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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material

Report of the Special Rapporteur

Summary

In her report, prepared pursuant to Human Rights Council resolutions 7/13 and 34/16, the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material provides an overview of her activities since her previous report (A/HRC/37/60). The report also contains a thematic study on the sale and sexual exploitation of children in the context of sports.



I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolutions 7/13 and 34/16. It contains information on the activities of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material since her previous report (A/HRC/37/60). It also contains a thematic study on the sale and sexual exploitation of children in the context of sports.

II. Activities

A. Country visits

2. The Special Rapporteur undertook a visit to Ireland from 14 to 21 May 2018 (A/HRC/40/51/Add.2). She also conducted a visit to Malaysia, from 24 September to 1 October 2018 (A/HRC/40/51/Add.3). The Special Rapporteur thanks both Governments for their cooperation before, during and after the visits.

3. The Special Rapporteur will also present to the Council at its fortieth session the report on her visit to the Lao People's Democratic Republic (A/HRC/40/51/Add.1), which took place from 8 to 16 November 2017.

4. The Government of Bulgaria has agreed to a visit by the Special Rapporteur from 1 to 8 April 2019. The Special Rapporteur thanks the Government of Bulgaria for agreeing to the visit and looks forward to a constructive dialogue in preparation for the mission. She also sent requests for country visits to the Governments of the Gambia, Ghana, Haiti, India and Kenya.

B. Other activities

1. Conferences and engagement with stakeholders¹

5. On 18 September 2018, the Special Rapporteur addressed the Council of Europe Group of Experts on responses to violence against children in Strasbourg, France.

6. On 9 October, the Special Rapporteur presented a report on combating and preventing the sale and sexual exploitation of children through the implementation of the Sustainable Development Goals from a child rights perspective to the General Assembly (A/73/174 and Corr.1). On 11 October, she organized an expert meeting in New York to follow up on the recommendations of her report.

7. On 18 October, she presented her thematic report on Sustainable Development Goals to the fifth meeting of the Council of Europe Ad hoc Committee on the Rights of the Child, held in Strasbourg.

8. On 18 November, the Special Rapporteur participated in the meeting of the WePROTECT Global Alliance Advisory Board. On 19 and 20 November, she attended the Interfaith Alliance for Safer Communities forum on child dignity online, held in Abu Dhabi.

9. From 27 to 29 November, the Special Rapporteur participated in the first regional dialogue in Latin America and the Caribbean, entitled "On the road to equality: 30 years of the Convention on the Rights of the Child", organized by the United Nations Children's Fund (UNICEF) and the Economic Commission for Latin America and the Caribbean, held in Santiago de Chile.

10. In preparation of the present thematic report, the Special Rapporteur attended the launch of the Council of Europe Start to Talk campaign, held in the Netherlands on 6 November.

¹ For a description of the activities of the Special Rapporteur undertaken between January and July 2018, see A/73/174 and Corr.1.

2. Communications

11. Summaries of three communications sent by the Special Rapporteur during the reporting period appear in the communications reports of special procedures.

III. Study on the sale and sexual exploitation of children in the context of sports

A. Objective, scope and methodology

12. The Special Rapporteur wishes to follow up on the work of her predecessor, who looked into the sexual exploitation of children in travel and tourism (A/HRC/22/54) and followed that thematic report with an event on the protection of children from sexual exploitation in the context of major sports events.² Moreover, the Special Rapporteur previously dealt briefly with the subject in her thematic report on the sale of children for the purpose of forced labour (A/71/261), in which she highlighted the economic exploitation of child athletes. Regarding the sale of children, she will consequently continue this analysis from a child labour perspective.

13. In the present report the Special Rapporteur first looks at the sale of children and related human rights violations in the practice of sports. She then moves on to focus on the sale and sexual exploitation of children on the margins of major sporting events. Finally, she proposes a set of conclusions and recommendations addressed to States and sports organizations.³

14. The report is based on a review of the available literature on the sale and sexual exploitation of children in the context of sports. The Special Rapporteur wishes to thank several key actors who provided invaluable inputs, namely UNICEF UK, the Office of the United Nations High Commissioner for Human Rights, the International Labour Organization (ILO), the Oak Foundation, Transparency International Germany, FIFPro, Terre des Hommes International Federation, the Fédération internationale de Football Association (FIFA), the International Olympic Committee (IOC) and the World Players Association-UNI Global Union. She looks forward to be able to organize further consultations to follow up on this important subject.

B. International legal framework

15. The current international legal framework regarding the sale and sexual exploitation of children sets clear obligations on States. The Convention on the Rights of the Child is the most ratified human rights instrument in the world, and it is clear that States must take measures to prevent the sale and sexual exploitation of children. Furthermore, non-State actors have human rights responsibilities to protect children and prevent these acts.

16. The sale of children in the context of sports can be analysed within the international legal framework on child labour and its worst forms. Core provisions include article 32 of the Convention on the Rights of the Child, which prohibits any work that could impair the child's development, and article 35, which forbids the sale of children for any purpose or in any form.

17. ILO defines child labour "as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development".⁴ An important aspect, in particular in relation to sports, is that child labour may seriously affect children's education.

² See www.ohchr.org/EN/Issues/Children/Pages/SideEventHRC25.aspx.

³ Throughout the report, the terms "sports organization" and "sports institution" are used interchangeably; they also refer to sports governing bodies as well as sports federations.

⁴ See www.ilo.org/ipec/facts/lang--en/index.htm.

18. Crucial instruments in the domain of child labour include the ILO Minimum Age Convention, 1973 (No. 138), which sets the minimum age for admission to employment at 15 (art. 2 (3)). It also provides for light work that may be allowed for children aged 13–15 (art. 7 (1)) or 12–14 for States having used the transitional measure (art. 7 (4)). Other fundamental texts are the Worst Forms of Child Labour Convention, 1999 (No. 182) and the Forced Labour Convention, 1930 (No. 29). It must be recalled that under Convention No. 182 the sale of children is considered to be one of the worst forms of child labour, akin to slavery or practices similar to slavery.

19. The sexual exploitation of children is prohibited under article 34 of the Convention on the Rights of the Child as well as articles 1 and 3 of its Optional Protocol on the sale of children, child prostitution and child pornography.

20. Under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol), trafficking for the purpose of exploitation includes sexual exploitation, forced labour or services, slavery or practices similar to slavery and servitude. In the case of children, no coercion or deception is required for a case to be considered trafficking in persons.

21. The Framework Convention on Tourism Ethics of the World Tourism Organization is an additional important instrument for human rights violations occurring on the margins of major sporting events. Under article 5, it specifically calls for the criminalization and prosecution of any form of exploitation of human beings, particularly sexual, especially when applied to children.

22. At the regional level, the Treaty on the Functioning of the European Union, in article 165, specifically includes the protection of “the physical and moral integrity of sportsmen and sportswomen, especially the youngest sportsmen and sportswomen”.

23. The implementation of these obligations and how they entail the responsibility of private actors, in this case sports institutions, is also clearly stated in international human rights standards. As a starting point, article 3 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography requires States to criminalize the sale and sexual exploitation of children and, crucially, to establish the liability of legal persons for offences, which may be criminal, civil or administrative.

24. As legal persons, sports institutions are not exempted from responsibility in cases of child rights violations. While many of these organizations are registered as associations, they nonetheless carry the same responsibilities to respect human rights as private enterprises.⁵ Moreover, it must be recalled that all international sports organizations are liable under the domestic laws of the country where they are based, which is Switzerland for many of them.⁶

25. Numerous instruments are relevant when analysing the human rights responsibilities of private actors. Chief among these are the Guiding Principles on Business and Human Rights. Sports bodies also often have relevant policies and codes of conduct that reference human rights, and child rights in particular.

26. With regard to child labour and its worst forms, the ILO Declaration on Fundamental Principles and Rights at Work and the Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy play an essential role to guide private actors.

27. Additionally, the Organization for Economic Cooperation in Europe (OECD) Guidelines on Multinational Enterprises is an important instrument; it has a chapter on human rights based on the Guiding Principles on Business and Human Rights. Significantly, a network of national contact points helps ensure the implementation of the guidelines.

⁵ Mega-Sporting Events Platform for Human Rights, *Sports Governing Bodies and Human Rights Due Diligence*, Sporting Chance White Paper 1.2, version 1, January 2017.

⁶ L.W. Valloni and E.P. Neuschwander, “The role of Switzerland as host: moves to hold sports organisations more accountable, and wider implications”, in Transparency International, *Global Corruption Report: Sport, 2016* (New York, Routledge, 2016), pp. 321–326.

1. Guiding Principles on Business and Human Rights

28. The Guiding Principles on Business and Human Rights were unanimously endorsed by the Human Rights Council in 2011. They rest on three pillars: the State duty to protect human rights; the corporate responsibility to respect human rights; and access to remedy. Under the second pillar, the Guiding Principles recognize that business enterprises should respect human rights, meaning that they should avoid infringing the human rights of others and should address adverse human rights impacts with which they are involved.⁷ This is independent of States' obligation to protect against human rights abuses committed by private actors. To meet their corporate responsibility to respect human rights, business enterprises are expected to undertake human rights due diligence, which refers to the processes and activities by which businesses identify, prevent, mitigate and account for how they address their adverse human rights impacts.

29. Under the Guiding Principles, the responsibility to respect human rights refers to internationally recognized human rights – understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the ILO Declaration on Fundamental Principles and Rights at Work. As the commentary to the Guiding Principles makes clear, business enterprises should consider additional standards where their actions may have adverse human rights impacts on individuals belonging to specific groups requiring particular attention.⁸ Thus, international instruments elaborating on the rights of children, such as the Convention on the Rights of the Child and its Optional Protocols, should be taken into account by business when examining the sale and sexual exploitation of children in the context of sports.

30. Where a business enterprise determines it has caused or contributed to an adverse human rights impact, its responsibility to respect human rights requires active engagement in remediation, by itself or in cooperation with other actors. The third pillar of the Guiding Principles outlines the shared responsibility of States and business to ensure access to an effective remedy for those affected by business-related human rights abuse. While effective State-based judicial mechanisms are at the core of ensuring access to remedy, other non-judicial mechanisms, including a variety of non-State-based grievance mechanisms that sports bodies may administer or cooperate with, play an essential role in addressing alleged abuses.⁹

31. The Guiding Principles have been used as a benchmark by several sports organizations. For instance, FIFA commissioned the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises and drafter of the Guiding Principles, John Ruggie, to develop recommendations on what it means for FIFA to embed respect for human rights across its global operations, using the Guiding Principles as the authoritative standard.¹⁰ Additionally, the newly launched Centre for Sport and Human Rights uses the Guiding Principles as part of the basis for its work.

2. International Safeguards for Children in Sport

32. The International Safeguards for Children in Sport, launched in 2014 under the leadership of UNICEF UK, have been developed to guide sports institutions on how to protect children. They have been translated into several languages and piloted by over 60 sports institutions.

⁷ Principle 11.

⁸ Commentary on principle 12.

⁹ The Accountability and Remedy Project of the Office of the United Nations High Commissioner for Human Rights (OHCHR) provides recommendations on how to enhance the effectiveness of State-based mechanisms in cases of business-related human rights abuse. It currently focuses on non-State-based grievance mechanisms (including those administered by sports bodies) for a report to be submitted to the Human Rights Council at its forty-fourth session. See www.ohchr.org/EN/Issues/Business/Pages/OHCHRaccountabilityandremedyproject.aspx.

¹⁰ John G. Ruggie, *For the Game. For the World. FIFA and Human Rights*, Corporate Responsibility Initiative Report No. 68 (Cambridge, Massachusetts, Harvard Kennedy School, 2016).

33. The Safeguards aim to create a safe sporting environment for children wherever they participate and at whatever level; provide a benchmark to assist sports providers and funders to make informed decisions; promote good practice and challenge practice that is harmful to children; and provide clarity on safeguarding children to all involved in sports.

34. Importantly, the Safeguards should be implemented and evaluated with the participation of children at the institutional level of the sports organizations. This unique approach is to be encouraged, as it ensures meaningful participation of the right holders concerned by this issue.

35. A self-audit tool has been developed to monitor the impact of the Safeguards. A key finding has been that sports organizations understand the need for child-safeguarding measures and the value of engaging in the process, despite an initial opposition to the need for such a project. In addition, the individual awareness of the importance of safeguarding has increased and children have been given meaningful opportunities for participation.

3. Standards, regulations, policies and codes of conducts

36. As the lead United Nations agency on physical education and sport, the United Nations Educational, Scientific and Cultural Organization (UNESCO) has played a key role in setting standards regarding sports. For example, the International Charter of Physical Education, Physical Activity and Sport establishes in article 9 the need for safety and the management of risk. It specifically calls for the removal of practices that harm participants, such as sexual exploitation.

37. Furthermore, under the UNESCO Quality Physical Education Policy Guidelines, teachers should be expected to engage in regular child protection training and be versed in abuse reporting procedures.

38. The Japan Committee for UNICEF has recently developed the Children's Rights in Sport Principles. They comprise 10 principles, one of which deals with the need to protect children from the risks of sports. An overarching message is the need to provide meaningful participation opportunities for children in the implementation of the Principles.

39. FIFA is one of the major international sporting institutions to have recently developed a human rights policy, in addition to including the need to respect human rights in its statutes (art. 3). Launched in 2017, the policy commits FIFA to respect human rights in accordance with the Guiding Principles on Business and Human Rights and sets specific responsibilities regarding labour rights and players' rights. The policy acknowledges that the strong desire to become a professional footballer "can create fertile ground for adverse human rights impacts, in particular with regard to trafficking and other issues relating to minors".¹¹ Additionally, FIFA commits to work constructively with an independent, expert Human Rights Advisory Board. This board issues recommendations to the organization regarding the level of implementation of its commitments and has contributed to the inclusion of human rights requirements in the bidding and host selection for the 2026 FIFA World Cup.

40. In addition to its human rights policy, FIFA has banned the international transfer of players under 18 years old, with only three possible exceptions¹² (article 19 of the Regulations on the Status and Transfer of Players), and requires the registration of minors playing at academies, in order to protect them from exploitation and trafficking. In addition, the 2015 Regulations on Working with Intermediaries specifically banned the payment of intermediaries for services when the subject of the negotiation is a minor (art. 7).

41. The Commonwealth Games Federation has similarly championed human rights and child rights and adopted a human rights policy statement that was approved by its board in October 2017. It includes a pledge to implement the Guiding Principles on Business and Human Rights. It also commits the Federation to respect international human rights treaties,

¹¹ *FIFA's Human Rights Policy*, May 2017 edition, p. 7.

¹² The three exceptions are: the player's parents move to the country in which the new club is located for reasons not linked to football; the transfer takes place within the territory of the European Union or the European Economic Area and the player is aged between 16 and 18; or the player lives no further than 50 km from a national border and the club with which the player wishes to be registered in the neighbouring association is also within 50 km of that border.

including the Convention on the Rights of the Child, and makes explicit reference to the Children's Rights and Business Principles which, among other things, urges all businesses to provide protection against all forms of violence, including sexual abuse.

42. A fundamental principal of the code of ethics of IOC is the need to respect international conventions on protecting human rights; it rejects in particular all forms of harassment and abuse, including of a sexual nature. Furthermore, the code explicitly requires measures to be taken to prohibit the exploitation of young athletes.¹³ An additional Framework for Safeguarding Athletes and Other Participants from Harassment and Abuse in Sport was adopted in the context of the IOC Youth Olympic Games.

43. IOC also considers international human rights instruments as a criterion in its selection process of hosts for the Olympic Games. With respect to sexual exploitation, IOC adopted in 2007 a consensus statement on sexual harassment and abuse in sports that formally recognized that "sexual harassment and abuse happen in all sports and at all levels", with a higher prevalence in elite sports. This statement was further elaborated in 2016 with additional language regarding child and adolescent athletes. A vital point made was that, in cases of abuse, the concept of consent cannot apply to children and cannot be used as a defence by perpetrators.¹⁴

44. Several other sports federations have adopted codes of conduct that offer some form of protection to children. For example, numerous institutions have incorporated the same language as that contained in the IOC code of ethics, including the Fédération internationale de Volleyball and the World Squash Federation.

45. In 2018, the International Tennis Federation developed a code of ethics taking direct inspiration from the IOC code. The Federation had also adopted a player welfare programme in 2007 that included a welfare policy explicitly addressing sexual conduct, prohibiting any sexual abuse or conduct towards a player under the age of 17 or under the age of legal majority.

46. The International Ice Hockey Federation and the International Boxing Association both supplement their respective code of conduct and code of ethics with policies on sexual harassment.

47. Additionally, the Fédération internationale de natation has adopted a code of ethics that includes an ethical principle on dignity prohibiting all forms of harassment, be they physical, psychological, professional or sexual. The International Cricket Council has similar provisions in its code of ethics, as does the International Handball Federation in its ethics code. Moreover, the International Association of Athletics Federations includes in its code of ethics the prohibition of all forms of physical, verbal, mental or sexual harassment in athletics.

48. In response to a spike of nationality changes before major competitions (called "transfers of allegiance"), the International Association of Athletics Federations amended its Regulations on Eligibility to Represent a Member in National Representative Competitions in 2018. The amendments ensure that athletes have a genuine connection with the country or territory they represent and protect athletes' welfare throughout the transfer of allegiance. A direct consequence of this tightening of rules is the protection of minors from various types of exploitation.

49. Furthermore, the World Players Association, which represents organized players from across professional sports, has adopted the Declaration on Safeguarding the Rights of Child Athletes. The Declaration is based on a child-rights approach and places the best interests of the child at the heart of any involvement of children in sports. It identifies five action areas, one of which focuses on the recruitment and training of any personnel working with children.

¹³ IOC, *Ethics*, 2018.

¹⁴ M. Mountjoy and others, "International Olympic Committee consensus statement: harassment and abuse (non-accidental violence) in sport", *British Journal of Sports Medicine*, vol. 50, No. 17 (September 2016).

50. The code of conduct of another key actor, the World Federation of the Sporting Goods Industry, requires member companies and their suppliers to apply international standards with respect to forced and child labour.

C. Sale of children in the context of sports

51. Under article 2 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration. While all the violations listed in the following paragraphs may not necessarily amount in all cases to the sale of children, they nonetheless place children in vulnerable situations and facilitate exploitative practices.

1. Contracts

52. Research undertaken by FIFPro, the representative organization for all professional footballers, and the University of Manchester revealed that up to a quarter of professional footballers under the age of 18 did not have a written contract;¹⁵ there was also the issue of players not having a copy of their contract in their possession. This situation places these children in extremely precarious situations and opens the door to multiple forms of exploitation amounting to their commodification.

53. A key step in the life of any professional sportsperson is the transfer from one club to another. It is in this context that the commodification of children often occurs. In the world of professional football, more than half of under-18 players are promoted from youth academies to the clubs while a quarter enter clubs as free agents. The promotion from youth academies generally places children in the lower wage bracket of clubs.¹⁶

54. An additional source of concern at the time of signing contracts is the involvement of intermediaries. In the world of football, children have the highest level of recourse to intermediaries in the context of transfers, amounting to 17.6 per cent of international transfers.¹⁷ The recourse to intermediaries can be an issue when it is taken into account that the existing criteria to become an intermediary under the Regulations on Working with Intermediaries are very basic with the end of the FIFA licensing scheme.

55. As outlined above, FIFA has banned the international transfer of players under 18 years old, with three possible exceptions that have been extensively used. In 2017, for example, the subcommittee of the FIFA Players' Status Committee reviewed 3,312 international transfers of minors and approved 88 per cent of them.¹⁸ It is in the context of these exceptions that an international transfer certificate is required for children as well as the approval of the subcommittee. Nonetheless, under the FIFA Regulations, the certificate and approval of the subcommittee are not required for children under the age of 10, and member associations only have to ensure that one of the three exceptions is met.¹⁹ This arbitrary age limit places very young children in a vulnerable situation and weakens the intended child protection mechanism.

56. Furthermore, as has been widely publicized, several football clubs have still fallen foul of this regulation, despite its three exceptions.²⁰ Though FIFA has sanctioned these clubs, and the Court of Arbitration for Sport has confirmed the decisions, the complexity of

¹⁵ FIFPro, *2016 FIFPro Global Employment Report* (Hoofddrop, Netherlands, 2016).

¹⁶ *Ibid.*

¹⁷ FIFA, *Intermediaries in International Transfers*, 2017 edition, period January 2013–November 2017 (Zurich, 2017).

¹⁸ FIFA, *Global Transfer Market Report: A Review of All International Football Transfers in 2017*.

¹⁹ FIFA, circular No. 1468 to the members on amendments to the Regulation on the Status and Transfer of Players and the Rules Governing the Procedures of the Players' Status Committee and the Dispute Resolution Chamber, 23 January 2015.

²⁰ S. Yilmaz, "Protection of minors: lessons about the FIFA RSTP from the recent Spanish cases at the Court of Arbitration for Sport", *International Sports Law Journal*, vol. 18, Nos. 1–2 (October 2018), pp. 15–28.

the existing system appears to be ineffective in dissuading clubs from violating regulations in force that are supposed to represent a first line of a child protection mechanism.

57. There has also been a growing practice in some countries wishing to quickly obtain sporting success at the elite level by getting athletes to change their nationality. This has led to exploitative situations, notably involving runners. There have been several cases of young African athletes being offered contracts to become citizens of countries in the Gulf region or Central Asia. Upon arrival, the contracts are found to be non-existent and the athletes are regularly exploited.²¹

58. In the Middle East, the *kafala* sponsorship system can place children in vulnerable situations. Under previous FIFA regulations governing eligibility to play for representative teams, countries in the Middle East had made use of this system in order not to fall foul of regulations when recruiting future players to represent their countries. In 2008, the FIFA rules on eligibility to play for representative teams were changed to prevent countries from exploiting children and fielding entire teams of foreign-born players.²²

59. The *kafala* sponsorship system entails a direct tie between the person entering a country and the employer or sponsor. The inherent power imbalance of the relationship between the sponsor and the sponsored individual can lead to “restrictions on free movement, confiscation of passports, delayed or non-payment of salaries, long working hours, untreated medical needs, and violence”.²³

2. Third party ownership

60. The question of third party ownership in the context of football has raised grave human rights concerns. Third party ownership consists of an agreement between football clubs and third parties (individuals, investment funds, businesses, etc.) to own parts of the “economic rights” of players. This system gives the parties a real power of control over clubs and the players, and can have a direct impact on their agency and right to freely decide on their career choices.²⁴ Generally speaking, even though this system refers to the purchase of the “economic rights” of players, it commodifies their person and can lead to a relationship of ownership with the third parties.

61. The practice first developed in Latin America and reached epidemic proportions. In Brazil, for example, it is understood that up to 90 per cent of footballers in the First Division were playing under a third party ownership agreement.²⁵

62. The response of FIFA was to ban third party ownership in 2015. Nonetheless, the practice persists across the world, and FIFA has opened numerous investigations and issued sanctions against several clubs.²⁶

3. Sports academies

63. Closely linked to third party ownership is the development of football academies in the Global South. The main aim of these academies is to scout very young talent, in some cases children as young as 10, in order to be able to transfer them to the Global North following intensive training. Abuses are frequent, with children facing arduous schedules with little contact with their families, and ultimately having little or no say about their career choices once they are transferred out of the academies. Big clubs often will use third party ownership schemes through their ownership of smaller clubs to ensure that they can directly source young talent from these academies, in direct violation of the FIFA ban.²⁷

²¹ M. Kelner, “‘We are treated like sporting slaves’: Ethiopian lifts lid on trade in athletes”, *Guardian*, 3 August 2017.

²² FIFA, circular No. 1147 to the members on eligibility to play for representative teams, 18 June 2008.

²³ ILO Regional Office for Arab States, *Employer-Migrant Worker Relationships in the Middle East: Exploring Scope for Internal Labour Market Mobility and Fair Migration* (Beirut, 2017), p. 3.

²⁴ FIFPro, “FIFPro versus third party ownership”, 29 March 2014.

²⁵ KPMG Associates, *Project TPO*, 8 August 2013.

²⁶ See www.fifa.com/governance/news.

²⁷ Spiegel Online, “How clubs profit by exploiting young African Talent”, 9 November 2018.

64. For example, an academy in Qatar recruited minors under the guise of being “only a training academy” and not a club. Nonetheless, the academy had purchased a professional club in Belgium in order to provide an experience at an elite level to its young players.²⁸

65. Children recruited in these academies are considered to be commodities, with investment in their career understood to be “venture capital”. Even if these children are transferred to big clubs once they turn 18, they will generally be immediately loaned out to other smaller clubs, with little say about their destination.²⁹

66. Children attending these academies may also become victims of exploitation. For example, in 2015, in the Lao People’s Democratic Republic, dozens of West African players were recruited by an academy belonging to a Lao Premier League club. The players, most of whom were minors, were promised comprehensive training and education as well as compensation and were told that their experience could eventually help them reach clubs in Europe. Once in the Lao People’s Democratic Republic, they were faced with dreadful conditions and were told they could only return home if they reimbursed all the costs the academy had incurred.³⁰

4. Trafficking

67. As noted with respect to the sale of children in the context of sports discussed above, it is important to note that the cases described in this section may not always fall under the international definition of the Palermo Protocol. Indeed, the exploitative aim in some of these cases is not always apparent.³¹

68. Several instances of trafficking of children in the context of sports have been reported, though a comprehensive picture of the extent of the practice is still lacking. In the world of football, as stated above, a common pattern is the trafficking of players from West Africa and Latin America to European and Asian clubs, for those who do end up playing professionally. Most trafficking victims in football are children.³²

69. It has been reported that criminals masquerading as football agents will often require the children and their families to provide funds for their trip abroad. The money will then disappear into the pockets of the agents. On the occasions when travel is organized, there have been cases of children being stranded upon arrival and faced with the reality that there was no academy or club recruiting them.³³ In such cases, there might not be an exploitative purpose that would justify using the term trafficking.³⁴

70. In basketball, there have been reported cases of trafficking of children to the United States of America. A common pattern is to recruit players abroad under the guise of awarding basketball scholarships and, once they have arrived in the United States, to exploit them. The recruiters make a profit if the players transfer to the professional level, or even if they only provide a steady flow of talent to colleges.³⁵

71. Trafficking has also plagued the world of baseball, with repeated smuggling of Latin American players into the United States, often by criminal gangs. This is in part due to the Major League Baseball rules which apply different procedures for the recruitment of international players, thus encouraging the trafficking of players through third countries into the United States.³⁶

²⁸ M. Hall, “The scramble for Africa’s athletes”, *Foreign Policy*, 20 April 2018.

²⁹ Spiegel Online, “How clubs profit”.

³⁰ FIFPro, “Nightmare academy in Laos cheats African kids”, 21 July 2015.

³¹ J. Esson and E. Drywood, “Challenging popular representations of child trafficking in football”, *Journal of Criminological Research, Policy and Practice*, vol. 4, No. 1 (2018), pp. 60–72; see also A/71/261.

³² Ruggie, *For the Game*.

³³ Hall, “The scramble for Africa’s athletes”.

³⁴ Esson and Drywood, “Challenging popular representations”.

³⁵ NPR, “A lesser-known human trafficking problem: teenage basketball players”, 6 April 2015.

³⁶ J. Pagliery and A. Garcia, “The Cuban baseball smuggling machine behind MLB”, CNN Money, 15 December 2016.

D. Sexual exploitation in the context of sports

72. The sexual exploitation of children occurs in all parts of society all around the world, and sports are no exception. There are nonetheless certain power dynamics inherent to the sporting world that render children particularly vulnerable to sexual exploitation. Children are most at risk in such situations “as the locker-room, the playing field, trips away, the coach’s home or car and social events”.³⁷

73. In 2016, the European Commission adopted recommendations on the protection of young athletes and safeguarding children’s rights in sport.³⁸ The Commission estimated that between 2 and 8 per cent of minors and young athletes had been victims of sexual assault in the context of sports. It emphasized that elite young athletes were particularly vulnerable and that the type of sport had no impact on the extent of sexual abuse. Moreover, it brought to the fore the higher rate of abuse of ethnic minorities and lesbian, gay, transsexual and intersex persons.

74. One of the most egregious recent cases of sexual abuse and exploitation of children occurred in the world of gymnastics in the United States. A total of 368 allegations of sexual abuse and exploitation over a 20-year period were made, with children as young as 6 affected.³⁹ In 2018, a former sports doctor was sentenced for possession of child sexual abuse material and for sexually abusing girls, with 265 victims having been identified.⁴⁰ Throughout this period, USA Gymnastics had reportedly focused on maintaining its positive image and denied responsibility for the actions of individual perpetrators while not taking any significant measures to protect children from abuse.⁴¹

75. In football, several cases have emerged with a common profile of repeat offenders being able to navigate around several clubs. In the United Kingdom of Great Britain and Northern Ireland, as of March 2018, the police had identified 849 victims and 300 alleged suspects across 340 football clubs. Ninety-five per cent of the victims were male and their ages ranged from 4 to 20. These cases have emerged as part of Operation Hydrant, which is tasked with investigating non-recent child sexual abuse across the United Kingdom.⁴²

76. In Argentina, a paedophile ring was uncovered in 2018, with dozens of boys training in lower division clubs having been sexually exploited. In that country, it is common for children from remote areas to be lodged by football academies away from their families, thus making them particularly vulnerable to abuse and exploitation.⁴³

77. Lastly, a commission of inquiry on sexual harassment and abuse in sports, established by the Netherlands Olympic Committee, has provided an additional detailed picture of the extent of these crimes. It concluded that 4 per cent of its interviewees had been sexually abused or raped during their childhood. More girls than boys were affected, and young children were particularly vulnerable. The majority of identified perpetrators were male coaches or trainers, with a higher incidence in football.⁴⁴

E. Major sporting events

78. As emphasized previously, the sale and sexual exploitation of children are abhorrent crimes that affect all parts of society and occur in every possible context. Major sporting

³⁷ IOC, Consensus statement on sexual harassment and abuse in sport.

³⁸ European Commission, *Expert Group on Good Governance: Recommendations on the Protection of Young Athletes and Safeguarding Children’s Rights in Sport*, July 2016.

³⁹ T. Evans, M. Alesia and M. Kwiatkowski, “A 20-year toll: 368 gymnasts allege sexual exploitation”, *IndyStar*, 15 December 2016.

⁴⁰ BBC, “Larry Nassar jailed for another 40 to 125 years”, 5 February 2018.

⁴¹ Evans, “A 20-year toll”.

⁴² See www.npcc.police.uk/NPCCBusinessAreas/OtherWorkAreas/OpHydrant/FootballAbuseStats.aspx.

⁴³ BBC Mundo, “El escándalo por las denuncias de abuso sexual de menores que sacude al mundo del fútbol en Argentina”, 2 April 2018.

⁴⁴ K. de Vries, C. Ross-van Dorp and E. Myjer, *Rapport van de Onderzoekscommissie seksuele intimidatie en misbruik in de sport* (2017).

events are no different, and in view of the absence of comprehensive research on the subject it is difficult to establish a direct link between sports events and these crimes. In line with the thematic report on sexual exploitation of children in travel and tourism, it is useful to analyse the occurrence of these crimes in the context of a sudden large influx of travellers to specific destinations that may – or may not – have an existing record of human rights violations.

1. Reported child rights abuses

79. The research project “Let’s win this game together: documenting violations of children’s rights around the 2014 FIFA World Cup in Brazil”, undertaken by the University of Dundee, has provided a unique understanding of the potential impact of major sporting events on the rights of the child. Regarding the issues of concern to the mandate of the Special Rapporteur, there was a reported increase in cases of child sexual exploitation around stadiums in particular. However, it was difficult to measure this increase precisely, mainly because instances of child sexual exploitation were often coupled with other crimes, such as physical abuse, that led to the violation being reported.⁴⁵

80. The most vulnerable children came from impoverished backgrounds and had high school dropout rates. The collected data with respect to sexual exploitation and harassment indicated that girls aged between 9 and 17 were the most vulnerable.⁴⁶

81. Child labour was also highlighted as an issue, in particular during the build-up to the major sporting event. Areas of construction became magnets for working children, in particular those in street situations. Throughout the competition, children were regularly observed to be working, often together with their families.⁴⁷

82. A particular issue of concern is the modification of child protection measures before major sports events. In Brazil, the use of children as ball boys in stadiums was banned in 2004; however, the ban was rescinded in 2013 for the World Cup so that children from 12 years of age could work in stadiums.⁴⁸

83. Another source of concern, although one not directly related to the scope of the mandate, is the violation of basic rights of children due to their displacement in the context of major sports events. The building of new infrastructure leads to displacement that is regularly undertaken with insufficient preparation to guarantee that the affected population is relocated to areas where they will have the same standard of living. In the case of Brazil, it was observed that children had to interrupt their schooling in the middle of the year because their new homes were too far from their original school and new local schools were full. Removing children from their safety net and depriving them of their basic rights, such as education, increases their vulnerability to various forms of exploitation, such as sale and sexual exploitation.⁴⁹

84. A study by Terre des Hommes International Federation on the impact on child rights of the 2016 Olympic Games brought an additional perspective to the link between major sporting events and child sexual exploitation. Children facing displacement due to the construction of infrastructure indicated in interviews that they were particularly concerned by the sudden presence of a large number of male construction workers, which they saw as a potential threat of sexual abuse.⁵⁰

2. Bidding processes

85. The inclusion of human rights, and child rights in particular, as a fundamental criterion in any bidding process is a marker of the commitment of awarding bodies. The Commonwealth Games Federation, for example, has included human rights considerations

⁴⁵ University of Dundee, “Let’s Win This Game Together”: Documenting Violations of Children’s Rights Around the 2014 FIFA World Cup in Brazil (n.d.).

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Terre des Hommes International Federation, *Breaking Records: Child Rights Violations during the Rio 2016 Olympics* (Cologne, Switzerland, 2016), pp. 24–25.

into the life cycle of the Games. This translates into a strong commitment from the next Games hosts to implement human rights due diligence and include human rights in the bidding criteria.⁵¹

86. The Federation has also integrated child rights and safeguarding provisions into the host bidding criteria for both the 2021 Commonwealth Youth Games and 2022 Commonwealth Games: the host city contract includes specific clauses addressing child rights. The Federation additionally put safeguarding policies and processes in place at its last Youth Games in Samoa (2015) and the Bahamas (2017). Moreover, the national affiliate bodies agreed in 2018 to include commitments on the implementation of the Guiding Principles on Business and Human Rights and child safeguarding.

87. As indicated above, IOC included specific references to the Guiding Principles on Business and Human Rights in its host city contract principles for the 2024 Games. Nonetheless, detailed provisions on the rights of the child in the IOC evaluation report of the bidding cities are lacking. FIFA has also included human rights and labour standards in its guide to the bidding process for the 2026 FIFA World Cup.⁵² In the subsequent bid evaluation report, FIFA established a rating system for the risks related to human and labour rights, thus determining that there was a medium risk in the cases of both Morocco and the United North American bid.⁵³

88. The output of the ILO Committee of Experts on the Application of Conventions and Recommendations have also been used to review bidding processes. For example, an independent report on human rights in Canada, Mexico and the United States in the context of a potential FIFA 2026 World Cup competition refers extensively to the ILO recommendations in its analysis of the legal frameworks of the three countries.⁵⁴

F. Prevention and remedy

89. A fundamental prevention measure in the context of sports is to ensure that children, regardless of the exceptional nature of their trajectory, enjoy their rights. Furthermore, when they do fall victim to the abhorrent crimes of sale and sexual exploitation, they have the right to receive care, recovery and reintegration services (A/70/222). Independent complaints mechanisms are a fundamental first element of such services.

90. A comprehensive survey of the demographics of professional footballers revealed that the right to education is a major issue for children. Indeed, up to 9 per cent of professional footballers had completed only primary school and 1 per cent had not even been able to do that.⁵⁵ In addition, as outlined previously, children may also have their access to education denied in the context of major sporting events and the construction of infrastructure. It is consequently an essential prevention measure to ensure that children remain enrolled in schooling despite a budding sports career.

91. It is also important to address parents directly as they can also become the perpetrators of abuse and different forms of violence against children, due to a misguided pressure to ensure that their children excel in sports.⁵⁶

92. While female sports have yet to be the focus of the same level of global interest and funding, it is also crucial to guarantee that appropriate safeguards are put in place to prevent the abuses outlined above, in particular regarding the sale of children, that have extensively affected male sports.

⁵¹ Mega-Sporting Events Platform for Human Rights, *Host Actors and Human Rights Due Diligence in the Sports Context*, Sporting Chance White Paper 2.1, version 1, January 2017.

⁵² FIFA, *Guide to the Bidding Process for the 2026 FIFA World Cup* (n.d.).

⁵³ FIFA, *Bid Evaluation Report: 2026 FIFA World Cup* (Zurich, 2018).

⁵⁴ *Independent Report: Human Rights in Canada, Mexico and the USA in the Context of a Potential FIFA 2026 World Cup Competition*, 7 March 2018.

⁵⁵ FIFPro, *2016 FIFPro Global Employment Report*.

⁵⁶ UNICEF Innocenti Research Centre, *Protecting Children from Violence in Sport: A Review With a Focus on Industrialized Countries* (Florence, 2010).

1. Institutional structure and reporting mechanisms

93. The structure of sports organizations affects their capacity to respond to human rights violations. Two principles guide the structure of all sporting institutions: autonomy and specificity. This was recognized by the General Assembly in two separate resolutions.⁵⁷

94. Though these principles are fundamental for these organizations, they can end up being counterproductive since autonomy and specificity can be used as excuses by these organizations to reject human rights due diligence and their responsibility towards children. Moreover, blind adherence to a poorly defined principle of autonomy can actually lead to an increase in human rights violations and a need for external intervention, as demonstrated by the 2015 FIFA corruption scandal.⁵⁸ In addition, the principle of specificity has been used to deny the fundamental rights of athletes and the recognition of children as right holders.⁵⁹

95. The underrepresentation of women in sports leadership has further implications on the capacity of sports organizations to respond adequately to gender discrimination and violence. Gender discrimination is still omnipresent in sports institutions, in particular at the governance level. Indeed, the organization Women in Sport undertook research on the representation of women in senior leadership roles in sports and concluded that gender discrimination had led to women feeling undervalued and overscrutinized.⁶⁰ Furthermore, the European Institute for Gender Equality noted that, on average, women occupy 14 per cent of decision-making positions in the continental confederations of Olympic sports bodies in Europe. Of particular concern, only 20–30 per cent of all sport coaches are women.⁶¹

96. In response, IOC has adopted Gender Equality Recommendations that include five recommendations related specifically to governance. Importantly, one calls for “ensuring that women have roles of influence and decision-making responsibilities in the organisations’ administration and governance”.⁶²

97. FIFA also adopted a Women’s Football Strategy that includes a pledge to broaden female representation in football decision-making at the highest levels. It aims to have at least one third of FIFA committee members be women by 2022 and to increase the number of qualified female coaches.

98. As mentioned, national contact points have been created to serve as a mediation mechanism for the implementation of the OECD Guidelines on Multinational Enterprises, thus offering a possible avenue for dealing with complaints against private actors, including sports organizations. Nevertheless, they remain a non-judicial dispute settlement system.

99. Violations of the codes of conduct/ethics mentioned above have to be reported through internal mechanisms and will be referred to ethics or disciplinary commissions and boards. For instance, IOC has an Ethics and Compliance Hotline, and complaints may be referred to the Ethics Commission.⁶³ The Youth Olympic Games Framework for Safeguarding Athletes also provides reporting obligations and guidelines. Nonetheless, these reporting mechanisms generally are not child-friendly and do not meet the criteria for effective remedies as set out in the Guiding Principles on Business and Human Rights, namely to be legitimate, accessible, predictable, equitable, transparent, rights-compatible and a source of continuous learning.

100. Numerous countries have taken national initiatives to protect athletes and children: the Child Protection in Sport Unit in the United Kingdom, the United States Center for SafeSport, the Child Safe Sport framework in Australia, the Contre les abus sexuels dans le sport programme in Switzerland and the #AbusoFueradeJuego campaign in Spain.

⁵⁷ Resolutions 69/6 and 71/160.

⁵⁸ United States Department of Justice, “Nine FIFA officials and five corporate executives indicted for racketeering, conspiracy and corruption”, 27 May 2015. Available at www.justice.gov/opa/pr/nine-fifa-officials-and-five-corporate-executives-indicted-racketeering-conspiracy-and.

⁵⁹ Mega-Sporting Events Platform for Human Rights, *Athletes’ Rights and Mega-Sporting Events*, Sporting Chance White Paper 4.2, version 1, January 2017.

⁶⁰ Women in Sport, *Beyond 30%: Workplace Culture in Sport*, June 2018.

⁶¹ European Institute for Gender Equality, *Gender Equality in Sport* (Vilnius, n.d.).

⁶² IOC, *IOC Gender Equality Review Project* (Lausanne, n.d.), p. 12.

⁶³ See www.olympic.org/news/new-ioc-integrity-and-compliance-hotline-fully-operational.

101. Following the gymnastics abuse case in the United States, Congress adopted legislation to prevent the sexual abuse of minors and amateur athletes by requiring prompt reporting to law enforcement authorities. Furthermore, the Center for SafeSport was named as the reporting mechanisms for allegations of sexual abuse.⁶⁴ This measure is nonetheless potentially counterproductive, as it creates a reporting mechanism parallel to the existing child protection system.

102. Since 2016, an IOC safeguarding officer has been tasked with dealing with reports of harassment or abuse at the Olympic Games; indeed, IOC calls for the presence of safeguarding officers during any sports competition. The International Netball Federation has provided for the presence of a safeguarding officer during the Netball World Youth Cup.

2. Care and recovery for victims

103. Victims' associations have multiplied, and offer a key outlet. The Offside Trust was created by former professional players who had been victims of sexual abuse following the child sexual abuse scandal in British football. Its core aim is to end abuse in all sports and to provide support for survivors.

104. Another important project is the VOICE project, which provides a vital platform for victims of sexual abuse in the context of sports to express their experience. A report containing a set of recommendations will soon be launched and will include key actions required to ensure a safe environment for children in the practice of sports. Educational films were also produced to raise awareness about these crimes.

3. Multi-stakeholder initiatives

105. A sports policy follow-up framework was developed for the sixth International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport, held in 2017, with specific policy areas that include the safeguarding of athletes and the protection of children, with a reference to child labour as well as sexual exploitation.⁶⁵

106. The following multi-stakeholder initiatives have also taken a central role in advocating for human rights in sports and have dealt to varying degrees specifically with child rights.

107. A first key initiative is the Sports and Rights Alliance, which brings together Amnesty International Netherlands, the Committee to Protect Journalists, Football Supporters Europe, Human Rights Watch, the International Trade Union Confederation, Terre des Hommes, Transparency International Germany and the World Players Association-UNI Global Union. It aims to advocate for the respect of human rights in all activities related to sports. It engages directly with IOC, FIFA and other sports institutions.

108. The Mega-Sporting Events Platform for Human Rights brings together international and intergovernmental organizations, Governments, sports governing bodies, athletes, unions, sponsors, broadcasters and civil society groups. It has consistently advocated to prevent and remedy human rights violations. In 2017, the Platform produced a series of 11 White Papers that have served as key guidelines for all concerned stakeholders.

109. The newly created Centre for Sports and Human Rights, emanating from the work of the Mega-Sporting Events Platform, is to become the main point of reference in this domain. It aims to share knowledge, build capacity and increase accountability throughout the world of sports. The Centre is driven by the Sporting Chance Principles, which specifically refer to the Convention on the Rights of the Child.

110. Another initiative is the Sport Integrity Global Alliance, which brings together sports institutions, Governments, civil society, international organizations and the private sector. It

⁶⁴ See www.commerce.senate.gov/public/_cache/files/19d733f8-a241-4c15-8c9a-af3aa943c0e8/314646DC3794D40C9B08BBE92E6B1784.thune-feinstein-ans-to-s534.pdf.

⁶⁵ See Kazan Action Plan, available at <https://unesdoc.unesco.org/ark:/48223/pf0000252725>.

aims to promote integrity in sports. One of its Standing Committees is dedicated to the protection of children and young people in sports.

4. Campaigns and capacity-building

111. In 2017, IOC launched a toolkit for International Federations and National Olympic Committees on safeguarding athletes from harassment and abuse in sports.⁶⁶ This document provides detailed examples and recommendations on how to proceed in cases of harassment and abuse. IOC has also developed a series of educational tools, including an interactive tool on sexual harassment and abuse in sports.

112. At the 2018 Youth Olympic Games, IOC raised awareness about its toolkit and directly addressed child athletes to ensure that they were aware of their rights and what constitutes abuse.

113. In 2018, FIFA launched a child-safeguarding and protection programme that aims to promote activities on child protection.⁶⁷

114. In parallel, there have been several campaigns on protecting children in sports, in particular on the occasion of major sporting events. An important fixture is the Sporting Chance Forum, which has brought together high-level delegates from all sports on the question of human rights and sports. The 2018 third annual forum focused in particular on child safeguarding and included panel discussions on supporting survivors of sexual abuse and the human rights of children.

115. Terre des Hommes International Federation launched the Children Win Campaign in 2014 to raise awareness about the rights of the child in the context of major sporting events. The campaign aims in particular to ensure child participation and include their voice in the debate.

116. Safe Sport International is another recent initiative that has developed its own set of principles. It brings together key actors that have been consistently advocating for an end to all violence and abuse against athletes. A Safe Sport International Conference was also held this year, providing a platform for victims to express themselves.

117. The It's a Penalty campaign is another initiative undertaken during the 2014 Brazil World Cup. It has launched three global campaigns around major sporting events and has also provided direct assistance to victims of child sexual exploitation. One of its key priorities is to advocate for the adoption and implementation of extraterritorial legislation that would provide accountability in cases of sexual crimes against children committed by travelling perpetrators.

118. The Council of Europe has launched the "Start to talk" campaign and is working with governments and the Sport movement to stop child sexual exploitation and abuse by changing policies, laws and practices, as required by the Lanzarote Convention. The European Union is supporting child safeguarding in sport through several funding mechanisms, including through "pro safe Sports" projects.⁶⁸

119. Another example of prevention is the publication by the UNICEF Office for the Eastern Caribbean of child protection manuals addressed to cricket⁶⁹ and football coaches.⁷⁰ The Spanish Committee for UNICEF has also developed, in collaboration with national authorities, a series of guides on the prevention of child sexual abuse addressed to coaches and physical education teachers.⁷¹

⁶⁶ See www.olympic.org/athlete365/safeguarding/.

⁶⁷ FIFA, *Second Report by the FIFA Human Rights Advisory Board*, September 2018.

⁶⁸ <https://www.coe.int/en/web/sport/start-to-talk>

⁶⁹ West Indies Cricket Board, *Fair Play: A Coaching Manual* (St. John's, Antigua, 2012).

⁷⁰ UNICEF Office for the Eastern Caribbean Area, *Child Protection in Football: What Every Coach Needs to Know* (n.d.).

⁷¹ See www.csd.gob.es/csd/promocion/abusofueradejuego/.

IV. Conclusions and recommendations

A. Conclusions

120. It is by now widely accepted that sports are not immune to such abhorrent crimes as the sale and sexual exploitation of children. All concerned actors have gradually been developing responses and prevention mechanisms to deal with these human rights violations. Furthermore, the international legal framework sets clear obligations for States and responsibilities for sports organizations. The challenge lays with effective implementation of these obligations and responsibilities.

121. The best interests of the child should serve as a fundamental principle throughout the practice of sports and should guide any sports programme, in particular at the elite level.

122. Firstly, it can be concluded that the wide range of codes of conduct and ethics adopted by sports institutions do not follow identical approaches and, crucially, terminology. This is particularly problematic as it precludes the provision of systematic and comprehensive responses. For example, the IOC code of ethics refers to the need to respect international conventions on protecting human rights and bans all forms of harassment and abuse, including sexual abuse, while several other codes of conduct adopted by sports organizations refer only to sexual harassment. Moreover, some organizations have adopted specific references to the prohibition of sexual conduct with children and adopted additional policies on sexual harassment while most other institutions do not go into such detail.

123. It is thus fundamental to clearly ban both sexual harassment and abuse. In addition, in the case of children, perpetrators will groom rather than harass their victims. The specificity of grooming is consequently an additional type of conduct that should be prohibited in all codes of conducts, in addition to being criminalized in national law.

124. What is more, all internal policy documents and codes of conduct or ethics should explicitly refer to international human rights standards and indicate that it is the responsibility of the organization to abide by them.

125. Secondly, in the particular context of football, the regulations adopted by FIFA provide a clear child protection framework. Nonetheless, the numerous instances of contravention of these regulations by football clubs indicate that oversight and subsequent sanctions may be insufficient to guarantee the rights of the child. Moreover, there are several loopholes in the existing regulations, such as the absence of a need for the approval of the subcommittee of the FIFA Players' Status Committee for the international transfer of children under 10 and the lack of comprehensive oversight over football academies beyond the requirement to register children.

126. A grave source of concern in the context of football is the risk of dilution of existing child protection standards in view of the very large sums of money involved. Children should never be considered as commodities that can provide a source of profit. Furthermore, any investment in the development of children should be done in a manner consistent with the evolving capacities of the child and conducive to the child's achieving the fullest potential, and driven by the best interest of the child.

127. Thirdly, both States and sports organizations should have as their first priority the eradication of child labour, and should consequently keep this objective in mind with regard to the practice of sports by children. Any sport, in particular at the elite level, that leads to situations of child labour should be reformed.

128. The right to education for the full and harmonious development of the child is thus extremely important in this context, as it is often violated at the elite level of sport and indicative of child labour. The onus should be on providing balanced tuition that does not sacrifice the learning of other skills beyond proficiency in sports.

129. Fourthly, and linked to the right to education, major sporting events should be conducted in a manner that respects the fundamental human rights of children. Sporting institutions, as organizers, have the responsibility and States, as hosts, have the obligation to guarantee the rights of the child throughout the major sporting event life cycle.

130. Further research is urgently needed on the impact of major sporting events on child rights in order to determine in particular if there has been an increase in the sale and sexual exploitation of children during such events.

131. Fifthly, the principles of autonomy and specificity, which are at the heart of sports institutions, should never be used as an excuse to renege on the human rights responsibilities of these organizations.

132. In addition, existing reporting mechanisms within sports organizations in cases of sale and sexual exploitation should be independent, to ensure that complaints can be filed without fear of intimidation or reprisal.

133. Finally, the multiple initiatives that have emerged over the past decade to ensure that human rights are respected in the world of sports are laudable. Nonetheless, there is great value in coordination as well as cooperation and, consequently, the promotion of common efforts is vital. Existing guidelines and safeguards should thus be considered as a whole and streamlined in order to ensure that there are no discrepancies. The Convention on the Rights of the Child and its Optional Protocols should serve as the core standard.

B. Recommendations

At the national level

134. The Special Rapporteur urges all States to:

(a) Ratify the Convention on the Rights of the Child and its three Optional Protocols;

(b) Adopt clear and comprehensive legislation that prohibits the sale and sexual exploitation of children, as defined by the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

(c) In line with the Optional Protocol on the sale of children, child prostitution and child pornography, invoke the liability of legal persons, in this case sports organizations, and ensure commensurate sanctions against actors who have directly participated in or facilitated the sale and sexual exploitation of children;

(d) In line with the Guiding Principles on Business and Human Rights, ensure the prevention, investigation, punishment and redressal of abuses committed by business enterprises, in this case sports institutions, through effective policies, legislation, regulations and adjudication;

(e) Enact or implement legislation making it mandatory for sports institutions to undertake background checks of any individual working with children;

(f) In the context of sports, ensure swift and comprehensive investigations, prosecutions and sanctions of perpetrators of human rights violations against the child, as well as of any legal person directly responsible;

(g) Provide in such cases all-encompassing care, recovery and rehabilitation services and ensure that victims are consulted in the roll-out of such services;

(h) In cases of so called “historic” widespread child rights violations in the context of sports (see paras. 74-77), establish investigative commissions and provide reparations to victims, in collaboration with concerned sports organizations;

- (i) Guarantee that human rights are a core component of bidding for the organization of major sporting events and that impact assessments are undertaken;
- (j) As part of prevention efforts, ensure that States hosting major sporting events effectively engage with children and provide space for their meaningful participation;
- (k) Throughout the life cycle of major sporting events, mitigate any impact on child rights due to, for example, the building of new infrastructure, and provide effective reporting mechanisms for cases of violations;
- (l) In the context of major sporting events, adopt extraterritorial legislation that enables the prosecution of travelling offenders in particular;
- (m) Support and engage in data-gathering efforts on the extent of sale and sexual exploitation of children in the context of sports to ensure that responses are based on hard evidence;
- (n) Launch and support awareness-raising campaigns on safe sports and on how to prevent child rights violations in the practice of sports.

At the international level

135. The Special Rapporteur calls upon sports organizations to:

- (a) Consider revising codes of conduct and ethics to ensure a systematic approach to child rights violations and the use of standard terminology;
- (b) Use and refer to the Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse as a seminal document providing clear standard terminology;
- (c) Set up or implement independent reporting mechanisms for cases of sale and sexual exploitation that provide child-friendly support to children;
- (d) Ensure that these reporting mechanisms are developed and work in tandem with existing national child protection frameworks, as well as explicitly enshrine the reporting obligations of all individuals falling under the authority of sports institutions;
- (e) Ensure that the principles of autonomy and specificity at the heart of all sports organizations are never used or invoked to dispense with their responsibility to respect human rights and, in particular, child rights;
- (f) Implement or adopt gender equality policies in order to reach gender parity in the leadership of sport organizations;
- (g) Provide comprehensive, systematic training to all individuals falling under the authority of sports institutions on child rights, internal codes of conduct or ethics and policy documents;
- (h) Coupled with comprehensive training of all individuals falling under the authority of sports institutions, enforce systematic background checks of anyone working with children;
- (i) Create or implement child participation outlets for children active in sports emphasizing, in particular, awareness-raising regarding the practice of safe sports and consultation with respect to reporting mechanisms, as well as reparations;
- (j) Ensure that in the context of major sporting events, there is no lobbying to modify or weaken existing child protection laws and measures to facilitate the organization of such events;
- (k) Systematically include human rights as a criterion in bidding processes for the organization of major sporting events and ensure that human rights due diligence processes are undertaken;

(l) **Include child rights as a specific additional criteria in the context of the organization of major sporting events and provide spaces for child participation in determining the impact of such events;**

(m) **Launch or support data gathering on the extent of the sale and sexual exploitation of children in the context of sports in order to base any response on hard evidence;**

(n) **Engage constructively with existing multi-stakeholder platforms such as the Centre for Sport and Human Rights and with international child protection guidelines or safeguards.**
