

**A brief to
The Standing Committee on the Status of Women
and
The Standing Committee on Canadian Heritage
House of Commons
Parliament of Canada**

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I express my gratitude for the invitation to submit this brief, the commitment towards tackling the serious concerns which prevail, and for your dedication to the ethical evolution of Canadian Sport.

I write as an independent international professional residing in The Hague, with a background in both the public and private sector in Canada and abroad in risk mitigation, investigations, security, sport integrity, as a Ph.D. researcher in the field of sport governance and anti-corruption at Charles University Prague, and as a graduate of the world's first Sports Ethics & Integrity Masters Degree programme (MAiSI). Funded by the European Commission, MAiSI was established to address what Europe acknowledged in the early 2010s as a precarious gap in global sport administration and governance. The programme aimed to empower professionals to tackle the biggest threats to sport: from deficits in governance, to corruption, sexual abuse and doping - while equipping them with the tools to support and influence more ethical, safer, accessible and inclusive sport around the world. The programme proposed an innovative structure, providing scholars with an interdisciplinary perspective dedicated to protecting the values of sport, where sound governance is a vital pillar.

By a stroke of coincidence, in the 2010s I had been privy to various observations concerning inadequacies within the Canadian Sport landscape that posed risks to Canadian athletes, and in particular, minors. These observations initially began during the 2010 Winter Olympic Games, wherein I witnessed exchanging of badges amongst individuals providing unauthorized individuals access to high-risk areas. The aforementioned observations persisted until 2016, just prior to my departure from Canada, when I was attending a sporting event in the capacity of counter-terrorism. During the event, I became aware of a volunteer shuttle driver (one who had been a volunteer for the sport organization for over 20 years) making inappropriate comments to a young foreign athlete and subsequently inviting her to his residence, located beyond the border. There were no preventive measures in effect to preclude the individual from engaging in further attempts to victimize individuals either within or beyond the realm

of sport. Notably, no members of the organization deemed it necessary to record the individual's name, or to provide the athlete with requisite care, or to create a comprehensive report on the incident.

My decision to leave Canada to pursue an academic career was solely driven by a desire to enhance my capacity in sports governance, ethics, and integrity, as a means of addressing ongoing and foreseeable risks in the field and to gain a better understanding of their origin and evolution. No such comprehensive Masters programmes existed in the continent at the time. No such programmes exist in Canada today to the best of my knowledge. Furthermore, it was my considered view that to address the systemic problems in the Canadian sports landscape, an approach from outside the jurisdiction was necessary to gain a comprehensive understanding of the multifaceted issues at play. As such, my decision to pursue academic study abroad was guided by this understanding.

Facilitating a commencement of comprehensive Canadian Sport Governance and the ethical evolution of Canadian sports entities to what is recognized today as global best practice can be done by using existing global sports governance frameworks, long utilized in the EU and other nations. To understand where, what and how to address the institutional weaknesses in Canada, it is necessary to implement such a system to permit an initial, and the routine critical analysis of existing people, policies, and programs in sports organizations in a way that can be routinely assessed and measured. Implemented as far back as 2011 in Europe and abroad, national sport governance codes set out the standard for transparency, diversity, accountability, and democratic standards for organizations. They also necessitates that organizations have diverse representation at all levels to ensure that the needs of athletes, marginalized groups, including women, BIPOC, disabled, and refugees etc., are adequately addressed. Such representation brings expertise to recognize and resolve issues that have previously been unaddressed due to neglect or an overall lack of consideration. Simultaneously, governance codes provide guidance to entities regarding expected requirements and the necessary steps for their development.

Our government has a role and responsibility when it comes to ensuring public health and safe sport, and its failure to hold sport entities accountable to elevated standards of governance, despite numerous evidence demonstrating Canadian Sport entities' incapacity in evolving, managing and operating effectively, has resulted in significant harm.

To promote ethical development of Canadian sports, where Sport Governance integrity is a fundamental pillar, I propose 2 recommendations.

Recommendation 1 : Governance Reviews Lead the Independent National Inquiry

Recommendation 2 : A Three-Pronged Approach for the Independent National Inquiry. Governance Reviews as a critical component and overarching framework; Athlete & Survivor Statements and; Independent, Interdisciplinary Analysis & Recommendations.

Overview: Establishing Sport Governance in Canada

The Government of Canada has a substantial role in addressing and improving sport governance. What differentiates Canada from countries actively invested in sport governance, is that for the most part Canadian Sport organizations and the surrounding sport entities still “enjoy” considerable autonomy in running and regulating their sport despite numerous circumstances made evident to the Canadian people that they can not do this effectively, and that this has, and continues to cause significant harm. The autonomy of sport, in many cases, shields leadership from moral, social, and judicial scrutiny, resulting in institutions who are not accountable to anyone. Meanwhile abroad, external influence into national sport has become increasingly common from as early as 2011. Nations such as Wales, UK,

Germany, Ireland, Australia, New Zealand, and The Netherlands, among others have taken greater responsibility in their role to improve accountability through improved sports governance.

Greater transparency, clearer standards for governance, stronger enforcement and effective reporting mechanisms are needed to ensure accountability in the sport sector.¹ The abuse of entrusted power, inadequate national legislation, and unregulated governance systems resulting from the autonomy of sport institutions, have been recognized as principal factors that facilitate the occurrence of gender-based violence and corruption.² By the autonomy of sport, I refer to the “principle” which suggests sports organizations should be self-regulating, without undue interference from governments or other external bodies³. This principle is based on an idea that sports organizations are best positioned to make decisions about the governance, rules, and policies of their sport because they have the expertise and experience necessary to do so. However over the last decade, there has been increased scrutiny of sports organizations globally, aiming to ensure that entities are indeed evolving operations in the best interests of athletes, fans, and the public.

National sport governance codes mandate required standards for sport organizations that seek and receive public funding. These governments have taken a significant role in addressing problems within their national sport systems and supporting the progress towards improved governance practices and the ethical evolution of sport in their countries. For example, in Wales, the Sport Wales' Capability Framework was developed to support continuous improvement of its sport organizations and the responsible use of public funds. It focuses on assessing key governance areas, such as behaviors, ethics, and the integrity of its sports organizations, taking a risk-based approach with tailored principles to offer relevant support to entities of all sizes to guide ethical operations and leadership. This framework enables Sport Wales to have confidence in the organizations it funds and to support their continuous governance improvement efforts.

An Independent National Inquiry is needed. There is much discussion on how the inquiry ought to be established and what frameworks and mechanisms should be implemented in its methodologies to facilitate accountable, ethical organizations while addressing the existence and persistence of abuse, and the abuse of power in Canadian Sport. *To support the aforementioned, my first recommendation for the Standing Committee on Canadian Heritage includes incorporating fully independent and transparent governance reviews as a critical component and overarching framework of the inquiry.*

Recommendation 1: Governance Reviews Lead the Independent National Inquiry

Within the scope of the national inquiry, existing sport governance frameworks⁴ with global recognition and established history can be used to provide an objective and comprehensive evaluation of Canadian sport entities' adherence to good governance practices and identify areas where they fall short.

With an understanding of the current Canadian Sport governance landscape, these existing frameworks can be used

¹ Sweeney, G. (2016) Executive Summary. In Transparency International (ed.) Global Corruption Report: Sport. London: Routledge, <https://doi.org/10.4324/9781315695709>

² McDevitt, A. (2022) On your marks, set... stop! Understanding and ending sextortion in sport. Transparency International. https://images.transparencycdn.org/images/2022_Report_OnYourMarksSetStopUnderstandingEndingSextortionSport_English.pdf; Pielke Jr., R. (2016). Obstacles to accountability in international sports organizations. Global Corruption Report: Sport, 2016, 1-8. https://www.transparency.org/files/content/feature/1.4_ObstaclesToAccountability_Pielke_GCRSport.pdf

³ Chappelet, J.-L. (2016). Autonomy and governance: Necessary bedfellows in the fight against corruption in sport. In Transparency International (Ed.), Global Corruption Report: Sport (pp. 16-29). Routledge. <https://doi.org/10.4324/9781315695709>

⁴ Various governance frameworks and assessment tools exist such as: The Sport + Recreation Alliance Voluntary Code of Good Governance; the Sports Governance Observer (2019) by Play the Game, which supports the review of sports organizations at international, national and recreational levels. Examples of countries that have adopted these principles and established their own tools include Sport Wales and UK Sport.

to: define future requirements for sport entities moving forward and: to set a standard for expected practice that can be measured and assessed on what shall be required from sport entities who seek, and are in receipt of public funding or for those who operate in the realm of safe sport.

Independent governance reviews or audits on Canadian Sport entities serve to identify organizational weaknesses such as unethical, harmful, or ineffective people, policies, and programs that may enable athlete harm. Accessible, transparent audits hold organizations accountable, measuring their capacity for ethical growth and advancement in the intended direction. In some nations, public funding is conditional on compliance with good governance principles. For all governance reviews: *sport organizations have absolutely no say in who is doing their audit.*

The UNODC's 2021 Global Report on Corruption in Sport⁵ (p.215) advocates a governance-driven approach in addressing abuse and corruption in sport, stating that states and sports organizations should work together to improve governance, transparency, and accountability, and to promote an institutional culture that encourages ethical behavior and leadership. Further, The Commonwealth Consensus Statement on Promoting Human Rights in and through Sport⁶ also highlights the detrimental impact of inadequate governance in sport, emphasizing the need for transparency, accountability, and sound governance to effectively promote human rights. The aforementioned entities suggest the achievement of both tackling integrity threats such as abuse and corruption and improved accountability can be accomplished by the regular implementation and enforcement of governance standards and by requiring periodic reporting and independent auditing of sports organizations that receive public funds.

Consideration: Incorporate Anonymous Athlete and Employee Feedback as an Added Integral Component of all Governance Reviews

Athletes play a crucial role in identifying vulnerabilities, risks, and opportunities in the sport system where they can effectively ensure that even if policies, procedures and people appear to be “perfect on paper”, that they are truly fit for purpose. The absence of anonymous athlete feedback and inputs in Canadian Sport Policy regarding their experiences and perspectives is particularly alarming, given that athletes are a principal stakeholder in assessing the effectiveness of sport institutions.

Consideration: Establish Conceptual Clarity on Independence

For various "for-profit" safe sport entities, legal professionals, reporting mechanisms, and many other organizations around safe sport require independence to be effective. However, there is minimal understanding in Canadian Sport on what independence is. This is of the utmost importance when determining which entities or individuals shall be tasked with future governance reviews.

When determining independence of an entity heading an investigation, or inquiry, some conditions should be considered, such as:

- Is a sport organization funding the entity?
- Is a sport organization funding the entity involved or a subject in any ongoing cases?
- Does the entity have an relationship or obligation to disclose information to a/the sport organization?
- Does anyone within the entity have a personal connection to the sport organization?

⁵ UNODC. (2021). Global Report on Corruption in Sport 2021. Retrieved from [https://www.unodc.org/res/safeguardingsport/grcs/7_22-03221_SPORTS_CORRUPTION_2021.pdf\(pp.214-215\)](https://www.unodc.org/res/safeguardingsport/grcs/7_22-03221_SPORTS_CORRUPTION_2021.pdf(pp.214-215)).

⁶ The Commonwealth Consensus Statement on Promoting Human Rights in and through Sport. Retrieved from <https://production-new-commonwealth-files.s3.eu-west-2.amazonaws.com/migrated/inline/CW%20Consensus%20Statement-ADOPTED%20v2.pdf>

- Does anyone within the entity have any history surrounding the enabling of abuse or corruption in sport at any level?

Non-disclosure of negative findings hinders the integrity of investigations, accountability, and ethical growth. Independence is essential to prevent conflicts of interest and enabling behavior. Not one current sport entity in Canada can be tasked to oversee an inquiry, it must be outside of sport.

Recommendation 2: A Three-Pronged Approach for the Independent National Inquiry into Canadian Sport

a) Independent Governance Audits: Including but not limited to Sport Canada, OSIC, Sport Dispute Resolution Centre of Canada, OTP, NSOs, For-Profit Safe Sport Entities and Reporting Mechanisms. *Performed by independent, experienced sport governance professionals who have proven sport governance review/audit experience using the aforementioned sport governance assessment frameworks.*

b) Athlete and Survivor Testimonies & Statements: *Performed by an independent multidisciplinary team led by human rights legal professionals and certified, registered, mental health professionals* ensuring the inquiry is guided by athlete experiences, and is trauma-informed and survivor-centered.

c) Independent, Interdisciplinary Analysis & Recommendations: A combined critical analysis of governance reviews/audits and; athlete and survivor testimonies to support comprehensive recommendations, and in establishing the future required governance standards for the Canadian Sport landscape. *Performed by an independent and interdisciplinary team (including but not limited to: human rights legal professionals, certified, registered mental health professionals, sport governance professionals, sport ethicists, athletes and relevant Phd and Postdoctoral academics.)*

Consideration: The Comprehensive Independent & Interdisciplinary Approach

This aforementioned three-prong approach recognises that effective evidence-based recommendations are far too complex for single methodological frameworks, which often prove inadequate (Palinkas et. al, 2015; Pielke & Harris, 2021). A multidisciplinary, 360 approach, incorporating analysis from various relevant areas and individuals, such as athletes and those from governance, gender studies, human rights law, and sport ethics ensures that the inquiry produces both comprehensive assessments and practical recommendations for wider stakeholders. While pertinent, approaching the inquiry *solely* from legal or gender-based violence perspectives will likely not have the capacity to adequately address the broader intersecting issues which can hinder effective recommendations.

For those involved in the facilitation of the Independent Canadian Sport National Inquiry, there must be a guarantee that:

- All professionals are independent with no conflict of interest and no history of enabling abuse or corruption in sport at any level.
- It includes a diverse interdisciplinary team including but not limited to: experienced sport governance professionals and/or governance professionals from other fields; athletes; human rights legal professionals; certified, registered mental health professionals; sport ethicists; relevant academics from the aforementioned fields.

- That entities, firms and professionals supporting the inquiry consider gender mainstreaming & intersectionality and represent such in their practise.
- That the Inquiry incorporates feedback from athlete stakeholders in the assessments and recommendations, thereby ensuring that their concerns, risks, and ideas are adequately addressed throughout the process.

The absence of the above requirements jeopardizes the credibility of the Inquiry, accountability, and ethical progress. It is imperative to select entities/individuals from outside of the current Canadian sport landscape to oversee the Inquiry.

This governance-driven, interdisciplinary approach is corroborated by the 2021 UNODC Global Report on Corruption in Sport (pp 214-215)⁷ which recommends governments and sport organizations:

- Enhance governance, transparency and accountability mechanisms to promote integrity and to effectively tackle abuse in sport.
- Foster an institutional culture of integrity that moves away from protecting organizational reputation at the expense of victims and that incentivizes individuals to act ethically by establishing values and by developing codes of conduct, rules, regulations and conflict-of-interest policies for relevant members.
- Assess effectiveness of sport organizations' response to abuse in sports, based on appropriate qualitative and quantitative indicators and drawing on feedback from internal and external sources, including affected stakeholders.
- Ensure the prevention, investigation, punishment and redressal of abuses committed by sports organizations, through effective policies and legislation.
- Consult with survivors to develop survivor-centered policies and protocols.
- Establish sufficient internal controls to assist in preventing and detecting acts of abuse in sport and requiring periodic reporting and independent auditing of those sports organizations that receive public funds.

They also recommend that governments take into account the following list of measures to tackle corruption and prevent athlete harm. The existence of these measures, as well as their effective application and enforcement, could have mitigated instances of athlete harm.

- Review national anti-corruption legislation to ensure it's child- and gender-sensitive, includes non-financial abuse of authority, and protects victims.
- Adopt clear and comprehensive legislation criminalizing all forms of violence, including violence against women and the sale and sexual exploitation of children in sports.
- Promote adoption of child, gender, and victim-sensitive policies and mechanisms to deal with corruption and abuse involving children.
- Develop and implement legislation mandating safeguarding policies and procedures in sports institutions, including background checks for anyone working with children as a requirement for public funding.
- Ensure timely and effective investigations, prosecutions, and judgments of individual perpetrators and organizations responsible for abuse in sports, and provide comprehensive services for survivors.

Further Considerations for a National Inquiry into Canadian Sport

Understanding the Significance of Adopting Governance as an Overarching Framework for the Inquiry

⁷ UNODC. (2021). Global Report on Corruption in Sport 2021. Retrieved from https://www.unodc.org/res/safeguardingsport/grcs/7_22-03221_SPORTS_CORRUPTION_2021.pdf (pp.214-215).

Independent Sport Governance assessments aim to facilitate transparent (and public) discourse by presenting an objective and holistic evaluation of the extent to which sport entities have adopted good governance practices and where they fall short. As a part of the inquiry, independent governance audits support the identification of NSO and other safe sport entity weaknesses such as ineffective people, policies and programmes that can be, or have been enablers of athlete harm. Leading scientific literature addresses numerous risk factors unique to sport that make individuals susceptible to being victims of gender-based violence, corruption and abusive behaviors which can be categorized as either: (a) *cultural enablers* or (b) *institutional enablers*. Across global sport, ***cultural enablers*** are circumstances that make abusive behaviors hard to identify including: limited physical barriers, unique relationship dynamics, or expectations to obey and respect authority⁸. ***Institutional enablers*** are acknowledged as vulnerabilities within sport institutions that allow abuse and the abuse of power to persist. Institutional enablers include a lack of accountability, independence or capacity surrounding the entities which administer or oversee sport.⁹

Some institutional enablers which allow the persistence of abuse and corruption include¹⁰

If an organization has no established term limits.

Relevance

Term limits prevent incumbent advantages and the monopolization of power. They ensure office holders stay connected to their constituents and encourage new ideas for tackling problems during elections.

If an organization does not publish board and standing committee decisions on its website.

Relevance

By regularly justifying decisions, boards can prevent becoming closed, secret clubs and are more motivated to make decisions in the general interest of their organization/sport instead of for each other.

If an organization does not publish information about its board members, investigators, case-workers and safe sport professionals on its website.

Relevance

Providing biographical details enables external assessment of senior officials and staff who are expected to possess specific qualifications. This disclosure is crucial for ethical development of safe sport and athlete welfare. Additionally, sharing information on their involvement in other sports organizations, official duties, and political positions can highlight possible conflicts of interest.

If board members are not (re)appointed according to clear and democratic procedures.

Relevance

Incentivizing officials to conform to constituents' wishes, perform better, and avoid opportunistic behavior is achieved by the threat of being replaced by a challenger in the event of underachievement or inappropriate behavior. Open and competitive elections increase the chances of replacing underperforming, or officials who do not evolve their capacity with high-quality officials and generate fresh ideas for problem-solving.

If the organization does not ensure the participation of athletes in its policy processes.

Relevance

The involvement of athletes in policy-making processes improves their effectiveness and legitimacy. Athletes' specialized input and knowledge aid in the development of more effective policies, promoting the

⁸ UNODC. (2021). Global Report on Corruption in Sport 2021. Retrieved from

https://www.unodc.org/res/safeguardingsport/grcs/7_22-03221_SPORTS_CORRUPTION_2021.pdf (p. 199); Gaedicke, S., Schäfer, A., Hoffmann, B., Ohlert, J., Allroggen, M., Hartmann-Tews, I., & Rulofs, B. (2021). Sexual Violence and the Coach–Athlete Relationship—a Scoping Review From Sport Sociological and Sport Psychological Perspectives. *Frontiers in Sports and Active Living*, 3, 643707. <https://www.doi.org/10.3389/fspor.2021.643707><https://doi.org/10.3389/fspor.2021.643707>

⁹ Bragagnolo, W. & Lezama, Y (2022, June 27-30). An international examination into a silent abuse of power: Sextortion in Sport. Presentation at Play the Game 2022, Odense, Denmark.

¹⁰ Benchmark examples from the Sports Governance Observer (2019). An assessment of good governance in six international sports federations. Play the Game. Retrieved from <https://www.playthegame.org/publications/sports-governance-observer-2019-an-assessment-of-good-governance-in-six-international-sports-federations/>

ethical evolution of sports and sports systems.

If the organization does not define in its statutes the circumstances in which, due to a serious conflict of interest or integrity issue, a person is ineligible to serve as a member of the board.

Relevance

In cases where board members make decisions or transactions that could potentially benefit them, conflicts of interest may arise. The implementation of clear conflict of interest procedures promotes confidence in the decision-making process by ensuring that it remains free from any undue influence.

Other aspects examined in sport governance reviews aiming to minimize the institutional enablers which threaten the integrity of sport institutions include (but are not limited to): assessing how the organization sets and manages its strategy; the leadership of the entity and its impact; that there are legally compliant employment practices; ensuring an application and understanding of risk management; examining what ethics policies and procedures are in place to promote and guide ethical conduct for all stakeholders; and assessing the existence of sound financial governance.

Sports governance frameworks evaluate over 70 indicators across several critical aspects, including transparency, democratic processes, social responsibility, and internal accountability. These frameworks aim to ensure that organizations operate in a transparent and accountable manner, supporting continuously improving governance practices towards specified goals that can be measured. The evaluation process is intended to offer an approach that fosters ethical growth in sports organizations.

Independent Governance Reviews support the assessment of all sport entity leadership.

Over decades, some individuals have neglected their duty to protect athletes. Abuse (and the abuse of power) is often deeply embedded into cultures in ways that people simply replicate. Thus, thorough, regular reviews of the professional abilities of those responsible for leading Canadian sport can aid in shedding light on the broader realities surrounding how such individuals may hinder the ethical development of sport in the country. Moreover, it provides direction for emerging ethical leaders to enhance their professional competency while pursuing leadership positions.

It is important that diligence is made with the onboarding of sport leadership, and that governance systems are in place to ensure this. Critical analysis of NSO leadership and Canadian Sport professionals (including CEOs, Board Members, Ethics Committees, University Athletics CEOs and Management etc) supports enabling the improved ethical capacity of leaders.

Independent Governance Reviews do not greatly impact the current perceived length of an inquiry.

Typically, an audit of an organization does not exceed a duration of two months and they may be conducted concurrently. Those with extensive experience in Sport Governance, who have been conducting governance reviews since 2014 or earlier, have stated they usually charge five business days per entity for their services. It is important to note that this rate is not dependent on the size or scale of the entity being audited.

Independent Governance Reviews must include but are not limited to: Sport Canada, Canadian NSOs, Own The Podium, the Office of the Sport Integrity Commissioner (OSIC), the Sport Dispute Resolution Centre of Canada (SDRCC) and "For-Profit" Safe Sport entities.

Independent governance audits can uncover the organizational weaknesses of these entities too, such as a lack of certified, registered mental health professionals available within these firms or potential conflicts of interest, which are current problems in Canada's current for-profit Safe Sport landscape. Entities seeking to work within sport in this capacity ought to be held to greater accountability.

For all safe sport entities, alleged wrongdoing and support systems offered to athletes need to be handled impartially by professionals who have the required competence and necessary training - and - by those who do not have any history surrounding the enabling of abuse or corruption in sport at any level. Even with good intention, a lack of professional capacity will significantly hinder the ethical evolution of safe sport and appropriate athlete care.

The Significance of Independence & Professional Capacity in Investigations, Support Systems, Reporting Mechanisms, Inquiries & Governance Reviews

When non-independent investigations, inquiries or audits highlight internal weaknesses, or when conflict of interests exist: a fear of political, reputational, legal and financial consequences often lead to the truth being kept out of the spotlight. Further, if leadership has been (or is believed to have been) involved in misconduct of any kind, people will likely not report.

Recognizing the existence of deficits within various justice systems, both actual or perceived, it is notable that the United Nations has endorsed the Bangalore Principles of Judicial Conduct¹¹ and the aforementioned resolutions, including resolution 2003/43 by the UN Commission on Human Rights and resolution ECOSOC 2006/23 by the UN Economic and Social Council (ECOSOC). These principles are centered on six core values to reinforce the integrity and effectiveness of justice systems, including independence, impartiality, integrity, propriety, equality, and competence and diligence. In light of these principles and the limitations of the current Office of the Sport Integrity Commissioner (OSIC), it is imperative to address these issues to ensure proper recourse for athletes. One potential solution could be to reassign OSIC from its current sport-specific mandate to a broader scope, such as within the Department of Justice.

The current lack of trust, confidentiality and existing conflicts of interest are reasons to shift means of recourse outside of sport. Further, certified professionals are better equipped to give survivors access to appropriate resources and provide unbiased, gender-sensitive support while ensuring that cases are handled in a timely manner. Moreover, the UNODC¹² (2021 p.157) acknowledges that the implementation of gender mainstreaming across all relevant bodies responsible for receiving and investigating complaints creates a conducive environment that encourages women to report.

Non-disclosure of negative findings hinders the integrity of investigations, accountability, and ethical growth. Independence is essential to prevent conflicts of interest and enabling behavior. Independence supports increased objective scrutiny where impartiality can mitigate risks of undue influence and promote fact-based decision-making free from conflict of interest or external pressure. Independence helps ensure that opinions, consultations and advice is unbiased, fair and just.

¹¹ Judicial Integrity Group. (2007). The Bangalore Principles of Judicial Conduct. United Nations Office on Drugs and Crime. https://www.unodc.org/documents/nigeria/publications/Otherpublications/Commentary_on_the_Bangalore_principles_of_Judicial_Conduct.pdf

¹² UNODC. (2021). Global Report on Corruption in Sport 2021. Retrieved from https://www.unodc.org/res/safeguardingsport/grcs/7_22-03221_SPORTS_CORRUPTION_2021.pdf (p.157)

Furthermore, outside of a national reporting mechanism, other ongoing concerning conflicts of interest in the Canadian Sport landscape where independence is of importance, include situations such as where a legal professional, academic, or consulting firm is hired by a sport organization to advise or provide guidance on improving their operations, but the same entity is also tasked with investigating the company for potential misconduct. Instances of this nature can lead to undue pressure on the investigation, thereby compromising credibility and impartiality. Such scenarios should not be permitted, even if the individual in question is acting in good faith. To prevent these circumstances, appropriate governance, where conflicts of interest are prohibited, play a crucial role.

When assessing independence of any entity around safe-sport, things to consider:

- Is a sport organization funding the entity?
- Is a sport organization funding an entity involved in any ongoing cases?
- Does the entity have an obligation to disclose information to a/the sport organization?
- Does anyone within the entity have a personal connection to the sport organization?
- Does anyone within the entity have any history enabling abuse or corruption in sport (at any level)?

Example Issues of Potential Existing Conflicts of Interest:

Gretchen Kerr: has been serving as an advisor and Athlete Welfare Officer to GymCan while also receiving significant funding from Sport Canada, creating a potential conflict of interest that may influence her to refrain from scrutinizing these funding entities critically. Given the extensive research conducted by the individual on gender-based violence in Canadian sport, it is reasonable to inquire as to why no formal and transparent acknowledgement or scrutiny was provided surrounding the particular institutional (governance) vulnerabilities of the organizations she advises- in which their shortcomings led to the continuous abuse of entrusted power and athlete harm. As an Independent Case Manager for AthletesCAN, Kerr's multiple roles create conflicting responsibilities between investigations, athlete support, and advisory organization consultation. Moreover, Erin Willson's role as both Gretchen Kerr's PhD student and the current president of AthletesCAN further complicates this conflict of interest. Kerr's opposition to an inquiry is not unexpected since it would result in governance assessments that would eliminate the possibility of one person encompassing several roles.

ITP Sport: is a for-profit safe sport business that offers services, including investigation and education, to sport organizations. However, the presence of a person or entity operating in both the investigative and educational realms could potentially undermine their credibility and impartiality, despite good intentions. Moreover, one of its founders, Allison Forysth also serves on the board of AthletesCAN, which could lead to a potential additional conflict of interest.

OSIC: The Universal Code of Conduct to Prevent Abuse and Maltreatment in Sport (UCCMS) provides the basis for OSIC to penalize coaches, athletes, and administrators for abuse or maltreatment in sport. However, athletes have expressed concerns about OSIC's lack of independence due to its affiliation with the Sport Dispute Resolution Centre of Canada (SDRCC). This lack of independence can discourage individuals from reporting abuse and can compromise the investigation and sanctioning process. Independence of reporting mechanisms is crucial for creating a safe environment for athletes and stakeholders to report, ensuring accountability for misconduct, and increasing public trust in the sport system. The recent appointment of an active GymCan board member to the SDRCC board by the Sport Minister in 2022 raises questions about the impartiality of the SDRCC in dealing with cases of abuse and maltreatment in the sport system. Moreover, the existence of funding ties to Sport Canada, coupled with a dearth of transparency concerning this funding and operations, gives rise to further concern.

Enhancing insufficient reporting mechanisms: protecting the most vulnerable

The trustworthiness of reporting mechanisms depends on the entity to demonstrate that reporting can be done safely and that it leads to effective action. In addition to the lack of clarity around professional capacity in regards to execution of trauma-informed investigations, lack of independence and perceived conflict of interest, the current operations of OSIC has also been criticized for its limited scope which further hinders appropriate athlete recourse for all Canadians.

Forthcoming report¹³ by Bragagnolo & Lezama was the first empirical research on sextortion in sport, with data from 500+ athletes from grassroots to the elite level and industry professionals across 49 countries. Sextortion is an abuse of power for sexual benefit¹⁴. There are two components necessary for an act to be considered sextortion: a sexual component, which is an implicit or explicit request to engage in any form of unwanted sexual activity and; a corruption component, which is an abuse of entrusted power for personal benefit- involving coercive pressure.

The testimony of Whitney Bragagnolo¹⁵, mentioned less than 1 in 5 survivors report their incident to a report mechanism.

Bragagnolo & Lezama (2022) investigated why survivors did not report. The top reasons survivors did not disclose their incident to a reporting mechanism:

(60%) “I did not trust anything would be done by my organization to help me”;

(59%) “I did not trust my perpetrator would be punished”;

(52%) “I was concerned reporting would negatively impact my career.”

The aforementioned illustrates a pervasive lack of trust in sports institutions which in many cases are frequently characterized by deficient governance frameworks, as is the case in Canadian Sport. This state of affairs leaves potential victims with limited avenues for recourse, and without proper awareness, prevention, sanctioning, nor functioning report mechanisms, the current systems operate relying on luck at best, and concealment at worst, when it comes to addressing forms of abuse and maltreatment.

Further, leading research in sexual harassment in sport highlights harassment and abuse appear to be higher in elite sport¹⁶. However, when referring to sextortion specifically, the results of Bragagnolo & Lezama (2022) showed that sextortion is occurring in recreational, amateur levels at nearly the same amount. *This is an area where the Canadian public is significantly under-served*, as current attention and resources for the OSIC have been primarily focused on addressing these types of issues at the elite level. It is important that reporting mechanisms are designed to serve those most at risk from potential corruptors and criminals.¹⁷ Additionally, the seemingly expeditious launch of OSIC operations without sufficient safeguards for independence and accountability was inappropriate.

Further highlighting issues within non-reporting from Bragagnolo & Lezama (2022):

¹³ Bragagnolo, W. & Lezama, Y (2022, June 27-30). An international examination into a silent abuse of power: Sextortion in Sport. Presentation at Play the Game 2022, Odense, Denmark.

¹⁴ International Association of Women Judges (IAWJ), Thomson Reuters Foundation & Marval, O’Farrell and Mairal (2015) Combating Sextortion: A Comparative Study of Laws to Prosecute Corruption Involving Sexual Exploitation. <https://www.trust.org/contentAsset/raw-data/588013e6-2f99-4d54-8dd8-9a65ae2e0802/file>

¹⁵ Bragagnolo, W. (2023, May 1). Safe Sport in Canada [Testimony before the Standing Committee on Canadian Heritage]. Retrieved from <https://www.ourcommons.ca/DocumentViewer/en/44-1/CHPC/meeting-78/notice>

¹⁶ Gaedicke, S., Schäfer, A., Hoffmann, B., Ohlert, J., Allroggen, M., Hartmann-Tews, I., & Rulofs, B. (2021). Sexual Violence and the Coach–Athlete Relationship—a Scoping Review From Sport Sociological and Sport Psychological Perspectives. *Frontiers in Sports and Active Living*, 3, 643707. <https://www.doi.org/10.3389/fspor.2021.643707>

¹⁷ United Nations Office on Drugs and Crime. (2021). Global Report on Corruption in Sport 2021. Retrieved from https://www.unodc.org/res/safeguardingsport/grcs/22-03221_SPORTS_CORRUPTION_2021_Full_report.pdf (p. 116)

For Indigenous respondents: Community-based sport was the most reported level for survivor-victims, nearly double the risk of their white counterparts. 100% of Indigenous respondents stated they believed their perpetrator abused their position of power for their benefit (attempting to get a sexual act), compared to 79% of overall victims.

BIPOC respondents: were over 2X more concerned of career repercussions if they reported. 81% of BIPOC respondents listed it as their number one reason to not report, compared to 34% of respondents who identified as white.

The lack of independence of OSIC can discourage individuals from reporting abuse and may compromise investigations, sanctioning process and appropriate athlete care. When reports are handled well and reporting persons are treated sensitively, professionally and confidentially: trust in the accountability of organizations grows. (UNODC, 2021, p.117) To support independence, The Office of the Sport Integrity Commissioner can be re-assigned within a non-sport mandate, such as the Department of Justice.

Incorporating governance mandates facilitates the enforcement of policies and procedures that promote equality and diversity protecting those who are the most vulnerable. It also necessitates that organizations have diverse representation at all levels to ensure that the needs of marginalized groups, including women, BIPOC, disabled, and refugees etc., are adequately addressed. Such representation brings expertise to recognize and resolve issues that have previously been unaddressed due to neglect or an overall lack of consideration.

Risks around the lack of professional capacity

Insufficient professional capacity continues to represent a considerable risk in effectively addressing cases of misconduct and corruption in Canadian sport. It is crucial that investigations, audits, inquiries, and systems designed for athlete recourse are carried out by impartial professionals with the necessary expertise and training. The advancement of safe sports practices and adequate athlete care can be significantly hindered without appropriate professional capacity, regardless of good intention.

It cannot be assumed that individuals with legal qualifications, extensive experience in governing bodies, or retired athletes are capable of handling abuse and violence claims effectively, particularly in a trauma-informed and survivor-respectful manner. In addition, it is concerning that some individuals in the Canadian sport industry, who hold seemingly esteemed professional reputations, have been implicated in abusive or enabling conduct and are attempting to capitalize on "sport integrity" by presenting themselves as trustworthy experts on safe sport working within organizations or consulting firms in the realm of safe sport. To address this risk, it is imperative that organizations seeking to operate in sport in this capacity be subject to heightened accountability through appropriate review and oversight.

Independent governance reviews and audits can highlight the organizational deficiencies of these entities too and facilitate ethical development by revealing things such as the absence of accredited, registered mental health professionals, the lack of human rights lawyers, the lack of (sport) ethicists on Ethics Committees, or when a hired entity, such as legal firm does not consider gender mainstreaming or intersectionality and does not incorporate it in their practice. These are all existing issues in Canada's current Safe Sport environment.

The potential consequence of the above situation is that government entities, sports administrators at national and provincial levels, grassroots organizations, and athletes may not possess the necessary expertise to differentiate between detrimental and non-detrimental individuals and conflicts of interest when assessing potential recruitment or support. Therefore, through governance codes that establish clear criteria for entities operating in the realm of

safe sport fosters, we support informed decision-making for both organizations and athletes, while simultaneously providing athletes with a higher standard of care and the building of ethical organizations with appropriate capacities.

Professional capacity for investigations around abuse and reporting mechanisms:

Advanced, specific expertise is crucial in handling abuse and violence allegations in a trauma-informed and survivor-centric manner. Human rights lawyers, for example, opposed to sports lawyers may be better equipped to handle abuse cases due to their specialized knowledge and training in areas such as gender-based violence, discrimination, and human rights violations. Additionally, they may approach cases from a broader perspective that takes into account gender mainstreaming and intersectionality, as well as the root causes and cultural context of abuse, rather than just the legal issues at hand.

Professional capacity for governance reviews, investigations or assessments around organizational operations:

Interdisciplinary teams composed of (but not limited to) independent sport governance experts, sport ethicists, certified, registered mental health professionals, and human-rights legal professionals are better equipped to undertake integrity investigations, reviews, audits, and inquiries to assess organizational vulnerabilities that impact safe sport. These professions require not only experience but also extensive education and training. It is important to note that Canadian entities and individuals who claim extensive experience in sport governance or governing bodies as a credential for their capacity in conducting assessments and audits may have only worked within a system that is inherently flawed. The current system has yet to be functional, and individuals from this system may have adopted negative habits that are deeply ingrained into the Canadian sport governance culture, and are therefore have been replicated by others.

Professionals who have a history of enabling abuse or corruption in sport at any level must not be involved in any of these processes.

Relevant International Legal & Policy Instruments Addressing Abuse

UNODC (2021, pp 214-215)¹⁸ acknowledges that the existence of abuse may impede the protection and promotion of human rights. They offer multiple international legal and policy frameworks that have been signed and ratified by States and serve to outline State obligations with regard to the protection of human rights across all sectors of society, including sport. Canada has a duty to consider its responsibilities as a signatory to pertinent agreements and to evaluate its future engagement with those it has not yet ratified.

- Universal Declaration on Human Rights, 1948
- United Nations Convention on the Elimination of all Forms of Discrimination Against Women, 1979
- United Nations Convention on the Rights of the Child, 1989
- United Nations Declaration on the Elimination of Violence against Women, 1993
- United Nations Convention on the Rights of Persons with Disabilities, 2006
- United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 2006
- Council of Europe Ministers of Sport Resolution No. 3/2000 on the prevention of sexual harassment and abuse of women, young people and children in sport
- Council of Europe Enlarged Partial Agreement on Sport Guidelines on sport integrity (Action 3 of the Kazan Action Plan)

¹⁸ United Nations Office on Drugs and Crime. (2021). Global Report on Corruption in Sport 2021. Retrieved from [https://www.unodc.org/res/safeguardingsport/grcs/22-03221 SPORTS_CORRUPTION_2021_Full_report.pdf\(pp.214-215\)](https://www.unodc.org/res/safeguardingsport/grcs/22-03221 SPORTS_CORRUPTION_2021_Full_report.pdf(pp.214-215))

- Sustainable Development Goals
- United Nations standards and norms related to justice for children

While other suitable independent parties exist who can effectively support facilitation of the aforementioned three-pronged approach to the Inquiry, I offer a list of the following:

Recommended independent sport governance individuals & entities:

Gareth Parry is Managing Director of Sports Consulting Ltd, where he specialises in sports governance, ethics, integrity and event management. Parry completed a Masters in Sports Ethics and Integrity in 2019 and holds a Masters in Social Policy from Bangor University where he previously gained a BSc in Sports Science. Parry became one of the youngest Chartered Managers in the UK in 2005 and he developed the first Governance and Leadership Framework for the sport sector in Wales whilst employed as Governance Lead for Sport Wales in the early 2010s. His recent commissions include governance reviews of the International Ice Hockey Federation (IHF), governance assessments of all the National Governing Bodies of Sport in Wales, as well as "Reviewing the Sport Integrity Landscape across the United Kingdom" for UK Anti-Doping (UKAD).

Play the Game is a reputable international NGO that focuses on promoting good governance, transparency, and democracy in sport. They have extensive experience in conducting research, organizing global sport integrity and governance conferences, and producing publications on governance and accountability issues in sport. As a neutral and independent organization, Play the Game is not affiliated with any particular sport or sport organization. This allows them to provide an unbiased assessment of the governance practices of sport organizations. Their thorough and rigorous analysis is widely respected within the sport community. Play the Game has participated in various international forums and initiatives aimed at improving sport governance, such as the International Partnership Against Corruption in Sport (IPACS). They have also collaborated with other organizations such as the World Anti-Doping Agency (WADA), UNESCO, and the Council of Europe on projects related to sport governance. See their governance assessment framework here: [The Sports Governance Observer](#) and the [National Sports Governance Observer](#)

Governance United is a UK-based consultancy firm specializing in governance, risk, and compliance services within the sport and non-profit sectors. Governance United has a strong track record of assisting sport organizations including conducting governance reviews, developing governance frameworks, and providing training and support to boards and executives. One of the firm's notable accomplishments is its involvement in the development of the [UK Code for Sport Governance](#), the governance framework adopted by UK Sport and Sport England.

Recommended independent entities to support Canadian certified, registered mental health professionals and human rights lawyers facilitate appropriate athlete and survivor testimonies:

Sport & Rights Alliance: is a global coalition of leading NGOs and trade unions founded in early 2015 to promote the rights and well-being of those most affected by the negative impacts of sport. The Alliance uses its collective influence to pressure global sports bodies to ensure their decision-making and operations respect international standards for human rights, labor rights, and anti-corruption in accordance with the UN Guiding Principles on Business and Human Rights. The organization is led by legal professional Andrea Florence, who received her Law Degree from the Pontificia Universidade Católica de São Paulo and is a certified lawyer in São Paulo (Brazil). She holds a Master in International Law by the Graduate Institute in Geneva, a Certificate of Advanced Studies in Human Rights by the University of Zurich and a Masters specialization at Université Paris I-Sorbonne and; senior project manager Joanna Maranhão, a Brazilian Olympian, survivor, advocate and researcher on athlete safeguarding. Joanna completed a Master of Sports Ethics and Integrity in 2021 and has ample experience working with survivors of child sexual abuse, leading the campaign to expand Brazil's statutes of limitation to allow survivors more time to report and seek justice succeeding in establishing a new law, which bears her name (Law Joanna Maranhão). Joanna also leads the Sport & Rights Alliance's scoping project for a Global Survivors Network, where she consults international athletes with lived experience of abuse facilitating exchange, advocacy, and support for athlete survivors.

The Army of Survivors: is a survivor-led organization that was founded by a group of women who were sexually abused by former USA Gymnastics team doctor Larry Nassar that provides extensive support and resources to survivors of abuse and maltreatment. The team at The Army of Survivors comprises diverse trained professionals with extensive expertise, including licensed mental health professionals and experienced lawyers who specialize in representing survivors of sexual abuse and harassment in both civil and criminal legal matters. The organization provides a range of services to survivors, including crisis intervention, emotional support, legal advice, and advocacy. The Army of Survivors also engages in advocacy efforts to raise awareness of abuse and maltreatment and to push for systemic change. They work with global policymakers, organizations, and individuals to promote survivor-centered policies and practices.

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