

16 July 2021

**Re.: Collective Feedback - FIFA Draft Report of the 'Consultation Process to Consider the Creation of an International Safe Sports Entity'**

Dear Ingrid,

As you know, the Sport & Rights Alliance (SRA) is a global coalition committed to embedding human rights, including child wellbeing and safeguarding, as well as anti-corruption standards in world sport.

We serve as a force multiplier for civil society groups and trade unions working to promote the rights of everyone affected by sport, including children, women, activists, journalists, LGBTI+ people, fans, athletes, and workers.

As independent global organizations with vast experience researching, reporting and advocating to promote the rights and wellbeing of those most affected by human rights risks associated with the delivery of sport, we are deeply concerned by harassment and abuse in sport and the lasting trauma experienced by players.

The SRA is committed to ending the widespread abuse of young athletes and we welcome FIFA's initiative to increase capacity and expertise when handling abuse in sports. Please find attached the collective response from our partners that have been consulted during this process and our overall feedback on the FIFA Draft Report of the 'Consultation Process to Consider the Creation of an International Safe Sports Entity'.

We look forward to your response to our recommendations and we remain at your disposal if you have any questions or would like to schedule an online meeting with us. We can be contacted by email at [andrea@sportandrightsalliance.org](mailto:andrea@sportandrightsalliance.org).

Sincerely,

The following partners of the Sport & Rights Alliance:

Human Rights Watch  
International Trade Union Confederation  
Transparency International Germany  
World Players Association, UNI Global Union

## Executive Summary

**Overall, we strongly support the concept of an independent and credible entity that can safely accommodate reporting, conduct impartial investigations and offer protection for victims, survivors and whistleblowers of abuse in sport.** Such an entity should also be capable of making recommendations for systemic change and governance reforms.

We would like to start by acknowledging that the *Draft Report of the 'Consultation Process to Consider the Creation of an International Safe Sports Entity'* ("Report") has many useful details about the consultation process and some positive observations to be developed by the proposed entity. For instance, we highly appreciate the recognition of the urgent need for a Victim Support Fund to provide the necessary assistance and Care Packages to victims of abuse (p14); the different reporting interfaces, recognizing that a good reporting mechanism uses different channels, systems and options for disclosure of abuse (p46); the importance of prioritising "Pillar A) protection and support" and "Pillar B) intelligence and investigations" as the major and imminent gaps victims and survivors face when seeking to report abuse (p12); and acknowledging the need to include voices of those with lived experience (p66).

However, after careful analysis, we have collectively come to the conclusion that **there are still critical gaps in the conceptualization of a global Safe Sport Entity**, making it hard to comment or endorse conclusively. We have focused our joint-response under four broad, principled recommendations, namely:

*First*, we recommend a more detailed reflection of your analysis regarding safe and non-exploitative ways of engaging with survivors. This must include careful consideration of how to safely obtain ongoing input from those with lived experience from the outset of the consultation, to the implementation, development and functioning of any initiative.

*Second*, we recommend to clarify certain key aspects of the proposed governance structure in view of guaranteeing its independence and transparency. In particular, we remain unclear about how and where you envisage representation of the human rights experts, civil society organisations and trade unions who have worked repeatedly on cases of abuse and harassment.

*Third*, we recommend that you urgently elevate the active stakeholder involvement and participation in the next stage of the consultation process. While we welcome the opportunity to provide written feedback, we believe a more intense and proactive engagement of key stakeholders is necessary to bolster the legitimacy of an entity that may result from such consultation.

*Fourth*, in view of the current systemic aspects involved and capacity outlined in the Report, **our overall recommendation is that FIFA should start with a manageable pilot, focusing on football exclusively as a sport.** We are convinced that the current multi-sport approach to such a complex issue, has a high chance of failure due to an unmanageable scale. Failing to scope the proposed entity adequately could be fatal and cause great harm to survivors. With the known scale of abuses in football already, we think it is vital FIFA address those first and then scale up when structures are established and tested.

Please find below more details and information around each of the pillars outlined.

## **RECOMMENDATION I: Safe and Non-Exploitative Survivor Engagement**

We note and welcome the various references to the engagement of those with lived experience and affected persons in the entity, including through a Network of Voices of Experience (“Network”). However, there is no detail in the report to indicate what, if any, consideration has been given to doing this in a fair, safe and non-exploitative manner (both in the development of the entity and within its structures).

For instance, we would appreciate knowing more information about:

- How will survivors’ voices be safely included?
- What, if any, logistical support will be available to managing the Network?
- What, if any, mitigatory steps will the entity take to address potential retraumatizing engagements?
- What role is envisaged for the Network in the context of player development programs that may assist in preventing further abuse?
- What exactly will the purpose/function and limitations of the Network be?

## **RECOMMENDATION II: Independent and Inclusive Governance Structures**

The governance structure of the organisation remains unclear. Most significantly, this uncertainty raises concerns about the actual and perceived independence of the organisation: without clarity on the relationship between this entity and the International Federations (IFs), the organisation may not garner sufficient trust from victims and survivors to receive reports.

We note that the Report envisages that the Foundation Board will provide oversight and accountability of the new entity. In such circumstances, it is imperative that the Foundation Board itself comprises of representatives and individuals with the requisite expertise and capacity to preempt and mitigate conflicts of interest, actual or perceived bias, and/or other governance or accountability risks. For the Foundation Board to be capable of fulfilling this crucial oversight and accountability role it must have appropriate decision-making processes and competencies. The credibility of the entity will be critically undermined if the Foundation Board is capable of making significant decisions based solely on the input of IFs and other sport bodies who may bare responsibility and liability in the event that abuse is found to have taken place.

We recommend careful consideration is given to the makeup of the Foundation Board, including the proposals that its initial membership is limited to IFs (p110); and that membership relies on a fee for service basis (p111). For this entity to have the credibility, expertise and independence it is crucial that player unions, led by FIFPRO and WPA, are appropriately and adequately represented in key decision making organs of the entity. Further, those civil society organizations, with extensive expertise and experience in systemic and/or individual abuse cases in sports must be adequately represented. We ask greater detail is provided regarding the envisaged roles, responsibilities of those independent entities and individuals.

The Sport & Rights Alliance remains open to endorsing and supporting this entity, but until guarantees have been provided regarding oversight and accountability, it is difficult for us to do so.

### **RECOMMENDATION III: Meaningful Stakeholder Engagement and Participation**

While we acknowledge that the consultation is not yet concluded, it should be noted that the process so far has been very restrictive and one-way. **To date, there has been no open, transparent and collective dialogue with civil society and trade union organizations.** This has led to a Report that has broad findings based on non-disaggregated data and a non-weighted questionnaire.

In short, FIFA has unilaterally determined:

- *who* would participate: it is unclear how the stakeholder selection was made, whether everyone's input had the same weight and/or if different backgrounds and knowledge were considered (due to the lack of disaggregated data);
- *how* we would participate: the format in which data is provided was predetermined, namely, a survey, a table; and
- *when* our input was sought: we were not asked to provide input on the terms of reference, for instance.

It is well recognized under the UN Guiding Principles and FIFA's own Human Rights Policy that engagement with affected stakeholders means that *(i)* participants have the necessary information to provide concrete feedback; *(ii)* effective means and processes to consult are provided; *(iii)* inputs are taken into account into decision-making; and *(iv)* feedback is provided on where input has been integrated (or not). We highly recommend that the next stage "Engagement Group" recognises these steps and considers specific expertise from each stakeholder consulted and has a weighted approach.

### **RECOMMENDATION IV: Entity Manageable Scope - Practical Pilot Proposal**

Although we are in agreement with the urgency to develop an entity to deal with cases of abuse in all sport, we want to recommend that FIFA take a pragmatic approach in order to ensure such an entity is effective and delivers all support systems required. We therefore recommend that further consideration is given to the new entity's scope.

We firmly believe that it is unrealistic to draw extensively on civil society support services without allocating specific resources to create additional capacity. **Mental health, legal aid and security systems are scarce and almost non-existent in the world** – especially when it comes to specific services for sports. Ensuring adequate funding for an entity that would tackle all of the issues proposed in all sports is also a concern. For instance, the US Center for SafeSport has a US\$ 30m annual budget and still faces important criticisms, partially due to the lack of expedited procedures and capacity to deal with reports.

We recognize that scoping an entity of this nature is exceptionally challenging – as any criteria around its scope will impact on potential victims and survivors being able to access support and remedy. However, in light of all the above factors, **a careful scoping exercise must nevertheless be undertaken or the entity may never be able to meet expectations.**

Scoping criteria such as egregiousness; prevalence; duration; the recent or non-recent nature of the abuse; and initial focus on select sport, by way of a pilot, must all be considered. Should the decision be made to focus on one or a small number of sports, we strongly recommend that it should be football. As with all pilots, it is critical that the premise of the entity is tested in the most viable pilot conditions.

Notwithstanding the above recommendation on scope, the Victim Support Fund should be created urgently and be accessible for urgent/legal support for all sports – even those that might not be initially encompassed by the entity. This would ensure that a manageable pilot is run, tested and monitored in view of building a broader entity in the future, once its lessons are gathered and there is more buy-in from the other stakeholders involved (such as the International Olympic Committee and IFs). At the same time, the wider remit of the Victim Support Fund would still allow for emergency support and representation for victims and survivors. In this context, it is also imperative that athletes' right to organize is recognized and promoted by the entity.

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