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## 15<sup>th</sup> Council of Europe Conference of Ministers responsible for Sport

Tbilisi, Georgia

16 October 2018

**FINAL RESOLUTIONS**

**AND THE TBILISI DECLARATION**

prepared by

Enlarged Partial Agreement on Sport



Accord partiel élargi sur le sport

**Draft Resolution No. 1**

**Protecting human rights in sport: obligations and shared responsibilities**

The Ministers responsible for Sport, meeting in Tbilisi, Georgia, for their 15<sup>th</sup> Council of Europe Conference on 16 October 2018:

1. Considering that the aim of the Council of Europe is to achieve a greater unity among its member States, inter alia by promoting common standards in the field of human rights and by monitoring and supporting their implementation;
2. Reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated;
3. Recalling member States' obligation to secure to everyone within their jurisdiction the rights and freedoms enshrined in the Convention for the Protection of Human Rights and fundamental freedoms (ETS No. 5) and the protocols thereto, including providing an effective remedy before a national authority for violation of those rights and freedoms;
4. Recalling where relevant the obligations arising from the European Social Charter (ETS No. 35 and 163 [revised]), the Council of Europe Conventions on actions against trafficking in human beings (CETS No. 197), on the protection of children against sexual exploitation and sexual abuse (CETS No. 201), on preventing and combating violence against women and domestic violence (CETS No. 210), for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108 and CETS No. 223 [amended]), as well as other European and international human rights instruments;
5. Considering the importance of a human rights-based approach to guaranteeing safety, security and service at sports events, and to fighting doping and the manipulation of sports competitions; welcoming in this regard the role of the Council of Europe Conventions in the field of sports - the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches (ETS No 120), the Anti-doping Convention (ETS No. 135), the Convention on the manipulation of Sports competitions (CETS No. 215), the Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events (CETS No. 218);
6. Considering the case law of the European Court of Human Rights and the findings and recommendations of other Council of Europe and United Nations human rights monitoring bodies of relevance in the field of sport;
7. Considering the United Nations' Guiding Principles on Business and Human Rights and the Council of Europe Committee of Ministers Recommendation CM/Rec(2016)3 on human rights and business;
8. Recalling the European Sports Charter (Council of Europe Committee of Ministers Recommendation R (92) 13 REV) and its aims to enable every individual to participate in sport and to protect and develop the moral and ethical bases of sport and the human dignity and safety of those involved in sport;
9. Recalling Article 1 of the International Charter of Physical Education, Physical Activity and Sport adopted at UNESCO's 38<sup>th</sup> General Conference stating that the practice of physical education, physical activity and sport is a fundamental right for all;
10. Bearing in mind the World Health Organisation "Global action plan on physical activity 2018–2030" and its guiding principles, which include the promotion of a human rights approach to the implementation of the plan;

11. Committed to support the implementation of the UN 2030 Agenda for sustainable development and acknowledging sport as an important enabler of sustainable development and peace;
12. Recalling that public authorities must respect, promote and protect human rights, which includes positive obligations to protect the rights of individuals from violations by non-State actors;
13. Recognising that sport organisations have a responsibility to respect and protect human rights, including the right to a remedy for human rights violations;
14. Stressing the importance of guaranteeing athletes' and other sport participants' the right of access to justice and to a fair trial;
15. Concerned by the human rights violations occurring in the context of sport, in particular of children, women, persons with disabilities, members of minority groups and workers;
16. Convinced of the interest of further using sport as a vehicle for promoting human rights;
17. Considering that the Council of Europe is uniquely placed to make significant further contributions to the protection of human rights in sport;

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18. WELCOME recent initiatives by the Council of Europe Enlarged Partial Agreement on Sport (EPAS) to promote human rights in and through sport, in particular:
  - a. The development of indicators and data collection to measure progress towards gender equality;
  - b. The launch of the *Start to Talk* campaign to stop child sexual abuse in sport and the guidance, the training and awareness raising material made available to prevent, detect, report and respond to child sexual abuse;
  - c. The publication of two handbooks on the protection of human rights in the context of arbitration and disciplinary procedures of sport organisations;
19. ACKNOWLEDGE the increasing relevance of the Convention for the Protection of Human Rights and fundamental freedoms and of the European Court of Human Rights' case-law to prevent and remedy human rights abuses in sport and in particular to combat arbitrariness and ensure proportionality of possible sanctions imposed in sport-related matters;
20. WELCOME the *Recommendation on ensuring the independence of hearing panels (bodies) and promoting fair trial in anti-doping cases* adopted in 2017 by the Monitoring Group of the Council of Europe Anti-doping Convention (T-DO) and the decision to further work on athletes' right to justice in the context of anti-doping;
21. WELCOME the development by the Council of Europe of an on-line course on human rights and sport within the HELP Programme (Human Rights Education for Legal Professionals);
22. WELCOME the role played by the Council of Europe in strengthening the dialogue between public authorities and the sport movement and the resulting joint action as well as the Council of Europe's decision to further strengthening strategic partnerships with sports organisations and the signature of Memorandums of Understanding with WADA, UEFA and FIFA which are all based upon a shared commitment to the protection of human rights,
23. WELCOME the important steps made by some sports organisations by developing human rights policies and including human rights considerations and commitments in the planning and implementation of their activities;

24. STRESS their commitment to further promote the effective implementation of human rights standards in and through sport in particular by partnering with the sport movement, human rights organisations and other stakeholders to prevent and respond to human rights violations in sport;
25. INVITE EPAS to
  - a. 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;
  - b. 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;
  - c. develop tools to mainstream human rights and fundamental freedoms into the organisation and legacy of sports events;
26. INVITE the Council of Europe Committee of Ministers to:
  - a. 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;
  - b. 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);
  - c. 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;
  - d. invite the Secretary General to support the Council of Europe 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;
  - e. support all other appropriate activities within the Organisation in order to prevent and remedy human rights violations in the sport context.
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;
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;
29. ENDORSE the International Declaration on Human Rights and Sport (Tbilisi Declaration) to be adopted at this 15<sup>th</sup> 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;

31. 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.

APPENDIX TO RESOLUTION No- 1 International Declaration on Human Rights and Sport (Tbilisi Declaration)

**International Declaration on Human Rights and Sport**

**(Tbilisi Declaration)**

We, the undersigned

Affirming the importance of the Universal Declaration of Human Rights as the foundation of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

Recalling that, at European level, States' commitment to the realisation of Human Rights has resulted in the development of detailed standards and the establishment of specialised mechanisms for the protection of human rights such as the European Convention on Human Rights, the European Social Charter, the Council of Europe Conventions on actions against trafficking in human beings, on the protection of children against sexual exploitation and sexual abuse and on preventing and combating violence against women and domestic violence;

Recognising that human rights and fundamental freedoms as set out in the relevant international treaties, should be protected in all sectors of activities. This includes among others the right to life, physical integrity and protection from violence, to privacy and property, to social protection, to a fair trial and to an effective remedy, the freedom of expression, of assembly and association as well as the prohibition of discrimination;

Recognising the growing contribution of sport to the promotion of tolerance and respect, to the empowerment of women and of young people, to the development of individuals and communities as well as to the achievement of health, education and social inclusion objectives;

Recalling that public authorities must respect, promote and protect human rights, which also includes positive obligations to protect by judicial and other means the rights of individuals from violations by non-state actors;

Recognising that those organising sport activities have a responsibility to respect and protect human rights, including the right to remedy for human rights violations and welcoming the important steps made in this area by the sport movement;

Concerned by the human rights violations occurring in the context of sport, in particular of children, women, persons with disabilities and from minority groups;

Jointly declare the following:

We commit to advocating physical activity and sport for all as a fundamental right of every human being;

We commit to fighting arbitrariness and other abuses in sport so as to ensure full respect for the rule of law in sport activities, including access to justice and fair trial in line with the applicable human rights standards;

We commit to further investing in the effective implementation of human rights standards in and through sport, in particular by developing governmental/non-governmental partnerships and using multi-stakeholder platforms to identify and promote measures to prevent and respond to human rights violations in sport;

We commit to introducing respect of human rights and fundamental freedoms as an objective in our statutory aims, policies, plans, projects and other strategic documents;

We commit to working towards gender equality and to a policy of zero tolerance for violence and discrimination, paying particular attention to individuals and groups in a situation of vulnerability, such as children, migrants, and persons with disabilities;

We will endeavour to uphold human rights in the context of the organisation of sport events and to introduce human rights objectives and considerations in the whole life cycle of major sporting events, starting with the bidding process and including planning for a lasting positive legacy;

We invite other members of governments and parliaments, national human rights institutions, representatives from International Organisations, leaders of national and international sport organisations, the business community, international human rights organisations and other INGOs to endorse this declaration.

**Draft Resolution No. 2****Fighting corruption in sport: scaling up action**

The Ministers responsible for Sport, meeting in Tbilisi, Georgia, for their 15<sup>th</sup> Council of Europe Conference on 16 October 2018:

1. Considering that the aim of the Council of Europe is to achieve greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage, and of facilitating their economic and social progress;
2. Recalling the Council of Europe Civil Law Convention on Corruption (ETS N° 174), the Criminal Law Convention on Corruption (ETS N° 173) and its Additional Protocol (ETS N° 191);
3. Considering that good governance and an effective fight against corruption are key to the successful implementation of the Council of Europe Conventions in the field of sports - the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches (ETS No 120), the Anti-doping Convention (ETS No. 135), the Convention on the manipulation of Sports competitions (CETS No. 215) and the Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events (CETS No. 218);
4. Having regard to the Committee of Ministers' Recommendations on the European Sports Charter Rec(92)13rev and on the Code of Sports Ethics Rec(92)14-rev and on the principle of autonomy of sport in Europe Rec(2011)3;
5. Recalling the Conference of Ministers responsible for Sport in Athens in 2008, which identified corruption as a new challenge to sport as well as the Council of Europe Conferences of Ministers responsible for Sport, held in Macolin/Magglingen in 2014 and in Budapest in 2016, which addressed the risk of corruption in the governance of sport;
6. Recalling the Recommendation Rec(2005)8 of the Committee of Ministers to member States on the principles of good governance in sport, which considers the consistent application of the principles of good governance in sport as a significant factor in helping to eradicate corruption and other malpractices in sport;
7. Considering the Resolutions of the Parliamentary Assembly "Towards a framework for modern sports governance" 2199 (2018) and on "Good football governance" 2200 (2018);
8. Concerned by the negative impact that corruption in sport has on society, on the image of sport and on the role it can play for promoting the rule of law, pluralist democracy and respect for human rights;
9. Stressing that, in order to offer to the public access to sporting activities and to create the collective benefits expected from sport (in fields such as public health, education and social integration), the sports movement is in principle better placed to organise itself within its own autonomous structures;
10. Noting the growing economic dimension of sport, which, while facilitating financial autonomy, also entails new risks;

11. Recalling that as stated in Recommendation CM/Rec(2005)8 on the principles of good governance in sport, effective policies and measures of good governance include, as a minimum requirement: democratic structures, regular and open electoral procedures, professional and ethical organisation and management; accountability and transparency in decision making and financial operations as well as fairness in dealing with membership (including gender equality and solidarity);
12. Convinced that the successful implementation of effective good governance policies within non-governmental sports organisations would help to strengthen their autonomy in matters concerning sport and would further strengthen their position in relation to public authorities based on mutual respect and trust,
13. Having noted that deficiencies in the governance of sports organisations are hindering their capacity to prevent and respond to threats to their integrity such as corruption, doping and match-fixing and are creating an uncertain, unsafe and unfair working environment for athletes;
14. Convinced that international sports organisations must show leadership by upholding the highest standards of ethical behaviour and promoting, abiding by and assessing compliance with good governance principles;
15. Welcoming the steps taken by some sports organisations to improve their governance and monitor the implementation of key good governance principles;
16. Acknowledging that public authorities have a key role to play in promoting and supporting the implementation of good governance principles, for instance by applying an active and efficient policy against corruption in sport, monitoring the implementation of good governance principles by their national sports movement and including good governance in the criteria for awarding public grants to sports organisations;
17. Aware that effective prevention of and response to corruption in sport call for changes in legislations and policies but also in social attitudes towards corruption in the private sector;
18. Welcoming in this respect the GRECO typology study on private corruption, “Summary Analysis of Selected Private Sector Bribery Cases”, which addresses, among others, issues emerging in the context of sports-related corruption cases;
19. Recognising that in a changing environment, sports organisations and member states must pursue their dialogue and scale up action to prevent and fight corruption in sport, including by achieving convergence of good governance benchmarks and coherent implementation of good governance principles;
20. Welcoming the role played by the Council of Europe in strengthening the dialogue between public authorities and the sport movement and the resulting joint action;
21. Welcoming the UNESCO Kazan Action Plan (adopted at the International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport, MINEPS VI in 2017) and the coordinating role played by the Enlarged Partial Agreement on Sport of the Council of Europe (EPAS) in the implementation of its Action III on Protecting the integrity of sport;
22. Considering that the Council of Europe is uniquely placed to make significant further contributions to promoting good governance and fighting corruption in sport;

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23. STRESS the importance of the rapid entry into force of the Council of Europe Convention on the Manipulation of Sports Competitions;
24. INVITE the Committee of Ministers of the Council of Europe to:
- a) ensure rigorous further implementation of action initiated as a follow-up to the 14<sup>th</sup> Council of Europe Conference of Ministers responsible for sport;
  - b) 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;
  - c) 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;
  - d) 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;
25. WELCOME the Council of Europe's decision to further strengthen strategic partnerships with sports organisations and the signature of Memorandums of Understanding with WADA, UEFA and FIFA which are all based upon a shared commitment to preserve the integrity of sport and to promote good governance;
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;
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;
28. 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:
- a) Update the data base and make it available with a search function, as appropriate, for governments, sports organisations and researchers;
  - b) 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

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;
30. WELCOME the setting up, in response to a call made by the last two ministerial conferences, of the International Partnership against Corruption in Sport (IPACS) as an international multi-stakeholder informal network gathering key organisations from the sports movement, governments and intergovernmental organisations and:
  - a) WELCOME the Council of Europe role in the establishment of IPACS and the EPAS leadership of Task Force 3 devoted to compliance with good governance principles a unique opportunity to work on the convergence of good governance benchmarks between public authorities and sports organisations;
  - 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;
  - 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;
31. 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.