

ON YOUR MARKS, SET... STOP!

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Understanding and ending sextortion in sport

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Understanding and ending sextortion in sport

This report addresses the sensitive topic of sexual violence and may be upsetting to some readers. Reader discretion is advised.

Author: Andrew McDevitt

Editors: Marie Chêne and Sylvia Schenk

Cover: Ellice Weaver

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GLOSSARY OF KEY TERMS

Abuse of power – the misuse of a position of power to take unjust advantage of individuals, organisations or governments.

Elite sport – sport at the highest level of competition.

Gender-based violence – harmful acts directed at an individual based on their gender and rooted in gender inequality, the abuse of power and harmful norms.

Grassroots sport – organised and non-organised physical leisure activity, practised regularly at non-professional level for health, educational or social purposes.

Ombudsperson – an independent official who investigates, reports on, and helps settle complaints of abuse.

Prevention framework – a process that an organisation can follow to prevent and reduce the prevalence of abuse.

Reporting mechanism – a system designed to receive and handle reports of abuse and corruption.

Safeguarding – a set of policies and procedures that sport organisations can put in place to protect athletes from harassment and abuse, often – though not exclusively – designed to protect children and young people.

Sextortion – the abuse of power to obtain a sexual benefit or advantage.

Sexual abuse – unwanted sexual activity, with perpetrators using force, threats or other forms of

coercion, or taking advantage of victims who are not able to give consent.

Sport governance – the exercise of power in the sport sector, with consideration given to influence, authority, and the nature of decision-making.

Sport governing body – a sport organisation that has a regulatory or sanctioning function.

Sport organisation – the generic term for a range of sport-related entities, including sport governing bodies, international and national sport federations, national umbrella organisations, and elite-level and grassroots sport clubs.

Sport sector – recreational, competitive and highlevel sport from grassroots to elite level, including professional sport and leagues, under the rules of the International Olympic Committee, international federations, and international and national umbrella organisations.

Survivor/victim – the term victim typically refers to someone who has experienced sexual abuse and is often used in the context of criminal proceedings. The term survivor typically refers to someone who is going or has gone through the recovery process after experiencing sexual abuse.



PINKS

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EXECUTIVE SUMMARY

Sextortion – defined broadly as the abuse of power to obtain a sexual benefit – is pervasive and widespread. It occurs across the globe and in many sectors, including education, the police, the courts, the civil service, refugee camps, passport control and many others.

Survivors/victims can suffer serious, sometimes lifechanging, consequences. These include loss of selfesteem, poor academic performance, self-harm, depression, anxiety, substance abuse disorders and suicide.

Sextortion tends to go largely unreported. Those affected are typically confronted by social stigma and cultural taboos, and it is often difficult to prove the abuse. In many cases, there are no safe, gendersensitive reporting mechanisms that can provide the support that survivors/victims of sexual abuse often need.¹

This report focuses on sextortion in sport, as a sector that is particularly vulnerable to sextortion, but has great potential as a channel to promote positive role models. Building on Transparency International's 2020 study <u>Breaking the Silence</u> <u>Around Sextortion: the Links Between Power, Sex and</u> <u>Corruption</u>, it aims to identify the root causes of sextortion in the sport sector and inform the design of measures to prevent, report and sanction sextortion and other forms of sexual abuse in this sector.

The report draws on reported cases of sextortion and other forms of sexual abuse from around the world, with a focus on Germany, Mexico, Romania and Zimbabwe. While the report aims to address sextortion rather than sexual abuse more broadly, it also recognises that the two are closely related and efforts to address one are likely to have positive knock-on effects on the other. Therefore, the report includes some discussion of efforts to prevent, report and sanction sexual abuse more generally, but with an emphasis on measures that address the specific nature of sextortion.

Sextortion in the sport sector

Sexual abuse is a widespread problem that affects all sport in all regions of the world. Given that many of the most serious cases of abuse this report documents involve a person of authority as the perpetrator and include some form of explicit or implicit demand for sexual benefits, such cases can be interpreted as sextortion, regardless of whether they have been explicitly labelled as such by authorities and researchers. This would suggest that reducing the prevalence of sexual abuse, including sextortion, in the sport sector fundamentally requires greater oversight and control of those in positions of power.

The sport sector is uniquely vulnerable to sextortion due to a combination of structural, environmental and behavioural factors that generate conditions conducive to the abuse of power and sexual abuse.

Firstly, the fundamental principle of autonomy of sport governance means that there is very little external oversight or scrutiny of sport organisations. As a result, many operate with wide margins of discretion in their decision-making and a lack of transparency around such decisions, while resisting calls for meaningful change. Therefore, it is not surprising that many organisations have failed to develop adequate internal prevention, detection and reporting mechanisms for abuse.

The absence of strong external pressure for reform has led to a concentration of power within the sport sector over decades. This provides fertile ground for the cultivation of patronage networks, nepotism and "old boys' clubs" that protect the status quo. Power is held almost exclusively by men due to the persistence of deeply rooted sexist attitudes in many sporting cultures, leading to hyper-masculine environments that are particularly conducive to the exploitation of vulnerable people and the concealment of abuse. The gender imbalance in leadership and coaching positions, coupled with a persistent gender pay gap, make women's sport particularly vulnerable to abuse, including sextortion.

Secondly, the nature of interpersonal relationships, which are often characterised by dependency and unclear boundaries, carry specific risks for sexual abuse. This is particularly true of relationships between women athletes and their (predominantly male) coaches. These dependencies are reinforced by a sporting culture that promotes values such as endurance and loyalty, and in which the authority and expert status of coaches and other influential actors is rarely questioned. In these circumstances, athletes are conditioned to tolerate abuse and to put the well-being of the team above their own so abuse goes unreported. All of this occurs in a context in which close physical and emotional contact is common and often largely unsupervised, which provides greater opportunities for emotional, physical and sexual abuse to go undetected.

Together, these factors have led to the emergence of a widespread culture of silence and impunity in the sport sector when it comes to all forms of abuse. This culture persists in part because sport organisations are often more concerned with protecting their reputation than meeting the needs of victims and survivors or learning from their mistakes. The result is that, in many cases, perpetrators are allowed to stay in the same organisation or move to others without consequences.

Addressing sextortion in the sport sector

To effectively tackle sextortion and other forms of sexual abuse, these underlying factors should be addressed. Greater oversight and control of those in positions of power must be ensured, and sextortion must be detected or reported, investigated and adequately sanctioned.

First and foremost, there is an urgent need to implement strong prevention frameworks in the sport sector to help ensure that these abuses do not occur. Prevention should be the first line of defence. To be effective, prevention efforts against sexual abuse generally and sextortion specifically, must address systemic governance weaknesses and the behaviour and conduct of individuals in positions of authority.

Unfortunately, measures to date have tended to depend almost exclusively on (ineffective) reporting mechanisms and sanctions to deter abuse. Even where they are in place, prevention measures are generally narrow in scope, with an emphasis on safeguarding athletes (in particular children) from abuse rather than addressing underlying structural imbalances in sport governance. There has been a disconnect between policy and procedures at global, national and grassroots levels so prevention frameworks are often not cascaded down the system. Among smaller sport organisations, prevention measures are often considered unnecessary or not prioritised. In some cases, the acknowledgement of the need for prevention measures is even interpreted as an admission that sexual abuse exists within the organisation. This points to the need for greater awareness-raising about the benefits of prevention, to overcome resistance.

Reporting mechanisms and sanctions for abuse have also proven largely ineffective at ensuring that abuse is adequately detected and addressed. The widespread stigma, shame and guilt that victims/survivors frequently experience means that many cases of sexual abuse are not reported. This is especially true where reporting mechanisms lack independence and do not facilitate safe, trusted opportunities to inform sport organisations about concerns. When athletes do speak up, they are often treated with distrust or contempt, and may face retaliation. Retribution is common, including mistreatment, threats and exclusion from teams and important events.

Sport organisations often lack the capacity and expertise to detect and investigate reports of abuse, including cultural and linguistic expertise, and understanding of gender dynamics, sexual abuse and trauma. In many cases of abuse, the parties accused are either senior leaders of the organisations or the abuse happens in their presence/under their watch, which brings into question the extent to which those tasked with investigating and sanctioning complaints can act independently from their employers or superiors. Given the challenges in attempts to deal with sextortion and other forms of sexual abuse internally within sport organisations, independent investigation and sanctioning should be widely established to ensure that perpetrators are held accountable for their actions.

Key recommendations

The following recommendations target key actors to address structural imbalances and strengthen prevention, reporting and sanctioning measures across the sport sector.

Sport organisations should:

- publicly express their commitment to preventing and addressing sexual abuse, including sextortion and other forms of abuse
- actively promote the participation of athletes and other stakeholders – particularly women – in their governance, promote the development and employment of women coaches, and work to eliminate the gender pay gap among athletes and coaches
- introduce codes of conduct that are applicable to all stakeholders involved with their organisation (including volunteers), conduct vetting before recruiting people to positions of authority, and consider introducing term limits for senior officials
- + introduce clear and transparent criteria and processes for decision-making
- introduce education and awareness-raising programmes to promote cultural change and gender awareness
- introduce effective internal reporting mechanisms and support the creation of centralised, independent reporting mechanisms
- ensure that cases of sextortion and other forms of sexual abuse are investigated by independent entities/ombudspersons to avoid conflicts of interest and potential attempts to interfere in investigations
- develop clear sanctioning regimes for different types of wrongdoing, including sextortion and other forms of sexual abuse

Governments and private sponsors should:

- consider conditioning the provision of financial and other support to sport organisations on the implementation of good governance standards and prevention measures
- + collect, analyse and publish disaggregated data (by gender, age and seniority) on sextortion, other forms of sexual abuse and corruption across the sport sector
- incorporate sextortion into codes and sport governance policy that deal with preventing and addressing sexual abuse and do so across the sector

In addition, governments should:

+ appraise whether existing legal frameworks ensure effective prosecution of sextortion and legislate to fill any gaps that are identified

Civil society organisations should:

- continue to raise awareness of the prevalence of sextortion in the sport sector and advocate for the adoption of effective prevention measures at all levels
- develop partnerships that bring together organisations with expertise on anti-corruption and gender-based violence to identify problems and solutions to sextortion, develop reciprocal training and sensitisation, and engage in collaborative research and advocacy

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INTRODUCTION

Recent research suggests that sextortion - defined broadly as the abuse of power to obtain a sexual benefit - is pervasive and widespread. Sextortion occurs across the globe and in many sectors, including education, the police, the courts, the civil service, refugee camps, passport control, and many others. According to Transparency International's Global Corruption Barometer, between 2019 and 2021, 20 per cent of people in Latin America and the Middle East and North Africa (MENA), 14 per cent in Asia, and 7 per cent in the European Union (EU) reported experiencing - or knowing someone who had experienced - sextortion when they accessed a government service. In the same survey in 2021, 38 per cent of respondents in the Pacific region said they or someone they know had experienced sextortion in the last five years.²

This report focuses on sextortion in sport, as a sector that is particularly vulnerable to sextortion due to a combination of structural, environmental and behavioural factors (see further discussion in the section Enabling factors of sextortion in sport) but has great potential as a channel to promote positive role models. Sport can help promote human rights and sustainable development, and foster cooperation, solidarity, fairness, social inclusion, education and health at local, regional and international levels.³ Principle 4 of the Olympic Charter guarantees the practice of sport as a human right to which every individual must have access, without discrimination of any kind.⁴ This fundamental right is undermined by corruption and other forms of abuse, including sextortion, because they prevent equal access for all.

Purpose of the report

This report builds on Transparency International's 2020 study <u>Breaking the Silence Around Sextortion: the</u> <u>Links Between Power, Sex and Corruption</u>. It aims to promote a greater understanding of sextortion in the sport sector as a specific form of abuse of power and a human rights violation that primarily affects women, girls, boys and vulnerable individuals.

Specifically, it aims to:

- + identify the factors that make the sport sector particularly vulnerable to sextortion
- + identify the root causes that facilitate this kind of abuse of power in the sport sector
- identify measures to prevent, report and sanction sextortion and other forms of sexual abuse in the sport sector, and explore the challenges involved in implementing these measures in practice
- + inform the design of policies and interventions to effectively address sextortion in the sport sector

Scope of the report

This report does not exhaustively assess the risk and prevalence of sextortion in particular regions, sports or roles. Instead, it illustrates the scope of the problem by drawing on cases of sextortion and other forms of sexual abuse from around the world, with a focus on four countries: Germany, Mexico, Romania and Zimbabwe, based on an interest in geographic and sporting diversity, and information availability.⁵

The report focuses on the sport sector understood as recreational, competitive and high-level sport

from grassroots to elite level, including professional sport and leagues, under the rules of the International Olympic Committee, international federations, and international and national umbrella organisations.⁶ It covers the full range of sportrelated entities, including sport governing bodies, international and national sport federations, national umbrella organisations, and elite-level and grassroots sport clubs.

The focus of the report is on addressing sextortion in the sport sector rather than sexual abuse more broadly. However, it is recognised that the two are closely related and that efforts to address one are likely to have positive knock-on effects on the other. Therefore, the report includes discussion of efforts to prevent, report and sanction sexual abuse more generally, but emphasises measures that address the specific nature of sextortion (namely the abuse of power/authority in exchange for sexual benefit).

Finally, it should be noted that the discussion on reporting and sanctioning of sextortion focuses on measures under private law. As such, discussion of efforts to prosecute sextortion through the criminal justice system is largely beyond the scope of this report, although an overview of some of the key challenges in the area as they relate to the sport sector are discussed in the section Tackling sextortion through the criminal justice system.

Methodology

The report is based on a combination of desk research and semi-structured interviews. The desk research included an extensive literature review of sport governance, and relevant investigations, studies and analyses at national and international levels. Interviews were conducted with sport and corruption experts at both levels, including representatives of sport organisations, government officials, athletes, journalists, lawyers, academics, and others.

To identify potential cases, keyword searches for the period 2019–2021 were conducted via Google by combining the term "sport" with the terms "sexual harassment", "sexual violence", "sextortion", "abuse", "sexual benefits" and "sexual favours". Geographic and local language settings were applied to the searches in Germany, Mexico, Romania and Zimbabwe.

No systematic data collection exists to monitor sextortion complaints in sport, or in any other sector, because sextortion is rarely codified in gender-based violence or anti-corruption legal frameworks or respective codes of conduct in the sport sector. Furthermore, there is still a lack of awareness about sextortion, and complaints are recorded as different offences, usually sexual abuse.⁷ For this reason, the report does not attempt to judge whether a given case constitutes sextortion, as those are determinations that can only be made on a case-by-case basis after a thorough investigation.⁸

It should be noted that in the process of conducting the research, it became evident that speaking about sextortion and other forms of sexual abuse in sport is a very sensitive issue for many in the sector. Indeed, by its very nature, sextortion is particularly sensitive given that it includes both acts of corruption and acts of an intimate sexual nature that occur in private. Several individuals agreed to speak only on the condition of anonymity, citing fear of retribution in their jobs and/or sport environments. Others expressed concerns about damaging the reputation of individuals, organisations or the sport they are involved in.



PREVALENCE OF SEXTORTION IN SPORT

WHAT IS SEXTORTION?

"Sexual extortion" or "sextortion" has been defined by the International Association of Women Judges (IAWJ) as the abuse of power to obtain a sexual benefit or advantage. It can occur in any sector when those who have been entrusted with power use it to sexually exploit those dependent on that power. Thus, sextortion involves both sexual exploitation and corruption, whereby a sexual benefit is the object of the corrupt act, instead of money.⁹

The following components must be present for a case to be considered sextortion.

- + Sexual component: an implicit or explicit request to engage in any form of unwanted sexual activity.
- + Corruption component: as determined by the presence of:
 - a. Abuse of authority. The perpetrator uses the power entrusted to them for personal benefit.
 - b. Quid pro quo or "tit-for-tat". The perpetrator demands or accepts a sexual act in exchange for a benefit or the avoidance of a negative decision that they are empowered to withhold or confer.

When the corruption component is absent, the case may be considered a form of sexual abuse but not sextortion. When the sexual component is absent, the case may not be considered a form of sexual abuse, and therefore also not sextortion.¹⁰

Differentiating sextortion from other forms of sexual abuse

Fundamentally, sextortion differs from other forms of sexual abuse in that it involves corruption: someone in a position of authority who abuses that authority in exchange for a private sexual benefit. The imbalance of power between the perpetrator and the victim/survivor allows the perpetrator to exert coercive pressure to obtain the sexual benefit.¹¹

Requests/demands to engage in sexual activity may be explicit or implicit (see further discussion below) and the sexual act may take many forms including intercourse, touching, exposing private body parts, posing for sexual photographs, participating in phone sex or submitting to inappropriate touching. If the sexual act can be linked to the corrupt exchange of an expected benefit or the avoidance of a negative decision – whether this relates to an undue advantage or benefit to which the victim is entitled – then the case could constitute sextortion.

SEXTORTION IN THE SPORT SECTOR

In cases of sextortion, the nature of the benefit conferred or withheld by the person in a position of power/authority may differ depending on the context and relationship between the two parties. It could be a favourable court decision from a judge, a good grade from a teacher, the dismissal of a traffic ticket from a police officer, or entry into a country from a border official. In the realm of sport, the offer to confer (or promise not to withhold) a benefit is usually made in relation to sporting advantages such as signing a contract with a club, getting a place on a team, going to important tournaments or receiving a better scholarship.

For instance, where a coach has the power to decide whether to select an athlete to appear in a major tournament, a situation could arise in which the athlete is compelled to engage in sexual activity with that coach on the understanding that this will secure their place on the team. Officials tasked with certifying referees and assigning them to matches or competitions can use their position to demand sexual acts in exchange (see the box Cover ups and intimidation). In other cases, coaches might withhold specific training opportunities unless athletes perform sexual acts.

Sextortion involves the abuse of power by an individual in a position of authority to obtain a sexual act from someone over whom they can exert influence. As such, the person who receives an explicit or implicit demand for sex from the authority figure will typically have a justified impression that rejecting the demand for sex could have negative consequences for them personally and professionally. In this sense, even in the absence of an explicit threat, we can speak of conditions of psychological coercion. The person receiving the demand for sex is often left with little choice but to acquiesce to the demands or to remove themselves from the situation (for example, by guitting the team). In some cases, the demand or request is explicit. In one case in Germany, a former martial arts athlete who was seeking to become a referee stated that the man responsible for licensing martial arts referees explicitly offered her easier access to the required certification if she had sex with him.¹² The woman says she rejected the proposition and, because she could not pursue a career as a referee in the country without crossing his path, decided to give up her aspirations. In another case in the US, women professional soccer players reported that a coach asked them to kiss each other in exchange for the entire team not having to do a gruelling conditioning exercise (see the box Extent of sextortion in women's soccer).¹³

In other cases, perpetrators can communicate the advantage that is offered in implicit ways. For example, in the case of a complaint filed with the Romanian Olympic and Sports Committee (ROSC) and the Romanian Bobsleigh and Skeleton Federation discussed below (see the box Supporting the perpetrators, not the victims), one of the complainants reported that she felt that playing along with his demands was implicitly the price she had to pay to keep her place on the team, even if the coach did not explicitly spell out the consequences of failing to do so.

The implicit nature of many requests/demands can blur the line between sextortion and other forms of sexual abuse. For this reason, context also matters. Many athletes whose education and livelihood depend on sport scholarships may feel that if they do not comply with sexual demands the scholarship would be off the table.¹⁴ This is something abusers are aware of and, depending on the characteristics of each case, it may constitute sextortion even without an explicit demand.

Extent of sextortion in the sport sector

There is no agreed legal definition of sextortion or systematic data collected on it. Consequently, it is difficult to determine how prevalent it is in the sport sector. Nevertheless, anecdotical evidence and the results of in-depth investigations into sexual abuse in sport suggest that it is a widespread problem that affects all sport in all regions of the world. Furthermore, given that many of the most serious cases of abuse involve a person of authority as the perpetrator, it is fair to conclude that misuse of such power is a common denominator among cases, whether they can strictly be defined as sextortion or not. This would suggest that reducing the prevalence of sextortion and other forms of sexual abuse in the sport sector fundamentally requires greater oversight and control of those in positions of power (see the section Preventing sextortion in sport).

A British study reported that about 32 per cent of athletes had been sexually harassed or abused.

A range of studies over the past 20 years paint a consistent picture of widespread sexual abuse and harassment in the sport sector. For example, a study conducted in Australia found that 6 per cent of male athletes and 12 per cent of female athletes reported experiencing sexual abuse within the sector at some time in their lives.¹⁵ A study of elite

women athletes in Norway revealed that 28 per cent had been sexually harassed and/or abused in a sport setting.¹⁶ A study from Quebec found a 10 per cent rate of lifetime sport-related sexual abuse among 14 to 17-year-old adolescents.¹⁷ A British study reported that about 32 per cent of athletes had been sexually harassed or abused,¹⁸ while a survey among elite athletes in Germany revealed that slightly over a third of athletes experienced at least one sexual violence situation in organised sport and 11 per cent reported a severe form of sexual violence, with female athletes affected significantly more often than male athletes.¹⁹ A national survey on sexual assault, sexual abuse and sexual harassment in the sport sector in France found that 11 per cent of athletes had experienced sexual harassment, assault or abuse. The ratio of girls to boys among the victims was 60:40. Girls generally experienced more serious situations, and situations that were generally repeated more often.20

A number of countries have undertaken widescale inquiries or investigations into sexual abuse in their sport sectors. In 2020, the French Ministry of Sport set up a platform to collect athletes' testimonies and organised hearings that uncovered more than 400 coaches, teachers and others suspected of abuse or covering up abuse, with 60 of them facing criminal charges and 100 being temporarily or permanently removed from their positions. The abuse extended across the entire sport sector and included complaints against 48 federations. The majority of the abused were women or girls (83 per cent).²¹ A Commission of Inquiry on Sexual Harassment and Abuse in Sports established by the Netherlands National Olympic Committee, concluded in 2017 that 4 per cent of those interviewed had been sexually abused or raped during their childhood. More girls than boys were affected, with young children being particularly vulnerable.²²

While most of the evidence points to a higher prevalence of sexual abuse of female athletes than of male athletes, a few studies have found the opposite. A survey conducted among athletes during the 2018 under-20 World Athletics Championships in Finland found that 12 per cent of male athletes and 7 per cent of female athletes reported sexual abuse in their sport.²³ A study in the UK reported that while more women than men athletes at all competitive levels had been sexually harassed (34 per cent and 17 per cent respectively), more men had been sexually abused (5 per cent compared to 2 per cent of women).²⁴ Thus, it appears that sexual abuse towards men in a sporting context is probably under-reported²⁵ and should not be overlooked.

Extent of sextortion in women's soccer

Recent scandals in the world of soccer highlight how cases of sexual abuse exist at the highest levels of the sport globally. While the cases described below were not reported as sextortion cases *per se*, they nevertheless exhibit some of the key traits of sextortion, including abuse of authority for personal benefit, an element of quidpro quo and the use of coercion.

In 2021, the head coach of North Carolina Courage women's soccer team was accused of sexual coercion spanning multiple teams and leagues since 2010. In one instance, the coach allegedly took two players back to his apartment after a night of drinking and asked them to kiss each other for him in exchange for the team not having to do a gruelling conditioning exercise. One explayer, who played under the coach at multiple clubs described feeling "under his control" and listed multiple incidents where she felt coerced into having sex with him. The coach was later fired by North Carolina Courage and his coaching license was suspended by the US Soccer Federation. A National Women's Soccer League (NWSL) commissioner resigned and the NWSL's general counsel was fired by the league's board of directors after they were accused of failing to act when they learnt of the allegations.

In November 2020, FIFA banned the former president of the Haiti Football Federation (FHF), from all soccer-related activities and fined him 1 million Swiss francs (US\$1,090,350) after its ethics committee found him guilty of having abused his position and sexually harassed and abused women players, including minors. He was accused of threatening, via an intermediary, to expel young women from the national training centre if they did not put up with his harassment, leaving them with no choice but to acquiesce. Six months later, a former supervisor of the under-20 women's national team at the FHF was found guilty of having failed to protect the physical and mental integrity of various women players, including minors who were under her authority and responsibility. She was condemned for actively coercing and threatening the players into engaging in sexual relationships with the former FHF

president. In July 2021, FIFA's Ethics Committee also <u>issued a lifetime ban</u> to the FHF's former head of referees, after finding him guilty of committing acts of sexual harassment and abuse.

In June 2019, a former president of the Afghanistan Football Federation and a former FIFA Standing Committee member was banned for life from all soccer-related activities after FIFA's Ethics Committee found him guilty of having abused his position and sexually abused a number of women players, including children. The allegation included physical abuse, sexual abuse, death threats and rape. The Court of Arbitration for Sport later affirmed the decision. The panel reviewing the case underlined that, unlike competition manipulation that harms the integrity of the sport, the offences committed by the former president violated basic human rights, damaged the mental and physical dignity and integrity of young women players, destroyed their careers, and severely damaged their lives. In a related incident, two men acting as representatives of the Afghan women's soccer team on a team trip to lordan were accused of offering players a place on the team list and to pay them £100 a month if they acceded to their sexual demands.

In October 2021, Joyce Cook, FIFA's Chief Education and Social Responsibility Officer, described the cases as the "<u>tip of the iceberg</u>" and confirmed that FIFA had come across cases of sexual abuse at professional and amateur levels around the world. Meanwhile, the Guardian newspaper reported in March 2022 that it had been alerted to allegations of more than <u>40 serious cases of sexual abuse or</u> <u>harassment</u> of men and women in senior or international soccer in countries worldwide, including Argentina, Australia, Colombia, Costa Rica, Gabon, Mongolia, Spain, the US and Venezuela.

Who is most at risk?

Abuse can be targeted at any athlete regardless of age, gender, sport ability, nationality, race or ethnicity, social class, education level, sexual orientation or disability, in all sport and at all levels.²⁶ However, research suggests the prevalence could be higher in elite sport than in clubs or recreational activities.²⁷ The risk of experiencing sexual abuse including sextortion is found to rise as an athlete progresses up the elite performance pathway.²⁸ Beyond athletes, anyone in the sport sector can be targeted, including referees, physical therapists, coaches, reporters, administrative staff and volunteers.

Research generally suggests that the type of sport played has no impact.²⁹ In the UK, an inquiry into child sex abuse found that abuse occurred across a wide variety of sports including team sports, individual competitive sports, contact and noncontact sports ranging from formally organised clubs to private coaching arrangements, and within public sport and leisure facilities.³⁰ In the Netherlands, in contrast, there was found to be a higher incidence in soccer than in other sports.³¹

Young athletes are considered particularly at risk of sexual abuse because of their need to be cared for, protected and supervised during their sporting development.³² Athletes who become specialised at an early age are also considered highly vulnerable to sexual abuse, particularly around puberty.³³ "Preelite" athletes who are at a stage of their development just prior to peak success have also been considered an at-risk group, because they may be more likely to endure inappropriate behaviours to avoid compromising their pending achievements.³⁴

Athletes with disabilities and LGBTQ athletes are more likely to be at risk of experiencing sexual abuse, as harassment and abuse often arise from prejudices born of power differences. Research suggests that people with disabilities, in particular individuals with an intellectual impairment, are at least four times more likely to be victimised than people without disabilities. Young athletes with disabilities experience a two to three times higher risk of psychological, physical and sexual abuse and harassment than young athletes in general.³⁵ Specific vulnerabilities for athletes with disabilities relate to making uninformed assumptions about their care needs, exploiting their dependence on personal care and blurring the roles and responsibilities in the coach-athlete relationship (see further discussion below) or the caregiverathlete relationship.³⁶ Furthermore, research on sexual harassment in the workplace has found that it can have greater consequences for women who face other forms of discrimination and harassment, such as women of colour, LGBTQ women and women with disabilities.³⁷ That said, there is little academic literature on sexual harassment and abuse that focuses on the vulnerabilities of, or prevention measures for, disabled or LGBTQ athletes specifically.38

Regardless of who it affects, the consequences of abuse can be devastating and long lasting, including

loss of self-esteem, poor academic performance, distorted body image, eating disorders, self-harm, depression, anxiety, substance use disorders and suicide.³⁹

Who are the perpetrators of sextortion in the sport sector?

Research consistently shows that perpetrators of sexual abuse in the sport sector are almost exclusively men, with estimates ranging from 96 per cent⁴⁰ to 98 per cent⁴¹ and 100 per cent,⁴² depending on the study. Much of the evidence also indicates that perpetrators of sexual abuse are mainly authority figures, most notably coaches, and team doctors, trainers, agents or sport psychologists. That said, at least two studies have found that coaches and trainers are in fact involved in only a small proportion of sexual abuse cases in organised sports (between 11 per cent and 25 per cent), with entourage members, partners, teammates and peers responsible for the remaining proportion.⁴³ However, this data relates to sexual abuse more generally, rather than sextortion cases per se, which by their very nature involve the abuse of authority. When those with the most influence and authority over athletes, such as coaches and trainers, engage in sexual abuse, it is more likely to involve the kind of abuse of authority that constitutes sextortion (see the section Behavioural factors). It also creates an environment in which abuse by others (such as peer athletes) is more likely to be tolerated. Moreover, research from Belgium and the Netherlands found that acts of sexual abuse committed by coaches are significantly more severe than acts committed by peer athletes and other perpetrators.⁴⁴ As coaches' careers can last several decades, one individual can inflict significant harm to successive generations of athletes.45

When those with the most influence and authority over athletes, such as coaches and trainers, engage in sexual abuse, it is more likely to involve the kind of abuse of authority that constitutes sextortion.



ENABLING FACTORS OF Sextortion in sport

The fact that sextortion and other forms of sexual abuse are so widespread in the sport sector should come as no surprise. A combination of structural, environmental and behavioural factors generates conditions conducive to the abuse of power and sexual abuse in the sector. Structural factors include high levels of autonomy and discretion, which means that there is very little external oversight or scrutiny of sport organisations; concentration of power, which provides fertile ground for the cultivation of patronage networks and old boys' clubs that block potential reform efforts; and deeprooted gender imbalances including a dearth of women in leadership positions in the sport sector and a persistent pay gap between men and women. These factors combine to create an environment that is more conducive to the abuse of women, children, LGBTQ people and disabled people, and to protect the reputation of the sport over the protection of athletes and others.⁴⁶ Environmental and behavioural factors include the physical (and often unsupervised) nature of sport, dynamics of dependency and trust in coach-athlete relationships, an emphasis on sporting values such as loyalty and endurance, and the dominating importance of success. These factors further perpetuate a culture of silence and impunity when abuse occurs.

"

It is baffling that governments have allowed sports organisations to spread the notion of autonomy into areas that have nothing to do with the core sporting functions and into areas that require application of ordinary law whether it is human rights, labour rights or similar despite court decisions to the contrary. This has led to a lack of accountability of many entities and structures of sport in ways that contribute to the threats of sexual abuse and exploitation.

Jonas Baer-Hoffmann, secretarygeneral at the International Federation of Football Professionals Associations (FIFPRO)⁴⁷

STRUCTURAL FACTORS

(Abuse of) autonomy of sport organisations

As private (mostly non-for-profit) entities, sport organisations are generally autonomous from the state. This provides them with the necessary independence to protect them from political interference in the governance of sporting matters. However, it also means that there is very little external oversight or scrutiny of their operations, which has invariably led to a failure to develop adequate internal prevention, detection and reporting mechanisms for abuse. While public sector institutions, employers and entities entrusted with children's safety, such as schools, are legally mandated to comply with concrete prevention, reporting and other obligations against sexual abuse, sport organisations and other non-state entities are generally free to decide on their own governance requirements⁴⁸ (see further discussion in Challenges to prevention below).

Autonomy may also present challenges in terms of the margins of discretion with which many decisions are routinely made and the lack of transparency around such decisions. In some cases, sport organisations may seek to control and even cover up cases of abuse because of the fear of reputational and financial consequences.⁴⁹ The fact that sport organisations are considered autonomous also gives them a broad margin to resist calls for change.

Autonomy vs. accountability: a delicate balance

Zimbabwe's Sports and Recreation Commission (SRC) is responsible for the promotion, regulation and supervision of sport and recreation in Zimbabwe, and for ensuring the proper administration of local sport organisations and promoting governance standards. In late 2021, the commission took the unusual measure of suspending the board of the Zimbabwe Football Association (ZIFA) due to complaints of persistent sexual harassment of women soccer referees (see the box Retribution for speaking up), alleged mismanagement and lack of accountability in the use of public funds. Following the decision, FIFA then suspended ZIFA on the grounds of political interference, stating that the allegations should be investigated without the government's interference.

The example demonstrates the delicate balance between autonomy and accountability of sport organisations in cases of clear public interest (in this case, tackling corruption and abuse). The extent to which government involvement in such cases can be considered interference, especially where sport organisations have failed to effectively intervene themselves, remains an open question.

Concentration of (male) power

Sport organisations have routinely allowed the same individuals to concentrate power for years or decades. Some individuals are re-elected to sport organisations for multiple terms or remain active in the governance of a given sport for years. This provides fertile ground for the cultivation of patronage networks, nepotism and old boys' clubs that protect the status quo and block opportunities for change.

In 2021, women's representation within the highest executive organs of the 32 international federations recognised by the International Olympic Committee stood at only 17 per cent.

The fact that this power is held almost exclusively by men is partly due to the persistence of deeply rooted sexist attitudes in many sporting cultures around the world, which continue to assign leadership roles to men and subordinate roles to women. A gender expert interviewed for this report explained that in Mexico, for example, male leaders establish themselves as the patriarchs of sport organisations or entire sport sectors and protect each other.⁵⁰ A study on gender relations in sport governance in Australia found a prevalent perception that it is difficult to find qualified, experienced women to serve as board members. The authors attribute this to "homosocial reproduction" whereby existing board members seek women of "their kind" who are less likely to challenge the status quo. This severely limits the pool of candidates.⁵¹ Another study from the Netherlands found that women were viewed as "lacking the time" for board membership.52

As a result, according to the Gender Balance in Global Sport Report, in 2021, women's representation within the highest executive organs of the 32 international federations recognised by the International Olympic Committee stood at only 17 per cent.⁵³ In Germany, although women and girls make up about 40 per cent of the membership base of sport clubs nationally, they represent only 13 per cent of national coaches and 16 per cent of leadership positions in the sport sector.⁵⁴

This matters. It is known that diversity on the boards of sport organisations is essential to breaking up groupthink and that homogenous political governance systems reinforce patronage networks.⁵⁵ These "all-male, hyper-masculine environments",⁵⁶ where sexist attitudes, jokes and remarks are widespread, are particularly conducive to the exploitation of women, children, LGBTQ people and disabled people and the concealment of different types of abuse.⁵⁷

A recent study from the FIFA Task Force for Women's Football found that better gender balance also improves critical aspects of soccer governance by creating a better, more diverse decision-making environment and a culture that is less prone to corruption.⁵⁸ Another study found that the presence of women on boards has a significant positive influence on action against sexual abuse in sport.⁵⁹

Lack of women coaches

The lack of representation of women is not only evident at board level, but also among coaches. In US college sport, regulations launched in the 1970s to grow and provide greater funding for women's sport attracted an influx of male coaches who came to dominate the sector. In 1970, 90 per cent of head coaches in women's college sport were women. By 2019, the figure had dropped to 43 per cent.⁶⁰

This unequal gender distribution in coaching positions can be seen as a general risk for sexual violence,⁶¹ given that perpetrators of sexual abuse in the sport sector are almost exclusively men, as discussed above. The gendered social structure of sport organisations and the legitimate authority of coaches give them a position of power that is often unquestioned and uncontrolled (see below), as long as, and especially if, coaches manage to secure success in sport.⁶²

Women coaches are often held to different standards than their male counterparts. Leadership attributes, considered a sign of strength in men, are often reframed as expressions of anger or emotion when exhibited by women, which further contributes to the hyper-masculine culture noted above. As Carol Hutchins, a successful softball coach in the US, told the Wall Street Journal in 2020:

Women coaches are let go at ┍┍ higher rates than men, and students report 'abuse' by female coaches who are tough on them or hold them accountable. I know of instances where a female coach has been told by her supervisor to be 'more nurturing'. I doubt Bobby Knight [a famous but aggressive basketball coach] was ever given that instruction. ... When females exhibit ... traits of leadership, we are often held to a different standard.

Carol Hutchins⁶³

Gender pay gap

Research has found that women head coaches are paid less than male head coaches.⁶⁴ The gender pay gap in sport is also evident among athletes. According to UN Women, the sport sector has one of the largest gender pay gaps of any industry, with the exception of a small number of sports, such as tennis.⁶⁵ The financial vulnerability of women athletes is exacerbated by the fact that most sport organisations lack structures to support women who are pregnant or who have parental responsibilities. As a result, many professional women athletes cannot live off their earnings, which makes women's sport particularly vulnerable to abuse,⁶⁶ including sextortion. Research has found a strong correlation between women's low-wage work and higher incidences of sexual harassment across a range of sectors.⁶⁷ A precarious economic situation, including lack of a financial cushion, may make such women more vulnerable to coercion and harassment.68

A 2019 study by Transparency International Zimbabwe found that corruption and bad governance in sport organisations has severely limited the growth of women's participation in sports in the country. In 2019, the women's soccer team forfeited a match against Zambia due to complaints over money.⁶⁹ In 2016, the Mighty Warriors, the women's national soccer team, were alleged to have received only US\$5 for bus fares on their return from the Olympic Games in Brazil, despite their participation being hailed as "the greatest achievement yet by any national football team in Zimbabwe."⁷⁰

Research has found a strong correlation between women's low-wage work and higher incidences of sexual harassment across a range of sectors. According to UN Women, the sport sector has one of the largest gender pay gaps of any industry, with the exception of a small number of sports, such as tennis.

ENVIRONMENTAL FACTORS

The physical nature of sport

The physical nature of sport activities can create opportunities that perpetrators can leverage to abuse their power to obtain sexual benefits. Close physical contact is common and even necessary in some sports. This can be used as an excuse for inappropriate contact or to hide sexual acts committed in plain sight.

Unsupervised contexts

Opportunities for sexual abuse afforded by the physical nature of sport are exacerbated by the fact that these often take place in contexts that are largely unsupervised. Indeed, perpetrators may specifically be attracted by the unregulated access that sport often provides to children and vulnerable adults.⁷¹ Athlete reports indicate that sexual abuse can occur in the locker room, the playing field, trips away, the coach's home or car, and social events, especially where alcohol is involved. Other unsupervised scenarios where the opportunities for

abuse may be greater include the relocation of minors to distant training facilities, practices requiring physical measurement and biological passports, and separation from family or school communities during sport competitions.⁷²

BEHAVIOURAL FACTORS

Ambiguous relationships

A key factor that makes the sport sector particularly vulnerable to sextortion and abuse of authority relates to the nature of interpersonal relationships, in particular between women athletes and their (predominantly male) coaches and other actors, such as doctors.⁷³ These relationships are generally characterised by closeness, be it social, emotional or, as discussed above, physical. Not all types of closeness necessarily facilitate the emergence of sexual abuse. In some cases, they can foster athletes' well-being and success. However, they do carry specific risks for the abuse of trust and thus need to be carefully managed, especially where minors are concerned.⁷⁴

For example, when coaches enact various social positions (such as best friend, brother, sister and parent) that imply a relationship based on trust, it becomes difficult for athletes to identify the boundaries where the relationship turns abusive.⁷⁵ A perpetrator (already in a position of relative power) may seek to establish a relationship with the victim that appears to be built on trust and mutual objectives. This can create a situation where the victim is unable to resist sexual advances, which are then escalated to the point where the victim may feel that he or she has consented to the sexual activity and is responsible for it. The sexual activities then become even more confusing and even more difficult to resist.⁷⁶

Dependency

The strength of the coach-athlete relationship can result in dependency relationships according to which athletes may feel that their success in the sport depends on keeping their coach happy, which requires doing anything they are asked. In many cases, that perception is well-founded due to power asymmetries. If a coach stops working with an athlete, for example, the decision can have severe consequences for that person. Women swimmers in Germany who trained with a powerful, successful coach said they did not speak up for years about the sexual abuse they experienced because they were terrified that he would stop training them, which would ultimately end their careers⁷⁷ (see the box Delayed reporting). In the soccer industry, the scarcity of professional clubs in most countries has been found to create great dependency via the threat of black-listing of players who raise concerns about abuse.⁷⁸

Endurance and loyalty

These dependencies are reinforced by a sporting culture that places particular weight on values such as endurance and loyalty to the team. Endurance is often cited as a common factor in silence about abuse in sport. According to sport sociologist Bettina Rulofs, many athletes are used to tolerating high levels of discomfort, pain and intense pressure as part of their discipline and can apply the same mindset to handling abuse.⁷⁹ These powerful "grin and bear it", "no pain no gain" attitudes combined with entrenched power imbalances discourage disclosure of harm.⁸⁰

The power to make or break

The issue of dependency not only relates to coaches, but also to others who have the power to make or break an athlete's career. In Mexico, this was the case when a supposed soccer agent was accused of having <u>abused his power to extort</u> <u>sexual acts</u> from a young soccer player.

In 2018, the player reported the following:

He received a text message from someone introducing himself as an agent of the football club Los Tiburones Rojos (The Red Sharks) in Veracruz and offering him a chance to train with the club's under-20 team. The player, who had just turned 18, joined the team the next day on a very modest contract. Shortly afterwards, he began receiving text messages from the agent reminding him that he had made this opportunity possible and insisting that to stay in the team he needed to do "everything" he was asked. "Everything" soon included explicit requests for *rifes* (local slang for oral sex). After avoiding meeting the agent on several occasions, the player was asked to go to his house to discuss his future. There, he was coerced into oral sex. For the young player, this was the end of the dream. The next morning, he returned home.

Soon after, the player decided to file a sexual abuse complaint with the prosecutor's office, in which he was later joined by at least two more boys. He shared his story with the news outlet Record that <u>published details of the case</u>. Following the report, the club issued a statement <u>denying that the agent had any involvement with</u> <u>the organisation</u> and announcing that it would investigate the allegations (although the investigation never materialised).

Media reports suggest that this was not an isolated incident. The agent, who was also a prosecutor in Veracruz at the time, would allegedly abuse his position to let soccer players who got in trouble with the law off the hook in exchange for favours from the club and/or club members, something that they all denied. Following the complaint, the agent continued to work as a prosecutor for a time. The case was investigated but never saw trial. The agent was <u>stabbed to death</u> in mid-2020, with other young soccer players among the suspects.

Loyalty often implies an expectation to put the wellbeing of the team first. Some athletes report not wanting to speak up to protect the reputation of the sport or the organisation, or not to be seen as "attacking" a member of the team.⁸¹ Women athletes interviewed for this report explained that, in sporting culture, athletes are generally expected to obey instructions regardless of their gender, but that pushing back or even proposing a different course of action can be more problematic for women.⁸²

Unaccountable decision-making

Coaches are often the main or sole decision-makers in a sport organisation vis-a-vis who makes the cut for important competitions. Athletes often start working with a coach from a very early age. A relationship develops in which the coach, as the adult expert, makes most or all the decisions, while the athlete, as the younger person, is expected to obey.

The imbalance of power favouring coaches enables them to abuse athletes without the athletes or others being able to recognise or address the problem. If coaches then develop an authoritarian coaching style (that can also be seen as a product of gender stereotypes within the traditional hypermasculine environment of sport), social structures and individual coaches' behaviour may increase the risk of sexual abuse. Several studies reveal that an authoritarian coaching style is related to the prevalence of sexual abuse against athletes.⁸³

Because coaches' authority and expert status is rarely questioned by parents or sport organisations,⁸⁴ they often operate within a "black box", with limited transparency or external oversight. In this sense, sport (and especially elite sport) has been compared to closed social systems such as boarding schools or traditional patriarchal families, where power is concentrated in adult leaders and a culture of obedience and deference to authority prevails. In such contexts, there is a higher risk of sexual, emotional and physical violence and a higher tolerance for abuse.⁸⁵

A CULTURE OF SILENCE AND IMPUNITY

Together, these factors have led to the emergence of a widespread culture of silence and impunity in the sport sector when it comes to all forms of abuse. Some experts and athletes have referred to this as "omerta", a term that originally referred to mafia codes of silence but is also used to describe "an intrinsic part of the culture" of some sports, in which individuals who engage in illegal practices are protected and those who do not support such practices are sidelined.⁸⁶ This culture persists, in part because sport organisations are often more worried about protecting their reputation than meeting the needs of victims/survivors or learning from their mistakes.⁸⁷ As a consultation process organised by FIFA in 2021 with sport organisations found, "abuse exists because of silence, complacency and continued abuse of power and positions of trust, with perpetrators feeling that they have a certain impunity."88 Participants in the consultation agreed that integrity efforts have sought, traditionally, to protect the sport rather than the athletes. The belief that "no news is good news" fosters a culture in which reports are filed away and the complaints of victims/survivors are dismissed.⁸⁹

In order to maintain their reputations, a Pennsylvania State University football coach and other top administrators "stood-by in silence or actively concealed knowledge of abuse."⁹⁰ An 18month investigation into sexual abuse in the US Olympic team in 2019 found that two of the topranking US Olympic and Paralympic Committee officials did little to probe, report or halt a longstanding gymnastics team doctor, who was accused of perpetrating thousands of sexual assaults between the early 1990s and the summer of 2016 and who has since been convicted as a sexual predator.⁹¹ The investigation also found that numerous other institutions and individuals enabled the abuse and failed to stop it, including coaches from grassroots to elite level, trainers, medical professionals and administrators. They ignored red flags, and in some egregious instances, dismissed clear calls for help from girls and young women who were being abused. In turn, multiple law enforcement agencies failed to intervene effectively when presented with opportunities to do so.⁹² Although the case was one of sexual predation and grooming rather than sextortion per se, it shows the same kinds of challenges that are faced in cases of sextortion.

Abuse exists because of silence, complacency and continued abuse of power and positions of trust, with perpetrators feeling that they have a certain impunity.⁹³

The result is that, in many cases, perpetrators are allowed to stay in the same organisation or move to others without consequences. Several German tennis players reported years of sexual abuse at the hands of the same coach when they were minors and claim they were told "he will never set foot again" in their club. Three months later he was already working at a different club. One of the players went on to become a coach and eventually saw the man reappear in the same club.⁹⁴ In the US, in 2015, a woman soccer player reported a coach for sexual coercion. The club determined that the behaviour was against their codes of conduct and terminated the coach's contract. The club also informed the National Women's Soccer League (NWSL) about the decision, but the coach was hired by a different club within months and the league did not intervene.95

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PREVENTING SEXTORTION IN SPORT

So what can, and is, being done to address these underlying enabling factors and ensure that all members of society can engage in sport at all levels, free from sextortion and other forms of sexual abuse? In practice, sport organisations have tended to depend almost exclusively on reporting mechanisms and sanctions to deter abuse. In other words, it is only after a victim/survivor or observer takes the risk of complaining that the process of redress commences. Thus, the onus for abuse prevention is often placed on the most vulnerable members of the sport system, the athletes themselves.⁹⁶

Effective reporting mechanisms and sanctions (as discussed in the following chapters) are critical to address abuse when it occurs and can have some deterrent effect. However, there is an urgent need to strengthen prevention frameworks in the sport sector to help ensure that these abuses do not occur in the first place.

In practice, sport organisations have tended to depend almost exclusively on reporting mechanisms and sanctions to deter abuse. Thus, the onus for abuse prevention is often placed on the most vulnerable members of the sport system, the athletes themselves. To be effective, prevention efforts against sextortion specifically, and sexual abuse generally, must address the systemic governance weaknesses identified in the previous chapter (concentration of power, discretionary decision-making, lack of oversight, dependency, etc.) and the behaviour and conduct of individuals in positions of authority.⁹⁷

EFFECTIVE PREVENTION MEASURES IN SPORT ORGANISATIONS

The concept of good governance in sport is relatively new, with frameworks for sport governance over at least 15 years drawing largely from corporate governance practice. There is a broad consensus among governments, sport organisations, international organisations and NGOs that good governance requires the promotion and application of democratic principles, gender mainstreaming, stakeholder involvement, and transparency, accountability and integrity measures. While all these are important to strengthen governance and ultimately reduce the risk of abuse, the following measures are considered particularly pertinent to the prevention of sextortion.

Addressing gender imbalances in sport governance

Measures to address structural imbalances in sport governance can help reduce the concentration of power that increases the risk of sextortion. In particular, as noted earlier, ensuring a gender balance in sport governance can help create a more diverse decision-making environment and foster a culture that is less prone to abuse.

To address the question of gender imbalance, the Conference of the States Parties to the United Nations Convention against Corruption (UNCAC) in 2019 called for states to actively encourage greater participation and representation of women in sportrelated activities, programmes and initiatives and in sport governing bodies. One way to achieve this is by developing robust awareness programmes that address gender-related barriers in sport caused by corruption.⁹⁸

One measure that has proven successful is the use of quotas for women in leadership roles. A study from Australia found that a quota of at least three women was able to advance gender equality in sport governance, in conjunction with other measures such as including women in influential board positions, relationships of solidarity between men and women directors, and adoption of gender equality as an organisational value.⁹⁹ Criticism that quotas may undermine the principle of merit is largely unfounded given that merit also applies to the implementation of quotas.¹⁰⁰

Reducing the gender pay gap and providing maternity support for woman is another structural measure that can help address systemic imbalances. There have been some important recent developments in this regard, such as an initiative by FIFA to introduce mandatory maternity leave with pay, which is designed to protect women players and coaches from pregnancy-related discrimination. The Women's Tennis Association maternity leave policy provides a two-year period for an athlete to return to competition with the ranking she had on the day she stopped playing to go on maternity leave.¹⁰¹

Increasing athlete participation in sport governance

Increasing the participation of athletes and other stakeholders in sport governance more broadly can help break down the structures of cronyism that dominate the sector. A 2013 survey undertaken as part of the Action for Good Governance in International Sports Organisations (AGGIS) project found that most of the 35 sport governing bodies reviewed had institutionalised some form of athlete participation, but that they had rarely been granted formal decision-making power.¹⁰² FIFPRO has suggested that soccer organisations in many cases have intentionally undermined efforts to unionise, to maintain abusive power structures and control.

> If football is serious about tackling abuse, it should embrace and encourage players to organise through representative bodies and promote the involvement of player representatives in active cases [of abuse] so that players can be independently advised and supported. The players' input should also feature prominently in the solution-building process.

FIFPRO¹⁰³

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In the US, an investigative report was carried out into the US Olympic sexual abuse scandal mentioned above, whereby "powerful individuals within the Olympic movement were able to assault young athletes because of a lack of oversight, independence, and transparency."¹⁰⁴ In response, the US Senate introduced the Empowering Olympic and Amateur Athletes Act of 2019 with a view to restoring integrity to the US Olympic and Paralympic Committee. Most notably, from a prevention perspective, the act includes a requirement to increase the level of representation of amateur athletes on the US Olympic and Paralympic Committees' board from one fifth to one third. The bill also guarantees that one third of National Governing Bodies' structures will be filled by amateur athletes.¹⁰⁵

Sport England's Code for Good Governance (see the box Examples of funding conditionality for prevention) stresses the importance of identifying, listening to, and meaningfully considering the views of stakeholders, including athletes. Mechanisms to this end outlined in the code range from athletes' panels and athlete representatives to surveys and other methods. The code also calls for nonexecutive board members representing the athlete voice to sit on the boards of sport governing bodies. In smaller/voluntary clubs this role could be a carried out by a committee member.¹⁰⁶

Introducing term limits

Term limits can help avoid concentration of power with one group or individual. They can also help ensure that sport organisations benefit from the regular involvement of new people with new ideas. They provide the opportunity for an organisation to recruit the skills needed to match their strategic objectives, which are likely to change over time.

A resolution of the Conference of Parties to UNCAC in 2019 recommended the adoption, where appropriate, of term limits for senior officials of sport organisations.

The 2013 AGGIS survey cited above found that the general lack of term limits in sport organisations posed serious threats with regard to the concentration of power.¹⁰⁷ To address this, a resolution of the Conference of Parties to UNCAC in 2019 recommended the adoption, where appropriate, of term limits for senior officials of sport organisations.¹⁰⁸ The Sport and Recreation Alliance in the UK suggests fixed term limits of either two four-year terms or three three-year terms for board directions of sport organisations.¹⁰⁹ Where they are adopted, term limits need to be introduced in a way that balances the above-mentioned benefits with the imperative to ensure continuity, stability and institutional knowledge at senior management level, particularly in smaller-scale organisations.¹¹⁰

Strengthening oversight of decisionmaking and limiting discretion

Dependency relationships and broad discretion in decision-making prevail in many sport organisations. Consequently, there is a need for greater accountability on decision-making by coaches and others. The structurally imposed trust that is granted to coaches needs to be challenged and measures implemented to ensure that trust is earned through a long-term process and may be questioned.¹¹¹

Measures to achieve this could include introducing clear criteria for decision-making and establishing

mechanisms through which decisions can be independently reviewed and, if necessary, appealed. Examples are technical review panels to examine or question decisions made by coaches. The International Partnership against Corruption in Sport (IPACS), which has recently proposed a range of governance benchmarks for sport organisations, includes as one of its 50 recommendations that: "[d]ecisions can be challenged through internal appeal mechanisms with final recourse to the Court of Arbitration for Sport or an appropriate independent body ensuring the right to a fair trial."¹¹² The possibility of challenging a decision is not only needed at the highest level of decisionmaking of associations and federations, but also has to apply to all kinds of decisions starting at club level.

Introducing codes of conduct

Codes of conduct can be a powerful tool to ensure compliance with the ethical standards to which those in positions of authority are generally held. When applied correctly, codes of conduct can play an important role in changing attitudes and behaviour over the longer term. They help to educate those entrusted with power about what constitutes an abuse of power, and to create a culture that condemns or condones particular conduct.¹¹³ This is true of all organisations and sport organisations are no exception.

Stripping someone of the authority that they abused is not only a significant punishment, but it also protects potential victims/survivors from future abuse at the hands of that individual and deters others in authority from engaging in such abuse.

To date, few codes of conduct use the term "sextortion" specifically when discussing the types of behaviour that are prohibited. One notable exception is the draft text of the IPACS benchmark B10 – Anticorruption Code of Conduct or Policy – that refers to sextortion in its definition of corruption.¹¹⁴ Even where they do not explicitly include the term, codes of conduct may proscribe the types of exploitative and abusive conduct involved in sextortion. For example, they may prohibit those in position of authority from abusing that authority, exploiting the vulnerability of those with whom they deal, or engaging in conduct that would violate certain laws, such as laws against corruption, discrimination and sexual harassment. They may also require people in positions of power to protect those entrusted to their care, to avoid taking undue advantage of them and to refrain from conduct that would reflect badly on the organisation or profession.¹¹⁵

The International Olympic Committee (IOC) suggests creating codes of conduct that can be applied to all stakeholders involved with a sport organisation (including volunteers) and outlining expected behaviour and behaviour that would lead to disciplinary action. This may include situationspecific guidelines, for example, to regulate behaviour on away travel or in locker rooms or other spaces. Where possible, individuals should be required to explicitly commit to abide by the code and compliance should be monitored. Where an organisation does not have direct jurisdiction over developing codes of conduct applicable to certain groups of individuals (for example, athlete entourage members), stakeholders who do work with these groups should integrate such codes into their own policies and procedures.¹¹⁶

In many cases, breaches of codes of conduct may lead to suspension from duty, license revocation or dismissal. Stripping someone of the authority that they abused is not only a significant punishment, but it also protects potential victims/survivors from future abuse at the hands of that individual and deters others in authority from engaging in such abuse.¹¹⁷

Defining the boundaries of acceptable behaviour

In practice, many sport organisations fail to adequately delineate or formally define the boundaries of the coach-athlete relationship and few have written rules relating to showers, changing rooms, trips away, sharing of hotel rooms, etc.¹¹⁸ Development and use of such guidelines, and transparent communication and open negotiation between coaches and athletes about their roles, mutual expectations and boundaries, can help protect athletes' well-being and prevent abuse. This could include considerations of how coaches should frame and communicate their messaging so that they are clear and unambiguous¹¹⁹ and refrain from communication that is deemed unacceptable, such as making sexist remarks or jokes. One area in which the definition of boundaries is particularly important is in relation to romantic/sexual relationships between coaches and athletes. The IOC recommends prohibiting romantic/sexual relationships between coaches and athletes (if this is in line with the applicable laws).¹²⁰ Alternatively, sport organisations could develop clear guidelines on how to deal with such relationships, including separating the romantic relationship and the coach-athlete relationship by insisting that a coach cannot train an athlete if they are in a romantic relationship with them.¹²¹

Defining what counts as inappropriate behaviour

At the beginning of 2017, <u>German media</u> reported alleged sexual violence towards athletes at the fencing centre at Tauberbischofsheim in Germany. In April 2017, the board of directors of the fencing centre established an independent taskforce to identify whether there was evidence of misconduct, failure to investigate complaints, tolerance or cover up at the fencing centre.

Among other things, the investigation report, published in January 2018, found an insufficiently clear and consistent structure for personnel management in the area of trainers; an absence of effective guidelines for training methods and behaviour towards athletes; a lack of transparency in decision-making processes related to participation in competition and financing for individual sportspeople; an absence of internal or external contact points for complaints; and a partially perceived "lack of distance".¹²²

In particular, the report describes how verbal statements and a lack of physical distance were considered to be "disturbing" or "inappropriate" by some individuals but as "motivating" by others. This underlines the need to have clear rules on how to respect distance and ensure appropriate communication. This cannot be left to the individual judgement of a coach or depend on the sensitivity of the athletes.

Promoting education and awarenessraising on sextortion and other forms of sexual abuse

Education and awareness-raising within sport organisations is a critical tool for promoting cultural

change as part of any organisational prevention strategy on sexual abuse, including sextortion. Educational measures can provide stakeholders with understanding and knowledge to overcome denial and to implement prevention solutions.

Education and awareness-raising should include gender-awareness training, safeguarding training, and training on codes of conducts and the importance and practical use of reporting mechanisms. Educational programmes should include information, definitions and examples of types of abuse, and the relevant legal framework. Given that harassment and abuse often start with apparently "harmless" remarks/jokes etc. awareness-raising should cover all forms of inappropriate behaviour, including sextortion. For such training to be effective in changing organisational culture, it should address the problem in the wider context of gender and power relations. Awareness-raising should be part of an ongoing programme rather than one-off activities that are likely to change very little.

All levels of the organisation need to be targeted, from international sport executives to local volunteers, including athletes, athlete entourage members (coaches, agents and fitness personnel), administrators and sport managers, families and peers, clinicians and healthcare providers, and sport and exercise science professionals and their training agencies.¹²³ Ideally, sport organisations should have access to a resource person or an entity that can help design and provide training, awareness-raising sessions and tools for sport organisations, while serving as a reference in case of any problems. Furthermore, such entities can provide leadership in athlete protection and ensure that prevention measures are standardised so that disparities can be avoided between sport organisations.¹²⁴

Sport organisations could consider developing athlete-centred safeguarding strategies based on positive reinforcement to achieve deeper culture change. Such a model in which sport teams, for example, are rewarded for cultivating a constructive culture (as judged by team members) could help avert physical, sexual and emotional abuse, demonstrate that the organisation cares, and empower athletes' voices.¹²⁵

Vetting of officials, coaches and volunteers

Vetting before recruiting people (including volunteers) to positions of authority can help ensure

that individuals who have previously perpetrated sexual abuse are excluded and cannot move from one setting to another, as is often the case. Vetting methods may include interviews and reference checks or criminal record checks/background checks. Criminal record checks may potentially reduce risk and liability to employers. Other recommended checks as part of the screening process may include requesting references from previous employers or organisations for which volunteers have previously worked and validating any gaps in the candidate's recruitment history.¹²⁶

In several countries, the disclosure of criminal records is mandatory when applying for jobs that involve working with children. In the Netherlands, the sport sector has adopted the use of a joint blacklist to register anyone convicted of or sanctioned for a sex crime to prevent sex offenders from moving between sport organisations and volunteer organisations unhindered.¹²⁷ However, this kind of disclosure is often limited to the national context and not always possible when an individual from one country applies for a job in another. Crossjurisdictional screening is made more difficult by the fact that privacy and data protection obligations may differ across jurisdictions and criminal information may be incomplete or inaccurate.¹²⁸ Greater international cooperation could help minimise these challenges and ensure that offenders do not benefit from legal loopholes in one jurisdiction or get jobs in other sports or countries.129

Examples of prevention measures among international sport governing bodies

Organisations such as the International Olympic Committee (IOC), FIFA and others have reacted to the string of sexual abuse cases in the sport sector in recent years by creating and promoting safeguarding measures among sport organisations at national and international levels. Safeguarding in sport usually refers to policies and procedures that sport organisations are expected to put into place to protect athletes from harassment and abuse, often – though not exclusively – designed to protect children and young people. While these policies cover many of the organisational and individual-level prevention measures discussed above, most fail to address broader structural weaknesses in sport governance. This is a considerable gap.

The <u>FIFA Guardians toolkit</u> is a practical handbook 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 soccer. It is designed to train and support member associations in implementing the right measures to protect children and vulnerable groups and professionalise the role of safeguarding officer across soccer. It covers strategies to secure organisational support for safeguarding, developing policies and procedures, identifying and managing risks, and identifying, reporting and managing safeguarding concerns.

The <u>IOC's toolkit for safeguarding athletes from</u> <u>harassment and abuse in sport</u> is designed to assist international sports federations (IFs) and National Olympic Committees (NOCs) to develop and implement athlete-safeguarding policies and procedures. It includes step-by-step guidance on three main safeguarding areas, one of which is prevention (criminal record checks and codes of conduct). The other two are development of policies and procedures, and management of reports of harassment and abuse. The IOC has also developed an Athlete Safeguarding <u>e-learning</u> course to complement the toolkit.

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) has developed a <u>Safeguarding in Sport</u> resource that provides guidance for governments, sport organisations and individuals working in sport on developing policies and guidelines and implementing measures to safeguard children and vulnerable adults from non-accidental forms of harm, including harassment, abuse, neglect or exploitation. The prevention measures it recommends include developing a safeguarding policy, creating a culture of safeguarding in the organisation, developing codes of conduct, introducing a safe recruitment process for staff and volunteers, conducting safeguarding training and conducting regular risk assessments.

CONDITIONING FUNDING ON STRONG GOVERNANCE AND PREVENTION MEASURES

Authorities may not have legal powers to mandate the adoption of prevention measures. However, entities that provide public funding do have some degree of financial leverage that they can use to condition the provision of funding to sport organisations on the adoption of certain minimum standards. This can include defining a set of governance standards that must be met and/or prevention measures that must be in place to receive funding, including many of those discussed above. It can also include a requirement to develop specific safeguarding policies and procedures, as well as mechanisms for safe and trusted reporting of sextortion and other forms of sexual abuse.

Private sponsors also have an important role in incentivising the adoption of prevention measures among sport organisations. High profile sport teams and sporting events provide an important platform for companies to gain visibility and attract significant resources. They can help companies enter new markets, strengthen their brand and establish a positive emotional link to their products and services. Given the importance of the good reputation of sport organisations and events in the eyes of sport fans, sponsors play an important role in ensuring that strong prevention mechanisms are in place to strengthen accountability and help avoid scandals and other cases of misconduct.

The United Nations Global Compact has developed a practical guide for businesses seeking to engage in sport sponsorship. It was designed principally for managing the risks of corruption. However, the guide could be applied to the prevention of other forms of abuse, including sextortion. The guide suggests that sponsors should engage proactively with sport organisations to support capacity building for preventive measures and develop sport sponsorship agreements and codes of conduct that require, among other things, a commitment to establishing preventive measures. The guide also suggests that sponsors should consider a multistakeholder approach based on standardised international best practice to avoid duplication of effort.

Examples of funding conditionality for prevention

Perhaps the most advanced system of funding conditionality to date is <u>Sport England's Code for</u> <u>Sports Governance</u>, which sets out the levels of transparency, diversity, inclusion, accountability and integrity that are required from sport organisations that receive UK Government and National Lottery funding. Launched in 2016, the code has been applied to over 4,000 sport organisations, community groups and charities that provide sport and physical activity in the UK. A <u>review of the code in 2020</u> found that it had been particularly successful at promoting board diversity (especially for women) and regulating term lengths. Following the 2020 review, the code was revised to include additional requirements for organisations to extend diversity and inclusion beyond boards to senior leadership and across their organisation and structures. Since its introduction, the code has been emulated in several countries.

In Canada, to be eligible for funding from Sport

Canada (the government department responsible for sport policy and funding), all sport organisations must have a policy on harassment, abuse and discrimination, offer mandatory training on these issues, and provide access to an independent third-party entity to receive and manage complaints. They are also required to report annually to Sport Canada on how they are meeting the funding requirements. In Germany, public funding for larger sport organisations is conditional on the introduction of prevention measures, through a step-by-step model that requires the development of policies against sexual abuse, appointment of contact people, education for trainers and a mandatory code of honour, among other things. In Romania, according to Cristian Ghita, Undersecretary of State in the Ministry of Youth and Sports (MTS) in the country, the MTS is working on a new "good governance in sport" instrument to update the rules sport organisations have to abide by to access public funds. The new rules are expected to include sections on child safeguarding, sexual harassment, and women's representation in decision-making.

At international level, <u>FIFA requires its member</u> <u>associations to comply with certain safeguards</u> and procedures to access funds from its FIFA Forward Programme, especially for youth and women's soccer. FIFPRO, an international union representing professional soccer players worldwide, <u>has called for the hosting of mega</u> <u>sporting events to be contingent on demonstrable</u> <u>compliance</u> with key standards for adequate and effective prevention, reporting and investigation of abuse and misconduct.

CHALLENGES TO PREVENTION

Unfortunately, as we have seen, failure to prevent sextortion and other forms of sexual abuse in the sport sector is all too common. According to Joyce Cook, FIFA's Chief Education and Social Responsibility Officer:

> (t)here is an evident lack of basic safeguards and preventative measures across sport that create an enabling environment for abuse to happen.¹³⁰

Joyce Cook

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Balancing autonomy with responsibility for preventing sexual abuse

As noted in the section Structural factors, sport organisations tend to be autonomous (nongovernment) entities. This means that they do not have the same legal obligations as public sector entities to develop and implement preventive measures that could help address the conditions that enable sextortion and other forms of sexual abuse to flourish. Most countries have a ministry or agency with responsibility for steering sport policy and managing public funds to support sporting activity. However, as non-state (private) entities, sport organisations are rarely legally required to adopt prevention mechanisms.

There are some exceptions to this. In 2021, for example, the California State Supreme Court ruled that USA Taekwondo, the governing body for that sport in the US, had a legal duty to protect athletes from sexual abuse and could be held liable for the harm caused by its coaches¹³¹ (see the box Retribution for speaking up). In the EU, the Directive on Corporate Due Diligence and Corporate Accountability (2021), which is currently under discussion, would require companies that trade in the EU to monitor, identify, prevent and remedy risks to human rights, the environment and governance in their operations and business relationships. In theory, this could include risks of sextortion and other forms of sexual abuse. However, many smaller sport organisations would

be exempt from the requirements as it would only apply to large companies, publicly listed small and medium enterprises (SMEs) and high-risk SMEs.¹³²

Weak policy enforcement

Even where international or national sport federations require preventative action to be taken among their members, there is often a disconnect between policy and procedures at global, national and grassroots levels. For example, the IOC has recognised that the impact of their policies and procedures on athlete welfare may be limited because National Olympic Committees and international sport federations rarely interact directly with athletes at national federation, club or grassroots level.¹³³

In Germany, the German Olympic Sports Confederation (DOSB) adopted the Munich Declaration for the Protection against Sexualised Violence in Sport in 2010. The declaration has 15 measures including prevention of sexual violence as a mandatory topic in sport qualifications, development of learning and teaching materials, adoption of codes of ethics, and rules for revocation of licenses.¹³⁴ However, a study in 2019 found that many sport organisations at the time were failing to meet these obligations because of the autonomy of the system and lack of accountability to the DOSB or government. Fewer than half of national sport federations included the prevention of sexual violence in their statutes and only 50 per cent included it in coaches' education and training systems.¹³⁵ To address this, the DOSB recently introduced a policy whereby the receipt of public funding for national sport federations is conditional on the introduction of prevention measures (see further discussion in the box Examples of funding conditionality for prevention above).

Similarly, a 2017 assessment of Romanian sport governance across nine sports found that federations were ill-equipped to prevent and handle cases of corruption and abuse. No federation had statements or reports about conflicts of interest among staff or leadership members, and about a third failed to provide motivations for their decisions.¹³⁶ Fewer than half had codes of conduct establishing an obligation to act with integrity for council members and staff, and even fewer had norms regarding gifts and expenses. Very few federations had term limits for leadership members. Only a third had athlete representation and none had a policy on athlete inclusion. Most federations were found to pay too little attention to gender equality,¹³⁷ with fewer than 10 per cent having women presidents by 2018.¹³⁸ According to an opinion survey among coaches and instructors, 53 per cent considered preconceived ideas about women the main reason for lower representation, and a similar proportion said quotas would be beneficial.¹³⁹ The 2017 assessment found that close to half of the organisations had a specific policy against sexual harassment, but only a few had a point of contact designated to handle related cases or issues. The assessment concluded that, "(r)egulations against sexual harassment are not supported by concrete strategic actions."¹⁴⁰

In Mexico, the National Commission of Physical Culture and Sport (CONADE), the Mexican government entity tasked with leading sport policy and promotion of physical activity, has announced on multiple occasions a "zero-tolerance" policy to sexual harassment. However, a study found that actions "lacked significance" and athletes and coaches had not received training about abuse or how to report it.¹⁴¹ At state level, bills have been proposed to make it an obligation for CONADE to create mechanisms to prevent and handle reports of abuse and for sport organisations to adopt them, but with no success so far.¹⁴² Even among the more institutionally developed and well-funded federations, such as the Mexican Football Federation, prevention measures are not comprehensive. The Mexican Football Federation's code of ethics establishes ground rules for disciplinary processes. However, it does not require that those handling complaints have training in investigations or in gender-based violence, and it offers no guarantees that sanctions are to be independently decided.

Limited prioritisation of sexual abuse prevention in smaller organisations

Many national and local sport organisations around the world are small and dependent on volunteers. Decision-making is often ad-hoc and opaque, with little or no attention paid to educating staff and volunteers about abuse or developing prevention protocols. A study on the extent to which prevention measures have been implemented in voluntary sport clubs in Germany found that only half of the clubs in the sample saw the prevention of sexual abuse as a relevant topic. On average, the clubs had implemented only a small number of measures.¹⁴³ Research from Canada found that weak leadership and limited financial and human resources, especially in smaller sport organisations, often meant that preventing sexual abuse was considered a low priority or even perceived as a burden.¹⁴⁴ Some evidence suggests that a high proportion of volunteers among members of voluntary sport organisations has a significant positive effect on the degree of awareness and engagement around issues of child protection.¹⁴⁵ This indicates that the relationship between financial resources and prevention is more complex than often suggested.

Another key challenge relates to the lack of awareness and understanding of what prevention is and why it is needed. The Canadian study found that coaches, parents and administrators often feared that high profile prevention activities might be perceived as an acknowledgement of the presence of sexual abuse within their organisation or that exposure could lead to exaggeration, dramatisation and excessive monitoring by parents. In turn, this might lead to unfounded allegations. Stakeholders also questioned the cost-effectiveness of prevention measures vis-a-vis the perceived limited results.¹⁴⁶



REPORTING AND SANCTIONING Sextortion in Sport

Reporting mechanisms are widely recognised as an essential component in tackling sexual abuse, corruption and other wrongdoing in sport, in addition to the prevention mechanisms discussed above. The Conference of the States Parties to UNCAC in 2019 specifically encouraged states to consider developing reporting mechanisms in the sport sector, establishing effective protection measures for reporting persons and witnesses, and increasing awareness of such measures.¹⁴⁷

EFFECTIVE REPORTING MECHANISMS IN SPORT ORGANISATIONS

According to the United Nations Office on Drugs and Crime's (UNODC's) Practical Guide for Development and Implementation of Reporting Mechanisms in Sport, a good reporting mechanism uses a combination of at least two interfaces; allows confidential and anonymous reporting; provides adequate information about what can be reported, how to make a report safely and how reports are handled; and is easily accessible. While the guide does not make explicit reference to sextortion as a reportable offence, UNODC's definition of the type of wrongdoing in sport that should fall within the scope of reporting mechanisms covers corruption (including fraud, bribery and abuse of position) and abuse and harassment.¹⁴⁸ Thus, it encompasses both of the key elements of sextortion. Furthermore, the principles underpinning a robust reporting mechanism, as described below, are equally applicable to cases of sextortion.

Crucially, the effectiveness of reporting mechanisms relies on the commitment of those who lead sport organisations. This includes a commitment to ensure that reporting mechanisms have adequate resources and mandates and are impartial, and a commitment to maintain confidentiality, ensure that any reprisals against reporting persons are redressed and ensure that wrongdoing identified is appropriately remediated and sanctioned. Ensuring that the reporting mechanism is clearly and simply communicated, actively encouraging the reporting of wrongdoing and promoting reporting persons as role models are also key to success.¹⁴⁹

Furthermore, it is crucial to ensure that reporting mechanisms are gender-sensitive to facilitate an environment in which women are comfortable about reporting wrongdoing. To achieve this, it is vital to understand the motivations, patterns of behaviour, incentives and barriers relating to reporting that exist between men and women. Research shows that women value policies that provide protection from retaliation and confidentiality provisions more than men.¹⁵⁰ To this end, gender-sensitive reporting mechanisms must be well equipped to deal with sextortion. This requires providing: access to appropriate resources, including psychological, financial and legal support; clear guidance on the reporting process as well as legal guidance and support; protection against retaliation; and coordinated efforts between anticorruption and gender-based violence-reporting mechanisms. Furthermore, officials interacting with victims must be mindful of their language and possible biases. Experience shows that women are
more likely to report or pursue the cases if they can interact with a woman. $^{\rm 151}$

FAILURES IN INTERNAL REPORTING

Unfortunately, experience shows that the sport sector has repeatedly and widely failed to implement effective reporting systems. Instead, it has tended to foster a culture of mistrust of reporting, silence, fear and retribution that discourages speaking up and facilitates further abuse.¹⁵² This is often compounded by the short career window that athletes face, which can further deter reporting as it may disturb a successful career path or even lead to exclusion from sport. As a result, levels of reporting are very low. Even when athletes and others finally disclose harm, they often wait years before reporting it.¹⁵³ This can make it more difficult to hold perpetrators to account, especially where statutes of limitations apply.

Delayed reporting

In 2019, five women swimmers <u>reported to Der</u> <u>Spiegel</u> newspaper allegations of sexual assault, psychological manipulation and bullying by Germany's national open-water swimming coach dating as far back as 2011. Some of the swimmers were minors at the time. The coach had faced similar allegations before and was previously placed on leave pending investigations that did not lead to prosecution.

Following the publication of the Der Spiegel article, the coach was placed on indefinite leave by the German Swimming Federation and resigned shortly afterwards. Three days later, the Würzburg public prosecutor began investigating the allegations. Four swimmers made allegations to the investigators but most of the proceedings were discontinued either because they had exceeded the statute of limitations or because of insufficient evidence ("one person's word against another" under German law). In February 2022, the district court of Würzburg issued a penalty order against the coach for sexual abuse of a competitive underage swimmer in two cases. Both cases are said to have taken place in the period 2011/2012. He received a six-month suspended sentence and EUR 1,500 penalty fine and was barred as a professional or voluntary swimming coach for three years. The coach initially denied the

allegations, but finally <u>admitted guilt</u> in the penal proceedings.

The <u>sources</u> who spoke to Der Speigel attributed the coach's position of power and their own competitive pressure to succeed in the swimming federation as two of the reasons why it had taken years for them to speak out. Reportedly, one swimmer felt pressured to respond to the coach's text messages because "if you didn't take part, he wouldn't have spoken to you – and didn't (sic.) train you anymore."

Stigma and retaliation

Widespread stigma around abuse and common feelings of shame and guilt that victims/survivors frequently experience mean that many cases of sexual abuse are not reported.¹⁵⁴ This is especially true when existing reporting mechanisms do not facilitate safe and trusted opportunities to inform sport organisations about concerns.¹⁵⁵

When athletes do speak up, they are often treated with distrust or contempt. In some cases, reporting abuse leads to the use of formal mechanisms against them. Retaliation is common in the stories of victims/survivors of abuse in sport, including mistreatment, threats and being excluded from important events (see the box Retribution for speaking up). Bystanders often fail to report because they fear that it would jeopardise their career or ruin the career of someone else who they are not certain has done something wrong.¹⁵⁶

Retribution for speaking up

A retired soccer player interviewed for this report recalled reporting her coach for bullying to the director of a club. She states that she and another woman soccer player pleaded with the director not to reveal they had reported him because he was a "vindictive coach" but that by the end of the week, the director had revealed their names to the coach. While one player decided to leave the club at that point, the other player stayed and was benched for the summer. Although the case did not involve any form of sexual abuse or coercion, years later, in 2019, <u>the coach was detained with</u> <u>multiple charges of sexual abuse</u> and exploitation spanning two decades. In the US, a young taekwondo athlete who alleged that she had been repeatedly abused by a coach and his brother claims she was dropped from the national team when she started seeing a boyfriend, even though she had won the World Championship. She informed the governing body about the abuse, including a police report she had filed for burglary when the coach broke into her home. It is reported that the then CEO of US Taekwondo said the allegations "weren't credible" and saw no reason to review the decision to drop her from the team. Furthermore, the organisation suspended her for "wrongfully" accusing the men and called her allegations "defamatory utterances" that "are untrue and damaging to the morale of the team." According to the legal suit she eventually filed, the same CEO later offered to add her to the 2008 Olympic team if she withdrew her complaint against the coach and signed a statement saying she had fabricated the allegations. She refused.

In the Afghanistan case discussed above (see the box Extent of sextortion in women's soccer), some of the individuals who spoke up about sexual coercion of women players reported they received death and rape threats and had to flee the country.

Misunderstanding and conflicts of interest

In many cases of abuse, the parties accused are either senior leaders of the organisations or the abuse happens in their presence. This brings into question the extent to which those tasked with investigating and sanctioning complaints can act independently from their employers or superiors.

T In our overwhelming experience football players do not report abuse because the reporting mechanisms in the game are too closely linked with the power structures that enable abuse. Put simply, they don't trust the process to be impartial and safe and they don't believe it will rigorously investigate everyone who

participated, facilitated or ignored abuse.

FIFPRO¹⁵⁷

Supporting the perpetrators, not the victims

In a complaint filed with the Romanian Olympic and Sports Committee (ROSC) and the Romanian Bobsleigh and Skeleton Federation in 2020, which was later <u>reported in the media</u>, a woman Olympic bobsledder reported being forced to attend meetings with men from the criminal world of Constanta in Southern Romania in her spare time. In her account the coach would introduce the athletes as "his girls". She stated that the men asked her if she fancied sexual intercourse and that on one occasion one of the men from Constanta asked the coach if he had any girls for him to which the coach replied, "I will bring them to dinner tonight so you can see them." According to the bobsledder, the dinners were not invitations that she was free to reject. In another incident, she details how the coach asked her if she was wearing any underwear and said that she should pull her skirt up and show him. For the athlete, playing along with the coach's demands was, implicitly, the price to pay to be on the team.

The complaint prompted the Romanian Olympic and Sports Committee to open an investigation. The coach – who has denied all allegations – was suspended pending the disciplinary process. However, before the hearings even took place, the Federation's secretary-general said, "Personally, I have no indication that the girl's statements are credible. From our perspective, it is possible that there is a rich imagination in the middle and that there are interests on her part. It seems to be a scam."

This was not the first time a sport organisation had taken a position before the disciplinary process concluded or even started. In 2018, after the Gazeta Sporturilor revealed claims by nine former judo athletes against three coaches for alleged physical and verbal abuse, the president of the Romanian Olympic and Sports Committee offered his "total support" to one of the coaches. The Ethics Commission hearings had not even started at that point. The coach denied the allegations and the investigation was closed two-and-a-half years later, on the basis that the athletes' testimonies lacked evidence to merit sanctions. The president of the Judo Federation labelled the case "an artificial scandal". According to the Gazeta Sporturilor, the coach in question and the president of the Romanian Olympic and Sports Committee were both commissioners at a private sport club, with the coach holding a higher rank.

Where the leadership is involved in abuses, internal investigations, if they happen at all, are wrapped up quickly. This sends the message that abuse will be tolerated, abusers protected, and complainants and whistleblowers punished. Both the Afghanistan and Haiti cases discussed above (see the box Extent of sextortion in women's soccer) ultimately required significant support from FIFPRO – including legal, psychological and safety support for those affected – and the intervention of FIFA for the accused leaders to receive lifetime bans from the sport.

Many in the sector continue to think the problem does not affect their sport, organisation or country. In some cases, sport leaders interpret an absence of complaints as proof that there is no problem. However, experience shows that poor awarenessraising and poor reporting mechanisms are an important part of why abused individuals often decide not to report.¹⁵⁸ In fact, some studies show that many sport administrators think the presence of reporting procedures and mechanisms may lead to unfounded allegations. However, the fear of false allegations against coaches and figures of authority has proven to be unfounded.¹⁵⁹ In fact, the opposite is true. Research from the private sector shows that robust internal reporting mechanisms help protect companies from the effects of misconduct, including legal liability, serious financial losses and lasting reputational harm. Effective internal reporting mechanisms also foster a corporate culture of trust and responsiveness. Companies have found that such mechanisms provide real benefits to their culture, brand, long-term value creation and growth.160

Lack of capacity and expertise

Sport organisations often lack the capacity and expertise to detect and investigate reports of abuse, including cultural and linguistic expertise and understanding of gender dynamics, sexual violence and/or trauma.¹⁶¹ Interviewing techniques often fail to consider the trauma of abuse, and how it impacts the recall and recounting of events. Often victims have been groomed over a long period, coerced, threatened and harmed, and threats have been made to family members.¹⁶² The failure to acknowledge and address the particularities of abuse cases places athletes at even greater risk and impedes the ability of sport organisations to tackle poor practice and unlawful conduct.¹⁶³

Cover ups and intimidation

In September 2021, an <u>independent investigation</u> found that at least seven coaches and officials in Mali's national basketball federation (FMBB) for decades have taken part in or known of sexual abuse of women players on the country's national U19 and U16 teams. The investigation report noted that the basketball federation took part in several attempts to cover-up the abuse and obstruct the investigation, including efforts to intimidate witnesses.

In 2020, women referees in Zimbabwe <u>reported</u> <u>persistent harassment</u> from some male members of the referees' committee asking for sexual benefits, including spending the night at a hotel, in exchange for promotions and more assignments to officiate games. When one of the referees confided in other women, they discovered they all had similar experiences. The men have denied the allegations.

Once the news broke, the Zimbabwe Football Association (ZIFA) announced it would investigate and encouraged anyone suffering the same abuse to come forward. However, alongside the announcement of the investigation, ZIFA issued a warning: "We note with concern that ever since the current executive committee assumed office, there have been spirited efforts by some noted individuals writing on social and print media to bring the name of the association into disrepute. We therefore reiterate that ZIFA has sound governance principles and will take all necessary steps to ensure that its reputation is not tainted." According to media reports, a member of the Zimbabwe Referees Committee attempted to discredit the women by accusing a fellow member of inciting women referees to make the sexual harassment allegations against some bosses public, labelling the process a "witch-hunt".

Survivor-centred support for victims of abuse in sport is therefore essential. It includes the provision of specialist investigators, safe refuge and psychological and care providers who are experienced in dealing with sexual abuse.¹⁶⁴ Interviewing in abuse cases requires victim support before and during the interview, and counselling and support afterwards.¹⁶⁵

INDEPENDENT INVESTIGATION AND SANCTIONING OF SEXTORTION

Attempts to deal with sextortion and other forms of sexual abuse internally within sport organisations are challenging. Consequently, there is an urgent need for independent investigation and sanctioning to ensure that perpetrators are held accountable for their actions. To this end, the IOC's Safeguarding Toolkit considers as a "gold standard" a reporting mechanism that is managed by someone at arm's length to the organisation, to reduce the possibility of conflicts of interest.

As noted by Maximilian Klein, a representative from Athletes Germany, an independent entity representing squad athletes in Germany:

We need a system below the criminal one to issue sanctions. We do that in antidoping and the same can be done for abuse in sport. We need to discuss if federations should transfer power to an entity that can investigate and issue sanctions.

Maximilian Klein¹⁶⁶

National-level mechanisms

Such independent entities with the mandate, expertise, and resources to receive complaints, conduct professional investigations with a victimcentred approach, and make decisions or recommendations are rare. Those that do exist tend to operate at national level, focus on high-level athletes and have jurisdiction over a limited number of sports.

One such entity is in place in the US. Following the US Olympic abuse scandal mentioned above, which brought to light the complicity or indifference of several sport organisations, the US Congress passed a law in 2018 that recognised the US Center for SafeSport (SafeSport) as an independent organisation with exclusive jurisdiction to investigate and resolve reports of sexual misconduct within the US Olympic and Paralympic Movement (namely the US Olympic and Paralympic Committee and individual national governing bodies). However, despite its initial promise, the organisation has struggled to build a reputation for being effective and trustworthy.¹⁶⁷

According to media reports, SafeSport has been hampered by significant legal setbacks, disputes over transparency and questions about its independence. Questions have also been raised about SafeSport's funding model, which in part relies on financial support from individual sport federations. The questions are based on the number and complexity of allegations reported to the center that could incentivise federations to discourage reports of abuse.¹⁶⁸ The fact that SafeSport is part funded by the US Olympic and Paralympic Committee has raised concerns about potential conflicts of interest in any cases in which the committee might have an interest.¹⁶⁹

SafeSport has also been criticised for its lack of teeth. For example, it issued lifetime bans to several prominent coaches, which were later set aside after appeals via an independent arbitration process. Indeed 42 per cent of those who have completed an appeal of a SafeSport ruling have had their sanctions modified, reduced or removed either because an independent arbitrator overturned or modified them or the centre issued an "administrative closure" before the arbitrator's decision was issued. There have been instances of coaches initially found by SafeSport to have sexually assaulted athletes on multiple occasions being allowed to return to their sports without any official public record of the claims made against them.¹⁷⁰ This undermines the faith of some athletes and their advocates in the centre's work, which in turn threatens its ability to function effectively. Leaders of some federations have voiced concerns that SafeSport's rules prevent them from taking their own measures to protect athletes from individuals that they consider to be a risk.¹⁷¹

A similar entity has been suggested in Germany, after a call from Athletes Germany.¹⁷² The entity is supported by the government with ongoing discussion on its scope and structure.

In Switzerland, at the end of 2020, the Swiss Parliament's Science, Education and Culture Committee presented two motions for the establishment of a help centre and an independent complaints mechanism where athletes can report any type of abuse in the exercise of their activity, including physical, mental or sexual abuse, harassment or abuse of power.¹⁷³ The approval by the Federal Council of these two motions provided the political endorsement for the creation of Swiss Sport Integrity, to be financed by the Federal Office of Sport (OFSPO) and Swiss Olympic.¹⁷⁴ Swiss Sport Integrity will replace the decentralised system that has been in place since 2016 and will be available for anyone to report a grievance (athletes, parents, supervisors, teachers, etc).¹⁷⁵

International-level mechanisms

At international level, FIFA is proposing the creation of an entity that would have the mandate to investigate cases from different sports. It would prioritise sexual harassment and abuse cases and misconduct related to reporting (including failure to report abuse when the underlying allegation involves child abuse or sexual misconduct). The entity would provide three types of services using a phased approach over time, namely: protection and support, intelligence and investigations, and prevention. It would be an independent non-profit run by experts, although the board would also include representatives from international federations.¹⁷⁶

Among the challenges identified during the consultation process for the proposed entity were differences in national legislation across jurisdictions (for example, whistleblower protection, child and victim protection, data protection laws etc.), the need to restrict the scope of individuals over whom the entity would have jurisdiction and the scope of offences that the entity would address. Other potential challenges included limited resources and lack of specialised expertise, lack of trust and confidence in international institutions, the challenge of managing diverse interests, and the need to assure culturally sensitive victim/survivorcentred, human rights, and child-centred approaches to investigations, among others.¹⁷⁷

Tackling sextortion through the criminal justice system

One of the potential routes to sanction sextortion (in sport and more generally in society) is through the criminal justice system, under either genderbased violence and sexual harassment laws or anticorruption laws. However, both options currently face a number of considerable obstacles.

Gender-based violence, child protection and sexual harassment laws

These laws often target the kind of abuse that is involved in sextortion. Examples are a supervisor who abuses his authority to extort sex from employees in exchange for overtime assignments or a teacher who offers students good grades in exchange for sex. However, in many countries, the scope of these laws may be limited to employment and educational settings. This would likely exclude many cases of sextortion in the sport sector. Furthermore, in many jurisdictions the offence may be considered a civil rather than a criminal matter.

Sextortion relies on authority rather than force as the means of coercion. Consequently, it can be difficult to prove under many gender-based violence laws, which require evidence of threatened or actual physical force. Moreover, the fact that victims who accede to the perpetrator's request for a sexual benefit may be viewed as having "consented" to the sexual conduct poses particular challenges in prosecuting sextortion under gender based-violence laws.

Anti-corruption laws

Addressing sextortion under anti-corruption legislation has the advantage that coercion does not have to be proved under such laws as it does under gender-based violence or sexual harassment laws. Under anti-corruption legislation, the mere solicitation or suggestion of bribery (in this case with sex as the "currency") could be understood as meeting the threshold required to constitute abuse of authority, thus bypassing the issue of consent.

However, most corruption laws tend to criminalise the offer and the provision of a bribe, therefore potentially criminalising a person who is a victim of sextortion (as the "bribe giver"). This may also create disincentives for victims to report cases of sextortion. Furthermore, many anti-corruption laws only criminalise public sector bribery, which would exclude many cases of sextortion, including many (but not all) of those in the sport sector.

A further challenge relates to the fact that nonmonetary forms of bribery (including sexual acts) are not contemplated under all anti-corruption laws. While a few anti-corruption statutes use language that explicitly covers sexual benefits (for example, Burundi), this is not the norm. Reference to "undue advantage" in UNCAC is expressly designed to encompass the widest possible forms of corruption, including non-monetary ones. The application of this interpretation as broadly as intended would, in theory, include sextortion. However, in practice, the interpretation has tended to be narrow, even where language in anti-corruption legislation allows for an interpretation that covers all non-financial forms of bribery.¹⁷⁸ Regardless of the approach adopted, it is critical to ensure that legislation addressing sextortion protects and does not criminalise victims. The primary focus must be on the perpetrator's abuse of authority.



RECOMMENDATIONS

The following recommendations outline a range of reforms for different actors to address structural imbalances and strengthen prevention and reporting/sanctioning measures across the sport sector.

While many of the measures are relevant for tackling sexual abuse more broadly, the focus as far as possible is on those measures considered to have a greater impact on addressing sextortion more specifically. It should be noted that the recommendations related to reporting and sanctioning do not provide detailed advice on setting up and managing reporting mechanisms, as these are well covered elsewhere (see for example Transparency International's *Topic Guide on Internal* Whistleblowing Mechanisms and UNODC's Practical Guide for Development and Implementation of **<u>Reporting Mechanisms in Sport</u>**). Instead, the focus is on the broader structures and enabling conditions that need to be in place to support effective reporting and sanctioning.

PREVENTING SEXTORTION IN SPORT

Sport organisations

- Sport organisations should publicly express the commitment of senior management to preventing and addressing sexual abuse, including sextortion, and other forms of abuse and foster an organisational culture that prioritises the welfare of its members and athletes over the reputation of the organisation/sport.
- 2. Sport organisations should actively promote the participation of athletes and other

stakeholders, particularly women, in their **governance** to help break down the structures of cronyism that dominate the sector. This could include encouraging athletes to organise through representative bodies and promote the involvement of these bodies in addressing cases of abuse (as recommended by FIFPRO in the context of soccer), increasing the level of representation of athletes (or their representatives) on the boards of sport governing bodies (as was recently introduced in the context of the US National Olympic and Paralympic Committee), or introducing mechanisms such as athletes' panels or surveys to gather the views of athletes on the prevention of sextortion and other forms of sexual abuse.

- 3. Sport organisations should consider the introduction of quotas for women board members to create more diverse decision-making environments, while also promoting gender equality as an organisational value. Boards with a greater gender balance have been found to be less prone to corruption¹⁷⁹ and more active against sexual abuse in sport.¹⁸⁰
- 4. Sport organisations should actively support the development and employment of women coaches and work to eliminate the gender pay gap among athletes and coaches. This could include providing comprehensive maternity support to woman athletes and coaches to protect them from pregnancy-related discrimination and ensuring, as the Women's Tennis Association has done, that athletes do not lose ranking positions while they are on maternity leave.¹⁸¹

- 5. Sport organisations should, where appropriate, introduce term limits for senior officials, as recommended by the Conference of Parties to UNCAC in 2019,¹⁸² to limit the concentration of power and enable new ideas to more readily influence organisational culture. Where these are adopted, term limits should balance these benefits with the imperative to ensure continuity, stability and institutional knowledge at senior management level, particularly in smaller-scale organisations.¹⁸³
- 6. Sport organisations should introduce codes of conduct applicable to all stakeholders involved with the organisation (including volunteers). These codes should outline expected behaviour and behaviour that would lead to disciplinary action, including sextortion and other forms of sexual abuse.
- 7. Sport organisations should adopt specific guidelines to address high-risk settings, such as away travel or locker rooms and formally define roles, expectations and the boundaries of the coach-athlete relationship. Where relevant/appropriate, codes may prohibit romantic/sexual relationships between coaches and athletes who are trained by the respective coach. Alternatively, codes could include clear guidelines on how to deal with such relationships, and/or at least require them to be declared. Where possible, individuals who fall within its scope should be required to explicitly commit to abide by the code and compliance should be monitored.
- 8. Sport organisations should introduce clear and transparent criteria for decision-making to limit the unchecked power and unquestioned authority of decision-makers (including coaches). They should be required to document the rationale for their decisions and establish mechanisms through which decisions can be independently reviewed and appealed based on these criteria, such as technical review panels to examine or question decisions made by coaches.
- 9. Sport organisations, in particular those working with children, should conduct vetting before they recruit any personnel (whether paid or unpaid) to positions of authority, to prevent known abusers moving from one organisation to another. Screening methods may include interviews, reference

checks or criminal record checks/background checks.

10. Sport organisations should introduce education and awareness-raising programmes to promote cultural change as

recommended by the IOC's Consensus Statement on harassment and abuse in sport.¹⁸⁴ Such educational measures should be part of an ongoing programme that targets all levels of the organisation and includes gender-awareness training, safeguarding training, and training on codes of conduct and the practical use of reporting mechanisms. Measures should include information on, and definitions and examples of types of abuse and should cover all forms of inappropriate behaviour, including sextortion. Ideally, sport organisations should have access to a resource person or an entity that can help design and provide training, awareness-raising sessions and other tools.

Governments and sponsors

- 11. Government and private sponsors should consider conditioning the provision of financial and other support to sport organisations on the implementation of good governance standards and prevention measures. This should include the adoption of transparency and accountability measures, and specific prevention measures that address the underlying conditions that enable sextortion to flourish. Private sponsors could consider pooling their efforts via a multi-stakeholder approach based on standardised international bestpractice to avoid duplication of effort.
- 12. Governments and sport organisations should collect, analyse and publish disaggregated data (by gender, age and seniority) on sexual abuse, including sextortion and corruption across the sport sector, from the grassroots to elite levels.
- **13. Governments and sport organisations should consider explicitly incorporating sextortion into governance policies and codes** dealing with preventing and addressing sexual abuse across the sector.

Civil society

14. Civil society organisations should continue to raise awareness of the prevalence of

sextortion in sport and advocate for the adoption of effective prevention measures from the grassroots to elite levels.

15. Civil society organisations working on anticorruption and gender-based violence should build partnerships to identify problems and solutions to sextortion, develop reciprocal training and sensitisation and engage in collaborative research and advocacy.

REPORTING AND SANCTIONING SEXTORTION IN SPORT

Sport organisations

16. All sport organisations should have access to effective reporting mechanisms that:

- + are supported by high-level commitment and adequate resources
- provide information about what can be reported (including corruption, abuse and sextortion), how to report safely and how reports are handled
- provide survivor-centred support, including the provision of specialist investigators, counselling and support to victims/survivors
- ensure confidentiality and anonymity and ensure that any reprisals against reporting persons and any act to hinder reporting are sanctioned and redressed
- + actively encourage the reporting of wrongdoing and promote reporting persons as role models
- adopt a gender-sensitive approach by considering motivations and patterns of behaviour, as well as incentives and barriers relating to reporting for men and women, especially in contexts of concentrated power
- + ensure that officials interacting with victims are mindful of their language and possible biases
- + ensure that victims/survivors are consulted in the development of the mechanism
- 17. Sport organisations should either develop their own reporting mechanisms, partner with other sport organisations to develop joint reporting mechanisms, or have access to an independent, centralised mechanism through an umbrella organisation, depending on the context and availability of resources. The

scope of such mechanisms needs careful consideration (international, national, centralised, decentralised, single sport, multiple sports, professional athletes, all those participating in organised sports etc.). Where these mechanisms are introduced, they should be independently funded. Partnering with organisations specialised in sexual (and other forms of) abuse can help overcome capacity constraints and ensure access to the necessary expertise.

- 18. Once reported, regardless of the channel through which the report is received, cases of sextortion and other forms of sexual abuse should be investigated by independent entities/ombudspersons to avoid conflicts of interest and potential attempts to interfere in investigations. Complex cases or those involving the organisation's leadership should be handled in collaboration with competent authorities. Any evidence of criminal behaviour should be shared with the police.
- 19. Sport organisations should incorporate sanctions and remedies for wrongdoing and, where appropriate, for those not acting on a report or an incident they witnessed. They should have a clear sanctions regime in place that is publicly known and outlines the applicable penalties for different types of wrongdoing, including sextortion and other forms of sexual abuse.

Governments

- 20. Governments should support the development of reporting mechanisms in sport, especially centralised, independent ones.
- 21. Governments should appraise whether existing legal frameworks ensure effective prosecution of sextortion and legislate to fill any gaps that are identified.

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