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**The 2010 Football World Cup and the
regulation of sex work in South Africa**

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The 2010 Football World Cup and the regulation of sex work in South Africa

Abstract

While the South African government expects the 2010 Football World Cup to stimulate economic growth and infrastructure development and to foster a sense of national unity amongst its citizens, members of the public and the media anticipate an increased demand for commercial sex. The call, in 2007, by the National Commissioner of Police to legalize sex work for the duration of the tournament has stimulated debates on the legal status of sex work. Media reports show how SWEAT and other advocates for legalisation have used the publicity around the event to argue for protection of the human rights of sex workers. However, these calls have been persistently overshadowed by claims that up to 40 000 foreign women will be trafficked into the country for sex work and claims that many children will be abducted or trafficked for the purposes of sex work. Similar claims have been made in relation to other mega sporting events, especially the 2006 Football World Cup held in Germany. However, these fears have not materialised elsewhere and are unlikely to do so in 2010. Fears of sex trafficking represents a form of moral panic, which purports to focus on the wellbeing of trafficked sex workers, but provided a justification for harassment and punishment of sex workers at the German World Cup and is being used to similar effect in the Cape Town Metro. The preoccupation with trafficking and child sexual abuse distracts attention from more important issues in the debate about sex work, such as the ways in which the state, global and local commercial interests and beliefs about sexuality in the wider society construct and uphold women's economic dependence on men and the routine exploitation of women's sexuality. These factors create and sustain the conditions which force women to resort to sex work, both in the formal sex work industry, and in "informal" sex work transactions.

Background

In 2010 South Africa hosts the first football World Cup tournament held in Africa. A glance at the government websites¹ illustrates the expectations that the event will generate benefits ranging from increased tourism, improved sporting facilities, extension and modernisation of public transport, improved economic opportunities and foreign investment to a revival of the sense of national unity and the somewhat dissipated euphoria associated with the first democratic elections in 1994. The same websites also attempt to refute predictions about the inability of the country to provide the infrastructure and logistical support for such a large event and, in particular, fears that visitors may be targeted by violent criminals or swindlers. These anxieties have been expressed by South Africans as well as people from abroad. For instance, following the 2008 xenophobic attacks in South Africa TimesOnline reported as follows:²

"The fact of the matter is that at the moment the people from other countries are the target of this violence," said Bishop Paul Verryn. "Wouldn't you think very carefully if you were a soccer player or thinking of coming here to watch? Wouldn't you think that you might become a target?"

¹ See for instance <http://www.southafrica.info/> <http://www.brandsouthafrica.com/> <http://www.southafrica2010worldcup.com/> <http://2010worldcupsouthafrica.com/index.php>

² Phillip Pank "Delays and crime threaten South Africa's World Cup 2010 party", TimesOnline 14 June 2008 accessed from <http://www.timesonline.co.uk/tol/sport/football/international/article4133483.ece> on 11 March 2010.

At a temporary shelter for some of the 100, 000 homeless, Carrene Sarkin, a volunteer aid worker, said: "I am scared by the prospect of the World Cup coming here. Between crime and what is happening here, it scares me to bring foreigners here, for their safety."

Since the 2008 attacks were mainly directed against working class African people who were perceived as illegal migrants (including also some African South African victims)³ the suggestion that middle class tourists would be threatened by xenophobic violence is clearly nonsensical and the link to the World Cup specious. The point is that the World Cup, and the media and popular attention which it leverages, has become a focal point for many individuals, groups and organisations to stake claims or voice concerns which are not immediately, or sometimes even remotely, linked to the event. Furthermore, the anticipated arrival of tourists from abroad and prospect of the intensive media focus on the country have caused South Africans to reflect upon how we are perceived in the world. Manzenreiter and Horne say of the World Cup events that

"[i]t is a serious business as well as a public display of national achievements, and [as] a showcase of individual and collective excellence."⁴

The legal regulation of prostitution or sex work⁵ has received frequent media attention through this World Cup lens and it forms the subject of my paper. In the next section I highlight some regular themes in the South African media reporting around this issue. The 2007 call by the then National Police Commissioner Jackie Selebi to legalise sex work (and public drinking) for the duration of the World Cup provided a focal point for this debate. At the same time, the Law Reform Commission has invited public comments on the legal status of sex work, to be debated in Parliament after 2010. Arguments in favour of legalisation put forward by SWEAT and other groups have, however, encountered vehement opposition from the persistent, and, I argue, often outrageous claims that the World Cup would lead to mass trafficking of foreign women to be sold in sexual slavery, including trafficking and sexual abuse of children. These claims are, however not unique to the 2010 World Cup. In the following section I examine similar claims around other mega sporting events. I argue that these claims have never been vindicated and that they represent a form of moral panic, which purports to focus on the wellbeing of trafficked sex workers, but instead provided a justification for harassment and punishment of sex workers in Cape Town. I argue that the preoccupation with trafficking and child sexual exploitation distracts attention from more important issues in the debate about the legalisation of sex work. I advocate a renewed focus on the ways in which the state, global and local commercial interests and wider society construct and uphold women's economic dependence on men and the routine exploitation of women's sexuality.

³ See Shireen Hassim, Tawana Kupe & Eric Worby (eds) *Go Home or Die Here: Violence, Xenophobia and the Reinvention of Difference in South Africa* (2008) Wits University Press, Johannesburg.

⁴ Wolfram Manzenreiter and John Horne *Global Governance in World Sport and the 2002 World Cup Korea/Japan "Make the game better, and take it to the world." FIFA's President Joseph S. Blatter's mission* 1-25 at 2 in John Horne and Wolfram Manzenreiter (eds.): *Japan, Korea and the 2002 World Cup*. London: Routledge (2002).

⁵ Whether one uses the term prostitution or sex work is now regarded as an indication of one's views on legalization, the former term being associated with the radical view that all prostituted women are exploited, enslaved and deeply scarred by this manifestation of patriarchy, while the term sex work is associated with the liberal view that sex work should be treated like any other occupation. I don't agree entirely with either of these positions and will use the term sex work simply as a courtesy to those women who have expressed a wish to be termed sex workers, rather than the more perjorative prostitutes or even prostituted women.

Media Reports on the World Cup and Sex Work

I have analysed some 54 South African newspaper and internet reports dealing with sex work and the 2010 World Cup published from 2006 to 2010 in order to identify common themes and arguments. This does not include all the media reports on the topic and I have limited my search to mainstream media in English and Afrikaans. Even this incomplete sample, however, indicates an enduring fascination with the issue. A month does not pass without a report on sex work and the World Cup. Online reports which offer opportunities for people to comment elicit relatively large volumes of postings in which the same or similar arguments are endlessly rehashed and which often deteriorate into personal attacks on other commentators' morals or supposed sexual practices. For example, in a string of comments on the Mail & Guardian website one person replies, "you do realise that by calling all women whores you include you (sic) wife(if you have one)in (sic) this category."⁶

Clearly sex work is an issue which people regard as significant and which draws forth strong views. Munro and Della Guista, commenting on comparisons between different legal regimes around sex work, note that:⁷

"[r]egional and international discussions on sex industry regulation have been punctuated by episodes of posturing on the part of delegates from nations that adopt divergent perspectives – as if their state's response to this activity provides some kind of index, or measure, of their cultural ethos and 'civilisation'."

This sense of international scrutiny of "the way they treat their women" is heightened by the spectacle of the World Cup and the wish to be highly regarded by visitors to the country and the international media.

Prevailing themes in media reports on sex work and the World Cup

Threats of trafficking

By far the most common argument put forward in reports on sex work and the World Cup runs thus: since many tourists will be visiting the country, there will logically be an increase in the demand for commercial sex. In order to meet this demand, there will be an increase of sex workers around the event, including foreign women trafficked into the country by unscrupulous pimps. These women will be subject to deception, violence and conditions of virtual slavery. Words like "deluge", "influx" and "boom" are common in describing the extent of the expected problem and several interviewees estimate that 40 000 foreign sex workers will be trafficked into the country similar to the 40 000 sex workers who were claimed to have been trafficked into Germany at the 2006 World Cup.⁸ These claims are based on flimsy or non-existent evidence. An amusing but somewhat extreme example is to be found in Newstoday's report on 8 March 2010.⁹

⁶ <http://www.mg.co.za/article/2010-02-10-new-approach-to-sex-work> accessed on 11 March 2010.

⁷ Vanessa E. Munro and Marina Della Guista *The Regulation of Prostitution: Contemporary Contexts and Comparative Perspectives* 1-12 at 2 in Vanessa E. Munro and Marina Della Guista (eds) *Demanding Sex: Critical Reflections on the Regulation of Prostitution* (2008) Ashgate: Aldershot.

⁸ Cheralyn Dudley (ACDP) "Act Now to Stop Prostitute Disaster in 2010" *Sowetan* 9 May 2006, Lerato Matsaneng "Trafficking Gets a Red Card" *The Times* 14 August 2009, "Prostitutes Will Descend on SA" *News Today* 8 March 2010 <http://www.newstoday.co.za/index.php/news/sanews/3176-prostitutes-will-descend-on-sa.html> accessed 24 March 2010, for the figure of 40 000. See Anesca Smith "Keer Toestroming van Sekswerkers in 2010, vra ACDP *Beeld* 4 May 2006, Chantelle Benjamin "Warning on Legal Sex Work for 2010" *Business Day* 7 July 2008 for claims that trafficking will increase, as it did in Germany in 2006.

⁹ *News Today* 8 March 2010.

“Prostitutes will descend on SA

As many as 40, 000 women are expected to arrive in South Africa ahead of the FIFA World Cup to work as prostitutes, the Central Drug Authority says.

‘Forty thousand new prostitutes. As if we do not have enough people of our own, we have to import them to ensure our visitors are entertained,’ CDA deputy chairman David Bayever said in Pretoria at the release of the International Narcotics Control Board’s annual report.

He said the agency had been warned by the Durban municipality of the possibility of huge inflows.

‘Someone informed the Durban municipality. They got wind of it,’ Bayever said.

Many of the women are likely to be recruited from eastern Europe.”

Threats of sexual exploitation of children

Somehow the threats of trafficking of adult women have transformed into threats that foreign children will be trafficked for sexual purposes. This is combined with fears that South African children will either be “sold” by their own parents¹⁰ to be used as sex workers, or that the long school vacation during the World Cup will leave children bored and without supervision, and will lead to them using drugs and ultimately selling sex during the event.¹¹ Specific claims include that druglords and pimps were already (in 2006 and 2009) recruiting teenage girls for sex work by getting them hooked on drugs.¹²

Some reports quote figures, ranging from estimates of 10 000 child sex workers in Johannesburg alone,¹³ to 38 000 child prostitutes in the whole of the country.¹⁴ “Experts” from whom these figures and the predictions of child trafficking were obtained ranged from an American journalist and author of a book on international trafficking, who was “on a visit in South Africa” probably to promote the book,¹⁵ two men claiming to be former street children and who were “now working...as ‘fixers’ for international journalists”,¹⁶ to a superintendent in the Durban Central Police who had received “an anonymous letter that contained information about how an abduction syndicate was going to operate during the World Cup”¹⁷ and even the British tabloid newspaper *The Sun*.¹⁸ The NGO Molo Songololo’s report on the

¹⁰ Barbara Cole “Plan to Protect Kids in 2010” *Daily News* 7 March 2009, Nivashni Nair and Sne Makhanya “‘No’ to 2010 Sex Deal” *Witness* 31 March 2007.

¹¹ Helen Bamford “Street Kids’ Money Plans for 2010” *Sunday Argus* 12 July 2009, Clayton Barnes “Warning on Child Trafficking in 2010” *Cape Argus* 10 December 2008, *Daily News* 7 March 2009, *The Times* 14 August 2009, Willemien Brümmer “‘n Kind is te Koop” *Burger* 12 December 2009, Korrespondent “Kinders Word al Voorberei op Sekswerk in 2010, Berig Blad” *Beeld* 20 November 2009, Keith Ross “Child Sex Slaves ‘Easy to Find’” *Independent Online* 1 February 2010

http://www.iol.co.za/index.php?set_id=1&click_id=13&art_id=vn20100201042040949C366039&singlepage=1[3/4/2010 10:53:16 AM].

¹² Virginia Keppler “Jong Wit Meisies Glo as Prostitute vir 2010 ‘Gewerf’” *Beeld* 29 September 2006, Kim Helfrich “Hookers Game for 2010” *Citizen* 30 September 2006. The *Burger* 12 December 2009 claimed to have interviewed a “trafficked” 17-year old from Zimbabwe, but the interviewee tells only that she agreed to migrate to South Africa to work, but was cheated by the person who was paid to take her cross the border and asked for bribes by the border police. As a result of losing all her money in the process of migrating, she went with fellow Zimbabwean whom she had met at the Cape Town railway station and ended up working as a prostitute for “the Nigerians”.

¹³ *Beeld* 20 November 2009.

¹⁴ *Independent Online* 1 February 2010.

¹⁵ *Independent Online* 1 February 2010.

¹⁶ *Sunday Argus* 12 July 2009.

¹⁷ Siphamandla Mbewa “Syndicate Trains Abducted Girls as Sex Slaves” *Independent Online* 29 September 2009.

¹⁸ *Beeld* 20 November 2009.

potential trafficking of children at the World Cup¹⁹ is also used as a source for “a frightening picture of sexual abuse of children in and around Cape Town.”²⁰

Some claims of trafficking of women and children have both racist and xenophobic overtones. The traffickers and pimps are usually described as Nigerian²¹ and the trafficked women as being from Eastern European countries. Fears for the safety of local teenagers are expressed by referring to Nigerian druglords grooming *white* teenage girls and “*black virgins*” by getting them hooked on drugs.²² Hallgrímsdóttir *et al* have identified similar anxieties about racial purity in their analysis of media accounts of sex work in Canada between 1870 and 1910²³ and they represent a continued South African pre-occupation with black men sexually exploiting innocent white girls and of middle class children’s involvement in sex work.

Economic opportunities

A third theme is the financial benefits which are expected from the event. People in the sex industry anticipate increased profits,²⁴ but others fear that sex workers will flood the streets and neighbourhoods²⁵ or “take the sex show on the road using a convoy of minibusses” to follow football fans around the country.²⁶ There were even claims that a police detective had found, by using Google Earth, that pimps, brothels and traffickers were moving their premises to be closer to the World Cup stadia and to the hotels where tourists would be staying.²⁷ Some of these fears seem to be linked to a perception that “legitimate profit” or middle class prosperity would suffer as result of prostitution.²⁸ A Cape Town City Counsellor for instance warned of noise, petty crime and a reduction of property values if sex work were to invade the suburbs.²⁹ Some interviewees express alarm that the country, and Cape Town in particular, would become a known destination for sex tourism,³⁰ and, even possibly a “gay sex mecca,”³¹ which would have a negative effect on the legitimate tourism industry.

¹⁹ *Rapid Assessment of Impact of 2010 FIFA World Cup on the Abuse, Exploitation and Trafficking of Children (sic)* (2008).

²⁰ *Burger* 12 December 2009, translated from Afrikaans. See also *Cape Argus* 10 December 2008, which quoted both the report and, seemingly as a separate authority, one of the authors of the Molo Songololo report.

²¹ *Independent Online* 1 February 2010, *Beeld* 29 September 2006, *Citizen* 30 September 2006, *Burger* 12 December 2009.

²² *Beeld* 29 September 2006. The same story is covered in the *Citizen* 30 September 2006, but here the race of the victims is not specified, although the druglords remain Nigerian.

²³ Helga Kristín Hallgrímsdóttir, Rachel Phillips & Cecilia Benoit “Sporting Girls, streetwalkes and Inmates of Houses of Ill Repute: Media Narratives and the Historical Mutability of Prostitution Stigmas” 2008 (51) *Sociological Perspectives* 119-138 at 128.

²⁴ Kwanele Sosibo “2010: The Sex Factor” *Mail & Guardian* 10 May 2007, Reporter “Sex Workers Set Sights on 2010” *Mail & Guardian Online* 10 January 2010, Sandile Waka-Zamisa “Women March to Oppose Legal Prostitution for 2010” *Witness* 18 July 2009, Aldi Schoeman “Regte en Sorg vir die ‘Minstes’ Tussen Ons” *Burger* 1 December 2009.

²⁵ Don’t Legalize the Sex Trade “Sex Worker Speaks Out Against 2010 Proposal” *Independent on Sunday* 14 April 2007, a letter from a sex worker who claims to work discreetly from home and who claims her neighbours don’t know of her activities. Similar fears by Durban residents were reported in *Witness* 31 March 2007.

²⁶ Lavern de Vries “Cape Town NGO Slams UK Report on Sex Work and 2010” *Cape Argus* 14 April 2008.

²⁷ Waldimar Pelser “Bordele Skuif Nader vir 2010” *Beeld* 10 July 2009.

²⁸ See also Hallgrímsdóttir *et al* 2008 (51) *Sociological Perspectives* 131.

²⁹ Quinton Mtyala “Crackdown Will Not Rid City of Sex Workers” *Cape Times* 30 September 2009.

³⁰ Anél Powell “Cape Town to Adopt Code to Curb 2010 Sex Tourism” *Cape Times* 27 August 2007, *Witness* 31 March 2007.

³¹ Colin Hendricks “Kaaapstad Dán ‘n Gay-Seksmekka” *Rapport* 10 January 2010, my own translation.

Even academic publications have raised the spectre of the development of a “mass industry labelled ‘sex tourism’”³² as a result of the World Cup, despite the obvious fact that tourists who come to South Africa for this event would have football, rather than sex as the main aim of their visit, even if they also buy sex, and that most tourists are not very likely to travel such great distances, mainly for the joys of commercial sex after 2010.

A related, but less common topic is the dangers posed to foreign or local clients of South African sex workers. Sex workers are associated with disease, particularly HIV, and with forms of crime such as robbery and theft.³³

Legalization

One of the strongest themes in the media treatment of sex work and the World Cup is linked to a proposal by the National Commissioner of Police, Jackie Selebi in March 2007, that sex work be legalised in specific “red light districts” for the duration of the event together with other minor criminal offences like public drinking.³⁴ This, he argued, would free the police to focus on more serious offences. The suggestion was welcomed by some politicians who saw legalisation as an opportunity to tax sex workers’ earnings.³⁵ A pimp commented that legalisation would lead to an increase in job opportunities which would, in turn, reduce crime.³⁶ Feminists focussed on the need to protect the human rights of sex workers³⁷ and raised the possibility of using the “Swedish model” which decriminalises sex workers, but criminalises their clients.³⁸ The sex workers union, SWEAT, responded positively to suggestions of legalisation and regarded the World Cup as an opportunity to expedite legal reforms, but argued that it should not be limited to the World Cup only.³⁹

The call to use the World Cup to reconsider the legal status of sex work was taken up by the Gauteng Premier Nomvula Mokonyane, who called for practical strategies to manage sex work so that “it doesn’t become something to embarrass us.”⁴⁰ The Mbombela municipality in Mpumalanga has followed suit in deciding to licence sex workers in order to encourage HIV testing and to protect them from violent clients.⁴¹ The South African National AIDS Council (SANAC) aimed to **(or have they now done that?)** created a special forum where sex workers could raise their problems around police behaviour,

³² Ruth Bird & Ronnie Donaldson “‘Sex, Sun, Soccer’: Stakeholder Opinions of the Sex Industry in Cape Town in Anticipation of the 2010 FIFA Soccer World Cup” 2009 (20) *Urban Forum* 33-46 at 36.

³³ *Cape Argus* 14 April 2008, *Witness* 31 March 2007, Quinton Mtyala “War Against Sex Work Hots Up” *Independent Online* 14 December 2009.

³⁴ Boyd Webb “Legalise 2010 Sex Trade – Selebi” *Star* 29 March 2007, Comment “Selebi’s 2010 Wish List” *Citizen* 2 April 2007, *Independent on Sunday* 14 April 2007, Waghied Misbach “Opinion and Analysis: 2010 Sex Teaser” *Sowetan* 30 March 2007.

³⁵ DA Councillor Khume Ramulifho “Letter: 2010 Isn’t a Stage for Prostitution” *Sowetan* 5 February 2008.

³⁶ *Mail & Guardian* 10 May 2007.

³⁷ Amanda Gouws “Comment: Sokker, Sekswerk en 2010 – Wat Doen SA?” *Burger* 12 April 2007, Lyse Comins “Make Prostitution Legal by 2010, Demand Activists” *Sunday Tribune* 5 April 2009, Marlise Richter “Body Language: Dressing Down Sex Work” *Mail & Guardian* 29 January 2010.

³⁸ Nozizwe Madlala-Routledge and Loveday Penn-Kekana “Body Language: “New Approach to Sex Work” *Mail & Guardian* 10 February 2010.

³⁹ Clayton Barnes “Sweat Urges Sex Work Law Reform by 2010” *Argus* 18 February 2009, Clayton Barnes “Call to Decriminalise Sex Work before 2010” *Pretoria News* 28 April 2009, *Sowetan* 30 March 2007, *Star* 29 March 2007, Quinton Mtyala “Lobby Groups’ Ideas Are Nuts, Says Mayor” *Independent Online* 18 December 2009.

⁴⁰ Nkululeko Ncana “Open Mind on Sex for Sale” *Sunday Times* 15 May 2009.

⁴¹ Tshwarelo Eseng Mogakane “2010 Escorts Will Be Welcome” *Star* 27 March 2009.

legalisation and HIV with a high level government body.⁴² There were also reports of proposals by SWEAT and SANAC to distribute condoms to potential clients at the World Cup.⁴³

These pragmatic considerations are supplemented by several interviews in which sex workers, either individually, or through SWEAT, state their expectations and fears for the World Cup. They generally anticipate an increase in business during the World Cup and advocate legalisation of sex work. Sex workers express a need to be protected from violent clients and pimps, assault, harassment repeated arrest and even rape by police officers. Moreover, they argue that legalisation of the profession would allow sex workers to protect themselves from HIV infection and to expose illegal and exploitative practices, like trafficking or underage sex work in the sex industry.⁴⁴

These initiatives towards legalisation or the distribution of condoms have been greeted with vociferous protest from political parties, church leaders, local government officials and members of the public. Counterarguments are generally based on predictions of moral decline,⁴⁵ accusations that advocates of legalisation are opportunistic⁴⁶ and repeated assertions that legalisation will result in increased trafficking, including child trafficking.⁴⁷

Initiatives in Cape Town

Another subject, complementing the legalisation debate, has lately surfaced in Cape Town. JP Smith, a counsellor on the mayoral committee's safety and security subcommittee seems to have successfully revived the prosecution of sex workers after SWEAT obtained an interdict against the city council in April 2009. The interdict forbade the city from harassing sex workers by repeated arrests when it was clear that criminal charges would not be brought against them.

At first the media reported proposals to arrest street sex workers,⁴⁸ followed by reports on the creation of a "vice squad" who had "fined and profiled" 17 sex workers in a period of two weeks. In November the focus seems to have changed. It was announced that, instead of prosecuting sex workers, the "vice squad" would conduct "stings" to catch their clients and to "provide exit strategies" for sex workers "in conjunction with religious bodies." It was hoped that the new "policy" would be in place in time for the World Cup, when they expected an "influx" of trafficked sex workers.⁴⁹ This was clearly a reference to

⁴² Antoinette Pienaar "Sekswerkers Kan Nou Só met die Regering Praat" *Beeld* 3 August 2009.

⁴³ *Independent Online* 18 December 2009.

⁴⁴ *Cape Argus* 14 April 2008, *Argus* 18 February 2009, *Mail & Guardian* 10 May 2007, *Pretoria News* 28 April 2009, *Mail & Guardian Online* 10 January 2010, *Sowetan* 30 March 2007, *Witness* 31 March 2007, *Burger* 1 December 2009.

⁴⁵ Karyn Maughan "NPA Boss Tells of 2010 Moral Dilemma" *Star* 19 May 2009, quoting the acting head of the National Prosecuting Authority as saying "what will happen to our morals?" See also *Witness* 31 March 2007, Julian Rademeyer "Church Slams Selebi's Call for 2010 Prostitution" *Sunday Times* 8 April 2007, *Witness* 18 July 2009.

⁴⁶ *Independent Online* 18 December 2009 quotes the mayor of Cape Town saying that "they (SWEAT and SANAC) are nuts thinking they can somehow promote prostitution through the World Cup."

⁴⁷ *Argus* 18 February 2009, quoting a researcher at the Institute of Security Studies who warns of trafficking and organized crime associated with sex work; *Independent Online* 18 December 2009, Andrew Donaldson "World Cup 2010: Where the Real Whoring Takes Place" *Sunday Times* 24 May 2009; *Sunday Tribune* 5 April 2009, including even claims that the calls for legalization is somehow related to corruption around the tender processes for the World Cup Danny Titus "Brandpunt: Korrupsie en 2010" *Volksblad* 14 December 2007, or claims that FIFA is putting pressure on government to legalise sex work,.

⁴⁸ *Cape Times* 30 September 2009.

⁴⁹ Quinton Mtyala "Response to City's Plan to Bust 'Johns' is Lukewarm" *Cape Times* 3 November 2009, Ella Smook "Former Brothel Owner Switches Sides" *Independent Online* 25 November 2009 [http://www.iol.co.za/index.php?set_id=1&click_id=13&art_id=vn20091125132411196C119725\[3/4/2010 10:46:18 AM\]](http://www.iol.co.za/index.php?set_id=1&click_id=13&art_id=vn20091125132411196C119725[3/4/2010 10:46:18 AM]).

the Swedish model, which decriminalises the sex workers, but focuses on criminalising their clients and on providing sex workers with opportunities to leave the business.

Despite these promises, however, a month later the vice squad had “profiled” 130 sex workers and was said to be targeting massage parlours, brothels and the internet. The spokesperson could not say how many clients had been arrested or profiled.⁵⁰ In January 2010 it was reported that the Cape Town Council had formed partnerships with a body called the “Guardian Angels,” a group originating in the USA, and which relied on volunteers to patrol the streets to prevent crime. Twenty of these Guardian Angels were expected to fly into the city for the duration of the World Cup and they would be “scaring off” clients by taking photographs of them and talking to them about the dangers of buying commercial sex.⁵¹

To summarize, although practical and policy matters around legalisation of sex work has been reported in the context of the World Cup, the attitude towards sex workers remains largely negative. The debate seems to be dominated by predictions of increased trafficking of sex workers and it has expanded into predictions of trafficking of children for the purposes of sex work. Although sex workers are sometimes interviewed, and although SWEAT regularly comments on the issue, the focus seems to be on protecting helpless victims of trafficking, on the one hand, and, on the other hand, protecting the public, including tourists, from the dangers associated with sex work. The human rights of sex workers are seldom discussed, and they are usually portrayed either as victims or opportunists who, like pimps and traffickers, wish to make money from unsuspecting tourists.

Sex Work and Mega Sporting Events

Media

In the introductory section I have offered some possible reasons why public and media discourses link the World Cup so persistently to the theme of sex work. I have argued that people use the event to draw attention to other social issues which they champion, that people are concerned about South Africa’s international reputation and that anxiety about sex work could be a subset of the concerns around crime and the personal safety of tourists during the event.

There is another reason for the strong link between sex work and the World Cup. Sex work has simply become a regular feature of reporting on forthcoming mega sporting events around the world and it seems that the stakes are raised with every event. In 2002 there were predictions that “[h]undreds of extra prostitutes are expected to flock to Cape Town ahead of ... the Cricket World Cup early next year.”⁵² In 2000 extra sex workers were predicted to be flown into New South Wales in Australia (where sex work was legal) to cater for the increased demand during the Olympic Games.⁵³ At the 2007 Cricket World Cup in the Caribbean calls for a temporary legalisation of sex work for the duration of the event were countered by assertions that an influx of sex workers would result, which could have a negative effect on the health of the population.⁵⁴ Nor are fears of trafficking, including child-trafficking, new. The

⁵⁰ *Independent Online* 14 December 2009.

⁵¹ Glynnis Underhill “‘Angels’ take on Sex Workers” *Mail & Guardian* 22 January 2010.

⁵² “Sex for Sale stays Illegal – For Now” *Independent Online* 9 Oct 2002, http://www.iol.co.za/index.php?set_id=1&click_id=13&art_id=ct20021009134803830L350490 accessed 10/28/2009 3:56:44 PM].

⁵³ Phil Mercer “Prostitutes Gear Up for Olympic Sex” 1 February 2000 <http://news.bbc.co.uk/2/hi/asia-pacific/627012.stm> accessed 10/28/2009 4:03:33 PM.

⁵⁴ “Barbados will not Legalize Prostitution for World Cup” 14 September 2006 <http://barbadostravel.squarespace.com/journal/2006/9/14/barbados-will-not-legalize-prostitution-for-world-cup.html> accessed 10/28/2009 3:50:55 PM; “Dr Denzil Douglas Says No to Commercial Sex” 15 September 2006 <http://cakafeteusa.com/modules/news/article.php?storyid=8> accessed 10/28/2009 3:55:04 PM..

2004 Olympics in Greece were preceded by predictions of massive trafficking of sex workers, including trafficking of children from Albania. Subsequently, no evidence of trafficking was found.⁵⁵

The figure of 40 000, so frequently cited in the South African media, was originally raised before the 2006 German World Cup. At first it was reported that 40 000 *foreign sex workers* would take advantage of the economic opportunities offered by the event, but soon this turned into 40 000 *trafficked sex workers*. Although the police and NGO's denied any knowledge of this number and although no-one could explain where it originated, it continued to be used, with media reports quoting other media reports as sources for the accuracy of the estimate.⁵⁶ In the event, there was no evidence to be found of increased trafficking during the German World Cup.⁵⁷ Residents of München felt that crime failed to increase during the event, and 56% of those polled in a public perception study felt that there was no increase in prostitution.⁵⁸ Of course, many of those active in "prevention measures" before the event ascribed the absence of trafficking to their own efforts, but other explanations are that many of the World Cup tourists were family groups, other tourists were on low budgets and could not afford to pay for commercial sex, while it may simply not have been worth the effort and expense to traffic women into a country for a period of a month only, especially since sex work was legal in Germany.⁵⁹

Nevertheless, the failure of 40 000 trafficked sex workers to arrive at the German World Cup has not deterred South Africans from asserting that this number of women were indeed trafficked, and similar claims have been made about the 2010 Winter Olympics in Canada⁶⁰ and the 2012 London Olympics.⁶¹

Moral outrage about trafficking

According to Critcher moral panic arises from a "consensual, volatile and disproportionately hostile reaction to a nominated group: not rational in the conventional sense but not without its own logic."⁶² Certain characteristics set moral panics apart from less intense forms of moral regulation.⁶³ First, moral panics relate to "issues that are discursively constructed as threatening to the very foundations of society."⁶⁴ The second is a focus on criminal and coercive measures to prevent the behaviour

⁵⁵ Jana Hennig, Sarah Craggs, Fred Larsson, Frank Laczko *Trafficking in Human Beings and the 2006 World Cup in Germany, International Organization for Migration*, 2006, 12, 13.

⁵⁶ Hennig et al *Trafficking in Human Beings* 14.

⁵⁷ Samuel Loewenberg "Fears of World Cup Trafficking Boom Unfounded" *The Lancet* 8 July (vol 368) 2006 105-106.

⁵⁸ Susanne Ohmann, Ian Jones, Keith Wilkes "The Perceived Social Impacts of the 2006 World Cup on Munich Residents" 2006 (11) *Journal of Sport and Tourism*, 129-152, table 5.

⁵⁹ Hennig et al *Trafficking in Human Beings* 20.

⁶⁰ A website based fears of increased trafficking on assertions that 20 000 women were trafficked to the German World Cup and 40 000 to the Greek Olympics. See "No 2010 Winter Olympics on Stolen Land" 23 February 2008 <http://no2010.com/node/202> accessed 2/9/2010 2:09:27 PM. Days before the start of the Canadian Olympics there were claims of clubs hiring up to one third extra sex workers, Hansen Sinclair "Extra Prostitutes Hired to Handle Huge Olympic Load" 1 February 2010, <http://www.allheadlinenews.com/articles/7017681442> accessed 2/9/2010 2:47:51 PM.

⁶¹ Mike Brooke "Police Step Up Operation to Tackle 2012 Olympics Prostitutes" *East London Advertiser* 20 July 2009, <http://www.eastlondonadvertiser.co.uk/...&tCategory=news&itemid=WeED20%20Jul%202009%2014%3A25%3A53%3A043> accessed 2/9/2010 2:55:51 PM. This article claimed that there was a 95% increase in trafficking to Athens in 2004.

⁶² Chas Critcher "Widening the Focus: Moral Panics as Moral Regulation" 2009 (49) *British J of Criminology* 17-34 at 22.

⁶³ Critcher 2009 (49) *British J of Criminology* 24-29.

⁶⁴ 2009 (49) *British J of Criminology* 26.

complained of, and finally there is also the lack of moral ambiguity – the clear distinction between victims of the practice and the perpetrators, who are so totally without redeeming qualities that they should be severely punished. This latter polarisation of victims and criminals means that society can “solve” the problem without having to examine the extent to which all citizens and the fundamental social structures are complicit in creating and re-creating it.

These elements are clearly identifiable in trafficking discourses⁶⁵ – trafficking is presented as a dire threat to the sexual and emotional integrity of women and children. Strong claims are made for immediate and visible action by law enforcement agencies to prevent totally reprehensible traffickers from exploiting innocent women and children. The degrees to which trafficked women may have agreed to enter the sex trade before being “trafficked,” the intricacies of the relationships between women and their pimps or boyfriends, and the varied forms of formal and informal sex work in which women actually engage are simplified to pure exploitation and societal complicity is thereby erased. Commentators agree that the 19th century fears about the “White Slave Trade,” which provided the impetus for the first international instruments dealing with trafficking exemplified an episode of moral panic which had little factual basis.⁶⁶ The parallels with contemporary trafficking discourses are uncomfortable and, in the context of the 2010 World Cup, they may be indisputable.

Like White Slavery, claims of trafficking, and especially trafficking around mega events, may be greatly exaggerated or even totally fabricated. Leggett points out that poverty, unemployment and the lack of social security in South Africa has lead many local women to turn to sex work.⁶⁷ Studies show that, at least on the streets, commercial sex in South Africa is sold at relatively low prices.⁶⁸ Although non-South Africans may be regarded as exotic or be more compliant as sex workers, it makes little economic sense to traffic foreign women into the country on a large scale, especially not for the short duration of the World Cup. Nor have any reliable studies found evidence of large scale trafficking of foreign women or child sex workers.⁶⁹

⁶⁵ Elizabeth Bernstein “The Sexual Politics of the ‘New Abolitionism’” 2007 (18) *differences* 128-151.

⁶⁶ Critcher 2009 (49) *British J of Criminology* 22, Bernstein 2007 (18) *differences* at 132; Ronald Weitzer “The Social Construction of Sex Trafficking: Ideology and Institutionalization of a Moral Crusade” 2007 (35) *Politics & Society* 447-475 at 467.

⁶⁷ Ted Leggett “Hidden Agendas? The Risks of Human Trafficking Legislation” 2004 (9) *SA Crime Quarterly* 1-5 at 3.

⁶⁸ Chandré Gould and Nicolé Fick *Selling Sex in Cape Town: Sex Work and Human Trafficking in a South African City* (2008) Institute for Security Studies 28 found that street sex workers in Cape Town had an average income of R2 700 a month. Brothel-based sex workers can earn up to five times this amount. Ted Leggett “Poverty and Sex Work in Durban, South Africa” 1999 (30) *Society in Transition* 157-167 at 162, 163 interviewed street sex workers in 1998 and 1999 and found that penetrative sex sold for about R100, with oral sex or masturbation selling for about R50-R70.

⁶⁹ Gould & Fick *Selling Sex in Cape Town* is the latest study, focusing on Cape Town. They found that the majority of street based sex workers did not have pimps, 21, they came across only one foreign sex worker on the streets, 22. Only 5% of indoor sex workers were not South African, table 6. Although they discovered evidence of exploitation of sex workers in brothels and identified 8 women who could possibly have been trafficked, of whom 2 seem to have been trafficked from China, the research found no evidence of large-scale international sex trafficking. See chapter 9. They counted 5 sex workers younger than 18, all of whom were working on the streets. Ted Leggett interviewed 70 sex workers in the Durban CBD and found only one 15-year old and a “near-complete absence of foreign nationals. Leggett 1999 (30) *Society in Transition* 159 interviewed 70 street sex workers in Durban over a period of two years and found only one aged 15. All others were over 18. He noted a “near complete absence of foreign nationals” 160. Ted Leggett “A Den of Inequity? Inside Hillbrow’s Residential Hotels” 2002 (Nov) *SA Crime Quarterly* 19-22 conducted interviews with 200 people living in Hillbrow’s residential hotels and found that 27% of the women interviewed admitted to doing sex work. They indicated that they were doing it for economic gain. 87% of these women said that they had homes elsewhere, to which they could return whenever they wanted to.

Despite the absence of reliable evidence of trafficking to previous mega sporting events or of large scale trafficking of sex workers into South Africa, claims of trafficking persist and they are taken seriously.⁷⁰ One reason may be that the extent of international funding available to counter trafficking may lead to exaggerated claims by organisations wishing to access such funding.⁷¹ Another reason may lie in the social stigma associated with sex work. Organisations wishing to assist this group may deliberately construct narratives of victimhood in order to elicit the sympathies of the public and lawmakers.⁷² Moreover, some sex workers, knowing that claims of trafficking are likely to provoke sympathy, may also have an incentive to claim to have been trafficked,⁷³ but in South African studies few sex workers make such claims.

Government efforts to curb trafficking and save sex workers

Although popular and media predictions about trafficking to mega sports events have thus far proved unfounded, host governments have succumbed to the pressure for action in order to safeguard the viability of their events. Germany, for instance, had been a signatory to the United Nations Trafficking Protocol⁷⁴ since 2000, but only ratified it on the eve of the World Cup as a result of international fears about trafficking.⁷⁵ In addition to existing anti-trafficking measures, Germany developed a “specialized World Cup National Security Concept,” which involved public awareness campaigns, but also⁷⁶

“increase in raids of brothels and sex clubs, intensification of the usual control methods, increased intelligence gathering, undercover investigations by police feigning to be potential clients, and additional training on human trafficking for police officers.”

These measures, although purportedly aimed at traffickers, had direct effects for sex workers who were targets of the raids, but no there were no reports of traffickers being arrested. In other words, trafficking is conflated with sex work and the arrest or harassment of sex workers is allowed to stand for action against traffickers. In addition, Milivojevic documented calls for stricter visa requirements on all people travelling to Germany from third world countries – on the argument that this is where women are most likely to be trafficked from – as well as arrests of illegal immigrants, including immigrant sex workers who were not the victims of trafficking.⁷⁷

The tendency of law enforcement agencies in the Western Cape to arrest and “profile” sex workers, even when they profess to target clients and aim to rehabilitate sex workers supports the argument that

⁷⁰ See Leggett’s criticism of the Molo Songolo study which claims extensive trafficking but which contains very few interviews with people who claim to be trafficked. 2004 (9) *SA Crime Quarterly* 2.

⁷¹ Gould & Fick *Selling sex in Cape Town* 6.

⁷² South African Law Commission, Project 107, *Issue Paper 19, Sexual Offences: Adult Prostitution* (2002) par 3.32 makes this point in relation to the “White Slave Trade” campaigners, but it is equally applicable to contemporary trafficking campaigns.

⁷³ Leggett 2004 (9) *SA Crime Quarterly* 3.

⁷⁴ Protocol To Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, G.A. Res. 55/25, art. 3(a), U.N. GAOR, 55th Sess., Annex 2, Supp. No. 49, U.N. Doc. A/45/49 (Nov. 15, 2000).

⁷⁵ Katherine L Morrow “Soccer, Sex, and Slavery: Human Trafficking in the World Cup” 2008/2009 (17) *Tul J Int’l & Comp L* 243-266 at 253.

⁷⁶ Morrow 2008/2009 (17) *Tul J Int’l & Comp L* 254.

⁷⁷ Sanja Milivojevic “Women’s Bodies, Moral Panic and the World Game? Sex Trafficking, the 2006 Football World Cup and Beyond” Chris Cunneen and Michael Salter (eds) *Proceedings of the Second Australian and New Zealand Critical Criminology Conference held in Sydney Australia, 19-20 June 2008* <http://www.cjrn.unsw.edu.au/critcrimproceedings2008.pdf#page=227> 227-247 at 232, 237. See also Anne Marie Tavella “Sex Trafficking and the 2006 World Cup in Germany: Concerns, Actions and Implications for Future International Sporting Events” 2007 (6) *Nw U J Int’l Hum Rts* 196-236 at 196.

sex workers are often the easiest targets when law enforcement agencies have to respond to public pressure to act against sex work. This is particularly so when traffickers and trafficked sex workers are notoriously difficult to find and in a legal environment which supports the criminalisation and stigmatisation of sex workers. Moreover and beyond the trafficking context, the literature indicates that law enforcement drives generally focus on street sex workers, rather than those who work indoors, because they are more visible to the public and the police. The idea therefore seems to be that, despite rhetoric of “saving exploited sex workers,” in practice police usually try to remove street sex workers, especially those who are homeless and addicted to drugs, from public view, since they are regarded as a “nuisance” and because their presence offends other citizens.⁷⁸ The rhetoric of sex workers’ welfare somehow translates into measures which control and punish sex workers.⁷⁹ Nevertheless, punitive measures are not uniformly applied to all sex workers, but depend on class, as acknowledged by a Frankfurt judge:⁸⁰

“It makes a difference if we have a vulgar, dirty streetwalker hanging around smoking somewhere under a streetlamp or a young, well-groomed ‘lady’ standing quietly on the corner. It is a question of ‘quality selection.’ Pretty prostitutes of respectable appearance would thus have more of a chance of avoiding encounters with the law.”

The Future of Sex Work in South Africa

In addition to the World Cup being an international showcase of the host country’s achievements and creating business opportunities, Manzenreiter and Horne describe how various non-governmental actors in host countries co-operate with FIFA to further wider social goals. During the 2002 World Cup, for example, co-hosts Japan and Korea were asked not to consume whale meat or dogs to further animal rights and marine conservation.⁸¹ They therefore note that mega events⁸²

“procure points of reference for processes of change and modernization in the collective memory and in the foreign policy of nation states.”

One of these issues for change in the 2010 World Cup could be the legal regulation of sex work. Some time before the launch of the current investigation of sex work by the Law Commission in 2002, and 11 years before the call by Jackie Selebi to legalise sex work, the Gauteng Department of Safety and Security set up a task team, together with NGO’s and in consultation with sex workers, with the aim of decriminalising sex work. The arguments were that police resources should be directed towards more serious and violent crime and that the human rights of sex workers should be protected.⁸³ Despite support for the proposal by the Gauteng Cabinet in 1997 and by the ANC National Convention in 1998, it was shelved in 1998, because of a perception of relentless public opposition.⁸⁴ Subsequently, the World Cup and the Law Commission investigation have presented two further opportunities to revisit the issue and to mobilize public opinion in favour of legalization.

⁷⁸ Martina Löw & Renate Ruhne “Domesticating Prostitution: Study of an Interactional Web of Space and Gender” 2009 (12) *Space and Culture* 232-249 at 234, 235; Teela Sanders “Controlling the ‘Anti Sexual’ City: Sexual Citizenship and the Disciplining of Female Street Sex Workers” 2009 (9) *Criminology & Criminal Justice* 507-525.

⁷⁹ Sanders 2009 (9) *Criminology & Criminal Justice* 518.

⁸⁰ Löw and Ruhne 2009 (12) *Space and Culture* at 234.

⁸¹ Manzenreiter & Horne *Global Governance in World Sport* 22-23.

⁸² Manzenreiter & Horne *Global Governance in World Sport* 17.

⁸³ Janet M. Wojcicki “The Movement to Decriminalize Sex Work in Gauteng Province, South Africa, 1994-2002” 2003 (46) *African Studies Review* 83-109, at 85-86.

⁸⁴ Wojcicki 2003 (46) *African Studies Review* 88-91.

The legal options presented by the Law Reform Commission are total criminalisation (the current South African position), partial criminalisation (criminalising the clients – the so-called Swedish model – or brothel keepers and pimps), non-criminalisation (sex work is legal and there are no special rules regulating it) and regulation (sex work is legal but certain aspects, such as health or conditions of employment, are specially regulated).⁸⁵ Yet, in the context of the World Cup, it seems that the advocates for total or partial criminalisation have virtually monopolized public sympathy through their focus on the dangers of sexual trafficking and child sexual abuse.

The World Cup does not represent the final or most decisive moment in the debate about sex work, since Parliament will eventually base its debates on the Law Reform Commission final recommendations. Yet, the momentum of public sentiment around the World Cup could well lead to the project being shelved for a second time because of negative public opinion. The next section of the paper considers strategies to counter the trafficking narrative during and after the World Cup.

Countering the trafficking narrative

SWEAT and other sex workers' advocacy groups' have publically sought to draw attention to the ways in which sex workers suffer at the hands of clients and police, and tried to disseminate safe sex messages in the run-up to the World Cup.⁸⁶ They have actively used the World Cup to arguments for legalisation, "temporary legalisation – ask Marlise" but, unlike the whale and dog meat campaigns in 2002, FIFA has not been willing to make statements in favour of legalisation.⁸⁷ Moreover, pro-sex work groups' efforts have been counteracted, time and again, by assertions of trafficking and child sex abuse calculated to alarm members of the public.

I have pointed to the lack of credible evidence of increased trafficking at previous mega sporting events around the world and the evidence that trafficking may, in fact, decrease during such events. Nevertheless, trafficking presents such a dire moral calamity that no-one can simply dismiss trafficking claims without being morally and politically discredited. Thus, trafficking discourse monopolizes the sex work debate, or at least forces opponents endlessly to re-assert that legalised sex work is *not* empirically related to an increase in trafficking or child sex abuse.

Of course, after the event sex work advocates should draw attention to the failure of large scale trafficking to materialise, but they will doubtlessly be met by assertions that this was due to the prudent anti-trafficking measures in place. The latter assertion is easy to make and difficult to disprove. Another strategy is to re-direct debate to the issues with which the anti-trafficking moral outrage is currently *not* concerned.

⁸⁵ South African Law Reform Commission *Discussion Paper* 0001/2009, Project 107, *Sexual Offences: Adult Prostitution* (2009) chapter 7.

⁸⁶ For example see *Independent Online* 18 December 2009, SWEAT and SANAC to label condoms with soccer balls, groups commemorating "International Day to End Violence Against Sex Workers"; *Argus* 18 February 2009 SWEAT urging legalization of sex work; *Pretoria News* 28 April 2009 SWEAT lobbying to decriminalize; *Sunday Times* 24 May 2009 SWEAT arguing for dignity and human rights of sex workers; *Star* 29 March 2007 SWEAT agreeing with Selebi.

⁸⁷ In March 2010 FIFA's general secretary was asked whether FIFA approves of Cape Town's aggressive anti-sex work enforcement and replied that, although sex work was prevalent all over the world, including in Switzerland where FIFA's headquarters are situated, and where it is "organized," "It's not an issue for FIFA: it's more I would say for you [South Africans] an issue, if it is an issue." SAPA "Prostitution Will Happen – FIFA" *News24* 1 March 10 [http://www.news24.com/Content/SouthAfrica/News/1059/7339da0b2cf24db68fbd415d7289db18/01-03-2010-01-10/Prostitution_will_happen_-_FIFA\[3/4/2010 10:24:35 AM\]](http://www.news24.com/Content/SouthAfrica/News/1059/7339da0b2cf24db68fbd415d7289db18/01-03-2010-01-10/Prostitution_will_happen_-_FIFA[3/4/2010 10:24:35 AM]).

Bernstein identifies an agenda behind the moral outrage about trafficking:⁸⁸

“that locates social problems in deviant individuals rather than mainstream institutions, that seeks social remedies through criminal justice interventions rather than through a redistributive welfare state, and that advocates for the beneficence of the privileged rather than the empowerment of the oppressed.”

This quote draws attention to the many and complex ways in which the State, commercial interests and society as a whole are complicit in upholding the conditions which underpin women’s sexual exploitation and which are left undisturbed by efforts to “rescue” and “protect” sex workers.⁸⁹ Limoncelli argues that, instead of debating the merits of trafficking or sex as work perspectives, feminists should embark upon an investigation into the racial, national and class inequalities which constantly fuel the sex industry and the ways in which states limit social security, women’s property rights and their rights within families, how states fail to protect women from violence and how they profit from the sex industry.⁹⁰ In particular, she draws attention to neoliberal economic policies which reduce women’s employment opportunities in the formal job sector, while at the same time expanding the globally profitable sex industry.⁹¹

While some women may be trafficked, South African research indicates that many undertake sex work for economic reasons. Gould and Fick compared the average earnings of sex workers with their earnings before undertaking sex work and finds that women with tertiary education earn 1.5 times more doing sex work than other work. Women with matric earn 1.7 times more, women who completed some high school 2.8 times more and women who have only primary school education earn 5.4 times what they earned outside sex work.⁹² We also know that women are more likely to be unemployed than men, or to be employed in the informal sector and that they are likely to earn less than men when they are employed.⁹³ Furthermore, women’s sexuality is routinely commodified by employers and advertisers, including the organisers of sporting events.⁹⁴ If a significant part of women’s working experience consists of having attention drawn to their sexuality, then sex-work has a lot in common with “normal” women’s work. In fact, sex-work may be the quintessential women’s work, which could explain why most sex-workers are women and why sex-work is the one job in which women have higher earning potential than men.⁹⁵

To its credit and unlike liberal understandings of sex work as freely undertaken commercial activity, the trafficking discourse does focus on and critique “normal” discourses about sexuality, which regard men as naturally sexually aggressive and unable to control their (hetero)sexual desires.⁹⁶ Men want sex and

⁸⁸ 2007 (18) *differences* at 138.

⁸⁹ Jane Scoular and Maggie O’Neill “Regulating Prostitution: Social Inclusion, Responsibilization and the Politics of Prostitution Reform” 2007 (47) *Brit J Criminol* 764-778 at 769.

⁹⁰ Stephanie A Limoncelli “The trouble with trafficking: Conceptualizing women’s sexual labor and economic human rights” 2009 (32) *WSIF* 261-269 at 264-265.

⁹¹ Limoncelli 2009 (32) *WSIF* 265.

⁹² Gould & Fick *Selling Sex in Cape Town* table 1, p 23.

⁹³ Catherine Albertyn and Elsje Bonthuys “Introduction” 1-14 at 9 in Bonthuys & Albertyn (eds) *Gender, Law and Justice* (2007) Juta, Cape Town.

⁹⁴ Elsje Bonthuys and Carla Monteiro “Sex for Sale: The Prostitute as Businesswoman” 2004 (121) *SALJ* 659-676 at 670-672.

⁹⁵ Jo Bridgeman & Susan Millins *Feminist Perspectives on Law: Law’s Engagement with the Female Body* (1998) 757.

⁹⁶ See Shefer & Ruiters “The Masculine Construct in Heterosex” 1998 *Agenda* 39 39—42 for interviews with young black university students which illustrate these attitudes to sexuality.

will pay to get it, while women do not or should not enjoy sex⁹⁷ and should therefore receive something in return for having sex with a man. This could be an emotional or legal relationship in the form of marriage, or material benefits. This difference between male and female sexuality is at the root of the sexual double standard which rewards men for sexual activity by increased status, while women are potentially stigmatised. It also forms the basis of the commodification of women's sexuality which is seen as potentially for sale at the right price, while male sexuality is expressed in a willingness to obtain sex from women at any price.⁹⁸

However, there are two problems associated with anti-trafficking laws and activities as responses to these sexual stereotypes. The first is the solution proposed to the problem. Trafficked women should be returned to their countries of origin and other "internally trafficked" women should be "saved" by training them for entry into the legitimate, non-sexual economy. The very conditions of globalisation, individualism, capitalism, consumerism which underpay women for undertaking other forms of work and which create and sustain the formal sex industry, must provide escape routes for sex workers.⁹⁹ "Rescued" women are offered "entry level jobs in the service economy"¹⁰⁰ while the conditions which lure women into sex work persist and while women's sexuality remains for sale in pole dancing clubs, strip clubs and other forms of "routine business". Moreover, rescuing and services are available for trafficked women only. Those who cannot establish that they were trafficked must continue to endure exploitative conditions within the sex industry while the State busies itself with the few deserving trafficking victims.¹⁰¹

Finally, trafficking discourse is not concerned with women who sell sex without being full-time sex workers. South African research has uncovered several different forms of transactional sex. Some women have long term relationships in which it is understood that boyfriends should make different kinds of economic contributions.¹⁰² Other women meet men in bars and taverns and exchange sex for money in informal sex work relationships.¹⁰³ These relationships are not regarded as sex work and women are not stigmatised. Women may move into and out of these relationships as economic needs arise and some describe themselves as enjoying themselves.¹⁰⁴ These women are not trafficked, and they are not exploited by pimps. They are selling sex, but they don't seem to feel that this defines them as women or as moral agents. To equate all sex work with trafficking represents an unrealistic picture of the complex reasons why and how women do sex work and anti-trafficking measures will do little or nothing to change them.

⁹⁷ "Feminist Legal Analysis and Sexual Autonomy: Using Statutory Rape Laws as an Illustration" 1999 *Harv LR* 1065 1072—1074.

⁹⁸ Alison Diduck & William Wilson "Prostitutes and Persons" 1997 *Journal of Law & Society* 504 515—517.

⁹⁹ Limoncelli 2009 (32) *WSIF* at 264, 265.

¹⁰⁰ Bernstein 2007 (18) *differences* at 140.

¹⁰¹ Julia O'Connell Davidson "will the real sex slave please stand up?" (sic) 2006 (83) *Feminist Review* 4-22 at 17.

¹⁰² See Bonner, P.L. "Desirable or Undesirable Basotho Women? Liquor, Prostitution and the Migration of Basotho Women to the Rand, 1920-1945", in *Women and Gender in Southern Africa to 1945*, ed. C. Walker (Cape Town: David Phillip, 1990) 221-250 for a historical account; Selikow, T-A. Zulu, B. Cedras, E. "The Ingagara, the Regte and the Cherry: HIV/AIDS and Youth Culture in Contemporary Urban Townships" *Agenda* 53 (2002), 22; Hunter, M. "The Materiality of Everyday Sex: Thinking Beyond 'Prostitution'" *African Studies* 61 (2002), 99 for contemporary accounts.

¹⁰³ Janet Maia Wojcicki "Commercial Sex or *Ukuphanda*? Sex-for-Money Exchange in Soweto and Hammanskraal Area, South Africa" 2002 (26) *Culture, Medicine and Psychiatry* 339-370.

¹⁰⁴ Wojcicki 2002 (26) *Culture, Medicine and Psychiatry* 341, 342, 351, 354.

Conclusion

Alsop and Hockey have observed, in the context of Eastern European women's post-communist reproductive rights that issues around women's reproductive lives are often very potent symbols within national debates which,¹⁰⁵

“put women at the centre of political debate without actually prioritizing their needs and desires.”

The same can be said of the debates around sex work and the World Cup. The concerns to prevent “innocent” women and children from becoming the victims of traffickers are not matched by an equal determination to provide the effective social security, access to education or quality job opportunities which would give women real choices about the ways in which they earn their living. The focus on protecting women from pimps and traffickers is not reflected in a wish to give effect to their basic constitutional rights to be free from violence, also at the hands of the police and clients or of their socio-economic rights to health, housing and so forth. The eager advocates for the protection of children do not draw attention to the role of inadequate social security, the State's failure to enforce children's maintenance claims in creating poverty of children and their caretakers.

On the one hand, those whose views are represented in the media raise clamorous concerns about sexual exploitation of innocent women. At the same time, however, the routine exploitation of women's sexuality as “dancers” at local sporting events does not, for instance, draw comment. Claims for effective sanctions against traffickers seem to be forgotten when “investors” or “businessmen” who “exploit hedonism”¹⁰⁶ open “clubs” which attract male customers by veiled promises of commercial sex. The contradictions between trafficking claims and the irresistible profit presented by an “unofficial” “pleasure periphery,”¹⁰⁷ remain unexplored while some sex workers are targeted for rescue and others are simply ignored.

The World Cup will hopefully provide South Africans with entertainment, infrastructure, work opportunities and possibly create business opportunities. It will probably not result in an influx of trafficked women and children and it will definitely not change the conditions which structure women's economic disadvantage and their dependence on men for economic survival. The best that can be hoped for is that the World Cup will provide an opportunity to debate the legal status of sex work seriously, focussing on the fundamental rights of women who engage in sex work, rather than creating public panics or providing an opportunity for moralistic posturing and the continued persecution of sex workers under the guise of protecting them.

¹⁰⁵ Rachel Alsop and Jenny Hockey “Women's Reproductive Lives as a Symbolic Resource in Central and Eastern Europe” 2001 (8) *European J of Women's Studies* 454-471 at 455.

¹⁰⁶ Adam Crawford and John Flint “Urban Safety, Anti-Social Behaviour and the Night-Time Economy” 2009 (9) *Criminology & Criminal Justice* 403-413 at 407.

¹⁰⁷ A term used by Wojcicki 2003 (46) *African Studies Review* 102 to describe the openly available sex industry in the “homelands” while, in Apartheid South Africa, norms against commercial sex were strictly upheld.