

Written evidence submitted by Dr Serhat Yilmaz, Dr Carolyne Mason, Debbie Sayers, Prof James Esson and Prof Daniel Rhind

Sport integrity written evidence

This submission of evidence consists of:

- 1. A biographical note**
- 2. Research pertaining to:**
 - Safeguarding in sport
 - Children's rights and sport
- 3. Evidence from the industry: the case of Salisbury Rovers FC**
- 4. Recommendations**

1. Biographical note

We submit the following evidence in our capacity as academic and industry experts who have been conducting world-leading multidisciplinary research and devising systems and measures related to safeguarding issues that undermine the integrity of sport. More specifically, our focus is on children in sport who are the most vulnerable and impacted by safeguarding problems. Enhancing current safeguarding systems requires recognising safeguarding as an integral part of children's rights, necessitating a rights-based approach to safeguarding efforts.

- **Dr Serhat Yilmaz (Lecturer in Sports Law, Loughborough University)**

Serhat is a sports law specialist. His research expertise is on the intersection of sport, law, and children's rights, with a specific focus on sport's adverse rights impacts on young athletes and their trafficking in the industry. Serhat's research has been funded by UNICEF and the European Commission, and he closely works with governmental and non-governmental organisations, including the UN agencies and the Commonwealth Parliamentary Association (CPA) UK in the British Parliament.

- **Dr Carolynne Mason (Senior Lecturer in Sport and Social Justice, Loughborough University)**

Carolynne's research critically examines the role of sport in promoting social justice. This involves exploring the role of sport and physical activity in enhancing the lives of children and adults who participate in sport systems which are characterised by inequalities in, *inter alia*, wealth, gender, and race. Her current research spans three key areas: Tackling inequalities in, and through, sports participation, Reducing offending and reoffending through sport and Promoting Children's Rights in and through sport.

- **Prof James Esson (Professor of Geography, Queen Mary University of London)**

James is a human geographer specialising in human trafficking and children's rights. His research, funded by UKRI and UNICEF, addresses the importance of recognising and realising children's rights particularly within the context of sports. James has worked with a range of stakeholders as part of this research, including FIFA, the International Organization for Migration, the Commonwealth Parliamentary Association, and the All-Party Parliamentary Group on Sport, Modern Slavery, and Human Rights.

- **Prof Daniel Rhind (Professor in Sport Psychology, Loughborough University)**

Daniel is a chartered psychologist and an associate fellow of the British Psychological Society. Daniel's research is primarily focused on safeguarding children in, around, and through sport. His research was fundamental to the development of the International Safeguards for Children in Sport, which are now endorsed by over 80 organisations around the world.

- **Debbie Sayers (Club Secretary and Welfare Officer, Salisbury Rovers FC)**

Debbie is a solicitor with a PhD in human rights law. She is a published author in the field of human rights. She founded Salisbury Rovers FC in April 2016. The youth football club takes a human rights-based approach to sport, prioritising the rights of children in practice, embedding the right to be heard and the right to play. The club has gained recognition nationally and internationally for its ground-breaking work.

2. A children's rights-based approach to safeguarding activity in sport: the necessity of embedding children's right in sport to tackle safeguarding issues

a) Sport's failure to protect children as its participants

Despite highly becoming child-populated, sport fails to safeguard children from welfare issues such as abuse, violence, and exploitation. Children, or "minors", as those under the age of 18 are referred to in sports' regulatory frameworks, are the ones who are most at risk of and adversely impacted by these problems. Rhind et al. (2021), for example, explored athletes' childhood experiences in sport and identified that 37% of respondents had at least once experienced physical abuse, 61% had experienced emotional abuse, and 51% had been the victim of economic exploitation during their participation in sport as a child. At the elite level, analyses of professional football by Esson et al. (2018, 2020) and Mason et al. (2020) demonstrate that children can be placed under pressure to succeed at all costs in a competitive environment of sport, which could push them to engage in behaviours that could be harmful, and constitute physical abuse, to their health and wellbeing, like doping, injuries from overtraining, and performance-related anxiety. These negative experiences can lead to long-term psychological consequences, such as low self-esteem, depression, and even substance abuse. Additionally, the pressure to succeed in sports at a young age may hinder children's overall physical and emotional growth, as they may prioritise winning over their own personal development and enjoyment of the sport.

A primary and fundamental deficiency of sport's safeguarding systems to effectively address those welfare issues is the missing voice of children in sport (Yilmaz et al. 2018; Mason et al. 2020; Rhind et al. 2021). There is a need for direct engagement

with child athletes to seek and hear their voices. Their experiences and perspectives must explicitly inform the design, development, implementation, and evaluation of safeguarding systems in order to ensure that they are truly effective and responsive to the rights, needs and concerns of child athletes. By including children in these processes, not only will their unique insights and perspectives be valued, but it will also empower them to take an active role in their own protection and well-being within the sporting environment. This collaborative approach can help foster a culture of trust, transparency, and accountability, ultimately leading to empowering and therefore safer and more inclusive, sporting experiences for all children involved. In contrast, currently, sport suffers from structures which fail to facilitate effective communication with child athletes, and its closed institutional structures discourage and disempower the child voice. Despite children's premature professionalisation in sport, where they train and compete like professional athletes, their amateur status and disguised employment relationships deprive them of adequate union representation, which also exacerbates their lack of voice. As a result, the lack of children's voices, and their disempowerment with the youth sports system, fundamentally undermines the efficacy of safeguarding measures designed to address the challenges faced by young athletes. This exclusion perpetuates a power imbalance that allows for the exploitation and mistreatment of children in sports, as their perspectives and needs are not adequately considered. In order to truly protect and empower young athletes, it is crucial to prioritise their active participation in shaping safeguarding policies and systems, ensuring that their voices are heard.

b) Improving safeguarding in sport: a children's rights approach

In order to improve sport's safeguarding record, it is essential that any strategies and systems put in place are underpinned by a children's rights perspective, which place the child at the centre of these activities, by respecting the fact that they are as 'rights holders' (Mason 2020; Rhind et al. 2021; Yilmaz 2023). In this respect, safeguarding approaches cannot and should not be considered independently from understandings of children's rights. Abuse, violence, and exploitation, as welfare issues, need to be viewed as violations of and risks to the rights of children. Children's rights are universally recognised human rights enshrined in the United Nations Convention on the Rights of the Child (CRC) and protected by international law. The rights recognised

by the CRC are often loosely categorised into the “3 P’s”: protection rights, provision rights and participation rights. The CRC’s protection rights specifically encompass safeguarding. Along with the four cross-cutting general principles of the CRC (non-discrimination; the best interests of the child; life, survival, and development; and the right to be heard), protection rights are a category of rights that entitles children to be protected from violence, abuse, and neglect (Article 19); child labour/economic exploitation (Article 32); drug abuse (Article 33); sexual abuse (Article 24); abduction, sale, and trafficking (Article 35); and other forms of exploitation (Article 36). The CRC recognises children’s vulnerability and the need for care because they are human beings in development. However, the CRC also goes further by creating fundamental participation rights such as the right to be heard under (Article 12) which gives children the right to have their views sought and be given due weight in all matters affecting them as well as freedom of expression (Article 13). Article 12 empowers children to participate in decision-making processes and it must be considered in all matters concerning them. The right to be heard is not in the gift of the adult: it is a right of the child (Lundy, 2007). It is also important to understand that children are free to express their views or, if they prefer, to not do so. Additionally, the right to share views freely means that children must not be pressured, constrained, or influenced in ways that undermine or manipulate free expression, perhaps because of their environment or the imbalance of power between child and adult. Article 3 confirms that the “best interests” of children and young people should be “a primary consideration” in all actions/decisions concerning them and this foundational principle includes incorporation of the child’s views in any determination of what is in his or her best interests. In essence, the CRC offers an internationally recognised legal framework for the protection of children that is underpinned by rights principles.

A children’s rights-based approach (CRBA) is grounded on the CRC’s normative rights principles and standards and aims for their practical implementation in activities concerning children in order to realise children’s rights. The realisation of rights is considered a central characteristic of right-based approaches. Therefore, first and foremost, the CRBA to sport’s safeguarding activities concerning children needs to purposefully aim to contribute to an actual realisation of the protection and empowerment of child athletes and to seek those outcomes. In this context, safeguarding activities may include a wide range of activities, such as the embedding

the right of the child to be heard in sport, design and implementation of preventative systems and measures, investigating, and punishing those responsible, and resolving safeguarding violations. Another important aspect of the CRBA is the requirement for processes through which the outcomes, i.e., the rights realisations, are sought and achieved to also comply with the CRC. Therefore, processes from planning and design of safeguarding activities to implementation and monitoring and evaluation of an activity should be guided by children's rights, especially by the CRC's cross-cutting general principles (non-discrimination; the best interests of the child; life, survival, and development; and the right to be heard). These principles provide a foundation on which processes are operationalised allowing strengthened and deeper analysis of safeguarding from the perspective of children's rights. The best interests of the child should be taken as a primary consideration during the processes and constantly assessed. The principle of non-discrimination reflects the universality of human rights and requires all children as right holders to be treated equally in all processes.

The design of any 'safe' system for children within sport must, therefore, be underpinned not only by the protection of children's rights and the prevention of harm to them, but by children's empowerment. Consequently, the right to be heard is fundamental to the CRBA to safeguarding in sport. As noted, this right, as set out in Article 12 of the CRC, refers to children's right to express themselves on all matters which affect them. It creates a duty on adults to seek children's views and to act upon them, children's views being given "due weight in accordance with the age and maturity of the child". Human rights law requires the creation of environments that enable the child to exercise this right to be heard. In other words, in a safeguarding context, such participatory rights require state parties to the Convention to guarantee that children will access environments where their voices will not only be actively sought, but where their views will be acted upon. Establishing conditions that enable a safe and inclusive space for children to express their views and have their views considered are extremely important for the realisation of this right (Lundy, 2007). International law, requires that mechanisms should be established to facilitate the participation of children, enabling them to be supported where necessary to express their views and guaranteeing the opportunities for them to do so, and without undue influence or pressure. It is important to consider the child's viewpoints, and they should be informed about how those viewpoints have been taken into account. Participation

of children in processes transforms power relationships between them and duty-bearers by building children's capacity to influence activities and decisions. It also allows a gradual improvement of duty-bearers' understanding of children's situations and, critically, leads to the institutionalisation of cooperation between duty-bearers and children.

The realisation of rights conceptually requires the duty bearers' fulfilment of their rights obligations and the enablement of rights holders to claim their rights. This is why another crucial aspect of the CRBA is to support the capacity development of duty-bearers and children as rights holders to enable them to carry out their respective rights functions. It also requires the state to secure this by meeting its international legal obligation to guarantee respect for rights within its jurisdiction. Capacity building in practice involves the identification of capacity gaps and devising corresponding strategies that close those gaps, leading to the creation, use, and retention of that capacity. Because of their direct relation to the fulfilment of rights functions, situational analysis of children's rights needs to inform capacity building. The analysis should determine the root causes of non-realisation, identify duty-bearers' obligations, especially in relation to the identified root causes, and identify interventions to build the capacities of rights holders and duty-bearers. The empowerment of duty-bearers and children resulting from the capacity-building activities subsequently furthers the accountability of duty-bearers by enabling them to fulfil their responsibilities but also rights holders to demand their rights by taking care of their rights interests. The re-framing of accountability based on this relationship between duty-bearers and rights holders is deemed to be an added value of the CRBA.

3. A children's rights-based approach to safeguarding in practice: a case of Salisbury Rovers FC

Salisbury Rovers FC was launched in 2016 and has gained national and international recognition for its work embedding rights-based practices within its operations. The youth football club has members from ages 6 to 18 and it has a clear philosophy based on the CRC, which is explicitly shared with its community (coaches, parents/carers and children and young people) via club literature, posters, and direct engagement.

The club is inclusive and open to all. It shapes its provision around the disparate needs and aspirations of children.

The club has developed a variety of practices to ensure a safe space is created for children's voices to be heard. Its view is that "if children won't tell you about the small stuff, they're unlikely to tell you about the big stuff" so forming positive safe relationships with adult to enable ongoing dialogue and exchange of views underpins everything they do.

Examples of Article 12 based practice include:

- At every session, children's views are sought about planned activities.
- Dialogue between children and adults shapes the planning for future sessions.
- Children are always asked for their feedback and ideas at the end of each club session, working in small groups and individually to ensure all those who want to express a view can be heard.
- Children are told explicitly that they have rights and what this means. Simple leaflets are shared with them, and posters erected at the club's venue to reinforce this.
- Adults are advised about the CRC and how this impacts practice at the club.
- Coaches are trained to respect the child's right to be heard and encourage their views.
- Children are told that their views are important and that they will always be listened to. Adults state openly, and consistently, that the expression of views and ideas is welcome and that adults are not upset by views which may state that children want change or do not like something. Children are told "this makes the club better".
- Children are encouraged to make decisions within their football teams, to lead their play, to design practices, to establish their own formations and review them.
- Children input into youth council meetings or full committee meetings to make suggestions about what is important to them. Adults feedback on their suggestions with actions or reasons why actions cannot be taken.

- The empowerment of children and young people is seen as pivotal to football and youth development at the club.

The club has shared its practices in a variety of sporting contexts, including at a FIFA Safeguarding conference, with Sport England and UK Sport and most recently with the Dutch Football Associations.

4. Recommendations

Preventing safeguarding issues should be the primary focus of policies and systems in order to reduce the harms caused to children and young people. Actions to achieve this include:

- Sport structures where children and young people participate need to adopt child-centred practices which prioritise their rights and best interests as determined by the young participants in sport. Funders can encourage this by making this a condition of funding.
- Invest in research and data collection on children's experiences in sports to identify areas for improvement and measure the impact of safeguarding measures.
- Children rights education needs to be incorporated in school curricula and sports programs, raising awareness among children about their rights, boundaries, and safe reporting mechanisms.
- Children will not express their voices in contexts where they do not trust adults to respond positively and where their expression may result in negative consequences e.g., having their participation curtailed. Creating mechanisms for children to share their concerns and experiences with those outside of the club/sport may create greater trust in the processes than those typically currently in place where sport governing bodies manage disclosures in-house.
- Parents are an often-overlooked stakeholder in sport who share the responsibility for safeguarding children in sport. It is important that policymakers engage with this stakeholder group in order to ensure that their contribution is understood and supported.

References

Lundy, L. (2007). Voice' is not enough: Conceptualising article 12 of the United Nations convention on the rights of the child. *British Educational Research Journal*, 33(6), 927–942.

Esson, J., Darby, P., Drywood, E., Mason, C., & Yilmaz, S. (2017). Mapping and identifying child rights issues in the recruitment of young players in football: Current risks and future research agendas London: UNICEF UK. Full Report: [https://repository.lboro.ac.uk/articles/Children before players Current risks and future research agendas/11590800/1](https://repository.lboro.ac.uk/articles/Children_before_players_Current_risks_and_future_research_agendas/11590800/1)

Yilmaz, S., Esson, J., Darby, P., Drywood, E., & Mason, C. (2018) Children's rights and the regulations on the transfer of young players in football. *International Review for the Sociology of Sport*. <https://doi.org/10.1177/1012690218786665>

Mason, C., Darby, P., Drywood, E., Esson, J., Darby, P., Drywood, E. & Yilmaz, S. (2020) Rights, risks, and responsibilities in the recruitment of children within the global football industry. *International Journal of Children's Rights*, Vol 27, No 4, pp738-756 <https://doi.org/10.1163/15718182-02704005>

Esson, J., Darby, P., Drywood, E., Mason, C., & Yilmaz, S. (2020). *Children before players: Protecting and realising children's rights: A guide for professional clubs*. London: UNICEF UK. Full Report: [Children-before-Players-Guide.pdf \(unicef.org.uk\)](#)

Rhind, D., Musson, H., Florence, A., Gilpin, P., & Alford, G. (2021). Census of Athlete Rights Experiences Report 2021. <https://uniglobalunion.org/wp-content/uploads/WPA-Census-of-Athlete-Rights-Experiences-Report-2021-2-compressed.pdf>

Yilmaz, S. (2023). *Minors in professional sport*. In: Anderson J, Goh L. C., and HSSERT B (eds) *The Elgar Concise Encyclopaedia of Sports Law*. Edward Elgar Publishing, London. (In Press)