**COMMENTS**

**BRONZE, SILVER, OR GOLD: DOES THE INTERNATIONAL OLYMPIC COMMITTEE DESERVE A MEDAL FOR COMBATING HUMAN TRAFFICKING IN CONNECTION WITH THE OLYMPIC GAMES?**

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I. INTRODUCTION

Over the past few years the international media have highlighted, and sometimes sensationalized, a possible correlation between human trafficking and international mega-sporting events. The first significant report of this correlation occurred during and after the 2004 Olympic Games in Athens, Greece. According to the Greek Ministry of Public Order, the number of human trafficking victims in Greece increased by 95% during that year.1 In 2005, the year after the Athens Olympics, the number of known human trafficking victims in Greece had decreased by 24%, but was still 47% higher than the 2003 figure.2 The second


2. Id.
significant report of the possible link between human trafficking and international mega-sporting events occurred prior to the 2006 FIFA World Cup in Germany. The international media widely predicted that over 40,000 women and children would be trafficked into Germany to serve the prostitution demands of millions of soccer fans. More recently, expected increases in human trafficking for sexual and labor exploitation prompted planners of the 2010 Vancouver Olympics, the 2010 FIFA World Cup, and the 2012 London Olympics to implement human trafficking prevention measures in their security plans.

The International Olympic Committee (IOC) is the corporate entity that owns the rights to the Olympic Games. It is responsible not only for operating the Olympic Games, but also for promoting the values of Olympism. These values include “respect for universal fundamental ethical principles” and promotion of “a peaceful society concerned with
the preservation of human dignity."  

Human trafficking is the antithesis of the values of Olympism. Instead of respecting fundamental ethical principles and preserving human dignity, human trafficking immorally exploits its victims. As such, the IOC should use its influence, mandated by the values of Olympism and the Olympic Charter, to curb human trafficking associated with the Olympic Games. One method the IOC may lawfully use to combat the potential surge in trafficked individuals is careful and standardized host country selection. It is only by awarding the Olympic Games to countries with appropriate human trafficking legislation, prosecution, victim protection, and a specific Olympic Games human trafficking prevention plan that this dark side of the Olympics can be satisfactorily resisted. Therefore, the IOC should consider a country’s human trafficking record when awarding the Olympic Games, and compare this record to international counter-trafficking standards.

Recently, the IOC awarded the 2016 Olympic Games to Rio de Janeiro, Brazil. Brazil sports a less than exemplary human trafficking record. It is both a source and destination country for individuals trafficked for sexual and labor exploitation. Brazil is also well known for its child sex tourism industry, which flourishes from children trafficked from surrounding South American countries and rural parts of Brazil. To combat human trafficking, Brazil has adopted some

8. Id. at Fundamental Principles of Olympism, paras. 1, 2.
12. Id. at 90.
This Comment will explore whether it is feasible for the IOC to consider a host country candidate’s human trafficking record when awarding the Olympic Games as a method to prevent the possible trafficking surge previously correlated with international mega-sporting events. Part II of this Comment will describe the current face of human trafficking in our global society. Part III will highlight specific international and domestic efforts to curb human trafficking. Part IV will cover the possible correlation between the Olympic Games and human trafficking. Part V will explore steps taken by countries that have hosted the Olympics and other international sporting events to curb human trafficking. Part VI will explain the IOC’s structure and jurisdiction, and will advocate for the IOC’s use of host country site selection to curb human trafficking. Part VII will briefly explore human trafficking patterns in Brazil with a look toward actions Brazil could take over the next five years to prevent Olympics-related human trafficking.

II. THE CURRENT FACE OF HUMAN TRAFFICKING IN OUR GLOBAL SOCIETY

A. Human Trafficking—Defined

In general, human trafficking involves the forced movement of a person between countries or within the same country, although there are disagreements as to how to define it. Forced movement does not necessarily include a physical act of abduction. Threats, coercion, fraud, or deceit will suffice to supply the element of force. The most widely accepted definition of human trafficking is found in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in

14. TIP REPORT - BRAZIL 2010, supra note 11, at 89.
15. Tavella, supra note 3, at 198.
16. Id.
Persons, Especially Women and Children ("U.N. Protocol"). The U.N. Protocol defines human trafficking as:

> The recruitment, transportation, transfer, harboring 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 can include "sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs." This Comment will focus on the two most prevalent forms of exploitation: sexual exploitation of women and forced labor.

**B. Prevalence of Human Trafficking**

In 2006, the Vatican stated that international human trafficking had grown worse than the historical African slave trade. In fact, there are more slaves today than at any point in recorded history. The International Labor Office ("ILO") estimates that over 12.3 million people are in "forced labor . . . and/or sexual servitude at any given time." Up to 800,000 people are trafficked internationally per year,

17. Id.
22. Skinner, supra note 4, at 56.
23. Morrow, supra note 19, at 244 (citing Report and Analysis of Immigration and Nationality Law, 83 INTERPRETER RELEASES 1138, 1139 (2006)); INT'L LABOUR
and many more are trafficked within state borders. The International Organization for Migration ("IOM") reports that human trafficking is a "thriving $7 billion annual global business with links to the international arms trade, drugs, prostitution, and child abuse." "This makes human trafficking the third most profitable criminal activity in the world, after drugs and arms trafficking." While drug and arms dealers sell their commodities only once, human trafficking victims are "sold" over and over again, creating a continuous return on the trafficker's investment.

C. Trafficking Data

Data on the extent of human trafficking is unfortunately scarce and difficult to quantify. The most documented form is for sexual
exploitation—at 79% of reported cases—though this is likely the result of statistical bias. Because the sexual exploitation of women tends to be at least partly visible (occurring along highways or in city centers), it may be more frequently reported than other types of exploitation. In contrast, trafficking for forced labor is probably more widespread than trafficking for commercial sexual exploitation, as the “worldwide market for labor is far greater than that for sex.” Additionally, men are excluded from trafficking statistics in certain countries.

In an effort to fill the “information deficit” about the worldwide prevalence of human trafficking, two U.N. agencies sponsor the Global Programme Against Trafficking in Human Beings (“GPAT”). The GPAT report aims to increase knowledge on the “causes and processes of . . . trafficking in person[s], and promote the development of . . .” GLOBAL ALLIANCE, supra note 23, at 48. The most extensive global human trafficking database is the U.N. Global Program against Trafficking in Human Beings (“GPAT”). GPAT contains data from 161 countries and territories between 1996 and 2003. In addition, the annual U.S. State Dept.’s Trafficking in Persons (TIP) Report “estimates global, regional, and national numbers and assessments of the crime prevention activities of nation-state governments.” (citing Lehti & Aromaa, supra, at 145). Even though the TIP Report is widely used, the data’s reliability is uneven, since the report is compiled using local contacts in each country. Id.; Janie Chuang, The United States as Global Sheriff: Using Unilateral Sanctions to Combat Human Trafficking, 27 MICH. J. INT’L L. 437, 474-83 (2006).


30. David A. Feingold, Human Trafficking, FOREIGN POL’Y, Sept.-Oct. 2005, 26, 26. In 2005, the ILO reported that worldwide, less than half of all human trafficking victims are part of the sex trade. Id.

31. For example, men cannot qualify as trafficking victims under Thai law. Id.

32. Morrow, supra note 19, at 248 (citing UNODC GLOBAL PATTERNS, supra note 20, at 1, 5, 10).

33. GPAT is sponsored by the United Nations Office on Drugs and Crime (UNODC) and the United Nations Interregional Crime and Justice Research Institute (UNICJRI). Morrow, supra note 19, at 248 (citing UNODC GLOBAL PATTERNS, supra note 20, at 48).
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of effective responses.” However, the report acknowledges the difficulty in collecting reliable data.

D. Methods & Causes of Human Trafficking

Disagreement on how to define human trafficking and the underrepresentation of victims of forced labor are not the only reasons for unreliable trafficking statistics. Law enforcement officials often have a difficult time identifying victims of human trafficking.

A typical trafficking case has three steps: abduction or recruitment of the victim in the source country; transfer through transit countries; and exploitation in the destination country. Impoverished individuals are more susceptible to becoming victims of trafficking due to their dire economic circumstances. These victims are easy to recruit because they are more willing to believe promises of wonderful job opportunities in foreign countries. The trafficker, who many times is already acquainted with the victim, tempts the victim with work and promises to smuggle them out of the country for a fee. This illegal

34. Id. (citing UNODC GLOBAL PATTERNS, supra note 20, at 5).
35. Id. (citing UNODC GLOBAL PATTERNS, supra note 20, at 10). In fact, the GPAT report speculates that some countries that provide plentiful data may appear to be greater offenders than those that provide patchy statistics, as incomplete data could mask the full extent of their trafficking problem. Id.
36. Morrow, supra note 19, at 245 (citing UNODC GLOBAL PATTERNS, supra note 20, at 17).
37. Along with severe poverty, high unemployment rates, gender or ethnic discrimination, degraded environmental conditions, and internal conflict have all fueled the search for work abroad. Luz Estella Nagle, Selling Souls: The Effect of Globalization on Human Trafficking and Forced Servitude, 26 Wis. INT’L L.J. 131, 137-38 (2008). Destination countries which contribute to the demand for trafficked individuals tend to have a high demand for cheap labor coupled with loose enforcement of forced servitude laws; men looking for commercial sex; lack of public awareness; government corruption; weak law enforcement, and/or entrenched organized crime networks. Id. at 138.
38. Rumpf, supra note 25, at 880-81.
39. Id.; see also Morrow, supra note 19, at 245.
smuggling arrangement evolves into a case of trafficking when coercion occurs. For example, traffickers may initially mislead their victims about the jobs they are to perform in their destination countries, then force their victims into prostitution or other criminal activities.

Once a trafficking victim reaches the destination country, the victim is an illegal immigrant often working in an illegal trade (such as prostitution). Thus, trafficking victims are often treated as criminals in their destination countries. The result is that many victims distrust law enforcement and are reluctant to report crimes against them for fear of deportation. In addition, because many traffickers are from the same source countries as their victims, they presumably have access to their victims' families. This threat of retaliation further frustrates victim communication with law enforcement. Traffickers may also use physical violence or restraint, economic penalties, confiscation of identity documents, geographical isolation, or even narcotics to keep trafficking victims under their control and away from law enforcement.

41. *Id.* at 200 (citing U.S. STATE DEP’T FACT SHEET, supra note 40, at 2). Tim Riordan Raaflaub of the Parliamentary Information and Research Service illuminates the distinction between human trafficking and migrant smuggling. While “‘smuggled migrants are usually free once they arrive at their intended destination,’ victims of human trafficking are subject to exploitation at their intended destination.” THE FUTURE GROUP, supra note 1, at 7 (citations omitted).

42. *Rumpf*, supra note 25, at 880-81. Paulo Marchins da Cunha, chief of Sao Paulo's Federal Highway Police, explains that traffickers tempt impoverished women with false promises of work, prosperity, or marriage. Other economically desperate women know they will work as prostitutes, but do not comprehend the forced working conditions under threat of great bodily harm. Richelson, supra note 13, at 864 (citing Jen Ross, *Brazil Tries to Stem Tide of Sex Slavery*, WOMEN’S ENews (June 19, 2005), http://www.womensenews.org/article.cfm/dyn/aid/2342/context/archive).


44. *Id.* (citing Freedman, supra note 43, at 121). Traffickers may also create the perception that they have close links with law enforcement, further frustrating any possibility that trafficking victims will turn to the police. CAROL ASSAIS ET AL., TSIRELEDZANI: UNDERSTANDING THE DIMENSIONS OF HUMAN TRAFFICKING IN SOUTHERN AFRICA 90 (2010), available at http://www.africa4womensrights.org/public/Rapports/Humantraffickingfullreport.pdf.

enforcement.\textsuperscript{46} Thus, trafficking victims' reluctance to assist or even speak with law enforcement means that victims go undetected and statistics remain unreliable and under-inclusive.\textsuperscript{47}

III. EFFORTS TO CURB HUMAN TRAFFICKING

A. U.N. Protocol

The U.N. Protocol, created within the framework of the Convention Against Transnational Organized Crime, is the most prominent unified approach in the fight against human trafficking.\textsuperscript{48} The U.N. Protocol sets forth measures to prevent trafficking through "research, information, and mass media campaigns."\textsuperscript{49} It requires states to initiate social reforms aimed at reducing poverty and lack of equal opportunity.\textsuperscript{50} It also requires parties to adopt measures to eliminate the demand for services—such as prostitution or slave labor—that make exploitation of others a profitable business.\textsuperscript{51}

Perhaps most importantly, the U.N. Protocol requires member states to enact legislation criminalizing human trafficking\textsuperscript{52} and provides countries with a framework upon which to base their own trafficking legislation.\textsuperscript{53} It advocates prosecution of traffickers by encouraging countries to facilitate information exchanges between law enforcement.

\begin{itemize}
\item \textsuperscript{46} GLOBAL ALLIANCE, \textit{supra} note 23, at 5-6.
\item \textsuperscript{47} Tavella, \textit{supra} note 3, at 200.
\item \textsuperscript{48} Morrow, \textit{supra} note 19, at 246-47; see also Tavella, \textit{supra} note 3, at 201.
\item \textsuperscript{49} U.N. Protocol, \textit{supra} note 18, at art. 9(2).
\item \textsuperscript{50} \textit{Id.} at art. 9(4).
\item \textsuperscript{51} \textit{Id.} at art. 9(5).
\item \textsuperscript{52} \textit{Id.} at art. 5.
\item \textsuperscript{53} \textit{See id.} at Annex II pmbl.; Morrow, \textit{supra} note 19, at 246.
\end{itemize}
enforcement and immigration officials, allowing countries to better identify perpetrators and victims. The U.N. Protocol also sets forth measures to protect known victims through state cooperation with non-governmental organizations (NGOs), and to permit victims of trafficking to remain in the destination country in appropriate cases.

B. U.S. Trafficking Victims Protection Act (TVPA)

In 2000, U.S. President William J. Clinton signed the Trafficking Victims Protection Act (TVPA) into law. The TVPA implements the U.N. Protocol's mandates and "is aimed at deterring trafficking, punishing traffickers and protecting and rehabilitating the victims." Under the TVPA, victims are not immediately deported, but may stay in the U.S. pending cooperation in their trafficker's trial. This gives victims the opportunity to apply for a special "T" visa.

Under the TVPA, the U.S. Department of State is required to submit an annual Trafficking in Persons Report ("TIP Report") to Congress. The report catalogues the efforts of foreign governments to combat "severe forms" of human trafficking "to raise global awareness... and to encourage foreign governments to take effective actions to counter all forms of trafficking in persons." To be included

54. U.N. Protocol, supra note 18, at art. 10(1)(a).
55. Id. at art. 10(2).
56. Id. at art. 6(3).
57. Id. at art. 7(1).
59. Tavella, supra note 3, at 203.
61. Morrow, supra note 19, at 249; see also Tavella, supra note 3, at 204.
62. Morrow, supra note 19, at 249; see also Tiefenbrun, supra note 58, at 266 ("The TIP Reports are not designed to be a condemnation of countries, but rather a catalyst for foreign governments to combat trafficking in persons around the world... ").
in the TIP Report, data must show that a “significant number of persons were trafficked to, from, or within a country.” Evaluation of a particular country’s counter-trafficking efforts center around “the three P’s”: Prevention of human trafficking; Prosecution of traffickers; and Protection of victims. The report makes counter-trafficking recommendations tailored to the specific issues of each country. Efforts to comply with the TIP Report’s recommendations may be supported with targeted foreign assistance. Failures to comply are pointed out in the annual TIP Report and/or sanctioned by restricting U.S. foreign aid.

The TIP report analyzes countries’ efforts to combat trafficking by ranking them in tiers. Tier 1 countries generally comply with the TVPA’s minimum standards for government prohibition and punishment. Tier 2 countries do not fully comply with TVPA standards, but are making concerted efforts to do so. For example, a Tier 2 country may lack specific provisions to prohibit trafficking in its penal code, but may enforce prohibition of associated crimes, such as false imprisonment or kidnapping. Certain Tier 2 countries are placed on a “Watch List” and receive special scrutiny. Placement on the “Watch List” occurs if: (1) the number of trafficking victims within a country is significant or increasing; (2) the country has provided no evidence of increased efforts to fight trafficking; or (3) the country has committed to make significant additional efforts to combat trafficking.

63. Morrow, supra note 19, at 249 (citing Report and Analysis of Immigration and Nationality Law, 83 INTERPRETER RELEASES 1138, 1139 (2006)).
64. Tavella, supra note 3, at 204.
65. See TIP REPORT – BRAZIL 2010, supra note 11.
67. Morrow, supra note 19, at 249; Tiefenbrun, supra note 58, at 266-67; Tavella, supra note 3, at 204.
68. Morrow, supra note 19, at 250; Tiefenbrun, supra note 58, at 267; Tavella, supra note 3, at 204.
69. Morrow, supra note 19, at 250; Tavella, supra note 3, at 204.
within the next year.70 Tier 3 countries fail to comply with the TVPA’s minimum standards and put forth no real effort to do so.71

IV. CORRELATION BETWEEN THE OLYMPICS (OR OLYMPIC-SIZED EVENTS) AND HUMAN TRAFFICKING

International mega-sporting events, like the Olympics, can affect a host country’s human trafficking problem in three ways. First, the Olympics could contribute to a spike in demand for commercial sexual exploitation around the event’s locale.72 Second, the Olympics could cause an increase in demand for forced labor to build the necessary stadium infrastructure.73 Third, the Olympics could facilitate entry of trafficking victims into the host country disguised as “visitors” before they are transported elsewhere.74 The European parliament,75 intergovernmental organizations (IGOs), NGOs, and the media have frequently cited major international events, including the Olympics, as a contributing factor to temporary increases in human trafficking.76 Examples of this correlation follow.

70. Tavella, supra note 3, at 204.
71. Morrow, supra note 19, at 250; Tiefenbrun, supra note 58, at 267; Tavella, supra note 3, at 204.
72. THE FUTURE GROUP, supra note 1, at 9.
74. THE FUTURE GROUP, supra note 1, at 9.
75. IOM Report, supra note 3, at 7, 10-14.
76. Id. at 11. For example, a European Parliament resolution on world sports states “experience has shown that any major event at which large numbers of people congregate results in a temporary and spectacular increase in the demand for sexual services . . . .” EUR. PARL. DOC. P6_TA-PROV 0086 (2006). This concern has been echoed by the ILO, Amnesty International, and signatories of the “Red Card to Forced Prostitution” and “Buying Sex is not a Sport” campaigns. IOM Report, supra note 3, at 20.
A. 2004 Athens Olympics

The first significant media coverage of the correlation between human trafficking and the Olympic Games occurred before and during the 2004 Games in Athens, Greece.\textsuperscript{77} Prior to the Athens Olympics, NGOs feared that the influx of tourists\textsuperscript{78} would increase the demand for sexual services. The NGO Terre Libere remarked that the number of women trafficked into Athens was expected to rise to meet this perceived demand.\textsuperscript{79} While post-event analysis on the issue is sparse,\textsuperscript{80} the Greek Ministry of Public Order found a 95\% increase in the number of known trafficking victims in Greece between 2003 and 2004.\textsuperscript{81}

B. 2006 FIFA World Cup in Germany

Prior to the 2006 FIFA World Cup in Germany, the international media widely predicted that 40,000 women and children would be trafficked into the country to serve the desires of the 3.36 million World Cup attendees.\textsuperscript{82} This estimate was 40 times the annual average

\textsuperscript{77} Morrow, supra note 19, at 255.

\textsuperscript{78} The Athens Olympics hosted 10,625 athletes, 45,000 volunteers, 21,500 members of the media, and over a million tourists. THE FUTURE GROUP, supra note 1, at 13 (citations omitted).


\textsuperscript{80} IOM Report, supra note 3, at 12. Speaking to the European Parliament in 2006, one commentator noted that “[f]rom past experience—for example in Athens, during the Olympics—we have seen that international sporting events cause an increase in human trafficking.” Id. at 10 (citing Remarks of Ms. Gurmai, EUR. PARL. DEB. 2006 O.J. 54 (June 12, 2006), available at http://www.europarl.europa.eu/omk/sipade3?L=EN&OBJID=120219). However, there is a “paucity of credible empirical data . . . [to] legitimise or verify such a claim.” Id.

\textsuperscript{81} THE FUTURE GROUP, supra note 1, at 14 (citations omitted).

of documented human trafficking cases in Germany.\textsuperscript{83} Though the 40,000 estimate was almost immediately disclaimed by German officials as unrealistic,\textsuperscript{84} the media embraced this darker side of fandom.\textsuperscript{85} Instead of 40,000 victims, Germany reported no significant increase in human trafficking or forced prostitution.\textsuperscript{86}

It is worth noting, however, that the German government did report an increase in prostitution (which is legal in Germany) as a result of the World Cup.\textsuperscript{87} Further, at least five cases of human trafficking "were assumed to have a direct link to the 2006 World Cup."\textsuperscript{88} Though accurate data on the actual number of trafficked victims during the World Cup is not available,\textsuperscript{89} there was no marked increase in human trafficking detected at the end of the tournament.\textsuperscript{90}

\begin{itemize}
\item \textsuperscript{83} THE FUTURE GROUP, \textit{supra} note 1, at 11.
\item \textsuperscript{84} See Morrow, \textit{supra} note 19, at 256. The IOM states that the 40,000 figure was "unfounded." While multiple theories exist, there is no consensus as to where the 40,000 figure originated. IOM Report, \textit{supra} note 3, at 14.
\item \textsuperscript{85} Morrow, \textit{supra} note 19, at 243 (citing \textit{Human Trafficking: Germany Shares Its World Cup Experience}, EUR. SOC. POL’Y, Mar. 16, 2007 [hereinafter \textit{Human Trafficking, Germany Shares}]).
\item \textsuperscript{86} Id. at 244 (citing \textit{Human Trafficking, Germany Shares}, \textit{supra} note 85); Tavella, \textit{supra} note 3, at 197.
\item \textsuperscript{88} Tavella, \textit{supra} note 3, at 211; THE FUTURE GROUP, \textit{supra} note 1, at 12 (citing Germany Report to EU, \textit{supra} note 87, at 5). In an IOM Albania report, a research team interviewed 84 participants to assess the perception that the World Cup may be used by international traffickers for the purpose of sexual exploitation. IOM Report, \textit{supra} note 3, at 28. While the small sample size obviates the results, 29% of the sample had received employment offers to travel abroad for the World Cup. \textit{Id.} The researchers stated "[t]his finding can be taken as an indication that the world football event can serve as an opportunity for the traffickers to be active." \textit{Id.}
\item \textsuperscript{89} One reason for inaccurate trafficking data pre-World Cup versus post-World Cup is that Germany reformed the portion of its penal code covering human
\end{itemize}
On May 29, 2007 the Standing Committee on the Status of Women recommended "that the [Canadian] government . . . develop and implement a plan prior to the opening of the 2010 Olympics to curtail the trafficking of women and girls for sexual purposes . . . ." The Canadian government responded with reassurances that the 2010 Winter Olympics would not become a venue for human traffickers. Human trafficking workshops for law enforcement and immigration officials were held across Canada to address trafficking concerns related to the Olympics. Unfortunately, statistics on human trafficking in connection with the Vancouver Games are not yet available.
D. 2010 World Cup in South Africa

The 2010 World Cup was held June 11th through July 11th, 2010 in nine host cities throughout South Africa. With a Gross Domestic Product (GDP) four times greater than any surrounding country and porous borders, South Africa has long attracted economic migrants. In fact, anecdotal references suggest that 2010 World Cup preparations prompted illegal migration and increased the likelihood of human trafficking for forced labor. For example, traffickers in Ethiopia took advantage of World Cup hype to dupe male victims into believing that South Africa had created immense employment opportunities. Prior to the World Cup, women and children were also believed to be at risk of commercial sexual exploitation. Sister Melanie O’Conner, coordinator of the counter-trafficking desk for the Southern African Catholic Bishops Conference, claimed that South Africa’s human trafficking problems were underestimated. “Being a country of origin, transition[,] and destination for trafficking, there is the fear that


96. ASSAIS, supra note 44, at 89.


trafficking of women and children will increase significantly during the World Cup." 100

In August 2009, South African President Jacob Zuma addressed human trafficking concerns, stating "[w]e have noted the concern . . . that the 2010 FIFA World Cup may have the unintended consequence of creating opportunities for human trafficking . . . [and] are putting systems in place to prevent this." 101 Luis CdeBaca, President Obama’s ambassador-at-large to combat human trafficking, echoed the importance of a World Cup-related counter-trafficking plan: “Dedicated cops, prosecutors and victim advocates are fighting the traffickers in several host cities, but they’re largely doing it on their own.” 102 “An exploitation-free World Cup will require resources and political will from the South African government and the international community alike.” 103

100. Sarah Hudleston, South Africa: Tabling of Human Trafficking Bill ‘Not Prompted by World Cup,’ ALLAFRICA (Mar. 18, 2010), http://allafrica.com/stories/201003180662.html. Though accurate estimates of the number of people trafficked to, in, or from South Africa are not available, “there is enough . . . quantitative data . . . and a lot of anecdotal data . . .; it is definitely a problem and a lot of people are at risk.” Delia Robertson, Spotlight on Human Trafficking Before World Cup in South Africa, VOA NEWS, Apr. 13, 2010, http://www.voanews.com/english/news/africa/southern/Spotlight-on-Human-Trafficking-Before-World-Cup-in-South-Africa-90754049.html (quoting Carol Allais of the University of South Africa). Prior to the World Cup, police reported twice as many non-native prostitutes working in Johannesburg as before. Anne Driscoll, Journalists Use World Cup Hoopla to Spotlight Human Trafficking, TONIC (June 17, 2010), http://blog.tonic.com/journalists-use-world-cup-hoopla-to-spotlight-humantrafficking. The Cape Town vice squad also saw a doubling of the number of foreign nationals working as prostitutes. John Barr & Nicole Noren, Concerns Raised About Illegal Sex Trade, ESPN, June 4, 2010, http://sports.espn.go.com/espn/otl/news/story?id=5251940. “These girls didn’t come here by themselves . . . They’re being brought here through syndicates, who have the means to manipulate immigration processes, to bribe border patrol, border guards, to bribe immigration officials . . . The only assumption you can make is [the traffickers are] anticipating increased business around the World Cup.” Id. (quoting Cape Town City Councillor J.P. Smith).

101. Skinner, supra note 4, at 57.

102. Skinner, supra note 4, at 57. One sex trafficker has done “brisk business among the stadium’s construction workers . . . [and is] really looking forward to doing more business during the World Cup.” Id. at 56.

103. Skinner, supra note 4, at 57. The international community did respond to South Africa’s human trafficking problem. Prior to the World Cup, the U.N.
In March 2010, South Africa’s government seemed to heed this call by submitting a counter-trafficking bill to Parliament. However, Justice Minister Jeff Radebe clarified that the counter-trafficking bill was not motivated by the upcoming World Cup. Currently, South Africa has not published an official report on human trafficking statistics during the World Cup.

E. 2012 London Olympics

With the upcoming 2012 London Olympics, the correlation between international mega-sporting events and human trafficking has generated recent attention in Europe. Graham Maxwell, an English spokesman on human trafficking, stated: “[t]here is a possibility for labour exploitation and a possibility for sexual exploitation. There will be huge construction projects taking place.” A United Kingdom Home Office Report on Combating Trafficking noted: “[c]riminal elements are expected to exploit the situation [of the 2012 Olympics] by establishing themselves in London from now on. Organised announced that a $24 million donation by the European Union would be used on a project to tighten South Africa’s leaky borders and strengthen law enforcement. Hudleston, supra note 100. The U.N. Office on Drugs and Crime (UNODC) said the project was “mindful of the fact that almost 500,000 visitors from neighboring countries and international destinations were expected during the 2010 Soccer World Cup . . .” Id.

104. Hudleston, supra note 100. Instead, Radebe cited compliance with the U.N. Protocol as the catalyst for the bill’s introduction. Id.

105. In a presentation to Parliament, Kamogelo Lekubo-Wilderson, Director of the Department of Justice and Constitutional Development, stated she was unsure whether the South African police services had detected any instances of human trafficking in connection with the World Cup. Human Trafficking during 2010 Soccer World Cup: Department of Justice Briefing, PARLIMENTARY MONITORING GRP. (August 5, 2010), http://www.pmg.org.za/print/22420. A report from the Department of Home Affairs was still outstanding; however, no trafficking cases were taken to court. Id.


immigration crime, including human trafficking, has been factored into the strategic planning for the Olympics 2012.”

As the United Kingdom prepares to host the 2012 London Olympics, the government will work with London police and other organizations to prevent Olympics-related trafficking. Metropolitan Police Commissioner Ian Blair has even appointed a new Assistant Commissioner to lead Olympic security. Two of the mandates for this new position are to deal with human trafficking and illegal construction workers.

V. STEPS TAKEN BY INTERNATIONAL SPORTING EVENT HOST COUNTRIES TO PREVENT HUMAN TRAFFICKING

In the autumn of 2005, German authorities developed an action plan to combat human trafficking during the World Cup. Though the 40,000 estimate was not deemed reliable by Germany’s trafficking experts, the threat of any increase in human trafficking motivated officials and NGOs to begin preparations. As previously noted, Germany recorded no significant increase in human trafficking during the 2006 World Cup. Because of this success (and despite statistical paucity), Germany’s efforts to combat trafficking should be examined

108. Id.
109. Britain to Crack Down on Sex Traffickers Ahead of London 2012 Olympics, ASSOCIATED PRESS, Nov. 9, 2009, http://inform.com/sports/uk-crack-sex-traffickers-2012-735263a (Olympics Minister Tessa Jowell: “We are absolutely determined to take all pre-emptive action that we can . . . to make sure the London 2012 Olympics and Paralympics don’t become a target for this vile trade and don’t become tainted as a result . . . . We will be making sure that a very clear message goes out to the traffickers, that there is no point coming to London.”); see also SIWSAG Report, supra note 106, at 23-26. In 2007, the U.K. launched the “Blue Blindfold” human trafficking public awareness campaign with posters and notices on buses in high risk areas. Id. at 23.
111. IOM Report, supra note 3, at 29.
112. Tavella, supra note 3, at 209.
113. Id. at 211; see also Morrow, supra note 19, at 244.
as a model or starting place for other countries hosting international mega-sporting events.\textsuperscript{114}

\textit{A. Germany's Information Campaigns}

Prior to and during the World Cup, Germany implemented four major information campaigns.\textsuperscript{115} The campaigns used nationwide information-sharing techniques to spread awareness that human trafficking could skyrocket in Germany as a result of the World Cup. Some of these techniques included counter-trafficking messages printed on posters, shirts, whistles, and beer coasters.\textsuperscript{116} The NGO Solwodi disseminated counter-trafficking leaflets, posters, and stickers.\textsuperscript{117} With their partner Renovabis, Solwodi also carried out prevention campaigns in source countries.\textsuperscript{118} The NGO Frauenrecht ist Menschenrecht (FiM) attempted to raise awareness among clients of prostitutes by linking counter-trafficking information to popular sex websites.\textsuperscript{119} In addition, the IOM teamed up with MTV Europe and the Swedish International Development Cooperation Agency (SIDA) to launch a public service announcement that women might be trafficked into Germany for forced sexual exploitation during the World Cup.\textsuperscript{120}

\textit{B. Hotlines}

Germany established three national human trafficking hotlines. Two were for trafficking victims, while the third was to encourage clients of prostitutes to report suspicious situations with anonymity.\textsuperscript{121}

\begin{itemize}
\item \textsuperscript{114} See Tavella, supra note 3, at 213.
\item \textsuperscript{115} IOM Report, supra note 3, at 17. The campaigns included the German Women’s Council’s “Final Whistle—Stop Forced Prostitution”; the NGO Solwodi’s “Red Card for Sexual Exploitation and Forced Prostitution”; the NGO Frauenrecht ist Menschenrecht’s [FiM] “Stop Forced Prostitution”; and Diakonie’s “Action against Forced Prostitution.” \textit{Id.} at 17-18.
\item \textsuperscript{117} IOM Report, supra note 3, at 18.
\item \textsuperscript{118} \textit{Id.}
\item \textsuperscript{119} \textit{Id.} at 14-15.
\item \textsuperscript{120} \textit{Id.} at 15.
\item \textsuperscript{121} Tavella, supra note 3, at 211; IOM Report, supra note 3, at 18-19.
\end{itemize}
C. German Law Enforcement Efforts

Law enforcement preparations in each of the twelve World Cup host cities included large increases in police presence. However, actual police approaches differed between German states.122 Some intensified raids on brothels and sex clubs.123 Others gathered intelligence from red-light districts and increased usual checks on brothels and sex clubs.124 Still other states distributed informational materials to hoteliers, monitored internet and newspaper advertisements, and conducted undercover police investigations as potential clients.125

D. Other Factors

At least one commentator suggests that Germany’s human trafficking prevention efforts offer an “effective model for future, large-scale international sporting events.”126 However, some experts attribute the lack of a significant increase in human trafficking during the 2006 World Cup to unrelated factors.127 The hot weather, low-budget tourists, fan parties, and the fact that the 2006 World Cup was attended by many couples and families have all been cited as possible reasons for why the expected surge in human trafficking did not occur.128

122. Morrow, supra note 19, at 254 (citations omitted).
123. Id. For example, in May 2006, Bavaria, Rhineland-Palatinate, Hesse, and Baden-Wuertemberg used over one thousand police officers to carry out large-scale, coordinated raids. IOM Report, supra note 3, at 19.
125. Id.
128. Id.
VI. THE IOC’S POWER AND JURISDICTION

A. Overview of the IOC

The International Olympic Committee ("IOC") was created in 1894, when the International Athletic Congress of Paris unanimously voted to establish the modern Olympic Games. Today, the IOC is a corporate entity, made up of no more than 115 members, which owns the rights to the Olympic Games. According to the Olympic Charter, the IOC is an international NGO with the status of a legal person. The IOC has also been recognized as an international person by the U.S. Judiciary, which has described the IOC as "a highly visible and influential international body." Because the IOC is an NGO, it cannot compel governmental obedience. Nevertheless, its rules evince current practice and thus have authority as customary international law.

The IOC is governed by the rules set forth in the Olympic Charter. It relies upon these rules to regulate all aspects of the Games, determine the qualifications of Olympic participants, and select

129. Olympic Charter, supra note 6, at pmbl.
130. Modern Olympism was the brainchild of Pierre de Coubertin, who was responsible for convening the International Athletic Congress of Paris. Id.
131. Ettinger, supra note 5, at 98.
132. The IOC does not regard its members as representatives of their home countries, but as "ambassadors of the Olympic ideal" to their home countries. Mastrocola, supra note 5, at 144 (citing Barbara O'Neill, International Sports: Have States Succeeded Athletes as the Players?, 6 DICK. J. INT’L L. 403, 407 (1988)). New members pledge "to keep myself free from any political or commercial influence and from any racial or religious consideration; to fight against all other forms of discrimination . . . ." Olympic Charter, supra note 6, at r. 16, para. 1.3.
133. JAMES A.R. NAFZIGER, INTERNATIONAL SPORTS LAW 26 (2004); Levine, supra note 5, at 249; Mastrocola, supra note 5, at 143 (citing O’Neill, supra note 132, at 407; Olympic Charter, supra note 6, at r. 16, para. 1.1.
134. Olympic Charter, supra note 6, at r. 15, para. 1. The IOC was recognized by the Swiss Federal Council via a Nov. 1, 2000 agreement. Id.
136. Mastrocola, supra note 5, at 148 (citing NAFZIGER, supra note 133, at 34).
137. Id.
host city sites. The Olympic Charter not only governs the organization and operation of the Games, but also codifies Fundamental Principles of Olympism: "to promot[e] a peaceful society concerned with the preservation of human dignity..." and "respect for universal fundamental ethical principles."

B. IOC "Host" City Selection

The IOC entrusts the responsibility of hosting the Olympic Games to a city. To become a candidate, city authorities submit an application to the IOC. As part of this application, the candidate city must fill out a questionnaire that addresses issues like event organization and electronic media rights. The IOC Executive Board then eliminates the majority of candidate cities based on their answers to this questionnaire. Remaining candidates are then subject to more specific inquiries from the IOC’s Evaluation Committee, which may be assisted by experts. The Evaluation Committee prepares a report on each remaining city for the IOC Executive Board. After approval by the Executive Board, candidate cities are submitted to the full IOC Session for election.

139. Mastrocola, supra note 5, at 144 (citing NAFZIGER, supra note 133, at 19).
140. Olympic Charter, supra note 6, at Intro.
141. Id. at Fundamental Principles of Olympism, para. 2.
142. Id. at para. 1.
143. Id. at r. 33, para. 2. Elections generally take place seven years before the Games. Id. at r. 34, para. 2.
144. Mastrocola, supra note 5, at 145 (citing O’Neill, supra note 132, at 409).
145. Id.
146. Id.
147. Id.
148. Olympic Charter, supra note 6, at r. 34 bye-law 2.2.
149. Id. at para. 3.1.
150. Id. at paras. 3.1, 3.2.
C. The Non-Economic Benefits of Hosting the Olympics

Hosting a mega-event such as the Olympic Games may have long-term consequences for the host city. If successful, the Olympic Games can project an internationally positive image of the host city and country. Extensive media coverage—not limited to the actual athletic competition—provides the host country with a unique opportunity to showcase its tourism, economic offerings, and system of government. By diverting attention away from the actual sports competition to highlight its culture, city, and people, the host nation is given an opportunity to forge a new, modern identity.

Using the high profile Olympic forum as a platform to broadcast a host country's political and economic success is hardly unique. Previous host countries have used the Olympics as a stepping stone towards receiving wider cultural acceptance. By selecting a particular country to be the Olympic host, the IOC seemingly places its

151. A mega-event is a large scale leisure or tourism event—such as the Olympic Games and World Fairs—that involves the creation of infrastructure and event facilities, and often carries long-term debts and long-term use programming. Solomon J. Greene, Staged Cities: Mega-Events, Slum Clearance, and Global Capital, 6 YALE HUM. RTS. & DEV. L.J. 161, 165 (2003).
152. Id.
154. Levine, supra note 5, at 247.
155. Id.
156. Id. For example, the 1964 Tokyo Olympics helped Japan show the world that Japan had recovered from World War II, reemerging as an advanced industrial, market-capitalist nation. Id. at 252. Similarly, China bid for the 2000 Olympics not only to achieve world acclaim for their economic and cultural opportunities, but also to improve the country's image after the 1989 Tiananmen Square massacre and to boost the Communist Party's image at home and abroad. Mastrocola, supra note 5, at 160 (citing Lena H. Sun, China Pulls Out Stops in Olympic Bid: Political Factors Dominate in Beijing Try for 2000 Games, With Chances Uncertain, WASH. POST, July 15, 1993, at D1). The Tiananmen Square massacre occurred when the Chinese Army crushed a student-led pro-democracy demonstration. Dave Todd, Olympic Bid: 'Lack' of Dissidents Makes Beijing Ideal Games Site, Chinese Argue, OTTAWA CITIZEN, June 22, 1993, at A1. More than 1000 unarmed demonstrators and bystanders were killed and thousands more were wounded. The massacre occurred only four years before the 2000 Olympic bid. Id.
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stamp of approval on the host country's political institutions.\textsuperscript{157} This is why, in recent years, several developing countries have aggressively pursued bids to host the Olympic Games.\textsuperscript{158}

\textbf{D. The Olympic Charter does not Prevent the IOC from using Host Country Site Selection to Combat Human Trafficking}

The IOC has argued that its current form of representation ensures that the Games remain apolitical.\textsuperscript{159} IOC President Jacques Rogge has stated: "We do not make political choices, because if we do, this is the end of the universality of the Olympic Games."\textsuperscript{160}

Whether the IOC makes "political" choices when selecting Olympic hosts, human rights issues—such as human trafficking—do not seem to be a factor in the IOC's determinations.\textsuperscript{161} As previously discussed, the IOC Evaluation Committee creates a report outlining the qualifications of each candidate city. This report is submitted to the full IOC Session prior to voting, so that IOC members can familiarize themselves with each candidate city's individual merits.\textsuperscript{162} The IOC Evaluation Committee report does not mention human rights issues.\textsuperscript{163} It also does not mention human trafficking considerations.\textsuperscript{164}

\textsuperscript{157.} Greene, \textit{supra} note 151, at 168; \textit{see also} Levine, \textit{supra} note 5, at 252 ("The IOC, by selecting Japan as the first host of the Olympic Games in Asia, seemed to award Japan 'the West's seal of approval for membership (economically, politically and culturally)' into the club of international elite that 'centered on the IOC.'" (citations omitted)).

\textsuperscript{158.} Greene, \textit{supra} note 151, at 167.

\textsuperscript{159.} Ettinger, \textit{supra} note 5, at 119.


\textsuperscript{161.} For purposes of this discussion, this Comment assumes human trafficking is a political issue.

\textsuperscript{162.} Olympic Charter, \textit{supra} note 6, at r. 34 bye-laws 2.2-2.3, 3.2; \textit{see also} Mastrocola, \textit{supra} note 5, at 145.


\textsuperscript{164.} The IOC Evaluation Committee report addresses eleven categories: governmental support and public opinion; general transportation and telecommunications infrastructure; sports venues; Olympic villages; environmental conditions and impact; accommodation; transport concept; safety and security; experience from past sports events; finance; and overall project and legacy. Simon Balderstone et al., Int'l Olympic Comm., Games of the XXXI Olympiad 2016
However, for the reasons discussed in this section, the IOC should consider a country's human trafficking record when deciding to award that country the Olympic Games.

1. Historically, the IOC has not taken a Country's Human Rights or Human Trafficking Record into Consideration when Awarding the Olympic Games

The IOC has historically awarded the Olympic Games to countries with abominable human rights and human trafficking records. The 1936 Games were awarded to Berlin, Germany.\textsuperscript{165} Even though Nazi agents promoted the Berlin Games,\textsuperscript{166} an international boycott of the Games did not result from Nazi anti-Semitism.\textsuperscript{167} Avery Brundage, then president of the IOC, simply stated that politics should never affect sports.\textsuperscript{168} Ten days before the 1968 Mexico City Games, the Mexican Army killed approximately 300 anti-government protestors.\textsuperscript{169} Avery Brundage also insisted that teams from South Africa and Rhodesia should participate in the 1968 Mexico City Games despite their practice of racial discrimination.\textsuperscript{170} This IOC decision was made despite opposition from the National Olympic Committees ("NOCs"), denunciation by the U.N., and refusal by the Mexican Government to

\textsuperscript{165.} Hitler’s Nazi regime in Germany was responsible for trafficking hundreds of thousands of Jews to their deaths in concentration camps.

\textsuperscript{166.} Hoberman, supra note 160, at 22.

\textsuperscript{167.} Sarah Bainbridge, Not all Fun and Games, LIVING GENEROUSLY, http://www.livinggenerously.com/articles/155 (last visited Feb. 12, 2010).

\textsuperscript{168.} Id.


\textsuperscript{170.} Ettinger, supra note 5, at 114 (citing EDMUND JAN OSMANCZYK, ENCYCLOPEDIA OF THE UNITED NATIONS AND INTERNATIONAL AGREEMENTS 565, 581 (1985)).
grant entry visas to those countries’ athletes.171 The IOC awarded the 1988 Olympic Games to Seoul, South Korea only one year after the Kwangju massacre.172 Critics of the Seoul Olympic bid chastised South Korea’s military government for blatant human rights abuses and advocated that South Korea was an inappropriate host for a major international event.173 And of course, most recently, the IOC awarded the 2008 Olympic Games to Beijing, China.174 Taking note of China’s deplorable human rights record, The Economist compared Beijing’s honor to the one Hitler received when he hosted the 1936 Berlin Games.175 If the above examples tell us anything, it is that human rights do not seem to be on the IOC’s agenda when awarding the Olympic Games.176

2. Contrary to IOC Claims, The Olympics are Political

Despite the IOC’s renunciation of political choices, and its failure to consider human rights or human trafficking issues when awarding the Games, IOC decisions and human rights politics are intertwined. In fact, the Games have often been used as a platform to effectuate social

171. Id. It was only through efforts of the Co-ordinating and Research Committee (“CRC”) of the National Olympic Committees, founded in 1968, that the Republic of South Africa was excluded from the 1968 Games and Rhodesia was excluded from the 1972 Munich Games for practicing apartheid. Ettinger, supra note 5, at 115 (citing OSMANCZYK, supra note 170, at 581).
172. Hoberman, supra note 160, at 22. During the Kwangju massacre military paratroopers crushed a citizens’ revolt, killing 200 and injuring over 1000. Id.
173. Liu, supra note 9, at 218.
174. Id. at 220. China’s human rights abuses include banning religious and political groups, controlling labor activism, restraining the press and public protest, prisoner torture, and prohibiting the work of human rights groups. Id.
176. One exception is the denial of China’s bid for the 2000 Games. Greene, supra note 151, at 168. It is widely recognized that this bid, initiated soon after the 1989 Tiananmen Square massacre, failed due to China’s dismal human rights record. Id. In awarding the 2008 Games to China, the IOC assured the world that it was “not naive” and that there would be “discussions” about China’s human rights policies. Hoberman, supra note 160, at 23.
change. One prominent example is South Africa’s exclusion from the Olympic Games from 1964 to 1991. The exclusion was justified as a way to protest South Africa’s apartheid policy, “which [was] in contravention of the Olympic Charter.” Though the IOC was initially reluctant to exclude South Africa on the theory that politics should remain separate from international sport, it eventually succumbed to international pressure and issued an Olympic boycott. Although it is impossible to credit the Olympic boycott alone for South Africa’s 1994 conversion to a democratic, multiracial society, the boycott did contribute to South Africa’s gradual transformation into a country with more respect for racial equality.

Though the Fundamental Principles of Olympism prohibit discrimination on the basis of “politics,” the use of a boycott was generally accepted as a technique that did not violate these principles. Boycotts are internationally recognized as a means to apply coercive pressure to a country to alter its behavior. Sanctions, such as the boycott, are also legal under Chapter VII of the U.N. Charter. In fact, U.N. Secretary-General Boutros Boutros-Ghali has advocated using the Olympic boycott as an effective tool for

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177. See Liu, supra note 9, at 215.
178. Mastrocola, supra note 5, at 158 (citing NAFZIGER, supra note 133, at 107). In 1956, South Africa’s National party banned interracial sport. Liu, supra note 9, at 216. In 1958, Norway proposed excluding South Africa from the Olympic Games as a weapon to protest apartheid. Id.
179. Mastrocola, supra note 5, at 158 (citing NAFZIGER, supra note 133, at 190).
180. Liu, supra note 9, at 216.
181. Id. at 217. One less successful boycott was prompted by the Soviet invasion of Afghanistan. Id. at 219. Approximately fifty nations boycotted the 1980 Moscow Games. Id. However, this boycott proved futile, as the Soviets not only remained in Afghanistan but also retaliated by boycotting the 1984 Los Angeles Games. Id.
182. Id. The current provision of the Olympic Charter reads “[a]ny form of discrimination with regard to a country or a person on grounds of race, religion, politics, gender or otherwise is incompatible with belonging to the Olympic Movement.” Olympic Charter, supra note 6, at Fundamental Principles of Olympism, para. 5.
183. Liu, supra note 9, at 224.
184. Id.
communicating the international community’s disapproval of certain practices.  

3. Human Rights Issues Such as Human Trafficking are Permissible Uses of “Politics” Under the Olympic Charter and International Law

There are both permissible and impermissible uses of politics in international sport. According to one commentator, when a country’s use of sport to gain international prestige becomes too intertwined with political ideology, that use rises to the level of propaganda and is forbidden by the Olympic Charter. However, as previously mentioned, not all governmental use of sport is inconsistent with the Olympic Charter and international law. The Olympics have been appropriately used as a platform to protest the conduct and policies of a particular government. Protest intended to enhance human rights (including human trafficking) falls within these permissible bounds.

In fact, James A.R. Nafziger, an expert on international sports law, suggests that the Olympic Charter specifically protects and promotes human rights.

Although the Olympic Charter does not allow discrimination against a country on political grounds, a conflict arises in the face of

185. Id.
186. Mastrocola, supra note 5, at 156 n.119 ("[P]ropaganda is used to glorify a particular political system, whereas international prestige is more typically the culmination of a country's effort to show, for example, that it is a favorable vacation spot or economic partner." (citing Nafziger & Strenk, supra note 153, at 273)). For example, when Hitler converted the 1936 Berlin Games from a post-World War I attempt to increase national prestige to the promotion of racial and religious bias through Nazi ideology, sport was used as an impermissible “instrument of propaganda.” Mastrocola, supra note 5, at 156. Mastrocola also believes that China’s 2000 goal—the glorification of the Communist Party—fell into the impermissible area of propaganda. Id. at 160.
187. See id. at 153. One acceptable political use of sport is human rights reform. Id.
188. Id. at 156 (citing Nafziger & Strenk, supra note 153, at 267); see also discussion of the Olympic boycott of South Africa supra Part IV.D.2.
189. See Mastrocola, supra note 5, at 157 (citing NAFZIGER, supra note 133, at 98).
190. Liu, supra note 9, at 215.
human rights abuses.\textsuperscript{191} This conflict is between the "obligation to promote and protect human rights, which is clearly an aspiration of the Olympic Movement, and the customary rule against exclusion . . . for political reasons."\textsuperscript{192} Despite this conflict, the growing body of international human rights law tips the scale toward Olympic awareness of human rights problems,\textsuperscript{193} as the boycott of South Africa demonstrated.

The Olympic Charter obligates the IOC to uphold the Fundamental Principles of Olympism,\textsuperscript{194} which include "respect for universal fundamental ethical principles."\textsuperscript{195} The Olympic Charter also states that the goal of Olympism is to "place sport at the service of the harmonious development of man, with a view to promoting a peaceful society concerned with the preservation of human dignity."\textsuperscript{196} Therefore, under the Olympic Charter, the IOC must work to (1) promote respect for universal fundamental ethical principles; and (2) preserve human dignity.

Human trafficking clearly offends the Fundamental Principles of Olympism. By restricting individuals' freedom of movement, stripping their autonomy, and placing them in modern-day slavery, human trafficking violates universal fundamental ethical principles. By subjecting vulnerable people to forced labor or commercial sexual exploitation at the hands of their traffickers, human trafficking clearly degrades human dignity. The IOC cannot shirk its duty to uphold the Fundamental Principles of Olympism. It cannot abstain from taking action to prevent human rights abuses on the theory that the Games should remain apolitical, especially since the Olympic Games are a possible contributor to the human trafficking problem.\textsuperscript{197}

\textsuperscript{191} Mastrocola, \textit{supra} note 5, at 157.
\textsuperscript{192} \textit{Id.} (citing NAFZIGER, \textit{supra} note 133, at 81).
\textsuperscript{193} \textit{Id.} at 158 (citing NAFZIGER, \textit{supra} note 133, at 81).
\textsuperscript{194} \textit{See} Olympic Charter, \textit{supra} note 6, at Intro. to the Olympic Charter.
\textsuperscript{195} \textit{Id.} at Fundamental Principles of Olympism, para. 1 (emphasis added).
\textsuperscript{196} \textit{Id.} at Fundamental Principles of Olympism, paras. 1-2 (emphasis added); \textit{see also} Mark McMullen, \textit{The Green Olympics: Boon or Farce?}, 2001 COLO. J. INT'L ENVTL. L. & POL'Y 119, 126 (2002).
\textsuperscript{197} \textit{See} Bainbridge, \textit{supra} note 167.

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The IOC defines itself as an NGO. NGOs, even if created as domestic corporations, have an important place in international law as "agents of the public interest." The IOC is responsible for upholding the Fundamental Principles of Olympism embodied in the Olympic Charter. It has complete control over Olympic host selection. Combined, this gives the IOC the opportunity—and also the jurisdictional power—to "flex its muscles" against human trafficking.

IOC President Jacques Rogge summed it up when he stated: "[w]e have no army; we have no police force. The only strength we have is values." Whether welcome or not, human rights politics are part of the Games.

4. Other International Sports Organizations Have Embraced Human Rights and Human Trafficking Causes

As with the IOC, governments and IGOs have repeatedly requested the Federation Internationale de Football Association (FIFA) to become involved in political issues outside the narrow realm of athletic competition. In 2007, FIFA adopted a new slogan, "For the Game. For the World." In keeping with this slogan, FIFA broadened its role to encompass greater social responsibilities. Recognizing soccer's political function, public awareness campaigns featuring German and South African soccer stars have called attention to human trafficking issues.

198. Olympic Charter, supra note 6, at r. 15, para. 1.
199. Liu, supra note 9, at 224 (citations omitted).
200. See Olympic Charter, supra note 6, at Intro. to the Olympic Charter.
201. Liu, supra note 9, at 224.
202. See id. at 215, 224.
204. Id. at 22.
206. Morrow, supra note 19, at 252.
207. Id. Before a nationally televised game, South Africa's soccer team wore counter-trafficking t-shirts with the IOM's trafficking hotline number printed on
5. The IOC Should Consider a Country’s Human Trafficking Record when Awarding the Olympic Games

Olympic host city selection is the primary IOC decision that communicates the Olympic ideal to the world.208 There are two schools of thought on how Olympic site selection should be used in relation to a country’s human rights—and thus, human trafficking—record. The first school of thought is anti-boycott. This school believes that rather than deny an Olympic bid in an attempt to coerce human rights reform. Instead, the IOC should freely award the Olympic Games to countries with human rights issues. By awarding the Olympics to such countries, the IOC will provide host nations with motivation to improve their human rights records.209 Proponents from the second school of thought disagree. They argue that the Olympics should not be awarded to countries with widespread human rights abuses since the Olympics is an event promoting peace, ethical principles, and human dignity.210 Awarding the Olympic Games to countries with poor human rights records could send a signal that the countries’ questionable human rights practices are accepted by the international community.211 Thus, an IOC award would act as a “stamp of approval” for host countries’ human rights abuses.212

208. Mastrocola, supra note 5, at 146.
209. See Liu, supra note 9, at 214. Proponents of this rationale have used the 2008 Beijing Games in China as an example. Leading up to the Games, advocates asserted that because Chinese leadership would be in the glare of the international spotlight, this heightened scrutiny could result in positive advances in China’s human rights policies. See Ellen S. Reinstein, Turn the Other Cheek, or Demand an Eye for an Eye? Religious Persecution in China and an Effective Western Response, 20 CONN. J. INT’L L. 1, 34 (2004).
210. See McMullen, supra note 9, at 124.
211. See Mastrocola, supra note 5, at 163.
212. See Liu, supra note 9, at 224 (citing Christopher Clarey, IOC Vote Is More Than Fun and Games to Olympic Finalists, N.Y. TIMES, July 13, 2001, http://www.nytimes.com/2001/07/13/news/13iht-ioc_ed3_.html). Proponents of this rationale have also cited the 2008 Beijing Games. According to Hopkins, the IOC’s selection of Beijing as the 2008 Olympic host spawned a string of human rights violations. After receiving the bid, the Chinese government destroyed many citizens’ homes to make way for Olympic infrastructure. These citizens received little to no
Both schools of thought have inherent problems. Boycotting all host countries but those with only the most stellar human rights and human trafficking records would effectively limit the possible sites to highly developed or "westernized" countries. In addition, deciding which countries have human trafficking records that are strong enough to immunize them from boycott would be impossible. First, human trafficking data is unreliable. Because of the elusive nature of human trafficking reporting (due to factors like the victim’s reluctance to communicate with law enforcement) and the lack of reliable international data, useful human trafficking statistics from every country in the Olympic Movement are not presently available. Second, even if accurate data was available, considering that the IOC has 115 members from 81 countries and considering the prestige involved with hosting the Olympic Games, it is unlikely IOC members could agree on which countries have pristine enough human trafficking records to avoid boycott. For these reasons, an Olympic host boycott based on current human trafficking knowledge is simply unrealistic.

On the other hand, freely awarding the Olympic Games to countries with abominable human trafficking problems does not uphold compensation and had no recourse against their government’s decision. Because the taking of these citizens’ homes with no compensation violated their fundamental rights, the IOC’s endorsement of Beijing is “inapposite to its stated goals and offensive to human rights activism.” Martha M. Hopkins, Olympic Ideal Demolished: How Forced Evictions in China Related to the 2008 Olympic Games are Violating International Law, 29 HOUS. J. INT’L L. 155, 126 (2006).

213. Even assuming the United States’ TIP Report is reliable—which I do not—there are only 28 countries that comply with the TVPA’s minimum (Tier 1) standards. To limit Olympic host selection to Tier 1 countries as a method of encouraging Tier 2 and Tier 3 countries to increase their counter-trafficking efforts would amount to effective discrimination in violation of the Olympic Charter. See Country Rankings: Tier Placements, GVNET (June 17, 2009), http://gvnet.com/humantrafficking/00-Ratings.htm.


215. Liu, supra note 9, at 224 (citing Lena H. Sun, China Pulls Out Stops in Olympic Bid; Political Factors Dominate in Beijing Try for 2000 Games, With Chances Uncertain, WASH. POST, July 15, 1993, at D1).
the Fundamental Values of Olympism embodied in the Olympic Charter. By ignoring human rights and human trafficking issues when awarding the Games, the IOC is passing on an opportunity to promote respect for universal fundamental ethical principles and preserve human dignity. Even worse, it is also potentially exacerbating worldwide human trafficking by creating a forum in which traffickers operate with ease. Host nations play a crucial role in managing the potential increase in Olympics-related human trafficking. As such, the IOC Executive Board should work with each host country candidate to ensure a comprehensive counter-trafficking plan is in place before awarding the Games.

There are several possible methods the IOC can use prior to Olympic host selection to ensure the host country will make adequate counter-trafficking preparations. One possibility is use of a conditional boycott. The U.N. Protocol has been adopted by 117 countries. It contains the most widely recognized international definition of human trafficking. It also requires its member states to create and enforce trafficking legislation and work to eliminate the root causes of human trafficking. By requiring an Olympic host candidate to adopt and enforce the U.N. Protocol, the IOC would ensure that the host country is at least minimally responsive to its human trafficking problem. Thus, adoption of the U.N. Protocol would be a prerequisite for an Olympic host candidate’s bid. Without adoption, the IOC boycott would take effect. This is one technique the IOC may

216. Bainbridge, supra note 167; see also discussion supra Part V (detailing Germany’s anti-trafficking efforts during the 2006 World Cup).

217. See Greene, supra note 151, at 187 (“At an international level, organizations sponsoring or participating in mega-events—such as the International Olympic Committee . . . should establish human rights standards to govern venue selection.”).


219. See Morrow, supra note 19, at 244-45 (citing U.N. Protocol, supra note 18, at art. 3(a)); Tavella, supra note 3, at 198-99.

220. U.N. Protocol, supra note 18, at arts. 5(1), 10, 11.

221. Id. at arts. 9(4)-(5).
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permissibly use to combat the potential surge in human trafficking associated with the Olympic Games.222

A second possibility is for the IOC to amend its Candidature Questionnaire to add a human trafficking “theme.” As stated earlier, the Candidature Questionnaire is the first major step in the Olympic host application process.223 It contains questions on seventeen different “themes,” but does not address human trafficking.224 The IOC should add a human trafficking “theme” with detailed questions about the scope of the candidate country’s human trafficking problem, its prevention efforts, and its plan to combat Olympics-related human trafficking.225 By ferreting out the scope of a candidate country’s human trafficking problem, the IOC will have the tools to do two things. First, the IOC will be able to assess the likelihood that a particular candidate country will erode the Fundamental Values of Olympism by contributing to an increase in human exploitation—and vote accordingly. It is essential that the IOC Session is fully informed before voting for a particular host. Second, this line of questioning will allow the IOC to monitor the chosen host country’s Olympics-related trafficking plan and inform the appropriate international bodies if it appears the plan is inadequate or ignored. As one commentator stated: “[d]etailed planning, exposure and reviewing of anti-trafficking efforts,

222. The permissibility of this conditional boycott is analogous to IOC sanctions against South Africa. The South African boycott, which applied not only to Olympic host selection, but also to participation in the Games themselves, is credited with alleviating South Africa’s oppressive apartheid system. Liu, supra note 9, at 224; see also discussion supra Part VI.D.2 (detailing the Olympic boycott of South Africa from 1964 to 1991).

223. Mastrocola, supra note 5, at 145 (citing O’Neill, supra note 132, at 409).


225. The current Questionnaire does not address either human rights or human trafficking issues. The 2008 IOC Evaluation report for Beijing not only made no inquiry into China’s human rights issues but even stated, “[t]he overall presence of strong governmental control and support is healthy and should improve operational efficiency . . . .” McMullen, supra note 9, at 124.
has to be a prominent condition in awarding the Olympic bids of the future."

A third possibility for the IOC to help prevent an Olympics-related surge in human trafficking may occur just after the IOC awards the Olympic Games. At this time, the IOC and the host city enter into a contract. The IOC could include a human trafficking clause within this contract. A human trafficking clause should require the host country to adopt and enforce a counter-trafficking prevention plan with IOC oversight. Ideally, plans should include allocation of national government counter-trafficking resources to the host city’s municipal government, as well as to community based counter-trafficking NGOs. This allocation of resources could be recouped by an IOC contractual provision dedicating a portion of attendance fees or media sponsorship fees to counter-trafficking efforts.

The IOC is in a unique position to counter Olympics-related human trafficking. In order to remain faithful to the Fundamental Principles of Olympism, the IOC needs to ensure that host countries provide adequate safeguards against trafficking when it awards the Games. Implementing the above methods in host city evaluation is a step in the right direction.

VII. 2016 OLYMPICS IN RIO DE JANEIRO, BRAZIL

A. Brazil and the Olympics

On October 2, 2009, the IOC announced it had awarded the Games of the XXXI Olympiad to Rio de Janeiro, Brazil. The 2016 Games

226. Bainbridge, supra note 167.

227. Olympic Charter, supra note 6, at r. 34 bye-law 3.3. This is called the Host City Contract. Id.

228. Cf. Greene, supra note 151, at 187. Host cities like Beijing should be monitored to ensure protection of basic tenant rights during slum clearance in preparation for Olympic infrastructure. Id.

229. See id. at 187.

230. Upon hearing the news, Brazilian President Luiz Inacio Lula da Silva wiped his eyes with a handkerchief saying, "Our hour has arrived." Rio de Janeiro to Host 2016 Olympics, supra note 10.
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will be held from August 5 to August 21 of that year. They are the first Games to be held in South America and only the second to be held in Latin America.

B. Brazil's Human Trafficking Record

Brazil's human trafficking record is less than exemplary. The U.S. State Department’s Trafficking in Persons (TIP) Report lists Brazil as a Tier 2 country, which means it does not fully comply with the minimum standards for the elimination of human trafficking. According to the U.N., Brazil is one of the most important actors in global trafficking. Sex trafficking occurs in every Brazilian state. In fact, Brazil exports more women than any other South American country. To a lesser extent, Brazil is a destination country for men, women, and children trafficked for forced labor. Victims from Bolivia, Paraguay, and China are trafficked into metropolitan centers to

231. Rio’s mayor has admitted that there are “big issues” facing the city, especially in securing the Games from violence, adding that the IOC was presented with these issues during the bidding process. 2016 Summer Olympics, WIKIPEDIA, http://en.wikipedia.org/wiki/2016_Summer_Olympics (last modified Mar. 22, 2011). For its part, the IOC has expressed optimism in Rio’s capacity to address the cities’ violence. Id. However, one critic worries about the IOC’s choice stating that “[f]or the first time in modern history, the IOC [has] selected a host city [with] large areas outside state control, dominated by heavily armed drug gangs and militias made up of off-duty police officers and firefighters.” Megan McAdams, Can Brazil get Olympic Gold for Fighting Crime, Child Sex, and Police Brutality?, BRAZZIL (Mar. 18, 2010), http://www.brazzil.com/component/content/article/217-march-2010/10372-can-brazil-get-olympic-medal-for-fighting-crime-child-sex-and-police-brutality.html.

232. The first Games in Latin America were the 1968 Mexico City Games. 2016 Summer Olympics, supra note 231. Rio is also hosting the FIFA World Cup in 2014. Id. The fact that South America has never hosted an Olympic Games was certainly a major push for Rio’s award. Rio de Janeiro to Host 2016 Olympics, supra note 10. As IOC President Jacques Rogge put it, “Rio had the ‘extra added value of going for the first time to a continent that’s never had the games.’” Id.

234. Richelson, supra note 13, at 863.
235. TIP REPORT – BRAZIL 2010, supra note 11, at 89.
236. Richelson, supra note 13, 863.
237. TIP REPORT – BRAZIL 2010, supra note 11, at 90.
work in textile sweatshops.\footnote{Id.} Men are also trafficked internally for slave labor on large farms, cattle ranches, logging and mining camps, and sugar cane plantations.\footnote{Id. at 89.}

There is no centralized human trafficking database in Brazil.\footnote{Richelson, supra note 13, at 864.} However, the Joint Legislative Inquiry Committee of the National Congress estimates that between 500,000 to 800,000 women are exploited per year via 241 human trafficking routes.\footnote{Id.; BRAZIL AND COMPLIANCE WITH CEDAW: SHADOW REPORT OF CIVIL SOCIETY TO THE SIXTH NATIONAL REPORT OF BRAZIL ON THE CONVENTION FOR THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)—2001-2005 PERIOD, at 21 (2007), available at http://www.iwraw-ap.org/resources/pdf/BRAZIL_SHADOWREPORT_CEDAW_June,18%5B1%5D.pdf.} Other figures from the Brazilian Federal Police suggest that between 250,000 to 400,000 children are forced into domestic prostitution along highways, in tourist centers, and within Amazonian mining brothels.\footnote{U.S. DEP’T OF STATE, TRAFFICKING IN PERSONS REPORT 85 (9th ed. 2009) [hereinafter TIP REPORT—BRAZIL 2009], available at http://www.state.gov/documents/organization/123357.pdf.} Over 25,000 Brazilian men are exploited per year for slave labor.\footnote{Id. at 871.}

\section*{C. Brazil’s Efforts to Curb Human Trafficking}

Though Brazil was the last country in the world to abolish slavery, recently it has enacted a number of counter-trafficking laws.\footnote{Richelson, supra note 13, at 868 (citations omitted).} On March 12, 2004, Brazil adopted the U.N. Protocol.\footnote{Id. at 871.} Brazil also criminalized domestic trafficking under Article 231-A of the Brazilian penal code.\footnote{Id. Article 231-A defines domestic trafficking as “promoting, serving as an intermediary, or facilitating, within national territory, the recruitment, transport, transfer, harboring, or receipt of a person with the intention to practice prostitution, or the exit of a person with the intention to practice prostitution on foreign soil.” Id. at 871.} However, this statute is limited to trafficking for sexual
exploitation and does not include other forms of exploitation listed in the U.N. Protocol. As such, these victims are left without adequate protection. Though a separate anti-slavery statute criminalizes forced servitude, it is not sufficiently stringent. Another major concern is that laws go unenforced.

The 2008 through 2010 TIP Reports make several recommendations for Brazil to improve its counter-trafficking efforts. These include: amending federal legislation to place forced labor under the domain of human trafficking; increasing penalties for fraudulent recruiting crimes; investigating and prosecuting corrupt officials;

247. Id. at 875.
248. Id. at 875. Despite the deficit in Brazil’s human trafficking legislation, Brazil’s non-legislative efforts to eradicate slave labor have vastly improved over the past fifteen years. For example, in 1992, the Brazilian government denied that forced labor existed in the country. PATRICIA TRINDADE MARANHÃO COSTA, INT’L LABOUR OFFICE, FIGHTING FORCED LABOR: THE EXAMPLE OF BRAZIL 7 (2009), available at http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_111297.pdf. Yet between 1995 and 2008, over 30,000 slave workers were rescued by the government’s Special Mobile Inspection Group (GEFM). Id. In general, however, perpetrators of slave labor have enjoyed legal and penal immunity as the government has failed to take significant action against them. Id. at 2-3.

249. Richelson, supra note 13, at 875. Sentences for violating section 231-A of the Penal Code (domestic trafficking) run between 3-8 years imprisonment and up to 12 years when violence, threats, or fraud are involved. Sentences for violating Section 149 of the Penal Code (slave labor) run between 2-8 years imprisonment. TIP REPORT - BRAZIL 2010, supra note 11, at 90. However, under Section 149, courts may suspend sentences or substitute community service. COSTA, supra note 248, at 22. Articles 206 and 207, which prohibit recruiting forced laborers using coercion (such as threatening immigrants with deportation) only carry a sentence of 1-3 years. TIP REPORT - BRAZIL 2010, supra note 11, at 92. Forced slave labor in Brazil (called trabalho escravo) is regularly found in charcoal manufacture and on isolated soy and sugarcane plantations. Id. The term trabalho escravo refers to degrading working conditions in which the victims are forced to remain due to fraudulent debts and armed guards. GLOBAL ALLIANCE, supra note 23, at 41.

250. Richelson, supra note 13, at 876. The Joint Legislative Inquiry Committee of the Brazilian National Congress found that of the known human trafficking networks, many were linked to the police and were “integrated by influential people in the economic and political sphere.” Id. at 881. Landowners accused of violating section 149 (slave labor) have also revealed that state police and the judiciary colluded with them. COSTA, supra note 248, at 26-27.
improving victim assistance and protection (especially victims of slave labor); and creating a centralized data collection system.251

VIII. CONCLUSION

Brazil has a lot of work to do in the five years leading up to the 2016 Games because of the following: trafficking legislation that does not recognize forced labor; poor enforcement of trafficking laws; and widespread reports of corrupt law enforcement. To appropriately combat a potential increase in Olympics-related human trafficking, Brazil should start with Germany’s 2006 World Cup example. By implementing and improving existing information campaigns and victim hotlines, and by increasing counter-trafficking law enforcement efforts, Brazil will be on par with other countries’ attempts to stop the exploitation associated with international mega-sporting events.

Though historically the IOC has not considered human rights or human trafficking concerns when awarding the Olympic Games, it should in the future. Despite the IOC’s claims that the apolitical nature of the Olympic Charter prohibits its involvement in the political arena, human rights issues—such as human trafficking—are exempt from this general rule. In fact, the Olympic Charter promotes political intervention for human rights issues. The Olympic Charter’s Fundamental Principles of Olympism mandate respect for universal fundamental ethical principles and preservation of human dignity. Human trafficking directly contravenes these principles. Thus, as the NGO responsible for upholding the Olympic Charter, the IOC must act to combat human trafficking associated with the Games.

Moreover, the IOC cannot abstain from fighting human trafficking when its work product—the Olympic Games—may cause a potential surge in trafficking for sexual exploitation and forced labor. Though trafficking data is generally unreliable, statistics from the 2004 Athens Olympics suggest that the Olympic Games may serve as a catalyst for

exploitation. Furthermore, other international sporting organizations, such as FIFA, have taken steps to prevent human trafficking. The IOC should follow suit.

One way the IOC can help prevent Olympics-related human trafficking is by considering a candidate country’s trafficking record and counter-trafficking efforts before awarding the Games. Requiring candidate countries to adopt the U.N. Protocol as a prerequisite to the application process would ensure that all future host countries are at least putting forth minimal efforts to comply with internationally accepted counter-trafficking procedures. The IOC should also amend its Candidature Questionnaire. Including questions about a candidate’s human trafficking record and prevention efforts will allow the IOC Session to better assess a country’s fitness to host the Games—before the final vote. Had the IOC inquired into Brazil’s counter-trafficking efforts, Brazil would have received politically appropriate pressure to examine its counter-trafficking strategy and perhaps make changes (such as amending Article 231-A to include forced labor or implementing a nationwide trafficking database).

Furthermore, if the IOC required transparent disclosure of human trafficking issues from each host candidate, preventive solutions could be incorporated into the Host City Contract. For example, if the IOC had required Rio de Janeiro and the Brazilian government to disclose what is known about their country’s human trafficking problem, a cohesive plan to combat Olympics-related trafficking could have been legally incorporated into the 2016 preparations. Incorporating counter-trafficking measures into the Host City Contract would make the host accountable and reserve legal recourse to the IOC if the host country failed to implement or comply with its counter-trafficking plan.

IOC President Jacques Rogge has said, “We have no army; we have no police force. The only strength we have is values.” However, the IOC has more than just values. It also has power. The IOC is the sole body with jurisdiction to award a country the coveted opportunity to host the Olympic Games. But with this power comes

252. See supra note 203 and accompanying text.
the responsibility to uphold the Olympic Charter's Fundamental Principles of Olympism and prevent the dark side of the Olympics—human trafficking—from tarnishing those principles.

Jennifer Gustafson*

* Juris Doctor Candidate, Class of 2011, California Western School of Law. I would like to dedicate this Comment to my dad, Alan Gustafson. Special thanks to Steve Silva, for inspiration and Professor Ruth Hargrove, for guidance.