

FIGHTING ABUSE IN SPORT: A CALL FOR GLOBAL ACTION

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ABSTRACT: This paper provides a brief overview of the latest international initiatives against abuse in sport. It focuses on the recent report commissioned by FIFA and the ongoing survey carried out by the International Olympic Committee on this delicate matter. The author welcomes such initiatives and praises the work carried out so far but he calls for the entire sports movement and for public authorities to unite in the fight against abuse and to go further by creating an Independent International Safe Sport Entity – external to the Sports Federations – as it is the right way to cope effectively with this abominable phenomenon.

Il saggio contiene una panoramica delle recenti iniziative internazionali contro gli abusi nello Sport. Viene esaminato l'ultimo rapporto della FIFA e il sondaggio in corso da parte del Comitato Olimpico Nazionale su questa materia delicata. L'Autore elogia tali iniziative ma invita tutto il Movimento Sportivo, le Organizzazioni Internazionali, i governi nazionali e le forze di polizia a unire le proprie forze nella lotta contro gli abusi nello Sport e a creare una Agenzia o Entità Internazionale per un Sport Sicuro – esterna alle Federazioni ma da esse riconosciuta – per poter combattere in maniera efficiente questo fenomeno abominevole.

Keywords: *IOC – FIFA – Abuse – Victims – Safe Sport Entity – Whistleblowers.*

IOC – FIFA – Abusi – Vittime – Entità per la Sicurezza nello Sport – Denuncianti.

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The Author wrote this article aware of the complexity of the subject, his limits as a sports lawyer, his strength as a man of ethics, and his determination as a father of two children, thinking of all athletes who deserve to practice sport in a safe environment.

He would like to express his gratitude to Loïc Alves, Stefano Bastianon, Alasdair Bell, William Bull, Antoine Duval, Andrea Marchetti, Emanuel Maceido de Medeiros, Durante Rapacciuolo, Marta Utor, Roy Veermer, for the valuable comments that they provided.

SUMMARY: Introduction – 1. The latest international initiatives against abuse in sport – 2. The need for an entity external to the Sports Federations – 3. Protection of Victims/Whistleblowers and Reporting System – 4. The Challenges in Establishing a Global Strategy against Abuse in Sport – 5. Listen to a victim of abuse in sport – 6. The Way Ahead: a truly comprehensive global approach

Introduction

The fight against abuse in sport has recently gathered momentum following the Spanish “unsolicited kiss”, which has provoked a backlash across football in Spain, where the public opinion has called for immediate action against this phenomenon.

The now-infamous kiss was broadcasted worldwide but many amateur as well as professional and elite athletes¹ who have suffered all kinds of abuse have never dared to report them to any instance for fear of retaliation or shame.²

Sports Associations’ regulations, international conventions³ and State rules⁴ provide a comprehensive legal framework to fight this phenomenon, which, of course, is relevant both from a sports disciplinary and a criminal point of view.⁵

Rule 2.18 of the Olympic Charter states that “*the IOC’s role is to promote safe sport and the protection of athletes from all forms of harassment and abuse*”.⁶

¹ S. GAEDICKE, A. SCHÄFER, B. HOFFMANN, J. OHLERT, M. ALLROGGEN, I. HARTMANN-TEWS, B. RULOFS, ‘*Sexual Violence and the Coach-Athlete Relationship – a Scoping Review from Sport Sociological and Sport Psychological Perspective*, *Frontiers in Sports and Active Living*’, 13 May 2021.

² See J. SCHELLEKENS, *Addressing human rights abuse in sport*, 15 December 2022, available at <https://www.asser.nl/about-the-asser-institute/news/addressing-human-rights-abuse-in-sport/>. See also M. LANG AND M. HARTILL, ‘*Safeguarding, Child Protection and Abuse in Sport: International Perspectives in Research, Policy and Practice*’, Routledge Research in Sport, Culture and Society, 2016. N. DE MARCO, ‘*Transfers, agents and minors*’, in J. Anderson et al., *Research handbook on EU sports law and policy*, Edward Elgar, 2018. P. DAVID, ‘*Human Rights in Youth Sport: A Critical Review of Children’s Rights in Competitive Sport*’, Routledge, 2005. B. GERRARD, ‘*The muscle drain, coubertoin-type taxes and the international transfer system in association football*’, *European Sport Management Quarterly* 2(1), 47-56, 2002. S YILMAZ ET AL., ‘*Children’s rights and the regulations on the transfer of young players in football*’, *International Review for the Sociology of Sport*, 2018.

³ Council of Europe, *European Sports Charter*, available at <https://www.coe.int/en/web/sport/european-sports-charter> (last consulted on 2 October 2023).

⁴ In Italy, for instance, Art. 16 of Legislative Decree 39/2021 obliges all national sports associations to adopt codes of conduct aiming at protecting minors and to prevent discrimination, harassment and abuses. Official Journal n. 68 of 19 March 2021.

⁵ See R. GRILLO, ‘*Abusi Sessuali e Bullismo nello Sport*’, in *Riv. Dir. Ec. Sport*, vol. 16, n. 1, 2020, 31-120.

⁶ IOC, Rule, 2.18 of the Olympic Charter, in force as from 8 August 2021, available at <https://olympics.com/ioc/olympic-charter> (last consulted on 2 October 2023).

Moreover, the International Olympic Committee (IOC) adopted the Guidelines for International Federations (IFs) and National Olympic Committees (NOCs) related to creating and implementing a policy to safeguard athletes from harassment and abuse in sport.⁷

Those guidelines provide a comprehensive definition of abuse, which includes (sexual) harassment, psychological and physical abuse, and neglect.

The IOC encouraged the federations to support the victims of abuse and recommended that they establish investigation, reporting, and disciplinary procedures. Indeed, just to mention some of them, FIFA,⁸ World Aquatics,⁹ FIBA¹⁰ have recently revised their rules and programmes tackling abuse in order to enhance safety for athletes.¹¹

In its report “Playing it safe”,¹² the UN Special Rapporteur on the sale and sexual exploitation of children, recalls that several sports federations have adopted codes of conduct that offer some form of protection to children.

⁷ IOC, *Guidelines for International Federations (IFs) and national Olympic Committees (NOCs) related to creating and implementing a policy to safeguard athletes from harassment and abuse in sport*, available at https://olympics.com/athlete365/app/uploads/2020/12/IOC_Guidelines_for_IFs_and_NOCs.pdf.

⁸ See FIFA, *Disciplinary Code*, 2023 ed., Art. 36, available at <https://digitalhub.fifa.com/m/59dca8ae619101cf/original/FIFA-Disciplinary-Code-2023.pdf> (last consulted on 11 October 2023) and FIFA, *Code of Ethics*, https://cdn.ghanafa.org/2023/02/FIFA-Code-of-Ethics_2023_EN.pdf, 2023 ed., Art. 13, available at (last consulted on 11 October 2023).

⁹ See Worldaquatics, *Rules on the Protection from Harassment and Abuses*, available at <https://aquatic integrity.com/wp-content/uploads/2023/02/World-Aquatics-Rules-on-the-Protection-from-Harassment-and-Abuse.pdf> (last consulted on 11 October 2023).

¹⁰ See FIBA, *FIBA Safeguarding Policy*, (in force as 1 December 2022), <https://www.fiba.basketball/en/Module/85132837-66aa-4ff3-a063-8cdf44ea14d/59679204-d659-4349-8410-afea505e7e0c> (last consulted on 22 October 2023).

¹¹ For an overview of codification of human rights in the sports federations’ regulations see CAS, *Sport and Human Rights, an overview from a CAS perspective*, https://www.tas-cas.org/fileadmin/user_upload/Human_Rights_in_sport_CAS_report_updated_31_03_2021_.pdf.

¹² UN Special Rapporteur on the sale and sexual exploitation of children, *Playing It Safe, A Glimpse of the Report of the UN Special Rapporteur on the sale and sexual exploitation of children*, available at https://www.ohchr.org/sites/default/files/Documents/Press/Playing_it_Safe_SR_Report.pdf (last consulted on 23 October 2023).

The UN Special Rapporteur recalls that Several sports federations have adopted codes of conduct that offer some form of protection to children. For example, numerous institutions have incorporated the same language as that contained in the International Olympic Committee (IOC) Code of Ethics, including the Fédération Internationale de Volleyball (FIVB) and the World Squash Federation (WSF). The International Ice Hockey Federation (IIHF) and the International Boxing Association (AIBA) both supplement their respective Code of Conduct and Code of Ethics with policies on sexual harassment. Additionally, the Fédération Internationale de Natation (FINA) has adopted a Code of Ethics that includes an ethical principle on dignity prohibiting all forms of harassment, be they physical, psychological, professional or sexual. The International Cricket Council (ICC) has similar provisions in its Code of Ethics, as does the International Handball Federation (IHF) in its Ethics Code. Moreover, the International Association of Athletics Federations (IAAF) includes in its Code of Ethics the prohibition of all forms of physical, verbal, mental or sexual harassment in athletics.

All sports associations refer to “zero tolerance”, education, duty of care, prevention, confidentiality, support, and protection.¹³

They set up dedicated working groups and advisory councils,¹⁴ they funded safeguarding and education programmes addressed to the members of their national associations.

Then, International private associations, such as the Sport Integrity Global Alliance (SIGA), stressed the importance to comply with the highest Integrity Sports Standards and to have a “cultural shift”.¹⁵

The impression is that they all agree on some points: abuse in sport is a delicate issue, it is complicated, athletes must be protected, confidentiality must be preserved, the sports environment must be safe.

Nevertheless, the recurrent scandals in every country and in every sport prove that the legal sports system in general still lacks the appropriate and effective means.

The International sports federations are surely doing their best within their own field but it is our opinion that the time has arrived to go to the next step: act at global level in coordination with all other sports federations and stakeholders, but also with the international organisations and national enforcement authorities, against a phenomenon that is universal and complex in its nature.

1. *The Latest International Initiatives against Abuse in Sport*

On 5 June 2023 the Parliamentary Assembly of the Council of Europe (PACE) held a hearing on abuse in sport,¹⁶ urging the stakeholders to protect individuals, especially young people, from violence, harassment, and abuse in sport.¹⁷

¹³ See for example the above recalled FIFA, FIBA and World Athletics codes of ethics and programmes.

¹⁴ At international level FIBA, for instance, created an advisory body called the Safeguarding Council, see <https://www.fiba.basketball/news/fiba-safeguarding-council-come-together-for-first-meeting>. At national level the German Handball Federation dissolved the “abuse commission only after one month following the scandal of a German coach who abused several athletes during a period of 16 years. See *Allegations against handball coach André Fuhr: DHB dissolves the abuse commission after just one month*, available at <https://globalhappenings.com/sports/293974.html> (last consulted on 22 October 2023).

¹⁵ See SIGA Universal Standards on Youth Development and Protection in Sport where emphasis is put on the fact that “*Complying with the highest Sport Integrity standards requires Sports Organisations to adopt a new culture, one which prioritises the safe and appropriate recruitment, training, education, and protection of young athletes.... Self-evidently, Sports Organisations cannot achieve this cultural shift alone. Enhanced cooperation and concerted action between Sports Organisations and other public and private stakeholders is the foundation upon which this new culture will be built*”. SIGA, Universal Standards on Youth Development and Protection in Sport, available at www.siga-sport.com (last consulted on 30 October 2023).

¹⁶ *EPAS participates in a PACE parliamentary hearing on “violence in sport and safeguarding” at the UK Parliament*, available at <https://www.coe.int/en/web/sport/-/epas-participates-in-a-pace-parliamentary-hearing-on-violence-in-sport-and-safeguarding-at-the-uk-parliament> (last consulted on 2 October 2023).

¹⁷ Council of Europe, Committee on Culture, Science, Education and Media, Addendum to the minutes of the meeting held in London on 1 June 2023, published on 13 October 2023 and available

Such a hearing took place after an extensive consultation process, upon the initiative of FIFA and following President Infantino's call for the creation of an Independent Safe Sport Entity (hereafter the "Entity") to fight abuse in sport at all levels all over the world.¹⁸

The list of countries where abuse has been reported in the past few years is very long: from Afghanistan to Zimbabwe through Gabon, Haiti, the Netherlands, the United Kingdom, and the United States of America.¹⁹

It is evident from all of these cases that they concern sexual abuse and harassment towards vulnerable persons and, of course, it is easy to imagine that this is only the tip of the iceberg.²⁰

The FIFA Deputy Secretary General, Alasdair Bell, and the Senior Advisor to the FIFA President, Joyce Cook, rightly emphasized the global nature of the problem and, therefore, called for collective and immediate action.

Mr. Bell made it clear that "*many national sports federations, and many international sports federations, have limited capacity, resource, and expertise to deal with this issue, so it's not really going to go away based on the resources they have. It seems to me, and it seems to FIFA, that given the nature of the problem, given its international dimension and character, it's an area where the pooling of knowledge, resource, and experience would be a logical step*".²¹

Remarkably, in an effort to involve as many stakeholders as possible, FIFA consulted more than 230 experts and sports representatives in 2021 in order to explore the possibility as well as to verify the need to create an international multisport entity.

The results – published in a Consultation Report in October 2021 – unsurprisingly confirmed that (i) sports organizations lack capacity and expertise to deal with abuse cases, (ii) many gaps still exist in both sports and criminal justice systems globally, and (iii) unfortunately victims do not trust the systems in place.²²

at <https://rm.coe.int/protecting-human-rights-in-and-through-sport-obligations-and-shared-re/1680ace841> (last consulted on 13 October 2023).

¹⁸ FIFA, *FIFA reiterates call for global unity in battle against abuse in sport*, available at <https://www.fifa.com/social-impact/fifa-guardians/news/fifa-reiterates-call-for-global-unity-in-battle-against-abuse-in-sport> (last consulted on 2 October 2023).

¹⁹ E. AARONS, R. MOLINA AND S. WRACK, '*From Afghanistan to Zimbabwe: sexual abuse allegations in football around the world*', available at <https://www.theguardian.com/football/2022/mar/05/from-afghanistan-to-zimbabwe-sexual-abuse-allegations-in-football-around-the-world> (last consulted on 2 October 2023).

²⁰ H. OWTON, '*Sexual Abuse in Sport: A Qualitative Case Study*', Palgrave Macmillan, 2018; M.J. HARTILL, '*Sexual Abuse in Youth Sport: A sociocultural analysis*', Routledge Research in Sport, Culture and Society, 2018.

²¹ FIFA, *FIFA reiterates call for global unity in battle against abuse in sport*, available at <https://www.fifa.com/social-impact/fifa-guardians/news/fifa-reiterates-call-for-global-unity-in-battle-against-abuse-in-sport> (last consulted on 2 October 2023).

²² Beutler International Sports Advisory, *Final Report of the Consultation Process to Consider the Creation of an International Safe Sport Entity*, October 2021, available at

2. *The Need for an Independent Entity External to the Sports Federations*

Following the above-mentioned consultation, in November 2022, a multi-stakeholder Interim Steering Group (ISG) was created. It was composed of some of the leading experts in the sector of human rights and representatives of seven International sports federations,²³ representatives of the athletes (FIFPRO, the International Trade Union Football Association), the United Nations, the Council of Europe, the European Parliament, and last but not least, the representatives of survivors of violence in sport.

The broad composition of the ISG and the direct involvement of victims of abuse and abuse survivors gave credibility to the initiative. In a short period of time, they made some precious and thoughtful recommendations to establish an independent, global, safe entity for victims of abuse and whistleblowers.

The ISG outlined the principles and values that the Entity should uphold, namely: integrity, independence, impartiality, transparency. Implementing these principles is fundamental to avoid any kind of conflict of interest and strengthen the credibility of the governance of the future Entity.

They acknowledged the complexity and seriousness of the issues to address, such as the jurisdiction, the interplay between sport disciplinary proceedings, and the criminal justice systems at national level.

The ISG also highlighted the absence and inadequacy of (i) benchmarks for care support, (ii) easily accessible mappings of services and resources at national level, (iii) networks of trauma-informed investigators,²⁴ (iv) safeguarding policies, (v) safe reporting mechanisms, and (vi) duly trained professionals to deal with abuse in sport.

Finally, they considered the limited cooperation between State authorities and sport bodies, the lack of access to trauma-informed support for victims/survivors and, above all, the harm inflicted on victims by investigations that neglect their rights and needs.²⁵

Whereas the success of the Entity would depend on the definition of a clear mandate and scope of action agreed and accepted by all federations, the Entity would play an important role in preventing abuse, educating, and assisting both international and national sports federations. Moreover, it would certainly have a fundamental role in providing support to victims and survivors as well as conducting investigations using independent and trauma-informed investigators.²⁶

<https://digitalhub.fifa.com/m/26007b081f56ec2e/original/FINAL-REPORT-OF-THE-CONSULTATION-PROCESS-TO-CONSIDER-THE-CREATION-OF-AN-INTERNATIONAL-SAFE-SPORT-ENTITY.pdf>

²³ International Biathlon Union, International Cricket Council, International Cycling Union, International Ice Hockey Federation, International Skating Union, International Tennis Federation.

²⁴ Beutler International Sports Advisory, *Final Report of the Consultation Process to Consider the Creation of an International Safe Sport Entity*, October 2021, 10.

²⁵ *Idem*, 11.

²⁶ *Ibidem*.

The ISG called for the commitment of the IFs to join the new Entity and, at the same time, to improve their safeguarding policies, to provide adequate care support and to minimize the risk of further harm to the victims.

Finally, they also dealt with the funding of said Entity which should ensure its permanent sustainability, and, at the same time, it should follow a solidarity-based approach so that no IFs are financially impeded from joining.

3. *Protection of Victims/Whistleblowers and Reporting Systems*

The ISG delivered right and sound recommendations to build up effective reporting systems that should be available to the victims of abuse and whistleblowers.

Here we would like only to complement the ISG recommendations²⁷ by emphasizing that accessibility to reporting systems as well as the confidentiality of the acts and procedures are essential to protect vulnerable athletes.

The latter should be able to rely on effective, tight and confidential channels to report abuse, establishing a robust system of protection against retaliation. This should apply both internally within a sports association and externally to a competent public authority, such as the envisaged Entity.²⁸

Moreover, victims of abuse should be able to have easy access to clear information on how and when to report to relevant federation(s) as well as on external reporting procedures to specific competent judicial authorities.²⁹

Effective detection and prevention of abuse require ensuring that victims of abuse and potential whistleblowers can easily and in full confidentiality bring the information they possess to the attention of the relevant competent authorities that are able to investigate and to remedy the problem.

It may be the case that either the internal channels do not exist or that the used procedures do not function properly, for instance because the report was not dealt with diligently or with the indispensable professional skills within a reasonable timeframe, or no appropriate action was taken to address the breach despite the clear results of the related internal enquiry confirming the abuse.

In other cases, the risk may arise that the internal channels cannot function properly because the sports associations have not cut the tight connections between their respective (administrative, investigatory, and adjudicatory) bodies. This might

²⁷ See in particular Recommendations n. 20 and 21 of the above-mentioned report.

²⁸ This can be done following what is for instance foreseen in other fields. See in that regard, the Directive on the protection of persons who report breaches of Union law into their legal framework (Directive (EU) 2019/1937).

The directive requires EU Member States to provide whistleblowers working in the public and private sectors with effective channels to report breaches of EU rules confidentially, establishing a robust system of protection against retaliation.

²⁹ B. BURAIMO AND D. FORREST, *Report on Protect Integrity plus: Roll-out of the Red Button App to New Sports and New Countries*, 2019, 36, available at <https://fifpro.org/media/urjbopj1/report-on-protect-integrity-plus-december-2019.pdf>. The Authors emphasize that “multiple reporting channels is a way to maximise the chances to obtain reports”.

explain why potential reporting claimants are fearful of pursuing their claims or do not trust the reporting procedure. They have valid reasons to believe that they would suffer retaliation in connection with the reporting as a result of a possible breach of confidentiality.³⁰ These situations justify the creation of that competent external authority which would have human and material resources and, therefore, would be much better placed than international sports federations to seriously investigate and take effective action to address the breach while safeguarding the victims.

The Entity would act free from every influence, for example, when the case of abuse concerns a given sports association, which holds the ultimate responsibility for the abuse while it should provide justice for that.

Lack of confidence in the effectiveness of reporting to authorities within the same associations where the abuse took place is one of the main factors discouraging potential whistleblowers. Accordingly, independently from the creation of the Entity, there is a need to impose a clear obligation on associations to establish appropriate internal and external reporting channels, to diligently follow up on the reports received, and, within a reasonable timeframe, give feedback to reporting persons.

4. *The Challenges in Establishing a Global Strategy against Abuse in Sport*

Taking stock of the findings of the ISG, FIFA outlined the real challenge in the fight against abuse in sport at global level: the national multi-stakeholder frameworks were expected to take at least 10-15 years to achieve their goals globally, with the full report and its recommendations to be shared with the International Olympic Committee.³¹

The latter was and still is conducting an extensive needs assessment to identify the Olympic Movement stakeholders with safeguarding policies and practices in place.

According to the IOC, in line with the so-called *Olympic Agenda 2020+5*,³² this assessment “will help to ensure the right types and levels of support”, and “to ensure that safeguarding efforts are local, contextualized and appropriate”.³³

³⁰ See E. AARONS, S. WRACK, AND R. MOLINA, ‘*The world’s game, a global scandal: the struggle to be heard in football’s sexual abuse crisis*’, The Guardian, 4 March 2022, available at <https://www.theguardian.com/football/2022/mar/04/football-sexual-abuse-crisis-global-scandal-special-report> (last consulted on 11 October 2023).

³¹ See FIFA, *FIFA reiterates call for global unity in battle against abuse in sport*, available at <https://www.fifa.com/social-impact/fifa-guardians/news/fifa-reiterates-call-for-global-unity-in-battle-against-abuse-in-sport> (last consulted on 2 October 2023).

³² IOC, *Olympic Agenda 2020 +5*, available at <https://olympics.com/ioc/olympic-agenda-2020-plus-5>, (last consulted on 2 October 2023).

³³ *Ibidem*.

Moreover, the IOC President announced the creation of a fund of USD 10 million to strengthen the prevention and response to harassment and abuse in sport at the local level.

In addition, a working group chaired by Executive Board member and Deputy Chair of the IOC's Gender Equality, Diversity and Inclusion Commission, HRH Prince Feisal Al Hussein,³⁴ is being set up to consider the best approach to establish independent safeguarding systems and structures at the national level. They should ensure that resources go to where they are most needed to support athletes and build safeguarding capacity in sports organizations.

Recently, the IOC has also approved the creation of regional safeguarding hubs in order to provide "all persons harmed in sport with access to independent guidance, advice and support, in their culture, context and language".³⁵

Thus, at international level we have, on one side, some praiseworthy measures currently taken by the IOC on the needs and the best practices put in place at local level and, on the other, a concrete set of recommendations made by some sports federations, organizations representing victims of abuse, and experts in the field following the massive consultation process launched by FIFA at international level.

These initiatives surely show the commitment of the sports stakeholders striving to find some efficient solutions but, at the same time, reveal the challenges they face in having a co-ordinated approach among them as well as the right level of co-operation with international and national State authorities, such as governments, law enforcement agencies, NGOs, schools and educational entities.

The ongoing IOC assessment and the regional safeguarding hubs are certainly necessary in order to identify best practices and gaps, as well as to adopt more efficient and targeted measures in each federation and country, but still the creation of an international independent entity aside from the IFs is essential to protect victims of abuse and whistleblowers.

The commendable current FIFA and IOC initiatives should go hand in hand, and complement each other rather than following for their own paths to achieve the same ambitious goal. In other words, only the effective integration of actions and efforts will provide consistency of impact not only horizontally between different sports but also vertically within the same sports associations at international and national level.³⁶

³⁴ See IOC, *HRH Prince Feisal: Sport should be safe for everyone*: HRH Prince Feisal said. "We know it is a tough fight, we know it is a long fight. But it is a worthwhile fight," available at <https://olympics.com/ioc/news/hrh-prince-feisal-sport-should-be-safe-for-everyone> (last consulted on 2 October 2023).

³⁵ IOC, *Establishment of regional safeguarding hubs in Southern Africa and the Pacific Islands approved by IOC EB, groundwork laid for European safeguarding hub*, available at <https://olympics.com/ioc/news/establishment-of-regional-safeguarding-hubs-in-southern-africa-and-the-pacific-islands-approved-by-ioc-eb> (last consulted on 30 October 2023).

³⁶ See in that regard the statement of Ms Ashley Ehlert, Deputy Secretary and Legal Director of the International Ice Hockey Federation in Council of Europe, Committee on Culture, Science, Education and Media, *Addendum to the minutes of the meeting hold in London on 1 June 2023*, 13, published

5. *Listen to a Victim of Abuse in Sport*

Interesting are the remarks of Patrice Evra, former captain of France and Manchester United, on the occasion of the above-mentioned Westminster hearing on abuse in sport before the Council of Europe.

He is not a lawyer nor a sport administrator but as per his own declaration he is an abuse survivor and with two simple and yet fundamental questions addressed to the global audience, he centered on the core of the problem:

“We have a world anti-doping code; we are trying to eradicate racism in sport. But what about protecting children? And then he continued: “In 24 hours we [the people and the media] shut down the Super League. Why don’t we have the same energy to protect children?”³⁷

These questions seem to underline some – at least apparent – oddities in the strategic policy envisaged on abuse in sport.

Although abuse affects all sports federations, FIFA was the only one that took the initiative to call on the sports movement and the political and law enforcement agencies to create an international safe sport entity.

Why has FIFA been *de facto* the only international sports association to pursue such a commendable goal by putting in place a comprehensive consultation process which has already produced some concrete recommendations?

The extremely sensitive nature of the matter and the urgency to make available the appropriate efficient means to defeat this plague should have pushed all sports stakeholders to take immediate action and build up the right coalition of stakeholders to create that entity.

In that regard, particularly significant is the following paragraph of the FIFA Report:

“An independent international safe sport entity can only be viable with the backing of the IOC and a range of founding IFs. As it may be too soon for others to commit to both national and international solutions based on similar specialist models that have been adopted to tackle other crimes in sport, FIFA announced in April 2023 that it will focus its efforts on the creation of a dedicated solution to tackle abuse cases in football. FIFA remains open to the creation of a multisport entity in the future. In the meantime, it stressed its wish to continue to work together in solidarity with its members, confederations, expert stakeholders, the IOC, fellow IFs, and organizations globally that are committed to ending violence in sport”³⁸.

on 13 October 2023 and available at <https://rm.coe.int/protecting-human-rights-in-and-through-sport-obligations-and-shared-re/1680ace841> (last consulted on 13 October 2023).

³⁷ See FIFA, *FIFA reiterates call for global unity in battle against abuse in sport*, available at <https://www.fifa.com/social-impact/fifa-guardians/news/fifa-reiterates-call-for-global-unity-in-battle-against-abuse-in-sport> (last consulted on 2 October 2023).

³⁸ FIFA, *Consultation for the establishment of an independent safe global sports entity*, Full Report, 1 June 2023, 3. Available at <https://digitalhub.fifa.com/m/1512d9786ff6aafd/original/ISG-Final-Report-1-June-23-without-Appendices.pdf> (last consulted on 4 October 2023).

In practice, FIFA fairly admits that a single federation cannot effectively tackle such a global problem and calls for the immediate support of the IOC and other sports associations.

Its call, of course, can and should be extended to the international organizations dealing with human rights, such as the United Nations and the Council of Europe as well as national governments and other law enforcement agencies so that they could join their forces in view of the creation of that international Entity.

The Sports Movement cannot act alone, and appropriate links need to be made to local law enforcement authorities³⁹ because sports stakeholders are subject to the sports rules of their federations but first they are entities and individuals governed by the laws of the country in which they live.

As a matter of fact, a coalition of countries and sports associations successfully worked to yield the Convention sustaining the creation of the World Antidoping Agency (WADA), which represents an important step forward in the fight against doping and a positive reaction to the collective alarm and fear of worldwide public opinion about the integrity of competitions and the health of athletes.

Thus, while they are lamented and condemned, abuses in sport should deserve at least the same attention as doping and steer the same collective and comprehensive approach of sport and State organizations, which led to the creation of the WADA and its Code on Antidoping. Astonishingly, quoting Patrice Evra, the sport stakeholders have not yet found the same “energy” to develop and make operative the ways and means to prevent abuse in sports, remedy torts, and protect the victims.

It might sound provocative, but it seems that, despite the current initiatives and the feeling of anger and repulsion that follows scandals affecting both professional and amateur athletes in every part of the world, not to mention the fact that abuse in sport rises to the same global alarm as raised by the doping, it still has not led to the adoption of global and effective measures.

It is worth noting that in its report, FIFA also recognizes the existing difficulties in promoting the sport stakeholders and States’ coalition especially regarding the funding of such a model.

If there is the political will to build up the international agency, several, viable funding methods might be used to finance it. For instance, the global sport alliance of the willing organizations might pick the same funding model adopted for the WADA whose budget is financed by both the Olympic Movement and Public Authorities according to their capacities and resources.⁴⁰ Alternatively, they

³⁹ See with regard to the protection of children in sport, UN Special Rapporteur on the sale and sexual exploitation of children, *Playing It Safe, A Glimpse of the Report of the UN Special Rapporteur on the sale and sexual exploitation of children*, 13; available at https://www.ohchr.org/sites/default/files/Documents/Press/Playing_it_Safe_SR_Report.pdf (last consulted on 23 October 2023).

⁴⁰ The IOC 2023 budget breakdown is available at https://www.wada-ama.org/sites/default/files/2023-09/wada_contributions_2023_update_en.pdf (last consulted on 4 October 2023).

could follow another model according to which, for instance, a levy of 1 euro or dollar on every ticket sold at elite international sporting events could serve to balance the financial contribution of the sport organizations.

6. *The Way Ahead: a truly comprehensive global approach*

FIFA declares that “*An independent multisport global safe sport entity can only be viable with the backing of the IOC and a range of founding IFs. However, it may be too soon for others to commit to both national and international solutions... it remains open to the creation of a multisport entity in the future*”.⁴¹

This statement testifies the will to go ahead with the fight against abuse in sport and improve the rules and procedures already in place.

In fact, FIFA adopted a specific safeguard programme⁴² and amended its Disciplinary Code to better deal with abuse. The world football organization placed emphasis on the need for anonymity, confidentiality, and independence by referring for instance to external “integrity experts”.⁴³ The 2013 Code of Ethics now ensures more procedural rights for victims of abuse, who can appeal and participate in proceedings and does not impose any limit in time for prosecuting those responsible for any form of abuse.⁴⁴

Nevertheless, the above FIFA statement also demonstrates the existing stumbling blocks in negotiating and adopting a global, shared, and comprehensive approach, sustained by the multitude of sports authorities.

Moreover, the collaboration between sports organizations and the necessary operational links with the public authorities at international and national level is absolutely a challenge within the challenge itself.

Still, we want to believe that the international organizations for human rights and the national State law enforcement agencies, the IOC, as well as all its national members, the international and national sports associations, the athletes’ representatives will gather together in an international forum and will find the “energy”, the courage, and the financial means to set up such an indispensable international safe entity.

⁴¹ FIFA, *Consultation for the establishment of an independent safe global sports entity*, Full Report, 1 June 2023, 3. Available at <https://digitalhub.fifa.com/m/1512d9786ff6aafd/original/ISG-Final-Report-1-June-23-without-Appendices.pdf> (last consulted on 4 October 2023).

⁴² The *FIFA Guardians programme* provides a framework to help our 211 member associations (MA’s) to prevent any risk of harm to children in football and respond appropriately, as called for in article 3 of the FIFA Statutes and in line with article 23 of the FIFA Code of Ethics. More information about this programme is available at <https://www.fifa.com/social-impact/fifa-guardians> (last consulted on 16 October 2023).

⁴³ FIFA, *Disciplinary Code*, 2023 ed., Art. 36, available at <https://digitalhub.fifa.com/m/59dca8ae619101cf/original/FIFA-Disciplinary-Code-2023.pdf> (last consulted on 11 October 2023).

⁴⁴ FIFA, *Code of Ethics*, 2023 ed., Art. 13, available at https://cdn.ghanafa.org/2023/02/FIFA-Code-of-Ethics_2023_EN.pdf (last consulted on 11 October 2023).

It is our opinion that on the basis of a world code on abuses or at least starting from some minimum agreed principles, the Entity could play a fundamental role in educating and, above all, investigating in a very sensitive field where the federations do not have the right expertise and the athletes need to be treated and protected as human beings first.

It is worth stressing firmly again: if the alliance of public authorities and the sports movement succeeded in conceiving and building up a global and independent agency against doping why should it not work successfully yet again to fight and hopefully eliminate abuse in sport?

The credibility of the system, the rights of the athletes, their human rights, and the common good of sport are at stake.

Everyone is concerned and any delay of action will trigger a moral fault.