

## FIGHTING ABUSE IN SPORT: A CALL FOR GLOBAL ACTION

by *Michele Colucci\**

*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.*

---

\* Member of the FIFA Football Tribunal and President of the Council of the European Court of Arbitration of the European Handball Federation. Co-founder and Honorary President of the Italian Association of Sports Lawyers. The opinions expressed are personal and do not reflect the position of the Associations the Author belongs to.

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 athletes<sup>1</sup> who have suffered all kinds of abuse have never dared to report them to any instance for fear of retaliation or shame.<sup>2</sup>

Sports Associations’ regulations, international conventions<sup>3</sup> and State rules<sup>4</sup> 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.<sup>5</sup>

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*”.<sup>6</sup>

<sup>1</sup> 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.

<sup>2</sup> 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.

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

<sup>4</sup> 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.

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

<sup>6</sup> 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).