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GLOBAL REPORT ON CORRUPTION IN SPORT

CORRUPTION AND ABUSE IN SPORT

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INTRODUCTION





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INTRODUCTION

Violence and abuse are pervasive global issues¹ that affect women, men, boys and girls in all sectors of society and that cut across boundaries of age, race, religion, ethnicity, disability, culture and wealth. Women² and children³ (both boys and girls) are most affected. Violence and abuse are often perpetrated by people victims know and abuse tends to flourish when there are power imbalances and a lack of accountability for perpetrators.

Sport as a microcosm of society has not been spared from this violence and abuse.⁴ The risk factors that are discussed in this section include unequal power relations between athletes and individuals in positions of authority, training environments that provide opportunities for abuse, institutional culture⁵ and the tolerance of violence in sport.

A multidisciplinary approach to tackling these issues, which incorporates all perspectives, is needed for effective safeguarding. Recognizing the importance of coordination and collaboration between the various stakeholders that use different international legal and policy frameworks to address abuse in sport efficiently, this section highlights how the United Nations Convention against Corruption can be used to tackle abuse in sport.

Corruption in sport, particularly in the form of the abuse of authority, facilitates violence, abuse and harassment. The International Olympic Committee (IOC) recognizes this link in its consensus statement on sexual harassment and abuse in sport, in which it states that “sexual harassment and abuse in sport stem from power relations and abuses of power facilitated by an organizational culture that ignores, denies, fails to prevent or even tacitly accepts such problems.”⁶

An important point to note at the outset is that not all forms of abuse are forms of corruption. However, abuse in sport can be linked to corruption when persons in positions of entrusted authority misuse such authority or their position of influence to exert power or authority over another person in order to derive private and undue benefit. In article 19 of the Convention against Corruption, Governments

¹ RESPECT women: Preventing violence against women. Geneva: World Health Organization; 2019.

² Almost one in three women worldwide experience physical and/or sexual violence by an intimate partner or sexual violence by someone else in their lifetime. For more information refer to www.who.int/news/item/26-05-2020-fifa-european-commission-and-world-health-organization-launch-safehome-campaign-to-support-those-at-risk-from-domestic-violence

³ It is also estimated that one billion children aged between two and seventeen years (or half the world's children) have experienced physical, sexual, or emotional violence or neglect in the past year. For more information refer to www.who.int/news/item/26-05-2020-fifa-european-commission-and-world-health-organization-launch-safehome-campaign-to-support-those-at-risk-from-domestic-violence.

⁴ <https://olympics.com/ioc/safe-sport>. For this report the definition of the child is any person below 18 years old taken from United Nations Convention on the Rights of the Child, 1989.

⁵ Institutional culture is defined as the shared values, beliefs, and customs that shape how individuals behave within an institution. For more information refer to Damani A Piggott, Liza Cariaga-Lo, Promoting Inclusion, Diversity, Access, and Equity Through Enhanced Institutional Culture and Climate, *The Journal of Infectious Diseases*, Volume 220, Issue Supplement 2, 15 September 2019.

⁶ Ibid.

are asked to consider establishing the abuse of functions as a criminal offence.

As highlighted in the section on applying the Convention to sport, ensuring that sport is a safe space for children and young athletes by tackling the corruption that puts them at risk and prevents them from realizing their potential are areas of increasing focus and interest for States, sports organizations and other stakeholders. This is highlighted in paragraph 10 of resolution 8/4, on safeguarding sport from corruption, adopted by the Conference of States Parties to the United Nations Convention Against Corruption, at its eighth session, in December 2019. In this paragraph, the Conference urges States parties and relevant stakeholders to address the risks to vulnerable 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.

Further to this, in the first special session of the General Assembly against corruption, a political declaration was adopted in June 2021, in which the subject of corruption and abuse in sport was addressed. It is stated in paragraph 71 of the declaration that:

We will safeguard sport from corruption by strengthening and further coordinating our efforts in an inclusive and impartial manner, including in the framework of the United Nations, and by enhancing cooperation between all relevant stakeholders, including sports organizations at all levels, relevant international and regional organizations, and relevant domestic authorities, including law enforcement authorities, as appropriate. To that end, we will raise awareness within sports organizations and the broader sports community of the value of fairness and the gravity of corruption, promote accountability and good governance within sports organizations and facilitate the exchange of expertise, the timely dissemination of information and the sharing of good practices. We will address risks to groups in vulnerable conditions, in particular children and young athletes, posed by corruption in sport, with a view to promoting fair competition, healthy lives, and principles of integrity and to creating an atmosphere of intolerance towards corruption in junior and youth sport, in accordance with domestic legal systems.

For the purposes of this section, the definition of harassment and abuse is derived from the IOC consensus statement on harassment and abuse in sport, referred to as “non-accidental violence” or “intentional violence” (see the figure below). This harassment and abuse can be expressed in five main forms, which may occur in combination or in isolation.

These forms are:

- » Psychological abuse
- » Physical abuse
- » Sexual harassment
- » Sexual abuse
- » Neglect

This section seeks to address the relationship between corruption and abuse in sport and to provide information that enables Governments and sports organizations to develop a clearer understanding and greater awareness of the issue. The section does so by providing an overview of existing anti-corruption legal instruments at the domestic and international levels and by highlighting how the provisions of the Convention can be used to address abuse in sport. It then focuses on sexual abuse in sport before offering conclusions and policy considerations.

This section draws on an extensive review of and research into abuse in sport conducted by the Fédération Internationale de Football Association (FIFA). It has also benefited from a review process involving external experts.

KEY INTERNATIONAL LEGAL AND POLICY INSTRUMENTS ADDRESSING ABUSE

Abuse may impede the protection and promotion of human rights. Multiple international legal and policy frameworks have been signed and ratified by States and serve to outline State obligations with regard to the protection of human rights across all sectors of society, including sport. Some of these instruments are listed below. In most cases, anti-corruption instruments can have a complementary role or can be applied only to specific forms of abuse.

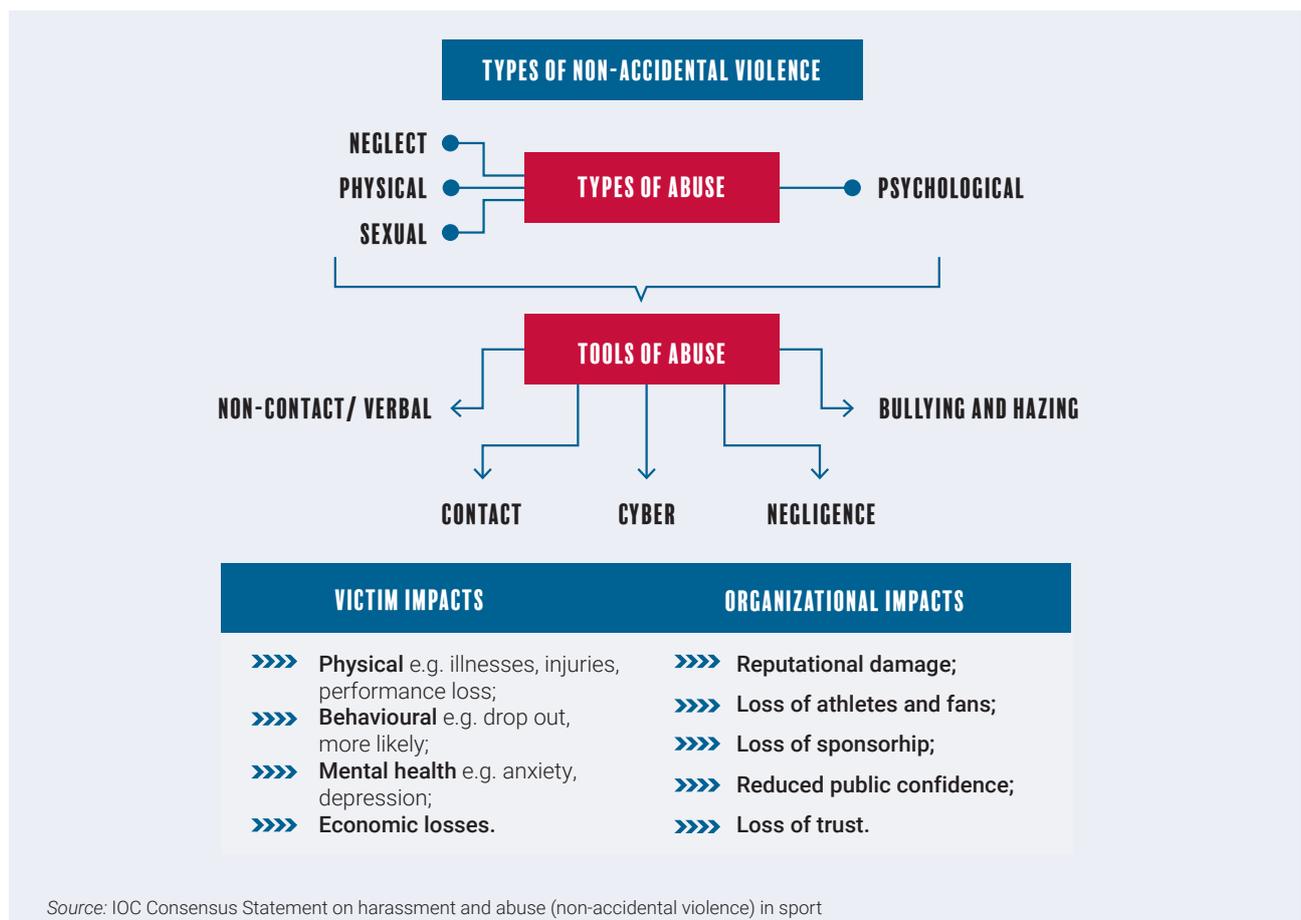
- » Universal Declaration on Human Rights, 1948
- » United Nations Convention on the Elimination of all Forms of Discrimination Against Women, 1979
- » United Nations Convention on the Rights of the Child, 1989
- » United Nations Declaration on the Elimination of Violence against Women, 1993
- » United Nations Convention on the Rights of Persons with Disabilities, 2006
- » United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 2006
- » Council of Europe Ministers of Sport Resolution No. 3/2000 on the prevention of sexual harassment and abuse of women, young people and children in sport
- » Council of Europe Enlarged Partial Agreement on Sport Guidelines on sport integrity (Action 3 of the Kazan Action Plan)
- » Sustainable Development Goals
- » United Nations standards and norms related to justice for children

1. >>>>

OVERVIEW OF ABUSE IN SPORT

Violence and abuse can be based on any grounds, including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age, disability, socioeconomic status and athletic ability. Violence and abuse can include a one-off incident or a series of incidents, in person or online. While the definition of non-accidental

violence or intentional violence in the IOC consensus statement is extensive and widely accepted in the sports sector, there are other internationally acknowledged definitions of violence from the World Health Organization (WHO)⁷ and the United Nations Convention on the Rights of the Child.



⁷ WHO defines violence as "the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation." For more information refer to www.who.int/violenceprevention/approach/definition/en/.

All ages and types of athletes are susceptible to abuse and psychological abuse is at the core of all other forms of abuse.⁸ At the highest risk to abuse are athletes who are disabled, minors and performing at an elite level as well as those that are targeted because of their sexual orientation and gender identity.⁹

Reports¹⁰ have highlighted that children, who are particularly vulnerable, may be most at risk in the very spaces where they should be safe, enabled and empowered. For children and young people, sport provides the opportunity to travel, often away from home and normal family life, which makes them highly dependent on adults and their team in terms of care and professional development and success. A 2018 report¹¹ on the sale and sexual exploitation of children in sport indicates that many children, the world over, are unprotected in their sporting activities and that abuse happens when adults have access to them in private spaces. For sexual abuse, children are most at risk when in changing rooms, on a field of play, when travelling to competitions away from home, in the home or the transport vehicle of figures of authority and at relevant social events. However, emotional abuse and bullying is often peer led and certainly not restricted to these locations.

Regarding adults at risk, there have been numerous cases in which women in sport have been subjected to gender-based violence by figures in authority¹² (see the section on gender and corruption in sport for an in-depth examination of this topic). The sports sector is particularly vulnerable to sexual harassment and the abuse of women because of the nature of relationships and power-imbalances between female athletes and their coaches, doctors and other actors, who are predominately male.¹³

The resolution on intensification of efforts to prevent and eliminate all forms of violence against women and girls: sexual harassment, adopted by the General Assembly on 17 December 2018, states:

Recognizing that women and girls are frequently subjected to violence, including sexual harassment, at work and that women and girls face increased risks of violence, including sexual harassment, in particular contexts, such as when working alone, when working in male-dominated workplaces, when working outside the normal working hours or when working in the same place where they live, bearing in mind the large number of women and girls worldwide who have reported being victims of sexual harassment in their workplace, and concerned that, owing to underreporting, the actual number may be much greater.

For all sportspeople, the consequences of abuse are often devastating and long lasting,¹⁴ including in relation to the loss of self-esteem, poor academic performance, distorted body image, eating disorders, depression, anxiety, substance use disorders and self-harm.¹⁵ The consequences of violence for children in comparison with adults is much worse as violence against children has a lifelong impact on the health and well-being of children, families and communities. According to WHO, violence against children can result in death, lead to severe injuries, impair brain and nervous system development, result in negative coping and health-risk behaviours, lead to unintended pregnancies, contribute to a wide range of non-communicable diseases and adversely affect opportunities and future generations.¹⁶

⁸ Ibid.

⁹ Ibid.

¹⁰ Andrea Darling, Laura Pope, Jamie-Lee Mooney, Sophia King, and Grace Ablett, *Truth Project Thematic Report, Child sexual abuse in sports*, Independent Inquiry Child Sexual Abuse, 2020. Australian Royal Commission into Institutional Responses to Child Sexual Abuse, 2016. Celia Brackenridge, Kari Fasting, Sandra Kirby, and Trisha Leahy. T. *Protecting Children from Violence in Sport: A Review with a Focus on Industrialized Countries*. Florence: UNICEF Innocenti Research Centre 2010.

¹¹ Playing It Safe: www.ohchr.org/Documents/Press/Playing%20it%20Safe_SR_Report.pdf.

¹² Susanne Johansson, Göran Kenttä, and Mark B. Andersen, "Desires and taboos: Sexual relationships between coaches and athletes", *International Journal of Sports Science & Coaching*, vol. 11, No.4 (June 2016), pp.589-598.

¹³ Ibid.

¹⁴ Ian R. Tofler, and Eric D. Morse, "The Interface Between Sport Psychiatry and Sports Medicine", *Clinics in Sports Medicine*, vol. 24, No.4 (June 2005); Michael J. Hartill, *Sexual Abuse in Youth Sport* (London, Routledge, 2016).

¹⁵ Misia Gervis and Nicola Dunn, "The emotional abuse of elite child athletes by their coaches", *Child Abuse Review*, vol.13, No.3 (May/June 2004), pp.215-223. See also, IOC, 2019.

¹⁶ For more information, refer to www.who.int/news-room/fact-sheets/detail/violence-against-children.

1.1 SCALE OF ABUSE IN SPORT

Although there is a lack of aggregated data, anecdotal evidence from thousands of cases around the world has come to light in recent years,¹⁷ showing that the incidence of abuse in sport is alarming and that this issue needs to be urgently addressed by sports organizations and Governments.

As the IOC consensus statement on harassment and abuse (non-accidental violence) in sport highlights, abuse in sport takes various forms and is multifaceted, and includes sexual harassment, neglect, physical harm, psychological abuse and sexual abuse. Examples also exist of cases involving racist abuse (see an example from the United Kingdom of Great Britain and Northern Ireland below). Emotional and psychological abuse and neglect are more commonly reported by athletes.¹⁸

This section provides examples of relevant cases to give an overview of the scale and scope of abuse in sport¹⁹ around the world. It is also important to note that there appears to be extremely limited systematic and comprehensive monitoring or recording of cases at the national or international levels, which makes it difficult to get a clear understanding or overview of the scale of abuse in sport.

AFGHANISTAN

Following “severe mental, physical, sexual and equal rights-abuse of female players” by the former president of the Afghanistan Football Association,²⁰ the Court of Arbitration for Sport affirmed the decision of the FIFA Ethics Committee to ban the former president for life from all football activities. The panel in charge of the matter underlined that, unlike bribery and competition manipulation that damages the integrity of the sport, the offences committed by the former president violated basic human rights and damaged the mental and physical dignity and integrity of young female players, and that “with his appalling acts, he had destroyed not only their careers, but severely damaged their lives.”²¹

¹⁷ See: Sheldon, C., 2021; United Nations Special Rapporteur on the sale and sexual exploitation of children, 2018; Mountjoy, M., Brackenridge, C., Arrington, M., et al, 2016; UNICEF, 2010.

¹⁸ Stirling, A. E., & Kerr, G. A. (2013). The perceived effects of elite athletes' experiences of emotional abuse in the coach-athlete relationship. *International Journal of Sport and Exercise Psychology*, 11, 87-100.

¹⁹ Kari Fasting, “Gender, Sexual Harassment and Abuse in Sport”, in Sport & Gender, G Sobiech and S. Günter, eds. (Wiesbaden, Springer VS; 2017); Brackenridge, C., Fasting, K., 2002, p. 3.

²⁰ CAS 2019/A/6388, p.3. For more information, refer to Afghanistan – United States Department of State.

²¹ FIFA Decision of the adjudicatory chamber of the Ethics Committee, 8 June 2019, p. 71.

ARGENTINA

In 2018, authorities in Argentina uncovered a paedophile ring that had been sexually exploiting dozens of boys training at lower division football clubs. In this country, it is common for children from remote areas to lodge at football academies away from their families, thus making them particularly vulnerable to abuse and exploitation.²²

CASE STUDY: ABUSE OF POWER

Young players are vulnerable to trafficking through and in football. This relates to the criminal activities of individuals, posing as football scouts or agents, who use football and the prospect of trials overseas to fraudulently extract money from the parents of eager young players. This form of exploitation of young players occurs as a result of the power dynamics and the lack of independent oversight inherent in the sporting industry but also the cultural and economic conditions beyond it.

Typically, young players from Africa and Latin America are taken to Europe, and more recently to South Asia and South-East Asia, on standard three-month visitor visas before being effectively abandoned. In cases where professional contracts materialize, these are often highly exploitative and unfavourable for players, with agents taking as much as 50 per cent of players' salaries for the duration of the contracts.

To address this issue, the Fédération Internationale de Football Association has created a regulatory framework that governs the recruitment of minor players in the football transfer system under its regulations for the status and transfer of players.

Enforcement of regulations to protect minor players has been plagued by inconsistencies and the exploitation of loopholes in legislation. Human trafficking of children in sport is a cross-cutting issue that intersects with migration and socioeconomic issues and requires cooperation between Governments and the sport industry to be effectively addressed.

²² A/HRC/40/51, General Assembly, Human Rights Council. For more information refer to pdf (undocs.org) para 76.



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CANADA

A 2019 survey²³ found that every one of the 1,001 current and former Canadian athletes that took part in the study had experienced at least one form of harm (psychological abuse, neglect or sexually or physically harmful behaviours), which had been inflicted by either a teammate or a person in a position of power.

NETHERLANDS

A Commission of Inquiry on Sexual Harassment and Abuse in Sports, established by the Netherlands national Olympic committee, concluded that four per cent of those who it had interviewed had been sexually abused or raped during their childhood. More girls than boys were affected, with young children being particularly vulnerable. Many victims identified the perpetrators as male coaches or trainers, with a higher incidence in football.²⁴

JAPAN

A study was carried out into allegations of abusive coaching techniques that include, but are not limited to, hitting children with bats and bamboo kendo sticks, slapping children across the face and holding children's heads underwater to simulate drowning.²⁵ Of the 381 respondents, 19 per cent alleged that they had been hit, punched, slapped, kicked, knocked to the ground or beaten with an object while participating in sports. These experiences occurred in at least 22 different sports and in at least 26 prefectures.²⁶

SOUTH AFRICA

In 2008, a player on the South Africa women's national football team, who was an activist for the rights of lesbian, gay, bisexual and transgender persons, was raped and murdered.²⁷

²³ Kerr, G., Willson, W., Stirling, A., 30 April 2019, p. 11. Prevalence of Maltreatment Among Current and Former National Team Athletes, University of Toronto in partnership with AthletesCAN, Microsoft Word - Prevalence of Maltreatment Report_May6_2019 (1) (1).docx (athletescan.com).

²⁴ de Vries, K. Ross-van Dorp C. and Myjer, E., 2017. Rapport van de Onderzoekscommissie seksuele intimidatie en misbruik in de sport.

²⁵ Human Rights Watch, July 2020, p. 1. Measures to eradicate harassment and abuse in Japanese sport referred to here <https://olympics.com/ioc/news/ioc-and-joc-discuss-measures-to-eradicate-harassment-and-abuse-in-japanese-sport>.

²⁶ Ibid, p. 17.

²⁷ Eudy Simelane Memorial Lecture, Inaugural lecture on behalf of The Other Foundation and The Ujamaa Centre, University of KwaZulu-Natal by Edwin Cameron, Constitutional Court of South Africa, [www.concourt.org.za/images/phocadownload/justice_cameron/Eudy%20Simelane%20Memorial%20Lecture%20Thursday%207%20April%202016%20\(updated\).pdf](http://www.concourt.org.za/images/phocadownload/justice_cameron/Eudy%20Simelane%20Memorial%20Lecture%20Thursday%207%20April%202016%20(updated).pdf).

UNITED STATES OF AMERICA

In January 2018, a former USA Gymnastics doctor was found guilty of abusing hundreds of gymnasts, including children, since the early 1990s. He was sentenced to 175 years in prison after pleading guilty to seven counts of sexual assault of children.²⁸ In February 2018, he was sentenced to an additional 40 to 125 years in prison after pleading guilty to an additional three counts of sexual assault.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

The Government of the United Kingdom has set out plans on how to tackle online racist abuse following the social media attacks on England players after the final of the 2020 UEFA European Football Championship.²⁹ Legislation will be amended to extend the use of football banning orders to include those using the Internet to commit racial abuse.

Explanatory memorandum to the European Commission against Racism and Intolerance General Policy Recommendation No. 12

Racism and racial discrimination in sport may go beyond the individual or collective behaviour of fans or isolated cases of racist gestures and remarks made, for example, by athletes, coaches or club managers. In fact, institutional racism is also at work in the field of sport. Initiatives for combating racism in sport have often mainly concentrated on fan behaviour and in particular, on hooliganism, even if not all hooligans or members of radical fan groups are necessarily racist. Racist acts may also be perpetrated by athletes, coaches and other sport staff, as well as ordinary fans.

²⁸ Judicial Circuit Court for Eaton County, *People v. Nassar*, Case No. 17-020217-FC; Judicial Circuit; Court for Ingham County, *People v. Nassar*, Case No. 17-143-FC.

²⁹ www.gov.uk/government/news/government-sets-out-action-to-stop-online-racist-abuse-in-football.

1.2 NORMALIZATION OF CORRUPTION THAT FACILITATES ABUSE IN SPORT

Corruption facilitates abuse in sport. Indeed, systemic corruption in sport is an important underlying cause and risk factor that gives rise to the abuse of power and positions of trust. Taylor³⁰ explains that a culture normalizes corruption through three processes:

- » **Institutionalization:** the embedding of corrupt practices in organizational structures and processes
- » **Rationalization:** self-serving ideologies that justify corrupt practices
- » **Socialization:** systems and norms that tolerate or permit corruption

INSTITUTIONALIZATION

The perpetration of abuse in sport exists because of silence, complacency and continued abuse of power and positions of trust, with perpetrators feeling that they can act with impunity.

An institutional culture of corruption is brought about by a multiplicity of factors, such as complicated leadership structures and elevated levels of autonomy and discretion, with a lack of transparency, accountability and ethics. Therefore, an institutional culture of corruption is both an outcome and a facilitator of corruption.³¹

IOC consensus statement on harassment and abuse (non-accidental violence) in sport

Sexual harassment and abuse in sport stem from abuses of power relations facilitated by an organizational culture that ignores, denies, fails to prevent, or even tacitly accepts such problems. They may thus be considered as symptoms of failed leadership.

The autonomy of sport provides a right of self-governance and independence from political interference in the governance of sport.³² However, if this autonomy is abused, this can lead to instances where there is an absence of adequate prevention and detection mechanisms, a lack of transparency and an absence of cooperation between sports

³⁰ Taylor, Alison (2016). *What Do Corrupt Firms Have in Common? Red Flags of Corruption in Organizational Culture*. Center for the Advancement of Public Integrity, Columbia Law School.

³¹ For more information refer to <https://rm.coe.int/autonomy-of-sport-in-europe/168073499f>.

³² For more information refer to <https://rm.coe.int/autonomy-of-sport-in-europe/168073499f>.

organizations and law enforcement authorities. Problems with the autonomous sports system include that the sports themselves seek to control and even cover up cases of abuse because of the fear of devastating reputational, staffing and financial consequences, placing them in a situation of conflict of interest.

Another key risk factor is the fact that sports organizations often lack the capacity to detect and investigate reports of abuse (see the section on detecting and reporting corruption in sport). This problem is exacerbated when a victim or a reporting person fears retaliation or when a sport organization itself also bears responsibility for the abuse.

Therefore, it is important for sport institutions to create mechanisms that protect victims and reporting persons from retaliation, intimidation or other negative consequences, and that are both child and gender sensitive. It is important to acknowledge that children differ from adults in their physical, mental and psychological developmental needs and vulnerabilities. Therefore, mechanisms to tackle abuse in sport need to make the distinction between children and adults, in line with international law, including the United Nations Convention on the Rights of the Child and the United Nations standards and norms related to justice for children, in particular to those related to child victims and witnesses of crime.

RATIONALIZATION

In sport, as elsewhere, individuals can engage in rationalization strategies to justify their unethical behaviour. For the purposes of this section, the following three common rationalizations and their relevance to the sports sector are elaborated upon: “Everyone else is doing it”, “It’s not my responsibility” and “The end justifies the means”.³³

This rationalization can manifest itself in different situations, including:

- » When unethical behaviour is normalized across a group (e.g. fellow coaches and teammates) within a sports organization that helps justify corrupt and abusive conduct, and where there is no sanction for engaging in the behaviour

³³ Drawn from the E4J University Module Series: Anti-Corruption, For more information refer to www.unodc.org/e4j/en/anti-corruption/module-5/key-issues/causes-of-private-sector-corruption.html.

- » By denying responsibility for an action, individuals can rationalize engagement in corruption as being beyond their control. Examples include when an individual will claim that they were unaware that an act constituted abuse or corruption; that the act was done for the benefit of the organization; or that they were powerless to stop the abuse or corruption³⁴

- » Corruption in the form of abuse of authority in sport can be perceived as generating positive collective effects. This form of abuse can be rationalized as being carried out in an athlete’s best interests. An example is the use of physical violence in sport being justified as an effective coaching technique that generates positive sporting results and helps in the development of the personal character of those engaged in sport³⁵

SOCIALIZATION

Different actors within sports organizations can be socialized into systems and norms that tolerate or permit abuse of authority. For example, peer pressure can socialize athletes into abuse. As stated by the IOC consensus statement on harassment and abuse in sport: “Power imbalances may also lead to intense selection rivalries among peer athletes, which can result in both prosocial and antisocial behaviours.”

The culture of obedience and deference to authority in sport can lead to an environment in which there is a high tolerance for violence. Indeed, the authority structure of many sports clubs parallels that found in traditional patriarchal families in which the authority figure exerts influence over the other family members.³⁶

³⁴ Alliance for Integrity (2016). No eXcuses! Countering the 10 Most Common Excuses for Corrupt Behaviour: A Pocket Guide for Business Practitioners.

³⁵ www.hrw.org/report/2020/07/20/i-was-hit-so-many-times-i-cant-count/abuse-child-athletes-japan.

³⁶ Abuse in Sport - A Selection of Writings by Celia Brackenridge For the Brunel International Network for Athlete Welfare (BIRNAW) 2017. Exposing the ‘Olympic family’: a review of progress towards understanding risk factors for sexual victimisation in sport’, paper to a conference Victimisation of Children and Youth: An International Research Conference, Family Research Laboratory and Crimes Against Children Research Centre, University of New Hampshire, United States, 25-28 Jun, 2000.

1.3 PREVENTING ABUSE IN SPORT

While criminalization and prosecution are essential to ensuring justice in cases of abuse in sport, even more important is the need to prevent abuse from occurring in the first place.

Under article 19 of the United Nations Convention on the Rights of the Child, there is the obligation to adopt protective measures to provide support to child victims, with regard to other forms of prevention and to measures relating to identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment.

The Convention against Corruption calls on countries to promote actively the involvement of non-governmental and community-based organizations, as well as other elements of civil society, in prevention efforts. As such, addressing corruption in sport cannot be effective without the involvement of sports organizations, athletes, coaches, officials, related stakeholders and the public, including fans and observers.

EXAMPLE OF A RELEVANT INITIATIVE: THE INTERNATIONAL CENTRE ETHICS IN SPORT

The International Centre Ethics in Sport in Belgium is recognized by the Flemish Ministry of Sport and has the following main objectives:

- » To act as a knowledge centre in the field of sports ethics
- » To monitor and evaluate existing practices
- » To translate information, expertise and knowledge into relevant new practices for sports organizations
- » To support the Flemish Government with regard to sports ethics

Systemic cultural change may be required in certain jurisdictions to eradicate abusive behaviour that has become normalized, to identify and sanction perpetrators and to build the capacity for sport to remain a safe sport for its participants. Prevention is linked with well-governed sports organizations that recognize their duty of care. Through understanding and knowledge, denial may be overcome, reporting of abuse will occur and steps will be taken to address cultural issues and concerns, acknowledge responsibility and develop the support required to move forward.



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FIFA Guardians toolkit and FIFA Guardians Safeguarding in Sport Diploma

The FIFA Guardians toolkit is a practical handbook for the organization's 211 member associations (national football federations) on the steps needed to develop and implement policies and procedures to prevent and address harm and to ensure the well-being of everyone in football, especially children.

The toolkit provides guidance, samples and templates to develop and implement safeguarding and child protection measures in football, in line with their national legal and sociocultural context. This includes guidance on how to deal with concerns or allegations of child abuse; guidance on safe recruiting and screening procedures; sample codes of conduct for staff, parents and children; guidance on how to conduct safeguarding risk assessments; guidance on supervision of children in sport; guidance on planning and organizing tournaments, overnight stays and away trips; a sample missing child policy; guidance on celebration and communication arrangements; guidance on the safe use of changing rooms and shower facilities; guidance on how to recognize and respond to abuse; guidance on standards of expected behaviour; and guidance on monitoring and evaluating organizational safeguarding efforts.

The FIFA Guardians Safeguarding in Sport Diploma launched together with the Open University aims to further raise safeguarding standards and to professionalise the role of safeguarding officers across the 211 FIFA member associations. The Diploma, a two-year open learning programme, consists of five online courses, together with a series of tutor led webinars, assignments and a residential workshop. Course one – FIFA Guardians Safeguarding Essentials – provides basic guidance on safeguarding and is intended for everyone working in football.

2. >>>>

APPLYING THE UNITED NATIONS CONVENTION AGAINST CORRUPTION TO ABUSE IN SPORT

While articles of the Convention against Corruption relevant to tackling abuse in sport are highlighted, it is important to note that the list is not exhaustive. The key articles outlined below relate to abuse of functions, bribery, protection of reporting persons, witnesses, experts and victims, and cooperation. It is also important to underline that while the majority of the articles of the Convention are addressed to public officials, they can be a useful basis for sports organizations and related stakeholders to consider how to develop and implement policies and mechanisms that can help prevent, detect and investigate abuse in sport, and how to foster cooperation with regard to achieving these goals.

2.1 ABUSE OF FUNCTIONS IN SPORT

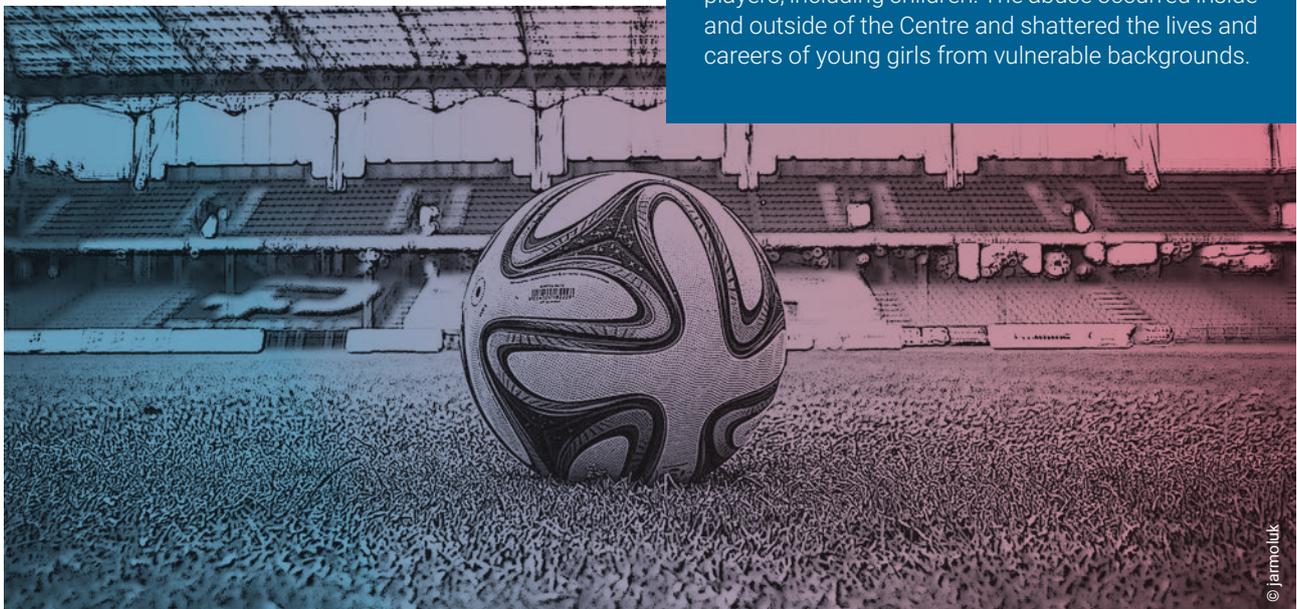
Abuse of functions, also referred to as abuse of position, office and authority in sport, is a multifaceted and complex issue. Abuse in sport exists because of silence, complacency and the continued abuse of power and positions of trust, with perpetrators feeling that they can act with impunity.

In the Convention against Corruption, article 19 on abuse of functions states that: "Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the abuse of functions or position, that is, the performance of or failure to perform an act, in violation of laws, by a public official in the 19 discharge of his or her functions, for the purpose of obtaining an undue advantage for himself or herself or for another person or entity."

Addressing abuse of authority in sport involving acts of a sexual nature under anti-corruption legislation has the advantage that this legislation has a lower threshold for proving coercion than required under gender-based violence laws or sexual harassment laws.³⁷ Prosecuting corruption cases involving sexual favours under gender-based violence laws faces many challenges relating to satisfying the high criminal standard of proof and providing sufficient evidence, exacerbated by factors that include re-victimization and gender bias in the judiciary.³⁸

Typically, in cases involving gender-based violence, the applicable standard is often presented as having no doubt at all, and therefore, it is almost impossible to secure a successful prosecution. However, under anti-corruption legislation, the mere solicitation or suggestion of sex as a currency of bribery could be understood as meeting the threshold required to constitute abuse of authority under anti-corruption legislation, bypassing, for example, the issue of consent that makes it difficult to prosecute cases of sexual harassment.³⁹

These challenges with regard to prosecuting sexual offences highlight the urgent need to develop legislation to effectively tackle abuse in sport. Furthermore, by its very nature, corruption-related legislation does not take into consideration the safeguards and rights of child victims.



RELEVANT EXAMPLE: HAITI

In 2020, the FIFA Ethics Committee banned the former president of the Haitian Football Association from all football activities for life for his involvement in the sexual abuse of 34 female players.⁴⁰ The abuse took place at the Centre Technique National in Croix-des-Bouquets, which was established to train and prepare future generations of Haitian footballers.

The former president systematically harassed and sexually abused a number of players, including minors, with behaviour ranging from inappropriate gifts and touching to assault and rape. The situation was part of a scheme that lasted for years, as a result of a system of omertà maintained with the help of various accomplices (such as facilitators, but also other abusers), involving threats and coercion and promises of benefits. Only the bravery of (some of) the victims and witnesses, who decided to step forward and testify, allowed this tragedy to be discovered and prosecuted.

It was determined that the former president abused his position as the most senior official in Haitian football and created a complex and extremely harmful system of sexual abuse and exploitation of female players, including children. The abuse occurred inside and outside of the Centre and shattered the lives and careers of young girls from vulnerable backgrounds.

³⁷ United Nations Office on Drugs and Crime, *The Time is Now*.

³⁸ www.unodc.org/documents/ji/knowledge_products/Gender_2020.pdf.

³⁹ *Ibid.*

⁴⁰ FIFA, Decision of the adjudicatory chamber of the Ethics Committee, 18 November 2020. Adj. ref. no. 3/2020.

2.2 BRIBERY AND ABUSE IN SPORT

Under various bribery laws, a broad definition of the concept of an undue advantage may be used covering both material and non-material gains. While the definition of the term undue advantage is not explicitly provided for in the Convention against Corruption, the term can be applied as broadly as possible and to cover instances involving intangible, non-material or non-pecuniary benefits (such as honorary positions and titles, preferential treatment or sexual favours), as far as they create or may create a sense of obligation on the side of the recipient towards the giver.⁴¹

In the Convention, relevant articles on bribery include:

- » Article 15 on bribery of national public officials
- » Article 16 on bribery of foreign public officials and officials of public international organizations
- » Article 21 on bribery in the private sector

Research by the International Association of Women Judges (IAWJ) has revealed an important weakness in using corruption laws in cases where sexual favours is the currency of bribe: most corruption laws tend to criminalize both the offer and the provision of a bribe, therefore potentially criminalizing a person who is a victim.⁴² This highlights the need for the critical engagement of all stakeholders with the goal of creating legislation that addresses cases that involve corruption and sexual abuse that protects and does not criminalize victims.⁴³

A particular challenge in the application of the bribery provisions under the Convention is the fact that international sports organizations are not classified as public international organizations, as called for in article 16. Furthermore, athletes and officials are rarely considered as public officials as called for in article 15. However, the provisions of bribery in the private sector, as provided for in article 21, have a wider applicability. These issues are also discussed in the section on applying the Convention to sport in this report.

⁴¹ United Nations Office on Drugs and Crime, *State of Implementation of the United Nations Convention against Corruption: Criminalization, Law Enforcement and International Cooperation* (Vienna, 2017).

⁴² International Association of Women Judges, *Stopping the Abuse of Power through Sexual Exploitation: Naming, shaming and ending sextortion*.

⁴³ United Nations Office on Drugs and Crime, *The Time is Now - Addressing the Gender Dimensions of Corruption* (Vienna, 2020).



2.3 PROTECTION OF REPORTING PERSONS, WITNESSES, EXPERTS AND VICTIMS

Organizations that operate reporting mechanisms bear the responsibility for ensuring that the identity of reporting persons, alleged wrongdoers and other people named in reports are kept confidential. According to research carried out by the United Nations Office on Drugs and Crime and IOC, several jurisdictions have legislation that provides for the protection of reporting persons; however, most of the protection is offered after the event. The reporting person can only use the legislation to seek redress in court, or in an appropriate forum, after they have experienced retaliation. Furthermore, there is limited conformity among jurisdictions regarding the protection of witnesses, reporting persons and cooperating offenders in the context of criminal law,⁴⁶ and reporting persons in sport may find that the legislation does not apply to them or their specific circumstances. For example:

⁴⁴ The High Court of the Republic of Singapore, *Ding Si Yang v Public Prosecutor and another appeal*, Judgement, 16 January 2015.

⁴⁵ *Ibid.*

⁴⁶ United Nations Office on Drugs and Crime and International Olympic Committee, *Criminalization Approaches to Combat Match-Fixing and Illegal/Irregular Betting: A Global Perspective* (2013); and United Nations Office on Drugs and Crime and International Olympic Committee, *Model Criminal Law Provisions for the Prosecution of Competition Manipulation* (2016).

- » In some jurisdictions, anti-corruption legislation on protecting reporting persons only covers employment relationships, which may not cover agents and intermediaries in the sports sector
- » In some jurisdictions, the protection offered through anti-corruption legislation is restricted to misconduct by government officials, which means the scope of the law is too limited to effectively protect reporting persons in sport

In the Convention against Corruption, relevant articles include:

- » Article 32 on protection of witnesses, experts and victims
- » Article 33 on protection of reporting persons
- » Article 37 on cooperation with law enforcement authorities

RELEVANT EXAMPLE: NEW ZEALAND

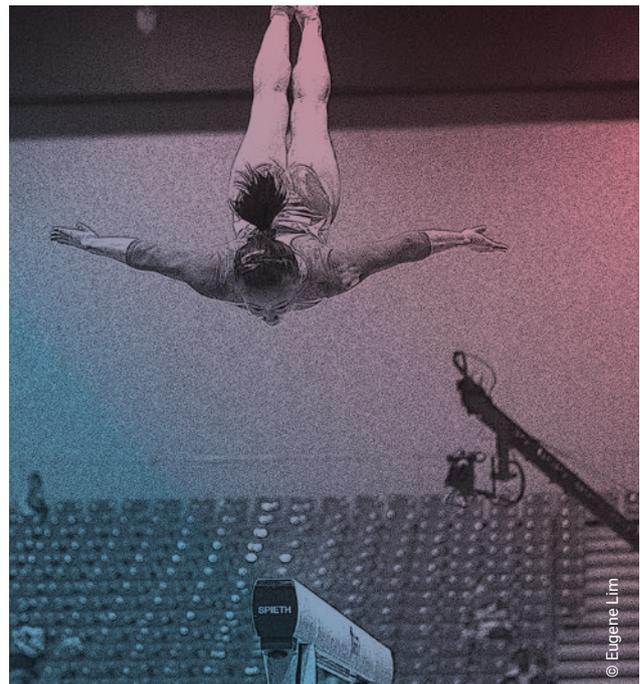
In February 2021, following allegations of psychological and physical abuse, an independent review by Gymnastics New Zealand found that complaints relating to abuse were not advanced to the appropriate authorities for investigation because the complainants either feared retribution or feared the process as damaging to the well-being of a child.⁴⁷ Providing victims, responsible guardians, reporting persons and witnesses the opportunity to report abuse is a necessary step for sport to fulfil its responsibility to keep sport a space free from abuse and to address cases when they arise. Therefore, protection of reporting persons from various forms of retaliation that serve as barriers to reporting is key to facilitating the disclosure of abuse in sport. The Convention against Corruption has relevant provisions relating to the protection of the various categories of reporting persons.

⁴⁷ Howman, D., Nicol, L., Vickery, R., February 2021, p. 26. 'Independent Review of New Zealand Gymnastics', Gymnastics-New-Zealand-Independent-Report-10-February-2021.pdf (gymnasticsnz.com).

2.4 COOPERATION TO TACKLE ABUSE IN SPORT

The significance of the development of cooperation between Governments on the protection of athletes is noted in the IOC safeguarding sport toolkit.⁴⁸ The lack of coordination and collaboration between stakeholders globally risks hampering the ability to address abuse in sport holistically and efficiently.

One of the objectives of the Convention against Corruption is to promote, facilitate and support international cooperation in the fight against corruption. Successful domestic and international cooperation is required for investigating complaints, the gathering of evidence, the implementation of provisional measures and the eventual prosecution and sanctioning of offenders in abuse and corruption cases.



⁴⁸ International Olympic Committee, *Safeguarding athletes from harassment and abuse in sport: IOC Toolkit for IFs and NOCs* (Lausanne, 2017).

Relevant articles include:

- » Article 38 on cooperation between national authorities
- » Article 39 on cooperation between national authorities and the private sector
- » Article 43 on international cooperation
- » Article 48 on law enforcement cooperation
- » Article 61 on collection, exchange and analysis of information on corruption

At the domestic level, cooperative efforts can be established by laws, regulations and inter-ministerial and inter-agency agreements and practices. Furthermore, at the national level, it is important that sports organizations and law enforcement authorities look to cooperate⁴⁹ in cases involving abuse and conduct investigations using a survivor-centred approach.

International cooperation would help ensure sure that offenders do not benefit from legal loopholes in one jurisdiction and take shelter in another or get jobs in other sports or countries. As a result of cases of sexual abuse in the humanitarian sector, several projects have recently been established to address the issue of abusers moving within the sector and across organizations and jurisdictions. In several countries, the disclosure of criminal records is mandatory when applying for jobs that involve working with children. However, this is often limited to the national context and not always possible when an individual from country A applies for a job in country B.

Due-diligence screening within sport currently appears to take place on a case-by-case basis, conducted by individual sports organizations often working with private sector due diligence companies to conduct the background checks. Notable challenges in any screening or vetting process include meeting privacy and data protection obligations that differ across jurisdictions and difficulties related to obtaining criminal information, which in many jurisdictions is impossible or due to corruption, inaccurate.

Furthermore, article 13 of the Convention promotes multi-stakeholder cooperation, thereby encouraging cooperation and partnerships between sports organizations, State authorities and civil society to tackle abuse in sport. These enable the development of adequate and efficient infrastructure in contexts where time is of the essence. For example, abuse and corruption cases could be dealt with effectively not only outside sporting competitions but also during major sporting events should the need arise.

⁴⁹ Recognizing the ongoing work of sports organizations such as the IOC and FIFA safeguarding programmes.

RELEVANT EXAMPLE: PORTUGAL

In 2015, a registration system for individuals convicted of offences against the sexual self-determination and sexual freedom of minors was created in Portugal.

The Directorate-General of Justice Administration is responsible for registering cases on the system, which can only be accessed by judges and prosecutors for the purpose of criminal investigation, instruction of criminal proceedings, execution of sentences and decisions on adoption, guardianship, custody or the regulation of parental responsibilities, and by law enforcement authorities, the Directorate-General for Probation and Prisons Administration and the head of the Commission for Protection of Children and Young People at Risk.

The details of what should be included in this system are determined by law. The law does not explicitly provide for information on whether the crime was committed in the context of sport, although it is possible to extract this information from the judicial decision of conviction, which is attached to the registration system.⁵⁰



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⁵⁰ Law 103/2015, of 24 August.



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3. >>>>

FOCUS ON CORRUPTION AND SEXUAL ABUSE

The abuse of power to obtain sexual benefit is a global phenomenon and it occurs at all levels and in all sectors of society. Examples are wide ranging in their scope, from the trading of sex for access to public services (including health services)⁵¹ and government officials granting immigration permits in exchange for sexual favours, to teachers and lecturers in educational institutions trading grades for sex and sexual harassment in the workplace. Requests for sexual favours may be a recurrent practice, but because of the highly sensitive nature of the subject, collecting reliable and representative data on this phenomenon continues to be a major challenge.



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It is important to note that the link between abuse and corruption necessitates a quid pro quo exchange which results in the emphasis on sexual abuse, although the section acknowledges that abuse goes beyond sexual abuse and encompasses psychological, physical and emotional abuse. There is limited information on the link between abuse and corruption in sport, but in sectors such as immigration and education⁵² the relationship between abuse and corruption has been identified.

⁵¹ <https://africa.harvard.edu/news/sexual-extortion-%E2%80%9Csilent%E2%80%9D-corruption-across-sub-saharan-africa>.

⁵² For more information see U4 Expert Answer, *Gender, Corruption, and Education* (2009).

Anti-corruption legislation has traditionally focused on monetary aspects of corruption. However, this approach may have not given full consideration to non-financial bribes, such as sexual favours. To address this issue, in 2008, IAWJ coined the term “sextortion” to define:

The abuse of power to obtain a sexual benefit or advantage. Sextortion is a form of corruption in which sex, rather than money, is the currency of the bribe. It is not limited to certain countries or sectors, but can be found wherever those entrusted with power lack integrity and try to sexually exploit those who are vulnerable and dependent on their power.⁵³

3.1 CHARACTERISTICS OF CORRUPTION LINKED TO SEXUAL ABUSE

Sexual abuse is centred on the abuse of authority, where persons in positions of power use this superiority and influence to obtain benefits of a sexual nature. The sexual benefit can be understood as:

Sexual intercourse or even physical touching, but could be any form of unwanted sexual activity, such as exposing private body parts, posing for sexual photographs, participating in phone sex, or submitting to inappropriate touching.⁵⁴

The characteristics of corruption involving abuse include:

- » **Abuse of authority:** persons in positions of entrusted authority who use their authority to derive private benefit
- » **Quid pro quo:** persons in positions of authority who implicitly or explicitly receive/or request an act of a sexual nature in exchange for a benefit they are empowered to withhold or confer

The following example highlights sanctioning abuse of authority for sexual benefit which can be instructive when considering the same act in a sport context:

⁵³ The word sextortion has some ambiguities - under the laws of some federal states in the United States of America such as Pennsylvania, where sexual extortion—shortened to sextortion—refers to a situation where someone forces another individual to send them sexual images under the threat of exposing private or sensitive information. Sextortion is also used differently by the National Crime Agency of the United Kingdom of Great Britain and Northern Ireland, as a form of webcam blackmail, where criminals befriend victims online by using a fake identity and persuade them to perform sexual acts in front of their webcams. International Association of Women Judges, Stopping the Abuse of Power through Sexual Exploitation: Naming, shaming and ending sextortion (2012).

⁵⁴ International Association of Women Judges, Stopping the Abuse of Power through Sexual Exploitation: Naming, shaming and ending sextortion (2012).

NORWAY

In 2019, a regional governor in Norway was found guilty of abusing his position and exploiting three young male asylum seekers (the youngest was a 17-year-old child). The asylum seekers said they believed that their response to the governor’s demand for sex could have resulted in either their deportation or the securing of permanent residency.⁵⁵

3.2 USING ANTI-CORRUPTION FRAMEWORKS TO TACKLE SEXUAL ABUSE IN SPORT

In some jurisdictions, anti-corruption statutes have a narrow focus that requires financial exchange as an element of the corruption offence and, therefore, cannot be interpreted to cover non-financial bribes. For example, the main anti-corruption legislation in Brazil⁵⁶ requires an official to misuse their position of authority in exchange for monetary gain.

In some jurisdictions, the anti-corruption statutes use language that explicitly covers non-financial forms of corruption, such as sexual favours. For example, it is stated in the Burundi Penal Code that soliciting, accepting or forcing any kind of sexual activity by a public official to do or to abstain from doing an act in their power constitutes a bribery offence.

In some jurisdictions, the language of anti-corruption legislation can be such that it implicitly allows for interpretation that cover non-financial forms of bribery. For example, the Anti-Corruption and Economic Crimes Act in Kenya, 2003 uses the term “benefit” and the Anti-Corruption Act in Uganda, 2009 states “any form of gratification for himself” in a way that allows interpretation that includes sexual favours. However, even in circumstances where language in anti-corruption legislation is such that it allows for an interpretation that covers all non-financial forms of bribery, the interpretation has been narrow. Therefore, ensuring that anti-corruption legislation covers abuse of authority for both financial and non-financial gain would help efforts to effectively tackle abuse in sport.

In the absence of legislation directly targeting sex-related abuse of authority, law enforcement and criminal justice authorities tend to use existing legal frameworks. There are a range of laws, including gender-based violence laws, child protection laws and labour and sexual harassment laws, that tend to be limited to the workplace, and some countries such

⁵⁵ The Supreme Court confirmed the ruling (Case No. HR-2019-2111-U) of the lower court (Case No. TNHER-2018-194021-2).

⁵⁶ Criminal Code, Title XI, Chapter I, Article 312.

as the United States of America have specific “safe sport” legislation.⁵⁷ Although these different laws overlap and are all useful tools to address abuse of authority to obtain sexual favours, barriers remain to prosecuting cases under these legal frameworks because of the fact that the cases may be considered beyond the scope of the law.⁵⁸

Furthermore, there are challenges when dealing with children (e.g. regulations on bringing a child into court, safeguarding measures, evidence-based protocols for interviewing, the provision of child-friendly information, whether parents and guardians should be part of legal proceedings, etc.) that anti-corruption legislation does not address. Ensuring that anti-corruption legislation is child sensitive is an important step in ensuring that the needs of all stakeholders are catered to and addressed in tackling abuse in sport.

The following example highlights how corruption legislation can be used to sanction abuse of authority for sexual benefit which can be instructive when considering the same act in a sport context:

AUSTRALIA

In June 2009, the Corruption and Crime Commission in Australia opened an investigation into allegations that a lecturer used his position at Curtin University of Technology to pressure female students into sex in exchange for higher grades. The investigation concluded that the lecturer “engaged in serious misconduct under section 4(b) of the Corruption and Crime Commission Act 2003, in that he corruptly took advantage of his employment as a public officer to obtain a benefit for himself by seeking sexual favours from a female foreign student of his in exchange for awarding her a higher mark in her mid-term examination.”⁵⁹

⁵⁷ For more information, refer to the USA Safe Sport Act: www.congress.gov/bill/115th-congress/senate-bill/534.

⁵⁸ Ibid.

⁵⁹ Corruption and Crime Commission, Report on the Investigation of Alleged Public Sector Misconduct by Dr Nasrul Ameer Ali as a Sessional Academic Employed by Curtin University of Technology (2010).

CASE STUDY: ABUSE OF AUTHORITY AS AN AGGRAVATING FACTOR

The Fédération Internationale de Natation (FINA) adopted the “Rules on the Protection from Harassment and Abuse” in June 2021, following consultation with athletes, medical professionals and various other stakeholders within the FINA family.

In imposing sanctions in accordance with these rules, the FINA Ethics Panel shall be entitled to consider the existence of any aggravating and/or mitigating factors. Aggravating factors may include:

6.2.1 Failure to cooperate by the Covered Person with any investigation or requests for information by the Independent Protection Officer, Independent Investigation Officer and/or the FINA Ethics Panel.

6.2.2 Forbidden Conduct directed towards a minor(s) or other dependant person(s), notably, but not limited to, conduct arising from positions of power, caregiving, employment or any other form of dependant relationship.



3.3 CASE STUDY OF A NATIONAL MECHANISM TO TACKLE SEXUAL ABUSE IN SPORT

Sport safeguarding in the United Kingdom⁶⁰ is organized and delivered through a network of authorities and organizations:

- » The Government established the legal framework for safeguarding and child protection (led by the Home Office and the Department for Education).
- » The Child Protection in Sport Unit (CPSU), part of the National Society for the Prevention of Cruelty to Children, is funded by Sport England (and by Sport Northern Ireland and Sport Wales) to act as the sector's leading expert organization in child safeguarding and a trusted source of advice on these matters. The role of CPSU includes providing safeguarding support, evaluation and benchmarking for regularly funded national governing bodies, and helping national governing bodies to maintain safeguarding standards and to put in place safeguarding practices. The Standards for Safeguarding and Protecting Children in Sport are mandatory for funded sports and form part of the Governance Code for Sport in the United Kingdom.⁶¹
- » Safeguarding Adults in Sport and Activity is a project funded by Sport England, Sport Wales and UK Sport to help national governing bodies, active partnerships, regional partnerships and sport and activity organizations to develop best practice in safeguarding adults at risk.⁶²
- » Sport Resolutions UK is an independent, not-for-profit dispute resolution service for sport in the United Kingdom. They also operate the National Safeguarding Panel, which supports national governing bodies to manage complaints and concerns. The Panel is a group of safeguarding experts from various backgrounds, including legal, police, social work, offender management and sport administration.
- » Disclosure and Barring Service (DBS) checks are an important standard that employers should use when assessing whether someone is suitable for a role working with children or vulnerable adults. All coaches working regularly with children and vulnerable adults, and who are employed or attached to a recognized sports club, are eligible for DBS checks. The checks are carried out at various levels depending on whether the person is working supervised or unsupervised, and the information can only be shared with the individual's consent.



⁶⁰ In 2020, as part of the development of this report, UNODC distributed a questionnaire for the purpose of obtaining information on initiatives and practices to combat corruption in sport used by jurisdictions to support the implementation of resolution 8/4 on safeguarding sport from corruption. This case study is based on the United Kingdom's response to the questionnaire.

⁶¹ Standards for safeguarding and protecting children in sport (thecpsu.org.uk).

MANDATORY REPORTING OF CHILD ABUSE

In many jurisdictions, it is a criminal offence not to report, in good faith and on reasonable grounds, child sexual abuse or other forms of maltreatment and abuse.

In the United States of America, it is required by law, if you are a "mandatory reporter", to report cases of suspected child abuse in sport to relevant authorities.

Under sports regulations, mandatory reporting has been established as a legal duty, for example, under the Olympic Movement Code on the Prevention of the Manipulation of Competitions.

⁶² Safeguarding Adults in Sport Advice & Training – ACT (anncrafttrust.org).



CONCLUSION AND POLICY CONSIDERATIONS



CONCLUSION

Abuse in sport is a universal concern that requires different responses using a multisectorial and comprehensive approach by States and sports organizations. As part of this approach, the use of anti-corruption mechanisms and legislative frameworks should be considered to support efforts to tackle abuse in sport.

This section highlights the role that anti-corruption legislation can play as a useful basis for Governments and sports organizations and related stakeholders to address abuse in sport. The abuse of power is an act of corruption that is a key facilitator of abuse in sport and it is underreported for a variety of reasons, including the stigmatization of victims and a lack of confidential protection mechanisms for those who report abuse.

The section underlines the importance of developing and implementing policies and legislative and regulatory frameworks that facilitate the reporting of abuse cases in sport. For such policies and frameworks to be effective they must be victim-centred, prioritizing the needs of the person who has experienced harm and protecting victims, reporting persons and witnesses.

Ensuring justice in cases of abuse is crucial, as is preventing abuse from happening in the first place. Effective prevention necessitates that sport organizations, criminal justice systems and child protection authorities, at both national and international levels, are equipped with the requisite knowledge, resources and capacities.

POLICY CONSIDERATIONS

Governments can strengthen efforts to tackle the forms of corruption that constitute and lead to abuse in sport by:

- » Adhering to the United Nations Convention against Corruption, for those that have yet to do so, and effectively implementing its provisions

- » Adopting and implementing clear and comprehensive legislation that prohibits and criminalizes⁶³ all forms of violence, including violence against women and the sale and sexual exploitation of children, in all contexts, including sports
- » Promoting the adoption of child-, gender- and victim-sensitive policies and mechanisms to deal with corruption and abuse involving children
- » Ensuring the prevention, investigation, punishment and redressal of abuses committed by sports organizations, through effective policies and legislation
- » Developing and implementing legislation making it mandatory for all sports institutions to have safeguarding policies and procedures in place, in line with the Guiding Principles on Business and Human Rights, including undertaking background checks of any individual working with children in sport as a requirement to receive public funding
- » Ensuring timely and effective investigations and prosecutions of and judgements on individual perpetrators and any legal person responsible for acts of abuse in sport
- » Providing all-encompassing services for survivors, including health care, social services, victim support, protection, and legal aid, in a manner that takes a coordinated multi-sectoral approach and ensures that victims are consulted in the roll-out of such services⁶⁴
- » Supporting and engaging in data-gathering efforts (disaggregated by age and gender) on the extent of all forms of abuse in sport as part of efforts to develop evidence-based initiatives to tackle abuse in sport
- » Launching and supporting prevention initiatives that are centred on changing social norms that address risk factors that increase vulnerability of abuse in sport

⁶³ A/Res/65/228, annex, para. 14 (b).

⁶⁴ A/Res/65/228, annex, paras. 18-19.

- » Reviewing national anti-corruption legislation to ensure that it takes a child- and gender-sensitive approach, that abuse of authority includes non-financial favours and that the protection of victims is included, as well as that capacity building of officials in the criminal justice system (anti-corruption officials, prosecution and judiciary) is carried out
- » Establishing or maintaining mechanisms for reporting on corruption and for effective protection for witnesses, experts, victims and reporting persons, including in sport, from retaliation and intimidation in line with articles 32 and 33 of the Convention against Corruption

Sports organizations can strengthen efforts to tackle the forms of corruption that constitute and lead to abuse in sport by:

- » Promoting cooperation between sports organizations, law enforcement authorities, criminal justice entities and corruption prevention authorities to effectively prevent, detect and sanction abuse in sport
- » Enhancing governance, transparency and accountability mechanisms to promote integrity and to effectively tackle abuse in sport, including by creating diverse and inclusive power structures
- » Adopting a zero-tolerance policy on any form of abuse by fostering an institutional culture of integrity that moves away from protecting organizational reputation at the expense of victims and that incentivizes individuals to act ethically by establishing values and by developing codes of conduct, rules, regulations and conflict-of-interest policies for relevant members
- » Expressing their commitment to preventing and addressing abuse and violence in sports through a statement of policy that:
 - Is approved at the most senior level of the sports organization

- Is informed by relevant internal and/or external expertise
- Stipulates the organization's ethical expectations of personnel, business partners and other parties directly linked to their operations, products or services
- Is publicly available and communicated internally and externally to all personnel, business partners and other relevant parties
- Is reflected in operational policies and procedures⁶⁵
- » Establishing sufficient internal controls to assist in preventing and detecting acts of abuse in sport, ensuring that confidentiality and anonymity requirements to protect reporting persons and victims are met, and requiring periodic reporting and independent auditing of those sports organizations that receive public funds
- » Consulting with survivors to develop survivor-centred policies and protocols
- » Identifying and implementing measures to mitigate risk of abuse by integrating safeguarding standards in all aspects of the organization
- » Establishing or participating in effective operational-level grievance mechanisms for individuals and communities affected by abuse and violence in sports⁶⁶
- » Monitoring the effectiveness of their response to violence and abuse in sports, based on appropriate qualitative and quantitative indicators and drawing on feedback from internal and external sources, including affected stakeholders

⁶⁵ Guiding Principles on Business and Human Rights, Principles 15-16.

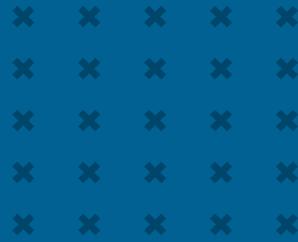
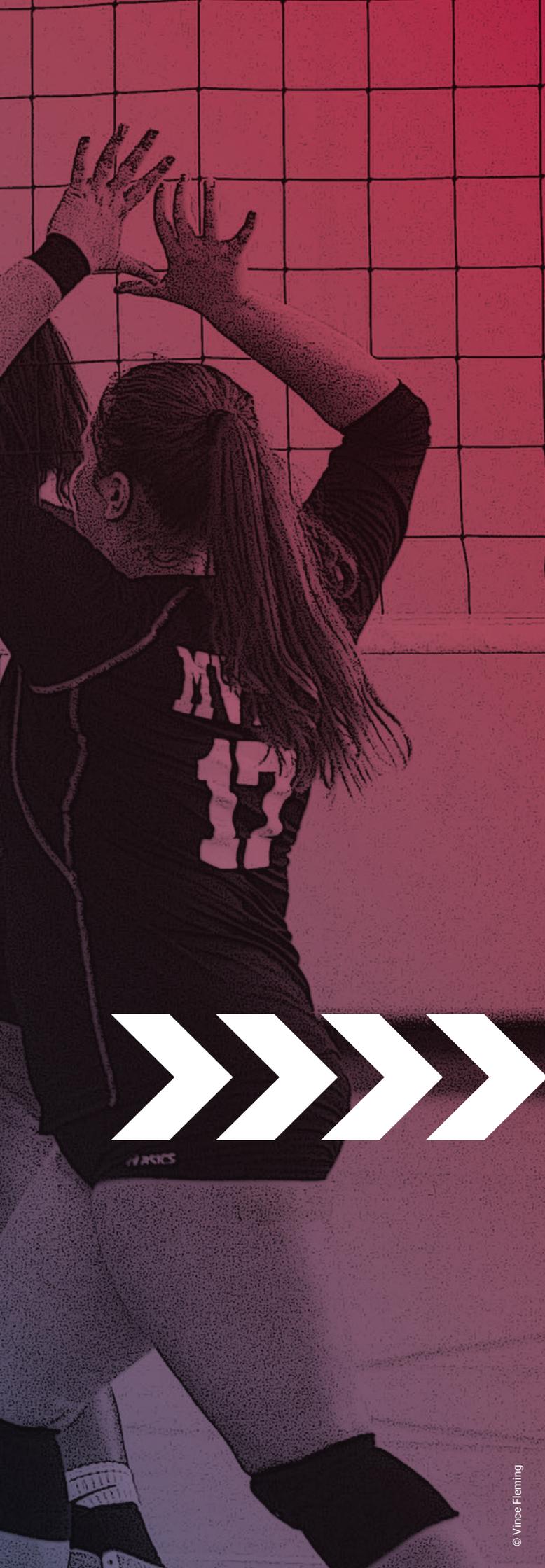
⁶⁶ Guiding Principles on Business and Human Rights, Principles 29 and 31.



UNODC

United Nations Office on Drugs and Crime





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