

Strasbourg, 29 October 2020

MSL16(2020)03

16th Council of Europe Conference of Ministers responsible for Sport

November 2020 - January 2021

**FOLLOW-UP TO THE 15TH COUNCIL OF EUROPE
CONFERENCE OF MINISTERS RESPONSIBLE FOR SPORT
(TBILISI, GEORGIA, 16 OCTOBER 2018)**

prepared by

Report to the Committee of Ministers

assessing the progress of the measures implemented following the adoption of *Resolution No. 1 “Protecting human rights in sport: obligations and shared responsibilities”* at the 15th Council of Europe Conference of Ministers responsible for Sport (Tbilisi, Georgia) on 16 October 2018

Introduction

At the 15th Council of Europe Conference of Ministers responsible for Sport, held on 16 October 2018 in Tbilisi, Georgia, the ministers adopted Resolution no. 1 entitled “Protecting human rights in sport: obligations and shared responsibilities”, the text of which appears in Appendix 3 to the [Report by the Secretary General](#).

According to paragraph 31 of this Resolution, the ministers:

“INVITE EPAS to present a report to the Committee of Ministers of the Council of Europe during the course of 2020, assessing progress on the implementation of the measures enshrined in this resolution”.

The present document contains a description of the measures taken by EPAS in order to fulfil the key actions it was invited to carry out according to the resolution.

Implementation of the measures

25.a INVITE EPAS to study, in partnership with relevant intergovernmental and monitoring bodies, issues of concern for the safeguard of human rights and freedoms at national and international level, where appropriate in dialogue with the sports movement

On 20 November 2019, EPAS organised a seminar on **Human rights in sport** to discuss in a more pinpointed way the human rights issues relevant to sports activities and sports events. The event was hosted in Strasbourg with the support of various entities such as the European Court of Human Rights, the Secretariat of the Anti-doping Convention and the European Programme for Human Rights Education for Legal Professionals (HELP), bringing together a group of academics, specialists from sports ministries and sports organisations, and human rights experts from across Europe.

The seminar included discussions and exchanges over four differently-themed workshops on the most pertinent issues facing human rights in sport and gave participants an opportunity to interact with one another. The workshop themes were as follows:

- How to tackle discrimination against LGBTI people in sports competitions?
- Are athletes denied economic and social rights?
- Is the freedom of the sports press in danger?
- Should the right to physical activity and sport be promoted as a legally-enforceable right?

The full report of the seminar including the conclusions can be found [here](#).

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On 5 June 2019, EPAS held an informal round table event on **Sport and Media freedom**. It was organised as a side-event during the annual joint meeting of the EPAS Governing Board and EPAS Consultative Committee in Strasbourg. The round table gathered the following experts in a panel moderated by the EPAS secretariat:

- Jens Weinreich, Investigative Journalist, Germany
- Jean-Paul Savart, Representative of the Union of Sports Journalists in France (UJSF) to the International Association of Sports Press
- Michal Buchel, Vice-Chair of the EPAS Consultative Committee
- Tom Gibson, EU Representative, Committee to Protect Journalists

The event attracted around 30 participants from the Governing Board and Consultative Committee.

The summary report of the event can be found [here](#).

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The EPAS secretariat set up an inter-secretariat task force containing staff from the different Council of Europe monitoring bodies and other relevant sectors, to meet in order to discuss the human rights theme foreseen on the programme of the Conference of Ministers (5 November 2020, Athens) and to discuss how the outcomes of the conference could best complement or support initiatives taken in each sector. The task force also discussed the information currently produced by monitoring systems and which elements would be relevant for steering sports policies in member states.

25.b INVITE EPAS to consider reviewing the European Sport Charter with a view to providing further guidance on how to:

- advocate the right to access to physical activity and sport for all,
- effectively promote human rights in and through sport, and
- prevent and respond to human rights violations in the sport context;

EPAS conducted an assessment of the Charter and the subsequent analysis report of this assessment gave recommendations, presented to the Governing Board in June 2019, indicating topics to include and exploring the legal nature of a potential revised text.

This groundwork allowed EPAS to pursue the idea of revising the Charter, by arranging interactive workshops in September 2019 with member states and the sports movement, consulting Council of Europe sectors with expertise in topics such as anti-discrimination, good governance and social rights, and collecting further input via an online survey in May 2020.

A draft of the new Charter will be presented to the 16th Council of Europe Conference of Ministers responsible for Sport (Athens, 5 November 2020) where Ministers are expected to welcome the progress made and give their political support for EPAS to continue its work in this vein, with a view to producing a revised version of the Charter for adoption by the Committee of Ministers in the course of 2021.

25.c INVITE EPAS to develop tools to mainstream human rights and fundamental freedoms into the organisation and legacy of sports events;

Some of the human rights related issues identified in the mapping of relevant issues (see 25.a), were included in the IPACS benchmark on good governance and the human rights dimension was mainstreamed into the Kazan Action Plan integrity guidelines.

EPAS has not yet had an opportunity to work on the measures needed to promote human rights within the legacy of sports events.

26.a INVITE the Council of Europe Committee of Ministers to continue supporting awareness-raising and training programmes on human rights in sport for legal professionals, athletes, sports officials and staff from agencies and authorities in charge of sport;

The Council of Europe's HELP programme contains a free online course in English on "Sport and Human Rights". In 2019, EPAS financed the translation of this course into French and is currently working with the Sports Conventions Unit to promote the course through universities and academic institutions in Europe that specialise in or teach the subject as part of their curricula. The course was also promoted and presented to experts at the joint meeting of the EPAS Governing Board and Consultative Committee (5-6 June 2019), the Seminar on Human Rights and Sport (20 November 2019) and at the T-DO Monitoring Group meeting of 7-8 May 2019.

26.b INVITE the Council of Europe Committee of Ministers to support the T-DO work on promoting its recommendation on ensuring the independence of hearing panels (bodies) and promoting fair trial in anti-doping cases (T-DO/Rec (2017)01);

At its 51st meeting in October 2019, the T-DO Monitoring Group endorsed the initiative to launch a survey to examine issues related to fair hearings among States Parties as well as those sport organisations that are Observers to the Monitoring Group.

By the end of 2020 the terms of reference, scope and methodology of the T-DO survey on anti-doping hearing process will be completed and the survey will be launched for the T-DO States Parties and Observers. The results of the survey are expected to demonstrate the need (if any) to update T-DO/Rec (2017)01 and will be available by the end of 2021.

26.c INVITE the Council of Europe Committee of Ministers to support the Organisation's activities, notably of the T-DO, aimed at ensuring that national and international systems of sport justice comply with the European Convention on Human Rights and other relevant human rights standards;

The T-DO Monitoring Group established an Ad Hoc Group of experts on ensuring effective access of athletes to justice and fair trial (T-DO HR) in May 2019 at its 50th meeting in Budapest, Romania.

Following three in-person meetings and numerous virtual meetings, the T-DO HR completed drafting the General principles of fair procedure applicable to anti-doping proceedings in sport ("the Principles") in June 2020.

In January 2021, following adoption by the T-DO Monitoring Group, the Principles will be presented to the Committee of Ministers for endorsement.

26.d INVITE the Council of Europe Committee of Ministers to invite the Secretary General to support the Council of Europe's role in facilitating the co-ordination of governments' representatives in the World Anti-Doping Agency (WADA) through the OneVoice Platform, including the use of this mechanism for mainstreaming the human rights principles in the anti-doping policies at global level;

The Committee of Ministers renewed the Terms of Reference of the Ad Hoc European Committee for the World Anti-Doping Agency (CAHAMA) for 2020-2021 and nominated new members representing the Council of Europe on the World Anti-Doping Agency (WADA) Foundation Board and Executive Committee.

Witold Bańka, Polish Minister for Sport, the candidate nominated by the Committee of Ministers, was elected as WADA President.

The CAHAMA Secretariat continued to support the One Voice Platform and organised in-person and virtual meetings of the public authorities' representatives on the WADA statutory bodies before every meeting of the WADA Foundation Board and Executive Committee (November 2018, May 2019, September 2019, May 2020 and September 2020), as well as during the World Conference on Doping in Sport in November 2019.

26.e INVITE the Council of Europe Committee of Ministers to support all other appropriate activities within the Organisation in order to prevent and remedy human rights violations in the sport context.

Following the Seminar on Human Rights in Sport (see 25.a) it was clear that Council of Europe monitoring mechanisms and the activities provided by them to provoke remedies, for example, country visits, collective complaints, country reports, collection of data, hearings, etc. could serve as inspiration to the sporting world. Bodies such as the European Committee of Social Rights, the European Commission against Racism and Intolerance (ECRI) and the Lanzarote Committee (Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse) are just a few instances that have the specialist know-how in areas that could be of benefit to sport. It is on this basis that the 16th Conference of Ministers responsible for Sport (5 November 2020) will discuss turning to those monitoring mechanisms which have an abundance of information which could be used to guide, inspire and shed light on sports practices.

Contacts with ECRI, the Lanzarote Committee, the European Social Charter and the European Court of Human Rights have already been made by the EPAS secretariat and they were all invited to give their input into the draft resolutions that the Conference of Ministers will adopt in November 2020.

27. NOTE the establishment of an independent Centre for Sport and Human Rights and invite the Centre to build upon the Council of Europe standards and work;

The Council of Europe was represented in a panel discussion during a session of the 2019 Sporting Chance Forum organised by the Centre for Sport and Human Rights on 21-22 November 2019 in Geneva. The session focused on the impact of regional bodies on policy affecting sport, human rights and sustainable development. A bilateral meeting also took place between Mary Harvey (Chief

Executive of the Centre for Sport and Human Rights) and Elda Moreno (Head of the Children's Rights and Sports Values Department, Council of Europe) to discuss future co-operation possibilities for the two organisations.

28. CALL UPON sport organisations to introduce respect of human rights and fundamental freedoms as an objective in their statutory aims, internal regulations and codes of conduct, policies, plans, projects and other strategic documents and to further strengthen their capacity to prevent and respond to human rights violations;

In 2017, EPAS published a handbook on "Human rights protection in Europe in the context of sports organisations' disciplinary and arbitration procedures" aimed at helping the sports movement understand the human rights provisions that may be threatened by their practices or decisions. At the same time, a second handbook on "Disciplinary and arbitration procedures of the sport movement" aimed at helping judicial authorities better understand how the arbitration procedures work within sport.

In light of the ECHR's final decision in February 2019 regarding the Mutu/Pechstein cases and bearing in mind the reform of the Court of Arbitration for Sport (CAS), both of these handbooks are currently being updated to include relevant information and additional thoughts on more recent case-law and are scheduled to be completed by the end of 2020.

Bilateral co-operation with sports organisations continues to progress through co-operation plans linked to MoUs (with FIFA and UEFA) and through their involvement in initiatives such as Start to Talk and the Child Safeguarding in Sport joint project.

29. ENDORSE the International Declaration on Human Rights and Sport (Tbilisi Declaration) to be adopted at this 15th Council of Europe Conference of Ministers responsible for Sports as contained in the Appendix to the present resolution and invite other governmental and non-governmental stakeholders to do likewise;

30. INVITE EPAS to promote further endorsement of the Tbilisi Declaration by other governmental and non-governmental stakeholders;

The Tbilisi declaration was included in the [Report by the Secretary General](#) and published online in March 2019 on a dedicated webpage allowing other stakeholders to add their signature. EPAS will continue to promote further endorsement of it by other governmental and non-governmental stakeholders at events such as the IPACS general conference (December 2019) and the Unesco MINEPS VII in 2021.

Report to the Committee of Ministers

assessing the progress of the measures implemented following the adoption of *Resolution No. 2 “Fighting corruption in sport: scaling up action”* at the 15th Council of Europe Conference of Ministers responsible for Sport (Tbilisi, Georgia) on 16 October 2018

Introduction

At the 15th Council of Europe Conference of Ministers responsible for Sport, held on 16 October 2018 in Tbilisi, Georgia, the ministers adopted Resolution no. 2 entitled “Fighting corruption in sport: scaling up action”, the text of which appears in Appendix 3 to the [Report by the Secretary General](#).

According to paragraph 31 of this Resolution, the ministers:

“INVITE EPAS to prepare a report on the follow up to this resolution by June 2020 and to bring it to the attention of the Council of Europe Committee of Ministers”.

The present document contains a description of the measures taken in order to fulfil the key actions it was invited to carry out according to the resolution.

Implementation of the measures

24.a INVITE the Committee of Ministers of the Council of Europe to ensure rigorous further implementation of action initiated as a follow-up to the 14th Council of Europe Conference of Ministers responsible for sport;

EPAS maintains a dashboard of the actions to be put in place following the adoption of Resolutions at each Conference of Ministers, including those involving other Council of Europe bodies, such as GRECO, etc. These are regularly updated and monitored by the EPAS Governing Board and its Bureau.

24.b INVITE the Committee of Ministers of the Council of Europe to initiate the preparation of a study focusing on the legal and policy measures needed to effectively prevent and fight corruption in sport when infringements are committed by private entities or their representatives, regardless of whether they are considered as for profit or not-for profit organisations, bearing in mind the Council of Europe standards and expertise in the fight against corruption;

GRECO appointed a consultant to prepare a study on the legal and policy measures needed to effectively prevent and fight corruption in sport when infringements are committed by private entities; the work is ongoing.

24.c INVITE the Committee of Ministers of the Council of Europe to encourage member States to strengthen the protection of whistle-blowers on sport-related corruption cases through:

- i. systems applicable to both public and private sector employees, bearing in mind Article 9 of the Council of Europe Civil Law Convention on Corruption, and Recommendation [CM/Rec\(2014\)7](#) of the Committee of Ministers to member States on the protection of whistleblowers;
- ii. measures applicable to individuals such as athletes who, despite not being employees, are at similar risk of retaliation when disclosing information on a threat or harm to the public interest, in particular on possible corruption cases;

GRECO is systematically including the protection of whistle-blowers in its 5th evaluation round (ongoing) on corruption prevention in respect of central governments, including the top executive functions, and law enforcement. GRECO is also giving advice to the sports movement, upon request.

24.d INVITE the Committee of Ministers of the Council of Europe to call upon the member States that have not done so yet, to sign and ratify the Council of Europe Convention on the Manipulation of Sports Competitions;

The number of signatory states to the Macolin Convention currently stands at 31; in addition seven states have ratified the convention.

In October 2018 the Network of National Platforms had 22 members. As of today the network has 33 members.¹

The selection of pilot countries was made from the list of countries having joined the Network of National Platforms, for maximum concrete and immediate impact. This approach respected, and even went beyond, the initial objectives which targeted 20 pilot countries (5 outside Europe and 15 in Europe). Members of the Network provided a certain guarantee concerning the expected criteria: political engagement toward the implementation of the Macolin Convention; assured political priority given to the fight against manipulation of sports competitions; key national stakeholders mobilised (critical mass); general capability to decide upon a systematic action plan.

However, the completion of a common understanding between national stakeholders concerning the problems they were facing and their mobilisation toward common objectives required considerably much more time than expected. The process could not systematically enter into as much detail as expected (threats and needs assessments) and the identification of priorities in countries and the adoption of consistent action plans were delayed. As a direct consequence, the majority of “pilot countries” were not in a position to address clear technical assistance demands and KCOOS+ could not systematically be deployed to its full capacities.

All the documents were produced and disseminated for implementation in the member states of the Network of National Platforms. They are available on the Council of Europe dedicated website: <https://www.coe.int/en/web/sport/follow-up-committee>

¹ Australia, Austria, Azerbaijan, Belgium, Bulgaria, Canada, Cyprus, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Latvia, Liberia, Morocco, Nepal, the Netherlands, Norway, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom, United States of America.

26. WELCOME the preparation by EPAS of a draft Recommendation of the Committee of Ministers to member States on the promotion of good governance in sport;

The Recommendation of the Committee of Ministers to member States on the promotion of good governance in sport (CM/Rec(2018)12) was adopted by the Committee of Ministers on 12 December 2018.

27. INVITE EPAS to consider reviewing the European Sport Charter with a view to providing further guidance on how to introduce, promote, support and monitor the implementation of good governance principles in sport;

EPAS conducted an assessment of the Charter and the subsequent analysis report of this assessment gave recommendations, presented to the Governing Board in June 2019, indicating topics to include and exploring the legal nature of a potential revised text.

This groundwork allowed EPAS to pursue the idea of revising the Charter, by arranging interactive workshops in September 2019 with member states and the sports movement, consulting Council of Europe sectors with expertise in topics such as anti-discrimination, good governance and social rights, and collecting further input via an online survey in May 2020.

A first draft of the new Charter will be presented to the 16th Council of Europe Conference of Ministers responsible for Sport (Athens, 5 November 2020) where Ministers are expected to welcome the progress made and give their political support for EPAS to continue its work in this vein, with a view to producing a revised version of the Charter for adoption by the Committee of Ministers in the course of 2021.

28.a WELCOME the research carried out by EPAS on alleged cases of corruption in sport and the development of a data base on cases of alleged corruption (DACCS) and INVITE EPAS to update the data base and make it available with a search function, as appropriate, for governments, sports organisations and researchers;

The Dashboard presenting the DACCS database is kept up to date on an annual basis with the addition of statistics on cases of alleged corruption from the previous year (see Appendix I). The work on adding a search function and other tools to the dashboard is ongoing.

28.b INVITE EPAS to carry out a trend analysis on corruption in sport, completing it with information from independent reviews, self-assessments by sports organisations, monitoring of anti-corruption standards

A presentation on the trend analysis on corruption in sport based the DACCS data was given at the Play the Game conference in Colorado Springs on 13-16 October 2019. This general presentation is updated with new statistics when appropriate, and used for promoting the DACCS database when the opportunity arises.

29. CALL UPON all the international and national sports organisations to perform an evaluation of their compliance with good governance principles and publish the details of their self-assessments; to facilitate independent reviews by independent experts and to review and reform their governance as necessary in order to enhance compliance;

The compliance review led by ASOIF was given the spotlight in IPACS Steering Committee meetings and in its general conference held in Abu Dhabi (December 2019). The ASOIF compliance framework being commonly used by several international sports federations has formed the basis of the work done by Task Force 3 of IPACS (co-ordinated by the Council of Europe) in creating a benchmark.

30.b ENCOURAGE IPACS to explore ways to promote the alignment of good governance standards – by public authorities and sports organisations – based on the agreed benchmarks;

The Terms of Reference of Task Force 3 of IPACS were revised in order to develop an ambitious and comprehensive benchmark of the highest level for sports governance that is recognised both by the international sports movement and governments and is applicable at international and national levels. This benchmark will build on the existing ASOIF framework and be backed by a commitment for promotion and implementation from all the IPACS partners. The benchmark is now complete and will be accompanied by implementation guidelines that are currently being developed by a small IPACS drafting group. The Task Force will then proceed to outline options for providing advice, support and monitoring compliance with the benchmark at international and national level.

30.c INVITE IPACS to further its co-operation with EPAS/Council of Europe when defining its areas and methods of work in order to be more proactive in its engagement and communication, involving all Council of Europe member States in its activities;

At the IPACS Steering Committee meeting held in Paris on 1 July 2019 (hosted by the Council of Europe under the French Chairmanship of the Committee of Ministers), Gabriella Battaini-Dragoni, Deputy Secretary General of the Council of Europe, emphasised during her introductory speech that “The better we do, the more credibility we will have, and the more pressure will build on other countries from all continents to work with us and adopt the standards and practices that should stamp corruption out of sport. IPACS can be the catalyst then not just for effective and realistic action among current member states, but around the world.”

It was agreed that a new IPACS Task Force be established to identify gaps that weaken and develop mechanisms to enhance cooperation between law enforcement and criminal justice authorities and sport organizations. This Task Force 4 (co-ordinated by the IOC and the UNODC) launched a stock-taking exercise to gather existing anti-bribery legislation applicable to the private sector, with a view to identifying good practices and recommendations on the application of national legislation to cases of corruption in sport.

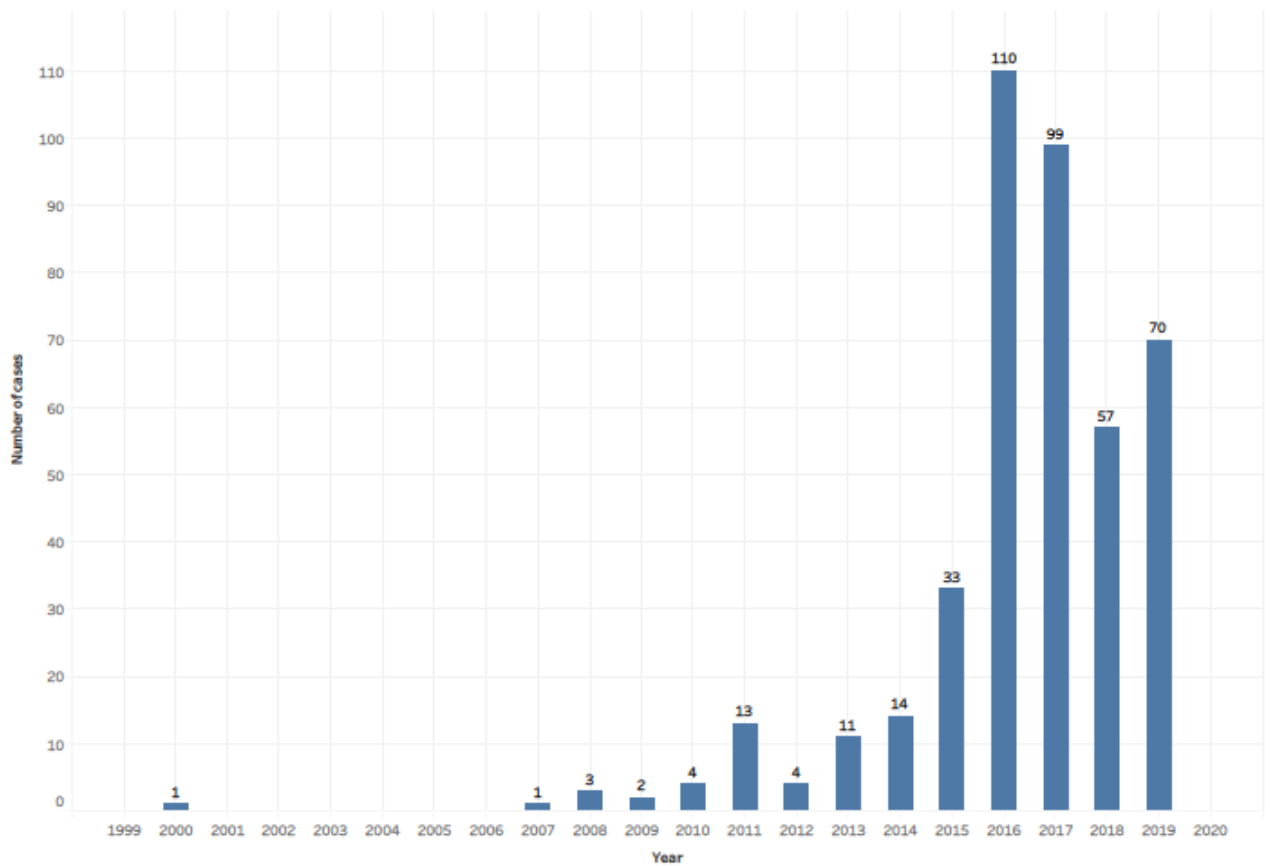
The Task Force will also create a list of existing networks of law enforcement agencies and/or judicial authorities through which the work of the Task Force 4 could be disseminated, promoted and distributed, and which could also support its work.

In parallel, the Council of Europe continues to promote the work of IPACS via its European Contact Group - an opportunity for those member states not in the Steering Committee to be kept up to date with IPACS progress and to have their voice heard on issues relating to the work being carried out.

Appendix I

(Extract of DACCS statistics on cases of alleged corruption)

Number of cases per year



The plot of distinct count of Description Of The Case for Year. The marks are labeled by distinct count of Description Of The Case.