

Introduction

This is a submission from Ini-Obong Nkang, a PhD candidate at Nottingham Trent University, being supervised by Simon Boyes.

This is a constructive contribution to the All-Party Parliamentary Group on Sport, Human Rights and Modern Slavery (APPG-SHRMS) inquiry into the impact of mega-sporting events on human rights, in order to propose solutions to human rights problems. The APPG have permission to make this submission public on its website.

The following questions will be addressed:

1. How significant is the risk of modern slavery in sport? What aspects of sport and its supply chain are most at risk?
2. What are national sporting federations and clubs (such as the English Premier League football clubs) required to do under the UK Modern Slavery Act? Are they complying to the letter and the spirit of the law? If not, what could be strengthened?
3. How much awareness of modern slavery / human rights issues exists among athletes?
4. What safeguards can be put in place to protect victims?
5. How can sport be used as a tool to combat and overcome human trafficking and modern slavery? Can this be applied in a wider context?

1 The Risk of Modern Slavery in Sport

1.1 Modern Slavery

Theresa May explained modern slavery as:

*“Vulnerable people who have travelled long distances believing they were heading for legitimate jobs are finding they have been duped, forced into hard labour, and then locked up and abused. Innocent individuals are being tricked into prostitution, often by people they thought they could trust.”*¹

¹ Theresa May, “Defeating modern slavery: article by Theresa May” (GOV.UK, July 2016) <<https://www.gov.uk/government/speeches/defeating-modern-slavery-theresa-may-article>> accessed on 25/03/2019

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The UK Modern Slavery Act 2015 (MSA) was introduced to consolidate anti-slavery and human trafficking offences into one piece of legislation, and under the MSA it is an offence to:

1. Hold a person in slavery or servitude or require a person to perform forced or compulsory labour;²
2. Arrange or facilitate the travel of any person across borders with a view to that person being exploited;³ or
3. Commit an offence with the intention to commit human trafficking.⁴

The MSA aims to increase an organisation’s obligations with regards to disclosure and reporting on their voluntary efforts to address and prevent forced labour in their global supply chains.⁵ The MSA is applicable to any corporate body which carries out business in the UK,⁶ which therefore includes sporting organisations and football clubs.

Though the MSA aims to shed light on the human trafficking problem, it is ultimately a lenient piece of regulation as it allows organisations to be compliant with its stipulations without imposing a requirement that they take significant steps to prevent or address forced labour in their supply chains. Organisations are merely required to publish a statement in agreement with the MSA to be in accordance with the Act.⁷

1.1.1 Modern Slavery in Sport

The current footballing landscape allows for unscrupulous persons (who are at times certified FIFA intermediaries) to act as smugglers and traffickers for foreign minors, as they give false promises to young players and their families to convince them to pay large sums of money for expatriation, only to then leave the minors to their own devices.⁸ This instance can be explained as the more prevalent “human trafficking *through* football”. Whereas the less

² Modern Slavery Act 2015 (c. 30) section 1

³ Modern Slavery Act 2015 (c. 30) section 2

⁴ Modern Slavery Act 2015 (c. 30) section 4

⁵ LeBaron, Genevieve, and Andreas Rühmkorf. "Steering CSR through home state regulation: A comparison of the impact of the UK bribery act and modern slavery act on global supply chain governance." *Global Policy* 8 (2017): 15-28. p/16

⁶ Haynes, Jason. "The Modern Slavery Act (2015): A Legislative Commentary." *Statute Law Review* 37, no. 1 (2015): 33-56. p/54

⁷ LeBaron, Genevieve, and Andreas Rühmkorf. "Steering CSR through home state regulation: A comparison of the impact of the UK bribery act and modern slavery act on global supply chain governance." *Global Policy* 8 (2017): 15-28. p/20

⁸ Poli, Raffaele, 'The migrations of African football players to Europe: human trafficking and neo-colonialism in question' (2010) Football for Development, Vienna, Austria.< http://www.footballfordevelopment.net/uploads/tx_drblob/storage/Poli_migration-of-African-football-players_01.pdf

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identifiable “human trafficking *in* football” occurs when the intermediaries takes advantage of their position with a minor, and after receiving a monetary sum to procure a playing contract or trial with an EU club, provide a contract of an exploitative nature that would be to the disadvantage of the young player.⁹

There are direct instances of modern slavery in sport (which cut across the literature on both human trafficking *in* and *through* football) that have been found and reported in recent times. In 2015, the BBC reported that 23 West African minors were trafficked to the Laos side, Champasak United, by former Liberian international Alex Karmo.¹⁰ It was revealed that the club had no proper coach, medical facilities, had no provision for education, and only fed the players twice a day and made them sleep on the floor of the club’s stadium.¹¹

In England, there is concern for the estimated 2,120 children trafficked to the UK to play football.¹² In 2019, the BBC reported a story of a Nigerian boy who was trafficked to the UK to play football but ended up locked away and subjected to sexual exploitation on his arrival.¹³ Cumming, in 2017 for the Independent, mentioned how boys were told they would become the next football stars in England but ended up being “made to work on building sites until their bones break”.¹⁴

1.2 At risk supply chain

Organisations in general look to make profits through their supply chains by exploiting cheap human resources available in other regions, often facilitated by global inequality and hierarchical social relations.¹⁵

⁹ Esson, James, 'Better off at home? Rethinking responses to trafficked West African footballers in Europe' (2015) 41(3) *Journal of Ethnic and Migration Studies* 512, p. 516

¹⁰ P. Edwards, “Underage African footballers ‘trafficked’ to Laos” (*BBC Africa sport*, 21 July 2015)

¹¹ K. Guilbert, “Chasing dreams: Young African footballers duped, dumped by traffickers”, *Reuters*, 7 December 2015

¹² Kieran Guilbert, “Premier League concerned by children trafficked to UK by football 'fraudsters'” (*Reuters*, April 2018) <<https://www.reuters.com/article/us-britain-slavery-soccer/premier-league-concerned-by-children-trafficked-to-uk-by-football-fraudsters-idUSKBN1HU1UJ>> accessed on 25/03/2019

¹³ Paul Kenyon, and Harte Alys, “Human trafficking: Victims 'stuck in limbo for years'” (*BBC File on 4*, 22 January 2019) <<https://www.bbc.co.uk/news/uk-46945352>> accessed on 17/02/2019

¹⁴ Cumming, Ed. 'Slaves on our Streets: Tracking the route of human trafficking from Nigeria to Europe – and back again' (*Independent*, 29 September 2017) <<http://www.independent.co.uk/news/uk/crime/modern-day-slavery-nigeria-uk-human-trafficking-europe-investigation-lagos-slaves-on-our-streets-a7973366.html>> accessed on 14/11/2017.

¹⁵ Gold, Stefan, Alexander Trautrim, and Zoe Trodd. "Modern slavery challenges to supply chain management." *Supply Chain Management: An International Journal* 20, no. 5 (2015): 485-494. p/486

Section 54 of the MSA addresses the issue of transparency in the supply chain of organisations but fails to provide a standardised definition of what exactly is meant by “supply chain”. Lonsdale described that, within the context of football, there are several “upstream suppliers” to English football clubs. These include the merchandise and construction suppliers, the coaches, and most importantly, the players.¹⁶

Due to the lack of a comprehensive definition for supply chain, the football teams (and the English Premier League) have so far chosen to interpret and define the MSA provision in their own varied ways. As the vast majority of football clubs neglected to list players as a key aspect of their supply chains, whereas, the process of recruiting said players is often the most at-risk part of the supply chain of the clubs.

The recruitment and acquisition strategies adopted by football clubs to attract talented players (who are by definition, in extremely short supply and therefore command a premium price¹⁷) is a significant risk to the supply chain of the clubs. This is because, due to the increased price tags on the most talented players, many UK and EU clubs source for cheaper but equally talented labour, by recruiting from the non-European pool of players, as those players have a higher profit margin potential than the homegrown players.¹⁸

This higher profitability, if the player is subsequently sold or if the team performs well, also alludes to the risks in the supply chain. As it increases the likelihood of further recruitment, and the added “purchasing” of players from lesser non-EU teams and transfer markets through the exercise of economic superiority.¹⁹ Furthermore, the risk also rises significantly when the UK or EU club is inadvertently dealing with an unscrupulous intermediary looking to personally benefit from the sale of the player.

It should be noted that current FIFA regulatory responses to the problem have also been inadequate in preventing further instances of football trafficking and modern slavery within the sport. As the rules are unclear and, in some instances, defer from international and wider regulatory standards of care which should be awarded to this particularly targeted group of

¹⁶ Lonsdale, Chris. "Player power: capturing value in the English football supply network." *Supply Chain Management: An International Journal* 9, no. 5 (2004): 383-391. p/388

¹⁷ Lonsdale, Chris. "Player power: capturing value in the English football supply network." *Supply Chain Management: An International Journal* 9, no. 5 (2004): 383-391. p/389

¹⁸ B. Celen and others, 'International Transfers of Minors: Recommendations to Improve the Protection of Young Players in the Current Transfer System' (July 2010) CIES. p/20

¹⁹ A. Najarian, ““The Lost Boys”: FIFA's Insufficient Efforts to Stop Trafficking of Youth Footballers” (2015) 22 Sports Law Journal. p/2

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vulnerable foreign football minors. This will be discussed in more detail in section 3 of this submission.

1.3 Premier League compliance with the Modern Slavery Act

The Premier League (PL) purports to be compliant with the MSA through its published statement on the anti-slavery and human trafficking measures being implemented, pursuant to section 54 of the MSA.²⁰

The statement mentions that the PL works with football clubs and authorities to improve the quality of football, both in England and across the world in an ethical and lawful manner. However, the PL statement distances its affairs from that of the football clubs within its jurisdiction, by addressing the fact that the clubs are all independent and subject to wider football rules from the Football Association (FA), UEFA, FIFA, as well as English and EU law.²¹

The PL claims that its supply chains consist of service providers whose employees have qualifications and skills that are unlikely to be exploited through forced labour. Nevertheless, the PL recognises that though the risk of modern slavery and human trafficking occurring under such circumstances is low, no organisation can consider itself immune to the problem.²²

1.3.1 PL team’s compliance with the MSA

1.3.1.1 *Chelsea FC*

Chelsea FC (CFC) released a statement in compliance with the MSA. The statement discusses how the club carried out a risk assessment of its business and supply chains and plans to implement an enhanced due diligence process for its suppliers, to safeguard their supply chain and minimise the risk of exploitation and trafficking.²³

²⁰ Premier League, Anti-Slavery and Human Trafficking Statement (January 2019)
<<https://www.premierleague.com/modern-slavery-statement>> accessed on 26/03/2019

²¹ Premier League, Anti-Slavery and Human Trafficking Statement (January 2019)
<<https://www.premierleague.com/modern-slavery-statement>> accessed on 26/03/2019

²² Premier League, Anti-Slavery and Human Trafficking Statement (January 2019)
<<https://www.premierleague.com/modern-slavery-statement>> accessed on 26/03/2019

²³ Chelsea FC, MODERN SLAVERY ACT STATEMENT (December 2018)
<<https://www.chelseafc.com/en/about-chelsea/about-the-club/modern-slavery-act-statement>> accessed on 26/03/2019

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The statement mentions that CFC’s supply chain includes “manufacturers of licensed products and the suppliers of merchandise [...]”²⁴ with no mention of football players as a part of the chain.

The sourcing and recruitment strategies of CFC were recently found to be in breach of article 19 of FIFA’s Regulations on the Status and Transfer of Players (RSTP), as the club was charged for its transfer dealings which involved the international transfer of 29 football minors.²⁵

1.3.1.1.1 The Football Association (FA)

The FA was also charged as an accomplice within the Chelsea case, concerning the international transfer and first registration of the foreign minors in English football.²⁶

1.3.1.2 Manchester City

Manchester City FC (MCFC) have a statement in compliance with the MSA, their statement does not mention football players as an aspect of their supply chain, but they underline their commitment to acting ethically and with integrity in all business relationships. MCFC undertake to implement and enforce effective systems and controls to ensure slavery and human trafficking are not taking place in its supply chains.²⁷

In spite of this, MCFC are undergoing their third investigation in the past 2 years regarding their conduct over the transfers and signing of foreign minors,²⁸ and could be facing a one-year transfer ban over the signing of eight players aged under 18 from overseas.²⁹

²⁴ Chelsea FC, MODERN SLAVERY ACT STATEMENT (December 2018) <<https://www.chelseafc.com/en/about-chelsea/about-the-club/modern-slavery-act-statement>> accessed on 26/03/2019

²⁵ FIFA, “Chelsea FC, The Football Association sanctioned for international transfers of minors” (*FIFA Media Release*, 22 February 2019) <<https://www.fifa.com/about-fifa/who-we-are/news/chelsea-fc-the-football-association-sanctioned-for-international-transfers-of-mi>> accessed on 22/02/2019

²⁶ FIFA, “Chelsea FC, The Football Association sanctioned for international transfers of minors” (*FIFA Media Release*, 22 February 2019) <<https://www.fifa.com/about-fifa/who-we-are/news/chelsea-fc-the-football-association-sanctioned-for-international-transfers-of-mi>> accessed on 22/02/2019

²⁷ Manchester City, MODERN SLAVERY STATEMENT <<https://www.mancity.com/fans%20and%20community/club/slavery%20and%20human%20trafficking%20statement>> accessed on 26/03/2019

²⁸ Ben Rumsby, Exclusive: FIFA expands investigation into Manchester City over possible breach of rules over foreign trainees” (*The Telegraph*, 14 March 2018) <<https://www.telegraph.co.uk/football/2018/03/14/fifa-expand-investigation-manchester-city-possible-breach-rules/>> accessed on 27/11/2018

²⁹ Tom Morgan, Manchester City facing one-year transfer ban threat as part of Fifa investigation according to latest leaks (*The Telegraph*, 16 November 2018) <<https://www.telegraph.co.uk/football/2018/11/16/manchester-city-facing-one-year-transfer-ban-threat-part-fifa/>> accessed on 26/03/2019

2 Awareness of modern slavery by athletes

Several athletes have been involved in awareness campaigns targeted at youth footballers and their families about the dangers of doing business with unscrupulous persons,³⁰ to discourage them from being trafficked. The awareness campaigns use the athletes to advice vulnerable groups on human trafficking and the harsh realities of life in destination countries as well as the risks involved in irregular migration.³¹

On one hand, the awareness campaigns have previously not served as an effective deterrent to trafficking, as the pleas from the athletes are viewed in derision and with the mentality that the former professional athlete has had his own successful career but is now attempting to discourage others from achieving same.³²

On the other hand, some of the professional athletes have also been found to aid and abet the trafficking of minors, as seen in the Laos incident with the former Liberian international player, Alex Karmo.³³

3 Safeguards to protect victims

Several recommendations can be made to better prevent and protect football minors against exploitation within football.

3.1 Clear regulations and strict sanctions

FIFA regulations must be clear and unambiguous in eradicating gaps which traffickers exploit. For example, the highly contested blanket ban on the international transfer of minors under the age of 18 and the 4 specific exceptions (Parents moving, EU, proximity to national border and first registration)³⁴ has resulted in numerous disputes at the Court of Arbitration for Sport (CAS), with the Parent and EU exceptions being the most contested provisions.³⁵

³⁰ A. Najarian, ““The Lost Boys”: FIFA's Insufficient Efforts to Stop Trafficking of Youth Footballers” (2015) 22 Sports Law. J. 151, p/190

³¹ J. Esson, “Better Off at Home? Rethinking Responses to Trafficked West African Footballers in Europe”, (2015) *Journal of Ethnic and Migration Studies*, 41:3, 512-530. p/524

³² J. Esson, “Better Off at Home? Rethinking Responses to Trafficked West African Footballers in Europe”, (2015) *Journal of Ethnic and Migration Studies*, 41:3, 512-530. p/524

³³ P. Edwards, “Underage African footballers ‘trafficked’ to Laos” (*BBC Africa sport*, 21 July 2015)

³⁴ FIFA, Regulations on the Status and Transfer of Players (2018) Article 19.2 & 4.

³⁵ See CAS 2005/A/955, Cadiz C.F., SAD v. FIFA and *Asociació'n Paraguaya de Fútbol*, award of 30th December 2005 and CAS 2008/A/1485, *FC Midtjylland A.S v. Fédération Internationale de Football Association*.

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The disputes either indicate a lack of clarity within FIFA rules, or they show the intention of football clubs to capitalize on regulatory loopholes to exploit and traffic foreign minors.

In addition, continuous breaches to FIFA’s rules, despite the previously sanctioned teams, has led to calls for FIFA to abandon the current method of sanctioning European clubs since this has so far proved to be ineffective as a deterrent.³⁶ It has been suggested that FIFA instead focus on more robust sanctions for rogue intermediaries who act as human traffickers within football, as this may be a more effective means of safeguarding the welfare of minors in football.³⁷ Though this suggestion is conceivable, it is contended that a combination of stricter sanctions to *mala fide* intermediaries, and the adoption of severe but equitable sanctions for the perpetrating football clubs, will merge to significantly deter both the individuals and the clubs from further irregular transfers involving foreign minors.

3.2 Concerted regulation

FIFA regulations should be in line with the international and EU regulations that provide increased protection to all minors, irrespective of EU or non-EU status.³⁸

Yilmaz *et. al.* maintained that to provide the requisite protection for young players within football, the established regulations must view the child as the primary rights holder.³⁹ The planning, implementation, and evaluation, of FIFA regulations involving the recruitment of minors should be guided by internationally recognised frameworks and standards, that consider the protection of children as primary, over pursuing commercial interests.⁴⁰

There are still evident gaps between the principles and implementations of applicable international and EU laws to the problem of trafficking,⁴¹ hence the existence of modern slavery. Therefore, it is reasoned that FIFA regulations should not merely be guided by

³⁶ Eleanor Drywood, “Real and Atletico Madrid transfer bans won’t halt trafficking of young players in football” (*The Conversation*, 22 January 2016) <<https://theconversation.com/real-and-atletico-madrid-transfer-bans-wont-halt-trafficking-of-young-players-in-football-53477>> accessed on 27/11/2018

³⁷ *ibid.*

³⁸ Article 19(2)(b) FIFA RSTP offers additional protection in the form of a “plan b” to EU minors who are unsuccessful in becoming professional football players. There is no such provision for foreign minors.

³⁹ Yilmaz, Serhat, James Esson, Paul Darby, Eleanor Drywood, and Carolynne Mason. “Children’s rights and the regulations on the transfer of young players in football.” (2018) *International Review for the Sociology of Sport*. p/8

⁴⁰ Yilmaz, Serhat, James Esson, Paul Darby, Eleanor Drywood, and Carolynne Mason. “Children’s rights and the regulations on the transfer of young players in football.” (2018) *International Review for the Sociology of Sport*. p/8

⁴¹ UN Office of the High Commissioner for Human Rights, “International Instruments Concerning Trafficking in Persons” (2014) *Women’s Rights and Gender Section*. p/2 <https://www.ohchr.org/Documents/Issues/Women/WRGS/OnePagars/IntInstrumentsconcerningTraffickingper sons_Aug2014.pdf> accessed on 25/11/2018

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international and EU laws and regulatory standards, but a coordinated effort is needed between the various arms of government and the non-governmental sports governing bodies⁴² to produce the desired outcome of restricting human trafficking in football.

4 Sport to tackle Human Trafficking

Sport has the potential to be an essential element in the fight against human trafficking, as securing the supply chain and protecting the players in a sport like football will potentially reduce the instances of human trafficking and modern slavery of teenage boys. Moreover, the effects of such safeguards will have wider developmental impact for other industries which could learn from football in limiting the problem. A key means in achieving this is to use sport to make immediate improvements in the source countries and communities of the often-targeted football minors, so as to have the long-term benefit of reducing the effectiveness of the strategies employed by unscrupulous intermediaries to traffic the minors.

4.1 Sport as a tool for development

The UN’s Sustainable Development Goals (SDG) feature an endorsement of sport’s role and ability to promote global development.⁴³ Article 37 of ‘Transforming our world: The 2030 Agenda for Sustainable Development’, reads:

*“Sport is also an important enabler of sustainable development. We recognize the growing contribution of sport to the realization of development and peace [...] and the contributions it makes to the empowerment of [...] young people, individuals and communities as well as to health, education and social inclusion objectives.”*⁴⁴

Sport has the capacity to target instances of inequality by creating job opportunities and alleviating poverty in certain communities, which are two of the major determining factors that lead minors to unscrupulous intermediaries looking to take advantage of them. Sport, in tackling these factors through development, will create a platform for promising youth players to succeed domestically within African football. Furthermore, such improvements

⁴² L. King, “International Law and Human Trafficking” (*Human Rights and Human Welfare*) p/90

<<http://www.du.edu/korbel/hrhw/researchdigest/trafficking/InternationalLaw.pdf>> accessed on 29/08/2016,

⁴³ Giulianotti, Richard, Simon Darnell, Holly Collison, and P. Howe. "Sport for development and peace and the environment: The case for policy, practice, and research." *Sustainability* 10, no. 7 (2018): 2241. p/3

⁴⁴ Assembly, UN General. "Transforming our world: the 2030 Agenda for Sustainable Development." (2015) *New York: United Nations* 1. Para/ 37

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will expel the unnecessary and potentially detrimental idea amongst African youths that they must leave their country and the African continent to be successful players.⁴⁵

The development of African football should also be done in conjunction with a more transparent viewing of the recruitment process adopted by British and EU teams. As the blanket ban on international transfers involving foreign minors should be revisited, since the current evidence shows that teams will continue to find loopholes within the system to conduct these dealings. Rather, football transfers should be made more visible, accessible, trackable, and verifiable for all football players, including the homegrown and foreign minors.

4.2 Wider context

Theresa May noted that the ideal means of tackling modern slavery and human trafficking is for a comprehensive approach to be used in addressing this systemic and international crime.⁴⁶

To this end, the previous recommendations for using sport as a tool for development can be replicated and adopted in other industries which have the resources and capacity to make a difference. As though sport is uniquely placed in its ability to create opportunities which will serve to limit some of the factors leading to human trafficking, it is not a situation which only sport should bear the burden of tackling and remedying. Industries such as agriculture, fisheries/fishing, construction, factory work, food processing and manufacturing, hospitality, care and domestic work,⁴⁷ face substantial threats of human trafficking and should also make considerable attempts to ensuring the absence of slavery within their supply chains, by addressing key drivers of inequality in the source countries of their workers.

5 Summary

- The Modern Slavery Act 2015 (MSA) addresses human trafficking but is ultimately a lenient piece of regulation.

⁴⁵ P. Darby, “Moving players, traversing perspectives: Global value chains, production networks and Ghanaian football labour migration”, (2013) *Geoforum* 50, 43-53. p/48

⁴⁶ Theresa May, “Defeating modern slavery: article by Theresa May” (*GOV.UK*, July 2016) <<https://www.gov.uk/government/speeches/defeating-modern-slavery-theresa-may-article>> accessed on 25/03/2019

⁴⁷ Falconer, Claire and Caroline Robinson, 'Trafficking for labour exploitation - Introduction to Migration series, Guidance booklet #9' (2015) (Migration Yorkshire: Leeds). p 8

- Modern slavery also occurs in sport (namely, football) as unscrupulous intermediaries take advantage of unsuspecting and vulnerable football playing minors.
- This phenomenon can be divided into human trafficking *in* football and *through* football.
- Modern Slavery policy statements by football clubs fail to acknowledge the fact that football players are an integral part of their supply chains. Therefore, the sourcing strategies adopted by the teams and the kind of players they recruit, is often the most at-risk aspect of the supply chain.
- Premier League teams (and the Football Association) have statements for which they purport to be compliant with the MSA but continue to be charged for their questionable dealings involving the signing and recruitment of foreign football minors.
- Some former athletes are aware of modern slavery and have been involved in committing this crime by capitalising on their privileged and recognised status, to the detriment of the football minors.
- Clearer football rules regarding transfers involving minors, and stricter sanctions for defaulting individuals and teams are part of the recommendations to FIFA which will offer better protection against this crime. Furthermore, concerted regulatory standards between governmental arms and sports governing bodies should be adopted to safeguard potential victims.
- Sport can play a pivotal and essential role in the tackling of modern slavery and human trafficking, as sport has the ability to counter some of the key societal determinants which lead the vulnerable persons into the hands of unscrupulous intermediaries.