reports of labour abuse and a complaint lodged by a workers’ groups at the International Labour Organisation (ILO), Qatar signed an agreement with the ILO committing itself to a three-year reform process. However, reports indicate that labour abuses and elements of forced labour are still prevalent within various employment sectors in Qatar.</p>	
Perpetrator	Outside actors
Act	Recruitment / Transportation / Harboring / Receipt
<p>Many migrant workers were recruited through labour agencies in their home countries, often under the promise of well-paying jobs in Qatar. These agencies frequently misrepresented the nature of the work, the wages, and the living conditions, leading workers to believe they would be entering a lucrative and safe employment environment. Recruitment often targeted individuals from impoverished backgrounds who were seeking better opportunities. This vulnerability made them more susceptible to exploitation.</p> <p>Once recruited, workers were transported to Qatar, often incurring significant debt due to recruitment fees charged by agencies. This debt bondage further tied them to their employers, as they felt compelled to work to repay these fees. During transportation, workers typically had little control over their journey, with employers or agents managing travel arrangements, further stripping them of autonomy.</p> <p>Upon arrival in Qatar, workers were often housed in overcrowded and unsanitary conditions, which violated basic human rights and contributed to their vulnerability. Many workers experienced isolation from the local community and were discouraged from interacting with others, making it difficult for them to seek help or report abuses.</p>	

238 U.S. Department of State. (2021). *2021 trafficking in persons report: United Arab Emirates*. <https://www.state.gov/reports/2021-trafficking-in-persons-report/uni-ed-arab-emirates/>

Means	Other forms of coercion / Deception / Abuse of power or a position of vulnerability
<p>The Kafala sponsorship system grants employers significant control over migrant workers, including the ability to revoke their work permits and residency. This creates a power imbalance that can lead to exploitation. Workers often feared retaliation from their employers if they complained about working conditions or attempted to leave, further entrenching their vulnerability.</p> <p>Many workers were misled about the job offers, including the type of work, salary, and working conditions. Recruiters often exaggerated the benefits of working in Qatar, leading workers to accept positions under false pretences. Upon arrival, workers frequently found that the contracts they signed in their home countries were altered or not honoured, further contributing to their exploitation.</p> <p>Employers often confiscated workers' passports upon arrival, effectively trapping them in a situation where they could not leave the country or seek alternative employment. Many workers experienced delays or outright non-payment of wages, which kept them in a state of financial dependency and desperation.</p>	

Purpose	Labour exploitation
<p>The main purpose was forced labour. Workers performed work or service on World Cup construction sites. They faced gruelling hours, often exceeding 12 hours a day, with little to no rest days. This exploitation was exacerbated by extreme heat and inadequate safety measures. Many workers reported receiving only a fraction of the wages promised to them, with some going months without pay. This wage theft further entrenched their economic vulnerability and dependence on their employers. Workers had limited access to legal recourse or support systems, making it difficult for them to report abuses or seek justice.</p> <p>While the exact pattern of abuse experienced differed on a case-by-case basis, many of the circumstances relevant to identifying both menace of penalty and involuntariness were evident across multiple cases. With regard to menace of penalty, this included physical and psychological violence, restriction of movement, withholding of wages, withholding of identity and travel documents, debt bondage and manipulation of debt, threat of dismissal with associated threat of deportation, and deprivation of food, shelter, and other necessities. With regard to involuntariness, this included psychological compulsion, induced indebtedness, deception and false promises about the nature and conditions of work, withholding and non-payment of wages, retention of identity documents, and limited freedom to terminate the work contract.</p>	

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ANNEX C: QUESTIONNAIRE

Questionnaire on Sport Trafficking

DEMOGRAPHICS:

1. In which country or territory are you currently working or representing?
2. Which of the following best describes the organisation you are affiliated with or your role?

Sports Club/Team
Sports Association/Federation
Government Body/Agency
Law Enforcement Agency
Non-Governmental Organization (NGO)
Athlete (Current)
Athlete (Former)
Other (please specify)
If you selected Other, please specify:

TRAFFICKING IN PERSONS IN SPORT:

3. Trafficking in persons in the sports industry is a problem.
 - **1 (Strongly Disagree)**
 - **2 (Disagree)**
 - **3 (Neither Agree nor Disagree)**
 - **4 (Agree)**
 - **5 (Strongly Agree)**
4. How commonly does trafficking in persons occur in the sports industry?
 - **Never**
 - **Rarely**
 - **Sometimes**
 - **Often**
 - **Always**
 - **Don't know**

TRAFFICKING IN PERSONS THROUGH SPORT:

5. Trafficking in persons through the sports industry is a problem.
 - **1 (Strongly Disagree)**
 - **2 (Disagree)**
 - **3 (Neither Agree nor Disagree)**
 - **4 (Agree)**
 - **5 (Strongly Agree)**

6. How commonly does trafficking in persons occur through the sports industry?

- Never
- Rarely
- Sometimes
- Often
- Always
- Don't know

THE 'ACTS' ELEMENT OF TRAFFICKING IN PERSONS IN SPORT

7. **Statement (Recruitment):** In sport, athletes are recruited not for genuine sporting opportunities but for the purpose of exploitation.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

8. **Statement (Transportation):** Transportation of athletes, within a country or cross-border, for the purpose of exploitation occur in sport.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

9. **Statement (Transfer):** Athletes are transferred between clubs/teams in a single country or countries for the purpose of exploitation.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

10. **Statement (Harbouring):** In the sports industry, there are cases where athletes are compelled to remain in a setting or condition, depriving them of the freedom to leave, for exploitative purposes.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

11. Statement (Receipt of a person): Athletes are introduced into environments in sport where they face exploitation by the recipient entity.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

THE 'MEANS' ELEMENT OF TRAFFICKING IN PERSONS IN SPORT

12. Statement (Threat or use of force): Threats or force are used to coerce athletes into exploitation in sport.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

13. Statement (Deception): Deceptive practices, such as offering fake opportunities or use of fake identities and documents, are used to exploit athletes in sport.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

14. Statement (Fraud): Fraudulent means, including fake sports contracts and identities, are used to exploit athletes in sport.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

15. Statement (Abuse of a position of vulnerability): The position of vulnerability of some athletes, such as those facing economic hardship or lacking proper understanding of the sport industry, among others are abused for the purpose of exploitation in sport.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

16. Statement (Abuse of power): Individuals in positions of power, such as club executives, coaches, and agents, use their authority to exploit athletes in sport.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

17. Statement (the giving or receiving of payments or benefits to achieve consent): To obtain consent of someone in charge of an athlete for the purpose of exploitation in sport, payments or benefits are offered or received, for example, by the parents of athletes.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

THE 'PURPOSE OF EXPLOITATION' IN TRAFFICKING IN PERSONS IN SPORT

18. Statement (Forced labour): Athletes are trafficked in sport for the purpose of forced labour, meaning work that is performed involuntarily and under the menace of any penalty (including violence and intimidation but also manipulated debt, retention of identity papers, etc.).

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

19. Statement (Slavery): Athletes are trafficked in sport with the aim of subjecting them to working conditions where they are treated as property, bought and sold, or have severe restrictions on their freedom.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

20. Statement (Sexual exploitation): Athletes are trafficked in sport for the purpose of sexual exploitation, forcing them into sexual acts.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

21. Statement (Servitude): In sport, athletes are trafficked into a situation of servitude where athletes are made to feel they owe a debt they must work off and often under unfair and exploitative conditions.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

22. Statement: In sport, athletes are trafficked in order to force them into sport-related illegal activities such as manipulate competitions.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

THE 'ACTS ELEMENT' OF TRAFFICKING IN PERSONS THROUGH SPORT

23. Statement (Recruitment): There are instances where individuals are recruited through sport not for genuine opportunities but for the purpose of exploitation.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

24. Statement (Transportation): Transportation of individuals, within a country or cross-border, for exploitative purposes occur through sport.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

25. Statement (Transfer): Individuals are transferred in a single country or between countries through sport for the purposes of exploitation.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

26. Statement (Harbouring): Through sport, individuals are compelled to remain in a setting or condition, depriving them of the freedom to leave, for exploitative purposes.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

27. Statement (Receipt of a person): Individuals are introduced into environments through sport where they face exploitation by recipient entity.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

THE 'MEANS' ELEMENT OF TRAFFICKING IN PERSONS IN SPORT

28. Statement (Threat or use of force): Threats or force are used to coerce individuals into exploitative situations through sport.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

29. Statement (Deception): Deceptive practices, such as offering fake employment opportunities or unrealistic remuneration packages, are used to traffic individuals through sport to exploit them.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

30. Statement (Fraud): Fraudulent means, including fake employment contracts or job offers, are used to move individuals through sport to exploit.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

31. Statement (Abuse of a position of vulnerability): Vulnerability of individuals, such as their age, economic situation, or lack of knowledge, are abused for the purpose of exploiting them through sport.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

32. Statement (Abuse of power): Individuals in positions of power use their authority to exploit individuals, such as extracting money and exploiting their labour, through sport.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

33. Statement (the giving or receiving of payments or benefits to achieve consent): Payments or benefits are given or received to obtain the consent of someone in control of an individual for the purpose of exploitation the individual through sport.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

THE 'PURPOSE OF EXPLOITATION' IN TRAFFICKING IN PERSONS IN SPORT

34. Statement (Forced labour): Individuals are trafficked in sport for the purpose of forced labour, meaning work that is performed involuntarily and under the menace of any penalty (including violence and intimidation but also manipulated debt, retention of identity papers, etc.).

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

35. Statement (Slavery): Individuals are trafficked through sport with the aim of subjecting them to working conditions where they are treated as property, bought and sold, or have severe restrictions on their freedom.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

36. Statement (Sexual exploitation): Individuals are trafficked through sport for the purpose of sexual exploitation, forcing them into sexual acts or prostitution.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

37. Statement (Servitude): Individuals are trafficked through sport in order to be put in situations of servitude where they are made to feel they owe a debt they must work off and often under unfair and exploitative conditions.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

38. Statement: Individuals are trafficked through sport in order to be forced into illegal activities, including drug trafficking or other illicit acts.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

REGULATORY FRAMEWORKS OF SPORT GOVERNING BODIES

39. Statement (Regulatory frameworks 1): There are effective regulations put in place by sport governing bodies that tackle the trafficking in persons in the sports industry.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

40. Statement (Regulatory frameworks 2): There is a need for more comprehensive and effective regulations by sport governing bodies to tackle the trafficking in persons in sport.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

41. In your opinion, what can sport governing bodies do to assist to tackle the trafficking in persons through sport? (Open text)

LEGISLATIVE FRAMEWORKS BY GOVERNMENTAL ORGANISATIONS

42. Statement (Effectiveness 1): Existing legislative frameworks are effective in tackling trafficking in persons in sport.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

43. Statement (Effectiveness 2): Existing legislative frameworks are effective in tackling trafficking in persons through sport.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

44. Statement (Need 1): There is a need for more specialised legislation specifically targeting trafficking in persons in sport.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

45. Statement (Need 2): There is a need for more specialised legislation specifically targeting trafficking in persons through sport.

- 1 (Strongly Disagree)
- 2 (Disagree)
- 3 (Neither Agree nor Disagree)
- 4 (Agree)
- 5 (Strongly Agree)

46. If there is a specific legislation on trafficking in persons in and through sports in your territory, can you provide the name of the legislation and an online link (if available) to the document or an official source where this legislation can be accessed? (Open text)

47. If there is any existing or former case law in your territory where trafficking in persons in and through sports has been investigated or prosecuted, can you provide the name of the case and an online link (if available) to the case file, court decision, or related documents? (Open text)

ANNEX D: GLOSSARY OF TERMS

Abduction:

The UNODC defines abduction as “the act of taking a person away from their home or another place where they are lawfully present, by force or fraud”.

In the context of sport, abduction may be evident where an athlete or aspiring athlete is deprived of their liberty or detained against their will after having entered the sport trafficking process. This may occur if an athlete becomes discontent with the situation into which they have been drawn—by virtue of a realisation of the true nature of the situation or by their experience of exploitation—or where exploitative agents seek to ensure a greater level of control to enable exploitation and prevent the victim’s escape from the situation.

Actus reus:

The material or physical element of a crime, which must be proven—in conjunction with the *mens rea* element—to secure a criminal conviction.

Academy:

An independent organisation or legal entity, whether or not it belongs to clubs, which has as its objective the training of footballers, providing for those purposes facilities, training infrastructures and human resources. Football training centres and football schools may be considered academies.

Agents:

Agents are individuals or entities that represent athletes in negotiations with teams, sponsors, and other stakeholders. They are responsible for managing the athlete’s career, securing contracts, and ensuring that the athlete’s interests are protected. Agents typically earn a commission based on the contracts they negotiate for their clients.

The term also implies the regulated status of natural persons or legal persons as an agent by relevant sport governing bodies under their regulatory frameworks that govern the agent profession.

Anti-Trafficking:

Anti-trafficking refers to efforts and initiatives aimed at preventing human trafficking, protecting victims, and prosecuting traffickers. This includes legal frameworks, awareness campaigns, and support services designed to combat trafficking in all its forms and promote human rights.

Athlete:

An athlete is an individual who participates in sports or physical activities, often competing at various levels, from amateur to professional. Athletes may specialize in specific sports and often require extensive training, discipline, and dedication to excel in their chosen field.

Bridge Transfer:

FIFA, international football’s governing body, defines ‘bridge transfer’ under its Regulation on the Status and Transfer of Players (RSTP). A transfer of a player is considered to be a bridge transfer when the same player is transferred 2 (two) times during an uninterrupted period of 16 (sixteen) weeks. In addition to the transfers carried out only for distribution of financial participation (economic rights or sell-on fee), the acquisition of South American and African players by big European clubs is also affected and forbidden when followed by immediate loans to smaller clubs, something merely carried out for market reserve.

CAF African Cup of Nations (AFCON):

The CAF African Cup of Nations (AFCON) is the main international football competition in Africa, organized by the Confederation of African Football (CAF). It features national teams from across the continent competing for the championship, highlighting the growth and popularity of football in Africa.

Child:

In legal terms, a child is typically defined as a person who is under the age of 18. This definition is important in discussions of rights and protections, as children are considered particularly vulnerable and in need of special care and safeguarding from exploitation and abuse.

Child Trafficking:

Article 3(c) of the TIP Protocol specifically states that the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation is considered trafficking, even if it does not involve any of the means used for adults.

Child trafficking is defined as the exploitation of children through various means, including forced labour, sexual exploitation, or use in illegal activities, emphasising the vulnerability of minors in these situations.

Coercion:

Coercion refers to the practice of compelling a person to act against their will through threats, force, or intimidation, often used in the context of trafficking. Article 3(a) of the TIP Protocol defines coercion as any form of pressure that influences a person's decision-making, rendering their consent invalid in trafficking situations.

Athletes and aspiring athletes in situations of trafficking are subjected to various different forms of coercion and manipulation, used to entice and maintain them in exploitative situations. In sport trafficking cases, psychological pressure is often one of the most extensively employed coercive means. Manipulation of vulnerable individuals' athletic dreams can exert significant psychological pressure, achieved through patterns of both promises (e.g. athletic success, contracts) and threats (e.g. expulsion, blacklisting). This 'carrot/stick' approach can be particularly effective in sport trafficking cases due to the strength of the athletic dream as an ongoing factor, particularly for athletes and aspiring athletes from deprived socioeconomic backgrounds with few alternatives.

Complicity:

Complicity refers to the involvement of individuals or organisations in wrongful acts, either by direct participation or by facilitating such acts. In the context of human trafficking and exploitation, complicity can manifest in various forms, including enabling trafficking networks or failing to act against exploitation.

Consensual and mutually advantageous exploitation:

In sports, mutually advantageous exploitation occurs when both parties—such as an athlete and an organisation—benefit from an agreement, with each party gaining something that leaves them in a better position than before. Consensual exploitation refers to situations where an individual, like a student-athlete, voluntarily agrees to terms that may benefit another party, such as a sports organisation, while also gaining something in return. In these cases, both parties consent to and benefit from the arrangement.

Contract:

A contract is a legally binding agreement between two or more parties that outlines specific terms and conditions. In sports, contracts are essential for defining the relationships between athletes, teams, sponsors, and agents, and they often include clauses related to compensation, obligations, and rights.

Consent:

The TIP Protocol defines consent as "a freely given, specific, informed, and unequivocal agreement by a person to participate in a particular act or series of acts". Article 3(b) of the TIP Protocol states that the consent of a victim to the intended exploitation is irrelevant when any of the means outlined (such as coercion or fraud) have been used.

In the context of trafficking, consent is considered invalid if obtained through means of coercion, deception, or abuse of power, highlighting the lack of true autonomy in such situations.

In the case of sport, the giving or receiving of payments or benefits to achieve the consent of a person that has control over an athlete or aspiring athlete may manifest through payments made to parents by intermediaries or agents or sports organisations, payments made by sports organisations to intermediaries or agents that facilitated an athlete's recruitment, or payments to the sports organisation that holds the athlete under contract made by other sports organisation to 'borrow' the athlete. Payments may also be made by outside actors seeking to exploit an athlete or aspiring athlete to fraudulent agents. Benefits may be less common in Sport Trafficking cases than payments but may be evident in particular in the relationship between sports organisations and intermediaries or agents.

Corruption:

Corruption in sports refers to practices that undermine the integrity of sport including competitions and organisations. This can include bribery, match-fixing, and other forms of misconduct that compromise fair play and the welfare of athletes.

Deception:

Deception is the act of misleading or tricking someone, often used in trafficking to lure victims into vulnerable situations under false pretences.

Deception in sport trafficking cases often involves false representations of playing contracts or trials with foreign clubs, alleged club interest, and false trial arrangements.

Article 3(a) of the TIP Protocol includes deception as one of the means by which consent is rendered invalid, emphasising the manipulation of victims in trafficking cases.

Debt Bondage:

Debt bondage is a form of modern slavery where individuals are forced to work to repay a debt, often under terms that are impossible to fulfil. Victims may be trapped in a cycle of exploitation, as the debt can grow due to high interest rates or manipulation by the creditor, making it difficult for them to escape their situation.

Employment Contract:

A contract whereby a football player undertakes, for a fee, to provide his or her sporting activity to a club that promotes or participates in sporting activities, under the direction and authority of that club.

Exploitation:

Exploitation, as defined in Article 3(a) of the TIP Protocol, refers to the act of using someone for personal or financial gain, which can include forced labour, sexual exploitation, slavery, servitude, or practices similar to slavery.

The UN Convention against Transnational Organized Crime describes exploitation as the act of using an individual's vulnerability for gain, which can manifest in various forms, including economic exploitation or coercive practices.

Exploitative Contracts:

Exploitative contracts refer to agreements that are unfairly one-sided, often taking advantage of vulnerable individuals. These contracts may impose unreasonable obligations or conditions on the parties involved, leading to situations of exploitation and abuse, particularly in labour and sports contexts.

Family Trafficking through sport:

Families exploit or facilitate the exploitation of athletes using false sports opportunities.

Intermediary:

An intermediary is natural persons or legal persons that facilitates transactions between sport actors in the context of sports. Intermediaries often act as brokers, helping to connect sport actors with opportunities. The

intermediary may have a regulated status resulting from the existing regulatory framework of sport that may exist or unregulated status due to lack of regulatory frameworks.

It is extremely important to note that in the world of football, football agents were defined as ‘intermediary’ from April 2015 to 1st October 2023 under FIFA’s old regulatory regime (Regulations on Working with Intermediaries) which was replaced by the Football Agent Regulations. Hence, the existing literature on sport trafficking, particularly ‘football trafficking’ covering the period from 2015 to 2023 interchangeably uses term ‘agent’ and ‘intermediary’.

False Promise:

A false promise refers to a situation where an individual or organisation makes misleading claims about opportunities or benefits that will not materialize. This can be particularly harmful in contexts like sports recruitment, where young athletes may be lured into exploitative situations based on false assurances.

FIFA:

The Fédération Internationale de Football Association (FIFA) is the international governing body for football (soccer). Established in 1904, FIFA is responsible for organising major international tournaments, including the FIFA World Cup. It sets the rules for the sport, promotes football globally, and works to develop the game at all levels. FIFA also addresses issues related to ethics, integrity, and the welfare of players and officials.

FIFA World Cup:

The FIFA World Cup is the premier international football tournament, held every four years and organized by FIFA. It features national teams from around the world competing for the title of world champion. The tournament is one of the most-watched sporting events globally, with significant cultural and economic impacts on host nations.

Finder’s Fee:

A finder’s fee is a commission paid to an intermediary or agent for facilitating a deal or transaction, often in the context of sports transfers or contracts. This fee can lead to ethical concerns if it incentivises unscrupulous practices or exploitation.

Football Trafficking:

Football trafficking refers to the illegal recruitment and exploitation of young football players, often involving deceptive practices to lure them into contracts or clubs. This can include trafficking minors across borders for the purpose of exploitation in the sport, leading to serious ethical and legal concerns.

Forced Labour:

The TIP Protocol defines forced labour as “a form of exploitation that occurs when a person is forced to work against their will, under threat of punishment or through the abuse of power”.

Forced or compulsory labour is defined in the 1930 Forced Labour Convention as: “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”

The convention sets out five practices considered to fall outside the scope of the term, although these have limited overlap with sport trafficking cases, relating to military service, normal civic obligations, labour resulting from a conviction, labour exacted in times of emergency, and minor communal service. Thus, the definition of forced or compulsory labour relevant for consideration in sport trafficking cases has three central elements:

• Work or service;

In the context of sport, many activities in which athletes and aspiring athletes engage could be classified as work or service, which would then constitute forced labour if the other two elements of the definition were satisfied. The definition of work or service does not require that labour be a remunerated activity in order to satisfy this element of the definition of forced or compulsory labour. Indeed, non-payment of wages may be an indicator of forced labour.

- **Menace of any penalty;**

Menace of penalty may be achieved through either direct or indirect coercion. A perpetrator need not directly and explicitly threaten an individual to create a menace of penalty—this may also be achieved through a combination of the material circumstances of the victim and perpetrator behaviour that together creates a menace of penalty. In the context of sport, threats to denounce a victim to police or immigration authorities when their immigration status is irregular may constitute a threat of penalty, particularly relevant for sport trafficking victims after the expiry of short-term visas or where intermediaries have facilitated irregular travel.

- **Involuntariness.**

In the context of sport, where a sports organisation or recruiter made false representations as to the nature of the work or service, the athlete or aspiring athlete can be understood to have ‘volunteered’ only for the working conditions that were promised. A material change in the circumstances would produce involuntariness if the athlete or aspiring athlete was then prevented from revoking the agreement.

Forced labour or services is likely to be the most common exploitative purpose found in cases of trafficking in sport.

Fraudulent Agents:

Fraudulent agents, also known as ‘fake agents,’ are individuals who falsely claim to have the regulated agent status and portray themselves as an ‘agent’ to engage in unethical practices to exploit particularly athletes and their families. These individuals who are essentially ‘criminals,’ can cause significant harm to athletes, particularly those who are young or inexperienced.

International Transfers:

International transfers refer to the movement of athletes from one country to another, often involving contracts and negotiations between clubs. This process is regulated by sport’s governing bodies to ensure compliance with legal and ethical standards, particularly regarding the protection of minors.

International Transfer Certificate:

A document issued in connection with an international transfer, by the national association in which the player was registered, to enable the association of another country to register that player and allow him or her to participate in competitions organised by it.

Interpretive Guide:

An interpretive guide serves as a document providing clarity and guidance on the application of legal definitions and obligations under international treaties, such as the TIP Protocol.

Such guides are essential for understanding the nuances of trafficking laws and ensuring consistent application across different jurisdictions, aiding in the fight against human trafficking.

Fraud:

Fraud involves the use of deceit to gain something of value, often employed in trafficking scenarios to manipulate victims into situations of exploitation.

Fraud in sport trafficking cases often involves individuals misrepresenting themselves as official or sanctioned agents of a sports organisation when they do not hold such status. It may also involve licensed agents making fraudulent misrepresentations to aspiring athletes about the nature of an opportunity.

According to Article 3(a) of the TIP Protocol, fraud is recognised as a means used in trafficking, where individuals are misled into believing they are entering legitimate employment or opportunities.

Fraudulent travel or identity documents:

Any travel or identity document that has been falsely made or altered in some material way by anyone other than a person or agency lawfully authorized to make or issue the travel or identity document on behalf of a State; or that has been improperly issued or obtained through misrepresentation, corruption or duress or in any other unlawful manner; or that is being used by a person other than the rightful holder;

Labour Trafficking:

Labour trafficking involves the exploitation of individuals for forced labour or services. Victims may be subjected to harsh working conditions, long hours, and little or no pay. This form of trafficking can occur in various industries, including agriculture, construction, and domestic work, often involving vulnerable populations.

Major League Baseball (MLB):

Major League Baseball (MLB) is a professional baseball organisation in North America, consisting of 30 teams. Founded in 1869, MLB is one of the oldest professional sports leagues and is known for its rich history and significant cultural impact in the United States.

Major Sporting Events (MSE):

Major sporting events are large-scale competitions that attract significant global attention and participation. Examples include the FIFA World Cup, the Olympics, and the Super Bowl. These events often involve extensive planning, sponsorship, and media coverage, and they can have substantial economic and social impacts on host countries.

Mens rea:

The mental element of a crime, which must be proven—in conjunction with the *actus reus* element—in order to secure a criminal conviction.

Minor:

Minors are individuals under the age of 18, who are considered legally incapable of making certain decisions without parental or guardian consent. In the context of sports, minors are often protected by specific regulations to safeguard their rights and welfare during recruitment and contracts.

Mission 89:

Mission 89 is an advocacy and research organisation dedicated to combating the exploitation of young athletes, particularly in the context of human trafficking and modern slavery. Founded in 2016, it focuses on social and economic transformation to protect vulnerable athletes from exploitation in sports. The organisation conducts research, raises awareness, and engages in educational initiatives to promote the welfare of young athletes globally.

Modern Slavery:

Modern slavery is an umbrella term that encompasses various forms of exploitation, including human trafficking, forced labour, and child exploitation. It affects millions of people globally, often involving coercion, deception, or abuse of power to control individuals for economic gain.

National Basketball Association (NBA):

The National Basketball Association (NBA) is a professional basketball league in North America, comprising 30 teams. Established in 1946, the NBA is one of the major professional sports leagues in the United States and Canada, known for its high level of competition and global popularity.

National Football League (NFL):

The National Football League (NFL) is a professional American football league consisting of 32 teams. Established in 1920, the NFL is the highest level of professional football in the United States, known for its competitive nature and cultural significance.

Non-Sporting Actor for Onward Exploitation:

Athletes exploited by non-sporting actors due to vulnerabilities from unsuccessful sports careers.

Not in Our Game (NIOG) by Mission 89:

The Not in Our Game (NIOG) initiative by Mission 89 aims to combat human trafficking and exploitation in sports. It seeks to raise awareness about the vulnerabilities of young athletes and promote safeguarding practices within sports organisations. The initiative engages stakeholders in discussions and workshops to develop strategies that protect athletes from exploitation and ensure their rights are upheld.

Olympics:

The Olympics are a major international multi-sport event held every four years, featuring summer and winter games. Organised by the International Olympic Committee (IOC), the Olympics showcase athletes from around the world competing in various sports, promoting unity and sportsmanship.

Organization for Migration (IOM):

The International Organization for Migration (IOM) is an intergovernmental organization that provides services and advice concerning migration to governments and migrants alike. Founded in 1951, IOM works to promote humane and orderly migration, addressing issues related to human trafficking and migrant rights.

Orphanage Trafficking:

Orphanage trafficking refers to the recruitment of children into residential care institutions, often under the guise of providing better care and education, for the purpose of profit and exploitation. This practice is linked to the funding of orphanages through donations and volunteer tourism, which can create a market for children to be placed in these institutions. Children in orphanages may face neglect, abuse, and exploitation, as the institutions often operate under poor conditions to maximize profits.

Outside Actor:

Non-sporting actors

Organised criminal group (OCG):

A structured group (see *structured group* below) of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences (see *serious crime* below) established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.

Organ Trafficking:

Organ trafficking refers to the illegal trade of human organs, often involving coercion, deception, or exploitation of vulnerable individuals for financial gain.

The TIP Protocol defines organ trafficking as “the recruitment, transportation, transfer, harbouring or receipt of persons for the purpose of removing their organs, without their consent or against their will”.

Trafficking in Persons (TIP) Protocol:

The Palermo Protocol is an international treaty that supplements the UN Convention against Transnational Organized Crime, focusing specifically on preventing and combating trafficking in persons, especially women and children.

This Protocol outlines the obligations of states to protect and assist victims of trafficking, emphasising human rights and the need for cooperation among countries to combat trafficking effectively.

Player:

In sports terminology, 'a player' refers to an individual who participates in a sport, typically as part of a team or as an individual competitor. Players are subject to various rules and regulations set by governing bodies and often have contracts that define their roles and responsibilities.

Position of Vulnerability:

A position of vulnerability refers to circumstances that increase an individual's risk of being trafficked, such as poverty, lack of education, or social marginalisation.

Article 3(a) of the TIP Protocol highlights that individuals in vulnerable positions may be more susceptible to exploitation and trafficking, necessitating protective measures.

Servitude:

Servitude is defined as a condition in which a person is forced to work for another under the threat of penalty, often associated with trafficking and exploitation.

The UNODC defines servitude as "a form of exploitation that occurs when a person is forced to perform labour or services under conditions that are harmful, abusive, or exploitative".

In the case of sport trafficking, the concept of servitude may be particularly relevant where the victim is forced to reside in accommodation provided by the intermediary or agent or sports organisation, and their freedom of movement outside the constraints of this context is limited. Such limitations may provide strong evidence of servitude. The inability of the athlete or aspiring athlete to change their condition may also be particularly relevant.

Sexual Exploitation:

The UNODC defines sexual exploitation as "the act of using a person for profit or other advantage, without their consent or against their will, for sexual purposes".

In sport, sexual exploitation may occur in conjunction with the labour exploitation of an athlete or aspiring athlete, or it may constitute the primary form of exploitation evident in a case. This may occur both within sports organisations and outside them. For instance, sports agents and intermediaries may be seen to take advantage of their position of power or trust with the victim in order to sexually exploit them on their journey or during their time in a host organisation. Likewise, officials and employees within a sports organisation (including coaches, doctors, and other agents) may abuse the level of power and control they have over athletes to enable sexual exploitation—whether by sexually exploiting the athletes themselves or by coercing them into sexual exploitation involving others. Perpetrators may use sports-related benefits to coerce individuals into sexual exploitation—for instance, coaches and agents have been seen exchanging boots and sportswear for 'sexual favours' from minor athletes and aspiring athletes. Sports-related threats may also be employed to enable sexual exploitation, for instance threats of depriving athletes of competition opportunities or places on teams. In some cases, athletes being 'sold' for sex during sporting events has been reported, associated with threats to the athletes that they would not be allowed to travel to sporting events in the future if they did not comply.

Slavery:

The UNODC defines slavery as "a form of exploitation that occurs when a person is bought or sold or held as property".

Slavery is the condition in which individuals are owned by others, deprived of personal freedom, and compelled to work, often linked to trafficking practices.

In the case of Sport Trafficking, a form of slavery is when the level of control exercised over the victim rises to the level of control tantamount to possession or effective ownership. This may be established by reference to the indicia of enslavement identified by the ICTY (listed above).

Smuggling of Migrants:

Article 3(a) of the Protocol against the Smuggling of Migrants by Land, Sea and Air defines the smuggling of migrants as the procurement of the illegal entry of a person into a State of which the person is not a national or a permanent resident, for financial or material benefit.

The UN Convention against Transnational Organized Crime outlines that smuggling involves the facilitation of illegal entry into a country, often putting migrants at risk and exploiting their vulnerable status.

Trafficking in Persons:

According to Article 3(a) of the TIP Protocol, trafficking in persons is defined as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

The United Nations Office on Drugs and Crime (UNODC) defines trafficking in persons as “the recruitment, transportation, transfer, harbouring or receipt of persons by means of threat, use of force or other forms of coercion, of abduction, of fraud or deception, of the abuse of power or of a position of vulnerability, or, in the case of a child, of the exploitation of the vulnerability of a child, when such acts result in the exploitation of the persons, including, at a minimum, the exploitation for purposes of prostitution or other forms of sexual exploitation, forced labour, or slavery or practices similar to slavery”.

Regular and Irregular Migration

Regular migration refers to the movement of individuals across borders in compliance with legal requirements, such as obtaining visas or work permits. Irregular migration, on the other hand, involves crossing borders without proper authorisation, often leading to vulnerabilities and risks of exploitation, including trafficking.

Sex Trafficking:

Sex trafficking is a form of human trafficking that involves the illegal transportation and exploitation of individuals for sexual purposes. This crime can affect people of all ages and genders, but women and girls are disproportionately targeted. Victims are often coerced or deceived into engaging in commercial sex acts against their will.

Social Security Contributions:

Amounts determined by the application of the percentages established by law on the remuneration or similar (bases of incidence), which are due by the beneficiary and, in the case of employees, also by the respective employer to contribute to the financing of the Social Security Systems.

Sport Entity:

A sport entity refers to any organisation or body involved in the administration, promotion, or regulation of sports. This can include professional sports leagues, governing bodies, clubs, and associations that oversee the conduct of sports at various levels, from amateur to professional.

Sport Organisation:

Any organisation that governs sport or one particular sport

Super Bowl:

The Super Bowl is the championship game of the National Football League (NFL), held annually to determine the league champion. It is one of the most-watched sporting events in the United States and features elaborate halftime shows and significant advertising expenditures.

Third-Party Ownership (Football):

Third-party ownership (TPO) in football refers to a situation where a third party, such as an investor or agency, holds an economic interest in a player's contract. This practice has been controversial due to concerns about conflicts of interest and the potential for exploitation, leading to regulations in many leagues to limit or prohibit TPO.

Trafficking in sport involves the exploitation of athletes or aspiring athletes in the sports industry or in sporting activities.

Trafficking through sport takes advantage of athletes, aspiring athletes, and retired athletes to facilitate exploitation outside the sports industry.

Trafficking around sport involves trafficking that has a connection to sports industry, but where exploitation does not take place within sporting activities.

Training Compensation:

A financial compensation that takes place when a player signs a first sports employment contract with a club other than the club, or clubs, that provided the training. The new club thus owes training compensation to the club, or clubs, that provided the training.

Training Contract:

A contract celebrated between a certified training entity and a trainee, between the ages of 14 and 18, through which that entity provides the young player with adequate training for the development of his or her technical capacity and the acquisition of knowledge necessary for the practice of football, with the player being obliged to carry out the tasks inherent to that training.

Transfer of Allegiance (Athletics):

Transfer of allegiance in athletics refers to the process by which an athlete changes their national representation, often to compete for a different country. This can occur for various reasons, including better opportunities, personal circumstances, or changes in citizenship. The process is regulated by sport's governing bodies, which set specific criteria for eligibility.

Transnational Trafficking:

Transnational trafficking involves the illegal movement of individuals across international borders for exploitation. This form of trafficking often involves complex networks and can encompass various types of exploitation, including labour and sex trafficking.

Unlicensed Academies:

Unlicensed academies are training institutions for athletes that operate without official recognition or regulation from governing bodies. These academies may exploit young athletes by promising opportunities that are not legitimate, leading to potential abuse and trafficking concerns.

Unlicensed Sports Agents:

Unlicensed sports agents are individuals who represent athletes without the necessary credentials or authorisation from relevant governing bodies. This can lead to unethical practices, exploitation, and legal issues for both the agents and the athletes they represent.

UNICEF:

The United Nations Children's Fund (UNICEF) is a UN agency focused on providing humanitarian and developmental aid to children worldwide. Established in 1946, UNICEF works in over 150 countries to protect children's rights, ensure access to education, healthcare, and nutrition, and respond to emergencies. It advocates for policies that improve the lives of children and supports programmes that aim to reduce child poverty and promote gender equality.

UNNM:

The UN Network on Migration is a collaborative platform established to support the implementation of the Global Compact for Safe, Orderly and Regular Migration. It brings together various UN agencies and partners to promote effective migration governance and protect the rights of migrants.

UNODC:

The United Nations Office on Drugs and Crime (UNODC) is a UN agency established in 1997, originally named the Office for Drug Control and Crime Prevention. It was formed by merging the United Nations International Drug Control Program (UNDCP) with the Crime Prevention and Criminal Justice Division. Renamed in 2002, UNODC provides technical assistance, research, and support to member states to address issues like crime, drug control, and terrorism. Headquartered in Vienna with over 130 offices globally, it focuses on justice, health, and security, aiming to protect people and the planet through sustainable, rights-based approaches.

USAT:

USA Triathlon (USAT) is the national governing body for the sport of triathlon in the United States. It oversees the organisation of triathlon events, athlete development, and the promotion of the sport at all levels.

USOC:

The United States Olympic Committee (USOC) is the national governing body for Olympic sports in the United States. It is responsible for organising the participation of American athletes in the Olympic Games and supporting the development of Olympic sports across the country.

The United States Trafficking Victims Protection Act (TVPA):

The Trafficking Victims Protection Act (TVPA) is a U.S. federal law enacted in 2000 aimed at combating human trafficking and protecting victims. The act provides a framework for prevention, prosecution, and protection efforts, establishing measures to support victims and hold traffickers accountable.

UN Convention against Transnational Organized Crime:

The UN Convention against Transnational Organized Crime is a legally binding international agreement that establishes standards and procedures for countries to cooperate in combating transnational organised crime.

The UN Convention serves as a foundational legal instrument for addressing transnational organised crime, including trafficking in persons and smuggling of migrants, by providing definitions and obligations for member states.

Visa:

An addition made by a consular official to a passport or identity card that indicates that the holder of the visa falls within the category of aliens who are admissible under the State's internal rules. A visa defines the criteria for admission to a State.

Victim:

A victim, according to the TIP Protocol, is any person who has been subjected to trafficking, regardless of whether they consented to the act or not, and who has suffered harm as a result.

The UN Convention against Transnational Organized Crime recognises victims as individuals who have been harmed by the acts of organised crime, including trafficking, and emphasises the need for their protection and assistance.

LIST OF ABBREVIATIONS

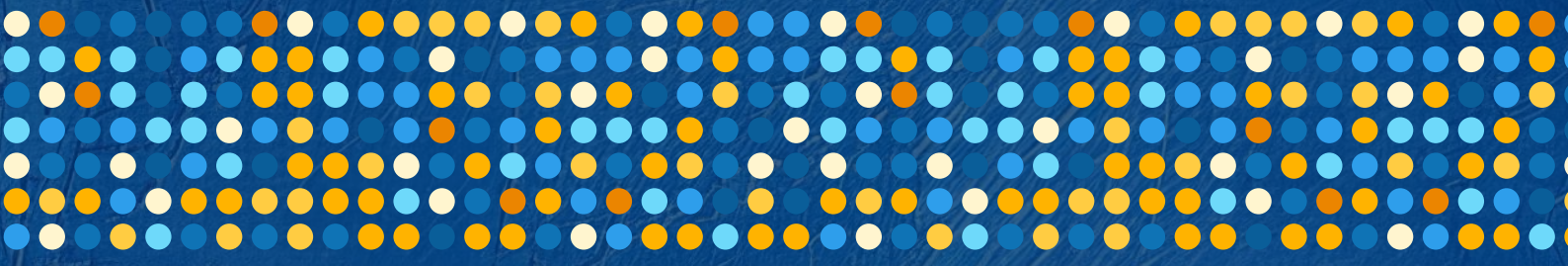
AFCON	CAF African Cup of Nations
CAF	Confederation of African Football
FIFA	Fédération Internationale de Football Association
MLB	Major League Baseball
MSE	Major Sporting Events
NBA	National Basketball Association
NFL	National Football League
NIOG	Not in Our Game
IOM	International Organization for Migration
TPO	Third-party ownership
UNICEF	The United Nations Children's Fund
UNNM	The United Nations Network on Migration
UNODC	The United Nations Office on Drugs and Crime
UNDCP	United Nations International Drug Control and Crime Prevention
USAT	The United States Triathlon
USOC	The United States Olympic Committee
TVPA	The United States Trafficking Victims Protection Act

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