

THE “TREE-ICEBERG MODEL” OF SAFEGUARDING IN SPORT REGULATORY LIMITS AND HUMAN RIGHTS CHALLENGES

by *Stefano Bastianon**

ABSTRACT: In the last years, safeguarding in sport has undergone a rapid “juridification”, mainly shaped by international human rights law, regional regulatory instruments, and international sport governance frameworks. Despite the adoption of safeguarding policies, codes of conduct, and compliance mechanisms, institutional failures persist across jurisdictions. This paper advances the Tree-Iceberg Model of safeguarding as a governance-theoretical framework that explains the structural divergence between mere legal compliance and concrete institutional effectiveness. The rationale of this paper lies in the importance to promote a more effective interaction between the normative-institutional architecture (the Tree) and submerged socio-organizational dynamics (the Iceberg). By situating safeguarding within debates on human rights in the field of sport and sports autonomy, the paper reframes safeguarding as a test case for the constitutional maturity of global sport governance.

Negli ultimi anni, il safeguarding nello sport ha subito una rapida “giuridificazione”, modellata principalmente dal diritto internazionale dei diritti umani, dagli strumenti normativi regionali e dalla governance sportiva internazionale. Nonostante l’adozione di politiche di safeguarding e codici di condotta, ancora troppi sono i casi di abusi e violenza che si registrano nel mondo dello sport. Questo contributo propone il modello “Albero-Iceberg” come quadro teorico di governance, in grado di spiegare la divergenza strutturale tra la mera conformità legale e l’effettiva efficacia istituzionale. La ratio di questo lavoro risiede nell’importanza di promuovere un’interazione più efficace tra l’architettura normativo-istituzionale (l’Albero) e le dinamiche socio-organizzative sommerse (l’Iceberg). Collocando la tutela nel dibattito sui diritti umani nel contesto sportivo e sull’autonomia dello sport, l’articolo propone una lettura del safeguarding come un banco di prova per la maturità costituzionale della governance sportiva globale.

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The views presented in this article are solely those of the author and do not reflect the position of any affiliated institution.

Keywords: *Safeguarding – Human Rights – Regulatory Limits – Cultural Barriers – Accountability.*

Safeguarding – Diritti Umani – Limiti Regolamentari – Barriere Culturali – Responsabilità.

SUMMARY: 1. Introduction: Safeguarding in Contemporary Sport – 2. Safeguarding Beyond Abuse: Integrity and Health – 3. The Institutionalisation of Safeguarding within the Olympic Movement – 4. From Awareness to Structural Governance: The IOC Consensus Statements – 5. Safeguarding as a Test Case for Global Sport Governance – 6. The Tree-Iceberg Model: Structure and Substructure in Regulatory Governance – 6.1 The Tree: The Visible Normative Architecture – 6.2 The Iceberg: Submerged Cultural Realities and Barriers – 7. From Compliance to Constitutional Maturity: Structural Limits of Safeguarding Governance – 8. Conclusion

1. *Introduction: Safeguarding in Contemporary Sport*

Over recent decades, sport has undergone a significant transformation, evolving from a largely autonomous field, traditionally granted deference by state law, to one increasingly scrutinised through national and international human rights frameworks and shaped by overlapping transnational regulatory regimes.

Safeguarding is the prevention and response to abuse, harassment, and exploitation in sport. It stands at the centre of this transformation.

Safeguarding in sport does not emerge in a normative vacuum. Rather, it is grounded in fundamental principles of international human rights law. International conventions concerning child protection, dignity, and non-discrimination provide normative foundations for safeguarding obligations.¹

Article 1 of the Universal Declaration of Human Rights states that “*all human beings are born free and equal in dignity and rights*”. Similarly, Article 4 enshrines the principle of non-discrimination by affirming that all individuals are entitled to enjoy the rights and freedoms proclaimed in the Declaration without discrimination of any kind. The provision expressly prohibits distinctions based on characteristics such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.

With regard to children, international instruments provide even more explicit foundations. Article 4 of the 1924 Geneva Declaration of the Rights of the Child (Geneva Declaration) provides that “*the child (...) must be protected against*

¹ S. BASTIANON, M. COLUCCI, *Abuse in sport and safeguarding policies: an international and european perspective*, S. BASTIANON-M. COLUCCI (Eds.), *Protecting the beauty of the game-Towards a safeguarding culture*, SLPC, 2025, 41.

every form of exploitation”. Similarly, Article 24 of the United Nations International Covenant on Civil and Political Rights (ICCPR) recognises every child’s right to protection as required by their status as a minor, while Article 10 of the United Nations International Covenant on Economic, Social and Cultural Rights (ICESCR) provides that “*children and young persons should be protected from economic and social exploitation*”.²

Although sport is not expressly mentioned in the 1989 United Nations Convention on the Rights of Child (UNCRC), the broad wording of several of its provisions makes them directly relevant to sporting context. For example, Article 19 calls States Parties to “*take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child*” (paragraph 1). Importantly, paragraph 2 requires that “*such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement*”.

In this respect, Article 19 provides a normative legal basis – albeit with limited enforcement mechanisms – for the development of safeguarding policies, i.e. structured guidelines and mechanisms through which sports associations should protect children and respond to concerns regarding their safety and well-being.

Similarly, Article 31 recognizes the child’s right to rest, leisure, play, and recreational activities appropriate to their age, underlining the essential role of sports in physical, social, and emotional development. At the same time, Articles 32 to 36 address various forms of economic and employment exploitation – including economic exploitation, sexual exploitation, trafficking, and the illicit use of narcotic drugs – from which children must be protected.

These risks are concrete in the sporting environment, where young athletes may be exposed to trafficking, coercive training regimes, or doping practices that endanger their health and dignity.

Thus governments, institutions, and sports association of the signatory States bear the responsibility to ensure that children can practice sport in a safe environment.

² S. BASTIANON, *Abuse in Sport, Child Protection and Safeguarding Policies*, RDES, 2024, 1; S. BASTIANON, M. COLUCCI, *Abuse in sport and safeguarding policies: an international and european perspective*, 42.

2. *Safeguarding Beyond Abuse: Integrity and Health*

Safeguarding in sport means protection beyond preventing abuse and harassment. It encompasses the preservation of athletes' physical and psychological well-being and the integrity of competition. In this regard, the large safeguarding scope covers anti-doping because the doping is one of the most persistent threats for athletes, both elites and grassroots. It undermines fair play while simultaneously exposing athletes to serious health risks.

In recognition of this challenge, UNESCO adopted the International Convention against Doping in Sport in 2005.³ Given its substantive scope and near-universal State accession, the Convention constitutes one of the pillars of international sport regulation. The anti-doping regulation can be understood as part of the overall sports safeguarding architecture since it protects athletes' health, preserves integrity, and ensures a safe sport free from coercion and harmful performance-enhancing practices.⁴ However, this characterisation remains contested, as some legal scholars highlight the tension between anti-doping measures and athletes' fundamental rights, particularly with regard to privacy, bodily autonomy, and procedural fairness.⁵

Beyond anti-doping, the notion of safeguarding in sport extends to other systemic threats to integrity, most notably corruption, which similarly undermines fair competition and exposes athletes – especially those in vulnerable positions – to structural risks.

Safeguarding thus entails combating and shielding sport from corruption in sport. This plague poses structural risks to athletes, particularly to vulnerable groups. Although corruption in sport was not a central focus during the negotiation of the 2004 United Nations Convention against Corruption (UNCAC), subsequent developments have explicitly addressed the sport issues.

Resolution 7/8 (2017) on corruption in sport urges State parties “to consider establishing and developing, where appropriate, confidential complaint systems, whistle-blower protection programmes, including protected reporting systems, and effective witness protection measures, and to increase awareness of such measures”. In the same vein, Resolution 8/4 (2019) calls upon States parties and relevant stakeholders “to address the risks to vulnerable

³ Available at <https://www.unesco.org/en/legal-affairs/international-convention-against-doping-sport#:~:text=Adopts%20this%20Convention%20on%20this%20nineteenth%20day%20of%20October%202005.&text=The%20purpose%20of%20this%20Convention,a%20view%20to%20its%20elimination.>

⁴ S. BASTIANON, M. COLUCCI, *Abuse in sport and safeguarding policies: an international and european perspective*, 45.

⁵ P. DAVID, *A guide to the World Anti-Doping Code: A Fight for the Spirit of Sport*, Cambridge University Press, 2013; L. CASINI, *Global Hybrid Public-Private Bodies: The World Anti-Doping Agency (WADA)*, International Organization Law Review, 2019, 6, No. 2, 421; S. STAR, S. KELLY, *Examining procedural fairness in anti-doping disputes: a comparative empirical analysis*, Int Sports Law J. 2022, 22(3), 217–240; S. ARORA, L. PRYIA VINJAMURI, *Ensuring Fair Play: Analysing Anti-Doping Regulation and Athlete Rights in Sports Law*, International Journal of Law Management & Humanities, 2024, Vol. 7, Issue 3, 3862.

groups, in particular children and young athletes, posed by corruption in sport, with a view to promoting healthy lives and principles of integrity and to creating an atmosphere of intolerance towards corruption in junior and youth sport”.⁶

At the same time, within the European legal framework, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention), adopted in 2007 and in force since 2010, represents a central normative instrument.

The Convention requires Parties to criminalise sexual abuse against children (Article 18), and to adopt legislative and other measures to prevent and combat sexual exploitation (Article 4). It emphasises awareness-raising among adults working closely with children – including coaches, trainers, and volunteers (Article 5) – and mandates educational initiatives empowering children with knowledge and self-protection tools (Article 6).

Although sport is not specifically mentioned, the Convention’s preventive architecture applies horizontally to all settings where children are present. In this respect, organised sport clearly falls within its normative scope.

3. *The Institutionalisation of Safeguarding within the Olympic Movement*

Against this background of expanding international obligations, transnational sport institutions, most notably the International Olympic Committee (IOC), have progressively integrated safeguarding into their own governance structures. This development illustrates a broader process of “juridification”, whereby ethical expectations are translated into formalised rules, policies, and compliance mechanisms.

Over the last twenty years, the IOC has established comprehensive safeguarding policies to protect athletes and participants from harassment and abuse. These policies are primarily designed to guide and support National Olympic Committees (NOCs) and International Federations (IFs) in implementing safeguarding measures and promoting safe sporting environments.⁷

The Olympic Charter sets out the fundamental principles governing the Olympic Movement and articulates an ethical framework centred on the protection of human dignity, safety, and non-discrimination. The values of Olympism – such as respect, fair play, and equality – are enshrined in its Preamble and inform the Movement’s safeguarding commitments. In this respect, provisions such as Rule 1 emphasise human dignity and well-being, while Rule 3 frames the Olympic Games as a space in which participants should be protected from harm.

⁶ Ibid., 46.

⁷ S. BASTIANON, M. COLUCCI, *The IOC safeguarding Policy*, S. BASTIANON, M. COLUCCI (eds.), *Protecting the beauty of the game. Towards a safeguarding culture*, SLPC, 2025, 61.; S. BASTIANON, M. COLUCCI, *Executive Summary: Towards a culture of safeguarding: comparative insights and the road ahead*, in S. BASTIANON, M. COLUCCI, *Protecting the beauty of the game. Towards a safeguarding culture*, SLPC, 2025.

At the same time, the Charter recognises the importance of qualified safeguarding roles, such as Welfare Officers and Safeguarding Officers, and calls for clear, accessible, and confidential reporting channels at every level of the Olympic Movement. Moreover, Article 11 stresses compliance with applicable international and domestic laws and mandates cooperation with public authorities where criminal conduct is suspected.

However, the normative force of these instruments requires careful qualification. The Olympic Charter operates primarily as a form of transnational private regulation, binding on members of the Olympic Movement through contractual and institutional mechanisms rather than as enforceable public law. While it establishes important normative standards, its implementation depends largely on IFs and NOCs, which retain significant regulatory autonomy. As a result, safeguarding provisions and related principles have been applied unevenly, and in some areas – such as gender eligibility rules – have not prevented the adoption of policies that have been widely criticised on human rights grounds.⁸

Similarly, the IOC Code of Ethics reinforces the protection of dignity and non-discrimination as fundamental principles (Article 1).⁹ By linking equality and fairness with the protection of vulnerable groups – including children and young athletes – the Code frames safeguarding as an ethical obligation shared by all members of the Olympic Movement.

Building upon these foundational instruments, the IOC adopted the Framework for Safeguarding Athletes and Other Participants from Harassment and Abuse in Sport.¹⁰ This Framework supplements existing ethical guidelines with specific preventive and response measures. It applies to all accredited participants and defines various forms of abuse, including psychological and physical violence, sexual harassment, neglect, and online abuse. In this respect, safeguarding is conceptualised not merely as reactive intervention but also as proactive boundary-setting, behavioural awareness, and collective responsibility.

To facilitate implementation, the IOC has developed a comprehensive toolkit for National Olympic Committees (NOCs) and International Federations (IFs). The toolkit – developed through consultation with more than 50 organisations – addresses five core pillars:

- (i) Policies and Procedures
- (ii) Reporting Mechanisms and Confidentiality

⁸ M. KRECH, A. DUVAL, *The IOC's Great Leap Backwards on Genetic Sex Testing: A Policy in Search of Justification*, VerfBlog, 7 April 2026, available at <https://verfassungsblog.de/ioc-genetic-sex-testing>; P. ZINCK, *Legal uncertainty for DSD athletes: Reviewing DSD eligibility criteria in the Olympic Games*, available at <https://www.lawinsport.com/topics/item/do-we-wish-athletes-to-be-clones-reviewing-dsd-eligibility-criteria-in-the-olympic-games>; K. KNIGHT, A. MÜLLER, *Sex testing all women athletes is a discriminatory rights violation*, available at <https://www.hhrjournal.org/2026/04/02/sex-testing-all-women-athletes-is-a-discriminatory-rights-violation>.

⁹ Code of Ethics, available at <https://www.olympics.com/ioc/code-of-ethics>.

¹⁰ *IOC Framework for Safeguarding Athletes and Other Participants from Harassment and Abuse in Sport*, available at https://www.olympics.com/athlete365/app/uploads/2023/12/IOC-OG-and-YOG-Games-Time-Safeguarding-Framework_231122_EN.pdf.

- (iii) Dedicated Safeguarding Officers
- (iv) Education, Training, and Raising Awareness
- (v) Managing Cases and Investigations

Importantly, the toolkit rejects the misconception that harassment and abuse are confined to specific sports or regions. Research demonstrates that such risks exist across disciplines and levels of competition. In this respect, safeguarding becomes an institutional obligation rather than a discretionary ethical aspiration.

However, its impact should not be overstated. As a non-binding instrument, the toolkit does not ensure uniform adoption or effective implementation, which remains dependent on the willingness and capacity of individual NOCs and IFs. As in other regulatory contexts, even detailed frameworks and formally binding rules do not necessarily translate into consistent practice, highlighting the gap between normative guidance and actual compliance within the Olympic Movement.

4. *From Awareness to Structural Governance: The IOC Consensus Statements*

The evolution of safeguarding within the Olympic Movement is further reflected in three IOC Consensus Statements adopted in 2007,¹¹ 2016,¹² and 2024.¹³ Taken together, these statements illustrate a shift from awareness-raising to a comprehensive regulatory framework.¹⁴

The 2007 IOC Consensus Statement on Sexual Harassment and Abuse in Sport marked the first systematic attempt to address these issues within the Olympic Movement. Its primary objective was to promote athlete health and protection through preventive policies and increased awareness among those in athletes’ entourages. It provided definitional clarity and highlighted scientific evidence regarding prevalence, risk environments, and consequences. The emphasis was primarily preventive and policy-oriented, encouraging codes of conduct, education programmes, monitoring mechanisms, and parental engagement.

The 2016 update broadened both scope and conceptual framing. It replaced the narrower focus on sexual harassment with the wider concept of “*harassment and abuse (non-accidental violence)*” in sport. This shift signalled a move toward recognising violence in sport as a systemic and multifaceted phenomenon.

The Statement paid particular attention to vulnerable groups, including:

- (i) Child and adolescent athletes, whose risks are heightened by sport-specific dynamics such as the coach-athlete relationship, early specialisation, relocation, intensive training demands, and separation from family.

¹¹ IOC Consensus Statement on Sexual Harassment and Abuse in Sport, 2007.

¹² IOC Consensus Statement: Harassment and Abuse (Non-Accidental Violence) in Sport, 2016, available at <https://bjsm.bmj.com/content/50/17/1019>.

¹³ IOC Consensus Statement: Interpersonal Violence and Safeguarding in Sport, 2024, available at <https://bjsm.bmj.com/content/58/22/1322>.

¹⁴ *Ibid.*, 71.

(ii) Athletes with disabilities, who face significantly increased risks of abuse, including vulnerabilities linked to dependence on caregivers and blurred professional boundaries.

(iii) LGBTQ+ athletes, who may experience targeted discrimination and victimisation.

The 2024 Consensus Statement represents a further normative development. For the first time, the IOC explicitly defines “safeguarding” as encompassing both proactive prevention and appropriate responses to harassment and abuse, while promoting holistic athlete welfare.

The Statement adopts a socioecological model, situating interpersonal violence within broader relational, organisational, and cultural contexts.

It lists five overarching principles:

- (i) Safe sport is everyone’s responsibility.
- (ii) Safe sport must apply to all participants in the sports ecosystem.
- (iii) Safeguarding practices should reflect current scientific knowledge.
- (iv) Sport should be athlete-centred, grounded in mutual care and respect.
- (v) Global perspectives and marginalised voices must be integrated.

Importantly, the 2024 Statement explicitly rejects the perceived tension between athlete welfare and high-performance success, asserting that safe sporting environments and elite achievement are compatible.

5. *Safeguarding as a Test Case for Global Sport Governance*

Taken together, these developments illustrate the “juridification” of safeguarding: ethical commitments have been translated into formal policies, specialized organs and officers, investigative protocols, and reporting systems within International Federations and National Federations. Safeguarding now operates as a distinct regulatory field within global sport governance.

However, at the same time, the proliferation of norms has not eliminated systemic failures. Across jurisdictions, recurring patterns emerge. These policies appear as declaratory expression of good will lacking clearcut enforcement mechanisms; reporting channels are available but underutilised; investigations are initiated but constrained by conflicts of interest or institutional self-protection.

It is within this tension between visible normative architecture and underlying institutional realities that the Tree - Iceberg Model proposed in this paper is situated. The model conceptualises safeguarding as a layered governance system in which formal, fragile and fragmentary compliance structures interact and is starkly conditioned by deeply rooted cultural, organisational, and power dynamics.

In this respect, safeguarding serves as a revealing test case for the legitimacy of global sport governance and for the limits of compliance-based regulatory models. It demonstrates both the progress achieved through “juridification” and the structural challenges that continue to shape the lived experience of athletes worldwide.

6. *The “Tree-Iceberg Model”: Visible Rules and Hidden Influences in Governance*

6.1 *The Tree: The Visible Normative Architecture*

The Tree symbolizes the human rights-based dimension of safeguarding.

Safeguarding in sport is rooted in human rights. It reflects and protects fundamental rights.

All proactive measures to prevent and respond to harassment and abuse in sport apply human rights frameworks.

Athletes are competitors, champions, or professionals and above all they are human beings and worth being protected by the human rights regulations. As such, they enjoy fundamental rights. These rights do not disappear at the entrance of a stadium, a training centre, or a competition venue. They apply fully within their specific context – the sporting environment. Sport is not a legal vacuum. It is time for all the sports’ stakeholders to let the human rights regulations fill that apparent vacuum and being applied and guaranteed in practice.

Preventing abuse and neglect directly and seriously enforces the right to physical and mental integrity and the right to health. A safe sporting environment is a precondition for the effective enjoyment of these rights. When athletes are exposed to violence, coercion, humiliation, or psychological harm, what is at stake is the violation of fundamental rights, which are the foundation of the sporting discipline.

Safeguarding also embodies the prohibition of discrimination. Many abuses in sport stem from unequal power structures, gender-based violence, racism, or other forms of exclusion. Ensuring protection for all athletes is therefore an application of the principle of equality.

In this sense, safeguarding is not an optional policy tool or a matter of good governance alone. It is the concrete mechanism through which human rights become effective in sport.

This approach can be conceptualized as a “*tree structure*” (Fig. 1).

The roots represent the normative legitimacy grounded in human rights principles: dignity, equality, the child protection, non-discrimination and protection from violence. These foundational norms provide both moral authority and legal justification for safeguarding regimes.

The trunk symbolizes institutional translation. At this stage, abstract normative commitments are transformed into governance mechanisms: policies, codes of conduct, safeguarding officers, reporting channels, investigative procedures, and disciplinary systems. These elements form the regulatory infrastructure through which values are operationalized.

However, this model remains incomplete without recognising the role of those responsible for its continuous maintenance. As with any living system, the effectiveness of safeguarding does not depend solely on its structural components

but on sustained oversight and active stewardship. The “tree” requires constant care: actors who monitor compliance, enforce rules, respond to violations, and adapt mechanisms over time.

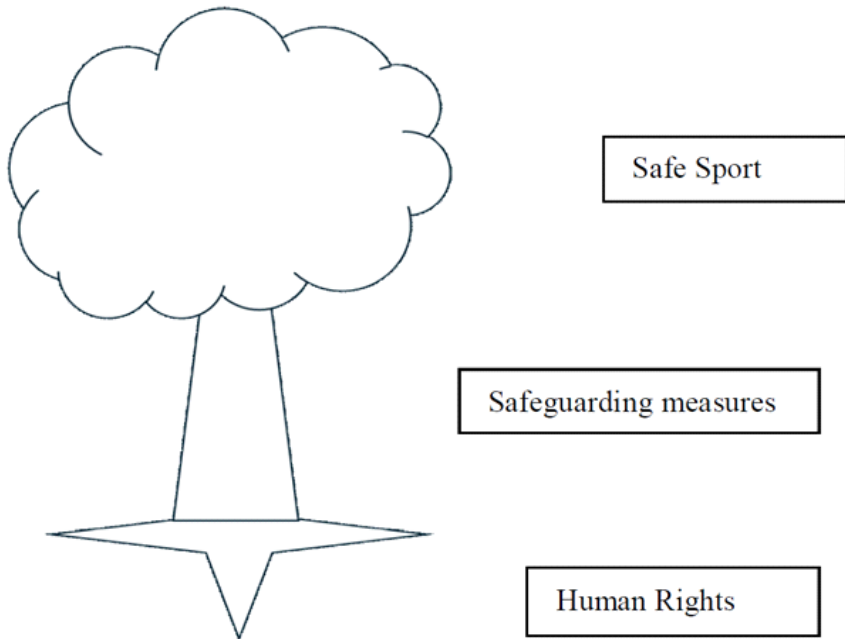
In the sporting context, this “gardening function” is performed by a range of institutional and individual actors, including safeguarding officers, disciplinary bodies, independent oversight mechanisms, and, where applicable, external regulators. Their role is to ensure that the roots remain nourished, the trunk functional, and the crown genuinely reflective of effective protection rather than mere formal compliance.

The crown represents both the visible outputs and the substantive outcomes of governance. Published safeguarding policies, disciplinary decisions, compliance audits, reporting and risk assessment mechanisms and public assurances of safe sporting environments function as observable indicators of regulatory activity and institutional legitimacy. They communicate commitment and regulatory effectiveness to stakeholders.

However, the crown represents more than symbolic manifestation. It is also the product of the effective implementation of the safeguarding mechanisms embodied in the trunk. Where policies, reporting channels, investigative procedures, and disciplinary systems operate effectively, they generate a tangible outcome: a safe sporting environment. In this sense, the crown reflects not only formal compliance but the realization of safeguarding objectives.

Thus, the flourishing of the crown depends on the strength of the trunk and the depth of the roots and the continuous activity of the “gardener”, understood as the actors and mechanisms responsible for the implementation, monitoring, and enforcement of safeguarding measures: normative principles must be effectively institutionalized to produce genuine rights protection in practice. From a regulatory perspective, the Tree represents the stage where rules are developed, written down, and built into institutional structures – but also the ultimate purpose of safeguarding: the effective protection of human rights within sport.

Fig. 1.¹⁵



¹⁵ Fig. 1 schematically illustrates the concept developed in the text and is intended as a stylized, non-exhaustive representation.

6.2 *The Iceberg: Submerged Cultural Realities and Barriers*

Beside the Tree stands an Iceberg – not as its opposite, but as a complementary perspective and a reminder that what is visible is only part of a deeper, hidden reality. While the Tree represents the formal architecture of safeguarding, the Iceberg draws attention to the social and cultural environment within which that architecture operates (Fig. 2).

The visible tip of the Iceberg – the part above the water – corresponds to what we can see and measure: published policies, disciplinary outcomes, safeguarding commitments, code of conducts, reporting and risk assessment mechanisms. These are the observable results of safeguarding efforts. Yet this visible layer represents only a small portion of the whole – only one side of the moon.

The far larger, submerged portion represents what is not immediately visible but nonetheless profoundly shapes outcomes. It is the “dark side” of safeguarding: organizational culture, informal norms, and underlying power relations. These hidden dynamics really determine whether formal mechanisms are activated, trusted, or quietly bypassed.

Elite sport is characterized by intense performance pressures, hierarchical authority, and concentrated decision-making power. Athletes frequently depend on coaches and institutions for selection, sponsorship, and career progression. Such structural dependency creates vulnerability. Informal norms may discourage reporting. Loyalty to the institution may override accountability. Concerns about reputational damage may shape investigative discretion. Concentrated power may inhibit scrutiny. Moreover, a “win-at-all-costs” culture and a frequently misunderstood interpretation of sport ethics – often framed through notions such as “no pain, no gain” – may contribute to the normalization or minimization of certain abusive behaviours, making them less likely to be recognized, reported, or addressed.

In literature similar dynamics are referred to as “organizational decoupling” – the gap between formal structures and everyday practice. Institutions may adopt safeguarding frameworks to signal alignment with human rights norms while underlying power arrangements remain intact.¹⁶

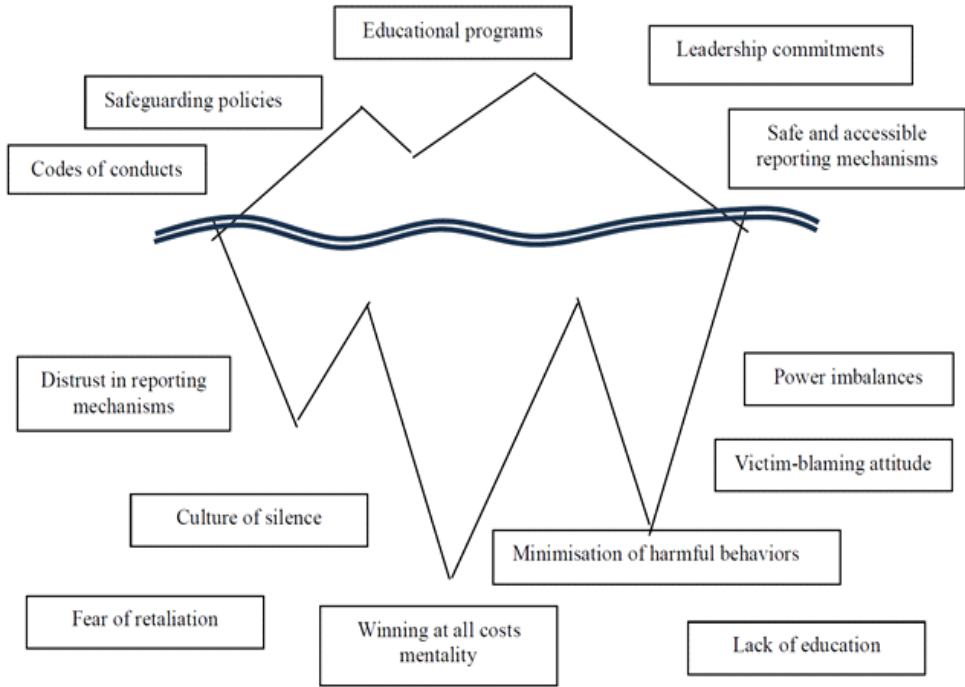
¹⁶ The notion of “organizational decoupling” derives from neo-institutional theory and describes the gap that may emerge between formally adopted governance structures and everyday practice. See J. W. MEYER, B. ROWAN, *Institutionalized Organizations: Formal Structure as Myth and Ceremony*, 83 *Am. J. Soc.* 340, 1977. Organizations often adopt formal rules and compliance frameworks to signal alignment with prevailing normative expectations - including human rights standards in order to secure legitimacy and maintain external support. *Id.* at 343–55. Other scholars distinguish between “policy-practice decoupling”, where rules exist but are weakly implemented, and “means-ends decoupling,” where compliance mechanisms are operational but fail to achieve their protective aims. See P. BROMLEY, W. W. POWELL, *From Smoke and Mirrors to Walking the Talk: Decoupling in the Contemporary World*, 6 *Acad. Mgmt. Annals*, 483, 2012. See also R. JABBOURI, Y. TRUONG, D. SCHNECKENBERG, M. PALMER, *Organizational Decoupling: A Systematic Literature Review and Directions for Future Research*, EURAM Conference 2019 Lisbon, Portugal, https://pureadmin.qub.ac.uk/ws/portalfiles/portal/166903756/euram_submission_decoupling.pdf. In the context of sports governance, this concept helps explain how international federations and

The Tre-Iceberg Model situates safeguarding failures within this interaction. Formal mechanisms may exist, yet their effectiveness depends on trust, independence, and cultural acceptance. Without alignment between visible structures and submerged incentives, safeguarding risks becoming performative rather than protective.

For safeguarding to be truly effective, it must address not only what is visible and measurable, but also what remains hidden. This requires more than procedural reform. It calls for education, sustained training, and a deliberate cultural shift. Athletes and other participants must understand that they can speak up without fear of retaliation; that their voices will be heard and taken seriously; that they will receive support and protection; and that abuse and violence are not normal, inevitable, or acceptable in sport. At the same time, perpetrators must be held accountable through credible and independent processes. Only when the submerged culture aligns with the formal structure can safeguarding move from symbolic compliance to genuine protection.

other sporting bodies may formally institutionalize safeguarding and human rights commitments while entrenched hierarchies, performance pressures, and reputational concerns limit their effective enforcement in practice. The risk of decoupling is particularly salient in light of the growing incorporation of human rights standards into sports governance, including through the UN Guiding Principles on Business and Human Rights (UNGPs), which affirm that organizations have a responsibility to respect human rights through the adoption of appropriate policies, due diligence processes, and remediation mechanisms. See *U.N. Human Rights Council, Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework*, available at <https://digitallibrary.un.org/record/720245?v=pdf>, 2011. While many international sports bodies have formally committed to these standards, scholars have noted that the translation of such commitments into effective institutional practice remains uneven. See, e.g., J.G. RUGGIE, *For the Game. For the World.: FIFA and Human Rights*, 2016, available at <https://www.hks.harvard.edu/centers/mrcbg/programs/crri/research/reports/report68>.

Fig. 2.¹⁷



¹⁷ Fig. 2 schematically illustrates the concept developed in the text and is intended as a stylized, non-exhaustive representation.

7. *From Compliance to Constitutional Maturity: Structural Limits of Safeguarding Governance*

Contemporary sport governance increasingly derives legitimacy from procedural compliance, often demonstrated through the adoption of rules, ethical codes, safeguarding officers, reporting mechanisms, and investigative protocols; safeguarding frameworks thus operate as visible evidence of responsible governance and alignment with human rights expectations. Yet legitimacy grounded in formalization alone is fragile: when institutional outcomes contradict normative commitments, compliance-based legitimacy erodes, and recurring safeguarding failures threaten not only individual organizations but the credibility of the transnational governance model itself.

The Tree-Iceberg Model helps explain this fragility by revealing how compliance-centred approaches may privilege rule proliferation over structural reform: policies multiply while power asymmetries persist, reporting systems exist but are not trusted or used, and investigations are constrained by reputational incentives, internal hierarchies, or organizational self-protection. Safeguarding governance therefore cannot be separated from power analysis, since high-performance sport is structured through hierarchical authority and dependency relationships that discourage disclosure: athletes – especially minors – may rationally refrain from reporting for fear of retaliation, exclusion, or loss of opportunity, even where formal protections exist. A further recurring weakness concerns institutional independence, because where safeguarding functions are embedded within performance chains of command, conflicts of interest arise and credibility is undermined; effective enforcement requires insulation from organizational pressures and accountability tools such as transparency, external review, and impartial adjudication.

8. *Conclusion*

The effectiveness of any safeguarding policy is inseparable from a profound cultural shift within sport. Rules, procedures, and compliance mechanisms are essential, but they are not sufficient. A transformation in the way we perceive sport and athletes is essential.

Sport cannot be a space where human rights are only partially protected or subordinated to performance, prestige, or institutional interests. Athletes must be recognized first and foremost as rights-holders, fully entitled to the same fundamental rights and protections as any other individual. This requires addressing structural imbalances of power, eliminating conflicts of interest, and ensuring that safeguarding mechanisms are entrusted to genuinely independent bodies.

Education and training are central to this transformation. Athletes, coaches, staff members, parents, directors, volunteers, and those specifically responsible for implementing safeguarding policies must all be equipped with the knowledge and awareness necessary to recognize risks, prevent harm, and respond

appropriately. Safeguarding cannot be the responsibility of a single individual or office; it is a shared responsibility. No single actor can address the complexity of abuse and misconduct alone. What is required is a coordinated, multidisciplinary approach in which legal, psychological, medical, and educational expertise converge.

At the same time Safeguarding cannot be reduced to a mere “tick-box” exercise or to the formal adoption of normative standards. Legal expertise is crucial, but on its own it is insufficient. The challenge is not only to report and respond to what is already visible. The deeper and more urgent task is to work collectively to make visible what remains hidden. The true measure of safeguarding lies in our ability to reach those victims who are still afraid to speak up, who feel isolated and unprotected, and who lack trust in existing mechanisms.

However, such a cultural transformation cannot be achieved by the sports movement alone. Historically, sport has reflected – and at times reproduced – the inequalities and discriminatory practices present in wider society, rather than acting as a consistent driver of social change. This structural limitation calls into question the capacity of sports organisations, acting in isolation, to initiate and sustain the profound transformation required.

For this reason, meaningful progress depends on the involvement of public authorities and the adoption of binding legal and policy frameworks capable of imposing minimum safeguarding standards, ensuring independent oversight, and providing effective remedies. Political commitment is essential to support, guide, and, where necessary, compel the evolution of sporting practices. Without such external legal and political backing, calls for cultural transformation risk remaining aspirational, rather than producing tangible and enforceable change.

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