



EFFECTIVE RESPONSES TO ABUSE IN SPORT

Preview of co-created guidance on
human rights compliant investigations

**ROADMAP TO
REMEDY**

Output One



Centre for Sport
& Human Rights

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ROADMAP TO REMEDY

INTRODUCTION

Over the past year, the Centre for Sport and Human Rights (CSHR) has consulted widely with a range of stakeholders on how sports organisations can improve their responses to reports of abuse.¹ The project – *Roadmap to Remedy* – was borne out of a realisation that, across continents and disciplines, those most affected by abuse – victims, survivors, and whistle-blowers – all shared concerns about inadequate, unsafe and ineffective investigation and resolution mechanisms.

¹ For the purposes of this document, “abuse” adopts the definitions outlined at paragraph 1 of the [IOC Guidelines for International Federations \(IFs\) and National Olympic Committees \(NOCs\) related to creating and Implementing a Policy to Safeguard Athletes from Harassment and Abuse in Sport](#)

As a result, many Affected Persons² – and especially athletes who experience and witness abuse – are unable or unwilling to fully participate in building solutions.

This poses serious dilemmas for sport: without the participation of Affected Persons, it is difficult to gather the necessary evidence to hold perpetrators to account, improve flawed systems, and provide remedy to those who were harmed.

To better understand and resolve this challenge, CSHR, with support from the Clifford Chance Foundation, teamed up with a group of Affected Persons across the globe to explore together what needs to improve when it comes to investigating abuse, reaching determinations and resolutions based on the evidence gathered in investigations, and better engaging Affected Persons in building longer term solutions.

CSHR will publish a number of guides on these topics in the coming year.³ While these guides are aimed at sport governing bodies, we believe that safe sport entities, Affected Persons, governments, funders, and other interested parties will also benefit from careful consideration of their content. As a taster, we share here our top five initial reflections on good practice for investigations undertaken by or on behalf of sports bodies, co-created with – and with our gratitude to – the many Affected Persons who helped shape this content.⁴

2 In identifying Affected Persons to be consulted, the Centre focussed on those at the heart of the sporting ecosystem, namely the athletes who experienced first-hand abuse. However, we recognise that athletes are not the only individuals at risk of abuse, which can extend to officials, coaches, physiotherapists and other members of multidisciplinary sporting teams. Our consultation also included athletes and other stakeholders in sport who witnessed and reported abuse, and those who supported victims, survivors and whistleblowers in their efforts to see abuse in sport remedied, such as lawyers, journalists, academics, clinicians and other members of civil society.

3 These guides will include practical tips applicable across a range of investigation and resolution mechanisms, based on research and consultation with adult Affected Persons. Specialist approaches are required when it comes to engaging Affected Persons who are children, and their parents/guardians. CSHR hopes to publish specific guidance on this at a later date following targeted research and consultation.

4 In January 2023, CSHR collaborated with the T.M.C. Asser Institute for International and European Law to deliver a groundbreaking Masterclass on "Responding to human rights abuses in sport: safe, effective and appropriate investigation". Based on CSHR's research and hosted by international footballers' union FIFPRO, the Masterclass brought together international federations, legal representatives and civil society organisations. The Masterclass offered a space to share experiences and work together with stakeholders across the sports industry to overcome challenges in this difficult space. This guidance has been significantly improved by the thoughtful engagement of all the attendees of the Masterclass. We are grateful for their important input.



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TOP 5 INITIAL REFLECTIONS

1. ACKNOWLEDGE AND ACCOMMODATE THE EXPERIENCES OF AFFECTED PERSONS THROUGHOUT THE INVESTIGATION PROCESS

Everyone responds to, and is impacted by, abuse in a profoundly individual way. Acknowledging and accommodating these feelings is a critical step to developing a trauma-informed approach⁵ to investigations. Common negative feelings that must be accommodated, and which can directly impact Affected Persons' capacity to report and engage with investigations, include people feeling:

- Alone, cast out or rejected by their sport, and isolated.
- Anxious about how to sustain themselves financially and their future.
- Concerned about their ability to compete.
- Disbelieved or unheard.
- Fearful for their safety or that of loved ones.
- Judged, blamed or stigmatised.
- Unsure of which people and institutions can be trusted and keep them safe.
- Worried about their physical and mental health.

⁵ Our upcoming guide on investigating abuse details how to build a trauma-informed approach. We draw from multiple sources, including the definition of a trauma-informed approach developed by the SAMHSA Trauma and Justice Strategic Initiative Workgroup, which defines the concept as an approach that
(1) "realises the widespread impact of trauma and understands potential paths for recovery"
(2) "recognises the signs and symptoms of trauma in [all those] involved with the system";
(3) "responds by fully integrating knowledge about trauma into policies, procedures, and practices, and
(4) "seeks to actively resist re-traumatisation".

2. **BUILD TRUST** AND DEMONSTRATE AN OPEN, CONSTRUCTIVE MINDSET FROM THE OUTSET

Acknowledging the courage required by Affected Persons to engage with investigations, and the challenges they may face when doing so, is a critical step to building trust and buy-in. This can be achieved by:

- Demonstrating a willingness, from the outset, to truly engage with Affected Persons' and respond to their needs, expectations and contributions.
- Acknowledging at a preliminary stage that harm has been suffered.
- Apologising for the impact of any harm caused, where appropriate, including the long-term impact for those disclosing non-recent allegations of abuse.
- Understanding and addressing Affected Persons' expectations of the scope of any investigation and the powers that sport has to remedy any harm identified.
- Ensuring Affected Persons understand the process its limitations.
- Ensuring Affected Persons see trusted characteristics in those leading and supporting the investigation, including by teaming up with trusted civil society actors.
- Explaining the steps taken to make engagement safe,⁶ and asking Affected Persons if other steps are required.
- Signposting to independent advisors, resources and support services with adequate capacity, where available, and providing such support where it is not.
- Acknowledging any reluctance to engage and being transparent about whether and how causes of that reluctance can be addressed.

⁶ Safety means different things to different people. In our later guides we discuss in more detail how to create a safe environment, that takes into consideration Affected Persons' mental, physical, social and financial needs, including how this interacts with issues such as data privacy.

3. BE PREPARED AND TRANSPARENT BY DESIGNING AND PUBLISHING INVESTIGATIVE GROUND RULES

Preparing and implementing processes, powers and procedures is essential groundwork that will enable prompt and confident responses when cases arise. It will also offer crucial transparency and clarity to Affected Persons. This work includes:

- Committing to a zero-tolerance approach to all forms of abuse, meaning any concern is met with a response, and ensuring this approach is incorporated and emphasised in all trainings, processes and policies.⁷
- Mapping in advance all potential external stakeholders that could potentially be engaged, such as law enforcement, and agreeing procedures on how to collaborate.
- Conducting a thorough scan of all organisational policies and procedures through a safeguarding and remedy lens before allegations arise.⁸
- Revising ethics and disciplinary codes to ensure they are capable of supporting substantive efforts to combat abuse, for example, by adapting procedures to facilitate remedy in non-recent abuse cases.
- Facilitating input from, and the perspective of, Affected Persons when making amendments to rules, policies, processes and procedures.
- Publishing rules and procedures, with shortened or simpler versions where necessary, that are clearly signposted, well-advertised and easy to access.

⁷ A "zero tolerance" approach in the context of children or youth with sexual behaviour problems requires careful and expert consideration, balancing the value of sport as a protective factor and taking into consideration factors such as age of perpetration and developmental age, type of offence, recidivism, and treatment options. Zero tolerance in this context does not mean a blanket policy to immediately and permanently remove any child who exhibits any type of abuse from sport.

⁸ Contracts, codes of conduct and policies present excellent advance opportunities to outline expectations and consequences if those expectations are not met.

4. DEMONSTRATE RIGOUR BY ESTABLISHING AND SUSTAINING THE NECESSARY STANDARDS FOR HIGH PERFORMANCE

Investigating abuse is not the same as investigating other sports integrity issues. Certain key principles, such as the highest level of independence and an unwavering commitment to an ethics of care, must be central to any abuse investigation. Without them, the investigation will not yield the necessary evidence. The standards that must be set, and kept under constant review, include:

- Centring the safety of Affected Persons, and constantly re-evaluating any risk or perceived risk to their physical, psychological, emotional or professional wellbeing.
- Considering and reviewing barriers to engagement from the Affected Persons' perspective, and removing these barriers wherever possible.
- Ensuring independence of the investigation team, and proactively reviewing conflicts of interest or perceived bias throughout the investigation.
- Equipping the investigation team with adequate diversity and with the necessary sports-specific and human rights-specific expertise.
- Shifting power and agency to Affected Persons wherever possible, allowing them to own the process, without burdening them with responsibility.
- Tackling unconscious biases and prejudice, avoiding assumptions and judgements by investigators.
- Removing, on a temporary basis, persons of concern who may impact the efficacy of the investigation through intimidation or a deception of inaction/unwillingness to challenge existing power structures.

5. WORK AS A TEAM TO GET RESULTS

Investigating abuse cases is incredibly complex and cannot succeed unless the needs of Affected Persons are centred. However, shifting the pressure away from the Affected Person inevitably means a greater burden is placed on the investigating team. Here are some factors that will help teams to manage that burden:

- Approach investigations with a balance of urgency and patience: responding promptly shows that allegations are taken seriously, but this doesn't mean rushing Affected Persons to take action. This can be an incredibly intimidating process for Affected Persons – be patient with them.
- Be clear and transparent about timeframes: many Affected Persons will have waited a long time to be heard and would rather their concerns be addressed thoroughly than quickly. If there are necessary time constraints, these should be explained well in advance. Affected Persons should also be updated at the earliest opportunity of any changes to timeframes needed for necessary rigour in the investigation.
- Don't miss the obvious practicalities: if investigations are designed with Affected Persons in mind, small and practical steps will be found to increase comfort levels and reduce barriers. Consult other entities in this space in the design phase to identify obvious opportunities to smooth the path for engagement.
- Be available to Affected Persons, on their terms and in their own time, and be willing to explain (and re-explain if necessary) until they understand the process.
- Recognise and build on the work of stakeholders trusted by Affected Persons: civil society, including survivor groups, unions and journalists, often holds greater trust with Affected Persons, in particular when sports have failed to keep them safe.



For more information about the project, or to enquire about training or support on how to mainstream this guidance into your organisational practices, please contact: info@sporthumanrights.org

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