Safeguarding in Swiss Sport

Abstract

In the fall of 2020, various publications of research into abuse and malpractice in Swiss sport caused consternation. As a result, on January 1, 2022, the Antidoping Switzerland Foundation
was transformed into the Swiss Sport Integrity Foundation. The objective of the Foundation is to have an independent and secure point of contact for uncovering and eliminating ethics violations and abuses as quickly as possible. The Statutes on Ethics in Swiss Sport lists 4 cases and acts that are considered violations, which are: Mistreatment (and abuse), abuse of a position or function, unsporting behavior, and incitement, complicity, and attempted violations. To protect the right of athletes to a fair, safe and clean sport, all involved parties have to assume their role. The role of physicians can be summarized in the following actions: create a safe space, listen carefully, and support and inform effectively.

**Zusammenfassung**


Schlüsselwörter: Ethikverstösse, unabhängige Meldestelle, Schutz der Sportler:innen, Handlungsempfehlung, Safeguarding

**From Antidoping Switzerland to Swiss Sport Integrity**

In the fall of 2020, various publications of research into abuse and malpractice in Swiss sport caused consternation. In November 2020, the Council of States and National Council as well as Swiss Olympic (the umbrella organization of Swiss sport) and the Federal Office of Sport (FOSPO) discussed the issue and ultimately called for the creation of an independent national reporting office in Swiss sport. The aim of this independent reporting office was to replace the individual reporting offices in the respective National Sports Federations and to consistently investigate ethical misconduct. As Antidoping Switzerland already had independent, well-functioning and recognized structures in Swiss sport, the plan was to integrate the reporting office and the prosecution of ethics violations there. On January 1, 2022, the Antidoping Switzerland Foundation was transformed into the Swiss Sport Integrity Foundation. This gave Swiss sport an independent and secure point of contact for uncovering and eliminating ethics violations and abuses as quickly as possible.
Purpose and task of the new foundation

The objectives of the Swiss Sport Integrity Foundation are to sustainably and effectively combat doping, ethical misconduct and malpractice in Swiss sport. It protects the right of athletes to equal opportunities, fair, safe and doping-free sport and thus contributes to the credibility of sport as expected by the public. Swiss Sport Integrity makes a significant contribution to the integrity of sport through doping controls, investigations, doping prevention, applied research, receiving, and investigating reports of ethics violations and through national and international cooperation.

Regulatory basis for ethics

The Statutes on Ethics in Swiss Sport concretize and implement the Ethics Charter of Swiss Olympic and the Federal Office of Sport (FOSPO) in Switzerland. By way of introduction, it defines the bodies and their responsibilities in Switzerland. The Statutes on Ethics in Swiss Sport is binding for all National Sports Federations affiliated to Swiss Olympic and their direct and indirect member organizations. These ethics regulations therefore apply to all persons with employment, a license or membership of an association or federation affiliated to Swiss Olympic. The same applies to participants in competitions of such organizations. This applies regardless of their sporting performance level, age and nationality.

Article 2 of the Statutes on Ethics in Swiss Sport lists four cases and acts that are considered violations of ethics regulations. These are: Mistreatment (and abuse), abuse of a position or function, unsporting behavior, and incitement, complicity and attempt, and attempted violations.

Violations of the Statutes on Ethics in Swiss Sport can be sanctioned with one or more disciplinary measures. These sanctions range from a warning or a fine to a suspension or exclusion (from sport/a function). In previous instances, the Disciplinary Chamber of Swiss Sport (DC) has for example also issued a sanction in the form of a coaching. In serious cases and in the event of a repeat offense, a person may be sanctioned with a lifetime ban.

Roles and procedures within the Swiss sport system

The Swiss Sport Integrity reporting office is open to anyone who seeks procedural advice or wishes to report possible violations or abuses – even anonymously. The independence of the foundation guarantees confidential treatment and consistent processing of reports. The initial consultation provides information about possible courses of action and, if necessary, referral to a suitable counseling center for more in-depth advice. If the report falls into the responsibility of Swiss Sport Integrity, a preliminary investigation is carried out. In the event of a substantiated suspicion of a violation of one of the four elements of the Statutes on Ethics in Swiss Sport, Swiss Sport Integrity investigates and prepares an investigation report for the Disciplinary Chamber of Swiss Sport.

The DC is the first instance to judge ethics violations within the scope of the Statutes on Ethics in Swiss Sport. The DC consists of around 20 judges (lawyers and medical experts), which are
elected by the Sports Parliament. The DC constitutes a three-member panel from its pool of members to hear the case. Swiss Sport Integrity acts as plaintiff before the DC. The accused persons are heard in proceedings and can present their arguments and be represented by a lawyer. Decisions of the DC can be appealed to the International Court of Arbitration for Sport, the CAS in Lausanne. The sanctioned person, the victim of an established abuse, Swiss Sport Integrity, Swiss Olympic and the National Sports Federation responsible for the sport in question have the right to appeal.

| Reporting of suspected violation or malpractice | 1 |
| Triage and preliminary investigations, forwarding if necessary | 2 |
| Opening investigative proceedings | 3 |
| Final report with form of order sought | 4 |
| Oral proceedings before the DC (First Instance) | 5 |
| Decision of DC (and publication, if applicable) | 6 |
| Possibility of appeal (Second Instance) | 7 |

**Experiences from the first two years**

In its first year of operation, the newly created national and independent reporting and investigation body for ethics violations and abuses in Swiss sport received 264 reports. In the same period, 276 telephone calls were received concerning initial consultation. This demonstrated the need for an independent contact point for possible ethics violations or abuses in Swiss sport. Data from previously known reporting offices was used to set up the reporting office and plan its resources. However, already in the first quarter, it became clear that this estimate would be exceeded – by far.
To meet the requirements and demands, a great number of clarifications, discussions, interviews, and investigations as well as analyses of records and documents were necessary in some cases. The individual procedures proved to be very time-consuming. To do justice to the complexity and dynamics of individual cases and to be able to process the number of reports within reasonable deadlines, Swiss Sport Integrity had to increase the number of staff in the ethics department in both legal and social areas in the first year.

After receiving 264 reports in the first year, SSI is expecting close to 400 reports by the end of the second year. The reported issues range from organizational abuses and discrimination to breaches of the psychological, physical, and sexual boundaries. Two thirds of the reports were regarding a violation of the psychological, physical, and sexual integrity. In addition to the main tasks, a lot of information work was also carried out. On the one hand with those affected, and on the other with the federations and clubs. The main focus was on processes, responsibilities and duties.
Additional funding and development of the reporting service

The urgency and need for additional support were demonstrated and recognized during discussions with the Federal Department of Defence, Civil Protection and Sport (DDPS) and in the presence of the Head of department, Federal Councilor Viola Amherd, and the FOSPO. Likewise, the Executive Board of Swiss Olympic has advocated for increasing the contribution made to Swiss Sport Integrity. For 2024 and 2025, the reporting service for ethics violations will receive an additional boost of one million Swiss francs, which will be used to finance increasing demand for staff as well as external expertise. The additional funding will allow to process reports in a more timely manner and in the quality expected by the involved parties, even if the number of reports received remains high.

Role of sports physicians

Sports physicians are important persons of trust in the lives of athletes and play a key role also regarding safeguarding. As confidants, athletes can open up and feel comfortable to talk about stressful and unsettling or even traumatic experiences with their doctors. Physicians should therefore be aware of this crucial basis of trust and of their role. It is important that the treating physicians can provide support and help to concerned athletes with information on possible options, contact points and have an “open ear” for their situation. Therefore,
physicians should be aware of the various available options, such as the initial consultation possibility at SSI, the reporting service of SSI, and what obligations they have and what important role they play as a person of trust in relation to their patients when it comes to issues regarding ethics in sport.

Options for action in the context of ethics in sport

No one can be forced to seek help and to report their suffering. As confidants, it is important that physicians give athletes the opportunity and the room to talk about something that has happened to them. Creating a safe space, in which athletes feel comfortable, will help affected athletes to speak about their experiences and find support and protection early. Those affected are often not in a position to address the incidents directly, but there are often small hints or insinuations. Therefore, it is of vital importance for physicians to be very attentive and alert when strange or suspicious topics or injuries arise. And lastly, physicians should be able to inform affected athletes about what their options are and when necessary them to the relevant authorities to find help and support. Physicians should also be clear about the role of Swiss Sport Integrity, not only being the reporting office for potential ethics violations, but also a help center for advice for any questions or uncertainties about procedural and structural questions on ethics in sport.

In short, the role of physicians can be summarized in the following actions: create a safe space, listen carefully, and support and inform effectively.

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SSI director Ernst König presenting on Ethics in Swiss sport at SEMS annual meeting in Interlaken, October 2023.

ETHICS VIOLATIONS  FEATURED  INDEPENDENT REPORTING OFFICE  PROTECTION OF
ATHLETES  RECOMMENDATIONS  SAFEGUARDING