

**Call for Inputs for the report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material**

## *Purpose: To inform the Special Rapporteur’s annual thematic report on Gender dimension of the sale and sexual exploitation of children and the importance of integrating a human rights-based and a non-binary approach to combating and eradicating sale and sexual exploitation of children, to be presented to the 76th session of the General Assembly in October 2021.*

## Introduction

Sport is a huge business in which significant sums of money circulate through global economies. With some estimates running up to approximately $500 billion, the sports industry connects many different activities, drawing in huge sums of money. Major sources include multimillion-dollar transfer fees, salaries paid by sports clubs, and player contracts (especially for, but not limited to, football and basketball) as well as substantial deals for broadcasting / media rights to cover competitions and events. Other significant areas of funding focus on infrastructure development and business transactions involving the ownership and control of the most lucrative sports properties. There are many stakeholders involved in the industry, including athletes, clubs, leagues and federations, sports agencies, sponsors, broadcasters, and investors.

At the centre of this booming ‘business’ sits young talent, often from the Global South and in particular from the African continent. Young African boys—but increasingly girls as well—aspire toward a successful career in the sports industry. To put this into context via what is undoubtedly the continent’s most popular sport, football, 487 international player transfers from African football clubs to European football clubs took place in 2017. This is an increase of 15.7% from the previous year. In the same period, 867 players moved around within Africa, involving clubs in different national federations. This movement increased 28.3% from the previous year. In basketball, African countries have historically been frequent exporters of homegrown athletes who continue to pursue opportunities outside their homeland.

According to the International Basketball Federation (FIBA), in 2016–2017, the African country of Senegal entered into the top five exporters in basketball—for the very first time. They transferred 68 players to different countries, double that of the previous year. Senegal was followed by Mali, which exported 29 players; the Democratic Republic of Congo, with an export of 25 players; and the Ivory Coast, which exported 14 players in the same period. All are in the top 20 exporters of basketball players in the world. In East Africa, countries like Kenya and Ethiopia are the major sources of the world’s best long-distance runners. The success of those athletes led to demand, causing an exodus of African athletes to other countries in order to compete for them. In 2014, for instance, at the Incheon Asian Games, 14 of the 22 individual running events were won by athletes of African origin who had switched their nationality either to Qatar, Bahrain, or the United Arab Emirates (UAE). In December 2017, at the European Cross-Country Championships, two Kenyan-born athletes won male and female titles for Turkey.

## Mission 89 Contribution to the Special Rapporteur

* Sports comprise an important socio-cultural domain in countries and societies all over the world. It is argued that wider social issues and dominant behaviours are often reflected in and through sports because ‘as a social institution, sport reflects societal values, beliefs and norms of behaviour’.[[1]](#footnote-2) Therefore, it comes as no surprise that the exploitation of children also occurs in sports, i.e., the ‘sale’ of boys and young men, and increasingly girls, in and through sports.
* The need to migrate for sports has led to the exploitation of children in pursuit of a career in sport. The trafficking of children in the sports industry, particularly in football, remains a serious problem. Migration plays a role in this form of trafficking, as young athletes are often moved from source countries through to transition countries, which are often on the continent, before travelling to destination European countries. Athletes in this situation may not initially travel through irregular means (even though some others do), but due to the acquisition of short-duration visas to travel to football trials and the level of abandonment that often follows this crime, victims often overstay and quickly become illegal.[[2]](#footnote-3)
* In 2015, an article in the international press claimed that 15,000 young players were moved from West Africa yearly under false pretence.[[3]](#footnote-4) The hidden nature of the crime means that the number could be higher. In Belgium, 442 cases of ‘African soccer slaves’ were uncovered by Senator Jean Marie Dedecker when he exposed the illegal trade in Nigerian players within European football.[[4]](#footnote-5)
* For children and young people from regions in the Global South where socio-economic inequality is high and poverty is rife, sports are often seen as an enticing avenue to ‘earn a living’ and, therefore, sports migration is seen as a realistic means of social mobility for talented child athletes and their families.[[5]](#footnote-6)
* When moving alone to unknown places, children are always in danger of becoming victims of crimes like human trafficking and other forms of slavery. Illicit recruitment agents use the world of football to make money by faking contracts and luring young African players to migrate to Europe under illegal conditions, only to abandon them as soon as they can. Even though sometimes the athletes migrate through legal routes, they end up becoming illegal by overstaying their visas.[[6]](#footnote-7)
* In some cases, young people are given short-term visas and contracts for trials with clubs in Europe, entering the destination country even by airplane, often paid for by the hard-earned money borrowed or given to them by their immediate or extended families. In some cases, these bogus ‘football agents’ work in networks with people from visa offices and other relevant intermediate links.
* When the player arrives in his/her destination country, one of two scenarios occur. In the first scenario, the intermediary takes the player’s documents and any spending money for ‘safe keeping’ and then immediately abandons the player. The second scenario involves the player actually being offered the opportunity of a trial in a particular club. However, failure at the trial more often than not results in abandonment. If and when the youth successfully acquires a contract, it is likely to be exploitative with highly unfavourable conditions.
* In both scenarios, once the youth realises he or she has been tricked, returning home is rarely considered an option. This is the case for many reasons. Depending on the current country of stay, traveling costs might not be affordable and, on many occasions, they are no longer in possession of legitimate travel documents. In addition, the payment of a considerable amount of money to the traffickers or so-called football agents is heavily connected with certain expectations of the child to succeed. Families sell property and give their entire life savings to enable these ‘football trial’ trips, which puts a lot of pressure on the chosen child. Fearing the blame and shame upon returning empty-handed, the struggle to survive for a young football migrant begins, with all dangers connected to living alone and often undocumented in the respective foreign nation.
* In terms of existing legislation and policy, the recruitment of young athletes for the purpose of exploitation has been recognized as a threat by the *United Nations Convention on the Rights of the Child* (UN 1989), which condemns child exploitation (Article 32). In Europe more specifically, this issue has come under scrutiny at the European Parliament resolution on the future of professional football in Europe (March 2007).
* A transfer in football is a **business transaction** between two clubs, which sees a player move from one club to the other. If a player is under contract, the club wishing to secure his or her services is usually expected to pay compensation—otherwise known as a **transfer fee**. Perhaps one of the most crucial regulations enforced, specific to football transfers, is the International Federation of Association Football’s (FIFA) transfer regulations on the protection of minors.[[7]](#footnote-8) Also known as Article 19, this regulation prohibits the transfer of football players under the age of 18 (with limited exceptions).
* In addition, FIFA’s Transfer Matching System (TMS) can be argued to have increased the transparency of transactions to ensure compliance. However, the latter resource does not cover rogue recruiters/agents, unsanctioned football academies, and other trafficking means through which players are transferred within FIFA’s territory.
* In addition, another example of an international measure that led to legislative change in countering the sale and exploitation of children is the International Labour Organisation (ILO) led *Committee on Eradication of Employment of Sudanese Children in Gulf States*, which was created to tackle the prevalence of Sudan as a source country of children trafficked toward the Gulf countries to become engaged in camel jockeying. The outcome of this included the signing of a Memorandum of Understanding with UNICEF as well as the Qatari government on the protection and integration of children participating in camel racing in the United Arab Emirates (UAE). This eventually led to banning the import, recruitment, training, or involvement of children in camel racing in the UAE, as well as the substitution of robot jockeys for humans.[[8]](#footnote-9)

However, from Mission 89’s experience, there are no existing legislative or policy frameworks specifically targeting the sale and sexual exploitation of children in and through sports, which has integrated a gender dimension. From a legislative perspective, a gender dimension can be defined as integrating policies that take into account the different gender-related (male, female, non-binary) risks associated with the sale and exploitation of children in and through sport.[[9]](#footnote-10)

* Despite that, it is important to note that the widespread ratification of the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), for instance, does clearly include a focus on women and children. This protocol, although not sport-specific, is hugely vital within a sporting context, as the Protocol’s ‘trafficking in persons’ terminology and its definition is often applied directly and referred to where cases of the trafficking of children and young people in and through sport occurs, such as the *10-step Guide to Football Trafficking.*[[10]](#footnote-11) In addition, in August 2020, 187 countries that are members of the United Nations (UN) [ILO](https://www.ilo.org/global/lang--en/index.htm) ratified a convention (Convention 182) to protect children from the worst forms of child labour, including slavery, prostitution, and trafficking. Once again, conventions like these with a specific focus on children are absolutely crucial and welcomed, although it remains to be seen if it is being taken seriously in sport (as sport is often seen as having special autonomy from international legislation and regulation).
* As described above, it is clear that there is a lack of sport-specific legislation and policy regarding the sale and sexual exploitation of children. Alternatively, an argument put forward is that sport simply needs to abide by the current regulations in place in international law and that more prosecution is needed when it doesn’t happen. In addition, where there are policies and regulations specific to sport in place, such as FIFA Article 19 which covers the protection of minors and prohibits the international transfer of football players under the age of 18, a gender dimension is non-existent.
* Furthermore, influential international inter-governmental organisations, such as the International Olympic Committee (IOC) and the UN, are not only well placed to advocate for legislation within this domain but have themselves now officially recognized that children in sport can be at risk of exploitation and abuse, and this concern has led to the emergence of new initiatives and policies aimed at protecting vulnerable young people and athletes.[[11]](#footnote-12) This includes the IOC’s *Basic Universal Principles of Good Governance of the Olympic and Sports Movement,[[12]](#footnote-13)*the 2019 UN Special Rapporteur’s[*Playing It Safe Report*](https://www.ohchr.org/Documents/Press/Playing%20it%20Safe_SR_Report.pdf)*,[[13]](#footnote-14)*and UNICEF’s *Children Before Players[[14]](#footnote-15)* initiative*.* Mission 89’s own work to combat human trafficking in and through sport has led to the development of a *Framework on Safeguarding Children from Trafficking in Sport,*[[15]](#footnote-16) in partnership with Good Corporation. This framework does include a gender dimension, specific to protecting young women, and to ensure that ‘a process is in place to protect young women and other vulnerable groups from sexual harassment, violence and exploitation’.[[16]](#footnote-17)
* To reiterate, from a sports context, it is clear that gender-responsive measures are still lacking. To take the example of the trafficking of young African boys in football for instance, safeguarding and anti-trafficking **measures** need to include content, delivery, and cultural orientation that address the unique needs and characteristics of young boys from the African continent. Ideally, they need to be contextualized even further to include specific geographical regions and localities, i.e., West Africa, Maghreb region, etc.
* In rare cases where there is a gender dimension incorporated into internal sport federation regulations and policies covering the sale and sexual exploitation of children, this exists only in a heteronormative form.
* Hence, it can be said that many of the sporting and non-sporting international non-governmental organisations mentioned are certainly taking seriously the sale, sexual abuse, and exploitation of children in sports per international standards, but what is genuinely lacking are institutional, regional, and national legal frameworks specific to sports in this subject area. In addition, the enforcement of the current existing legislation and prosecution when it does not happen, in this case, in and through sport, is crucial. Again, it must be reiterated that a well-considered gender dimension is often lacking.
* From existing research conducted by scholars such as James Esson,[[17]](#footnote-18) Christian Ungruhe, and Paul Darby,[[18]](#footnote-19),[[19]](#footnote-20) just to name a few, it is clear that a gender dimension contributes to a deeper understanding of the issue and hence plays a vital role in eradicating the exploitation of young men and boys in football, particularly in parts of West Africa where qualitative research has been conducted.
* It is clear that a gender dimension, in the context of investigating first and foremost the migration of boys and young men from West Africa to other parts of the world (most notably Europe), is an absolutely critical component to equipping researchers with a better understanding of societal norms and values that motivate migration, where factors such as those involving regional political economy,[[20]](#footnote-21) ‘trusted’ networks of contacts, and perceptions of masculinity in West Africa[[21]](#footnote-22),[[22]](#footnote-23) have been identified.
* This in turn facilitates a process whereby the identification of push-and-pull factors related to football migration, centring on the agency of West African boys and young men, can initially take place. Subsequently, one of the key results of a process like this is the identification of the major risks of exploitation that aspiring young footballers in West Africa face, in what is either a self-motivated or highly coerced effort to migrate abroad for better football-playing opportunities. Ultimately, this can provide anti-child-exploitation activists and key decision-makers with the empirical evidence that will inform their advocacy and legislative efforts to counteract the exploitation of children and young people in football and in sports more generally.
* Measures that Mission 89 has advocated for in order to prevent, prohibit, and protect them from all forms of sale and sexual exploitation include specialized safeguarding personnel at sports clubs, teams, and organisations who are subject to proper and continuous training focused on safeguarding children from human trafficking in and through sport. Examples of such training include the existing FIFA Guardians Safeguarding course[[23]](#footnote-24) as well as the IOC’s International Safeguarding Officer in Sport Certificate[[24]](#footnote-25) which will be introduced in September 2021.
* In addition, what is clear is that there is a lack of independent sports integrity watchdogs that pay special focus to the issue of the sale and sexual exploitation of children in sport. Mission 89 cannot stress enough the importance of an independent body that holds sports organisations and sport event organisers all over the world to account so that they place the rights of children at the centre of international and domestic competition regulations.
* Finally, what is also vital is that the research that drives this entire process is being conducted by researchers who are local or who are from the region, for instance West Africa, where the trafficking of young boys as described throughout this document often begins. This not only facilitates a deeper understanding of the socio-cultural factors that undeniably play a key role but also places local stakeholders rightfully at the centre of the collective international effort to combat the sale and exploitation of children in and through sport.

**Word Count:** 2,745 words (*without references*)

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