



Provisional version

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Good football governance

Report¹

Committee on Culture, Science, Education and Media

Rapporteur: Ms Anne Brasseur, Luxembourg, Alliance of Liberals and Democrats for Europe

TOO LITTLE MONEY HARMS FOOTBALL, TOO MUCH IS KILLING IT WE NEED TO PREVENT FOOTBALL FROM SELF-DESTRUCTING

A. Draft resolution²

1. There is far more to football than scoring goals and winning matches and titles. The Parliamentary Assembly believes that sports governance, and especially the governance of football, must be based on the values of democracy, human rights and the rule of law, as well as the values of living together, such as tolerance, respect, fair play and solidarity amongst others. In order for football – and sport in general – to be a vehicle for the transmission of these values and contribute to their protection and dissemination, everyone involved, namely senior officials, players, agents, sponsors and business partners amongst others, as well as the representatives of public authorities, must be above suspicion and their conduct must be beyond reproach.

2. However, the reality is completely different. Doping, illegal betting and the manipulation of sports results, violence and racist speech, sexual harassment and gender discrimination, questionable connections between sport and the top levels of politics, corruption, financial malpractices, cases of tax evasion and other scandals continue to make front-page headlines. Often considerations of geopolitical order influence decision-making. Football cannot be a lawless zone; action must be taken to deal with and eradicate these scourges. This requires greater effort and determination by all partners. It is necessary to ensure genuine independence of the bodies responsible for detecting and punishing breaches of sports ethics, because this independence is indispensable to the good governance of sport.

3. Football does not belong to one person; it belongs to everybody. The public authorities have to face up to their responsibilities to put an end to the financial excess to which football strays. It is necessary to end the tendency to conceal, ignore, play down and trivialise over-indulgences. The excesses we are witnessing are not only socially unacceptable but are also creating imbalances so pronounced that they are undermining the very foundations of football. A lack of money is harmful to football, too much is killing it. All the parties concerned must co-operate in order to achieve a change of culture. The Assembly is determined to work with all stakeholders in order to advocate this change of culture and to prevent football from self-destruction.

4. Confronted with the power of sports organisations and the colossal economic issues at stake, the public authorities are wavering. On one hand, they are reluctant to take action on the pretext of the autonomy of sport, although this principle cannot justify sport being a lawless zone; on the other hand, they are forgetting the principle when their representatives sit on sports governing bodies. Moreover, they are prepared to make exceptions to the law and agree to conditions imposed by organisers in order to be able to

¹ Reference to committee: [Doc. 14027](#), Reference 4208 of 27 May 2016.

² Draft resolution adopted unanimously by the committee on 4 December 2017.

host major sports events. Therefore, it is crucial to examine the interactions and connections between politics, business and sport.

5. The report on “Good football governance” points to progress made with regard, amongst others things, to the systems of governance of the International Federation of Football Associations (FIFA) and the Union of European Football Associations (UEFA), their commitment in combating discrimination and in promoting mutual tolerance and respect, their gender-equality policies and their social responsibility programmes. However, this report also notes that a number of problems remain. It is necessary to ensure that the reforms are properly implemented and supplemented, including by seeking to bring about a radical change in the culture of governance at all levels so that it is firmly based on respect for human rights and the rule of law, internal democracy and participation, transparency and responsibility, the unreserved upholding of the highest ethical values, solidarity and concern for the common good.

6. The Assembly welcomes the progress made by FIFA and UEFA in incorporating human rights into their system of governance, including criteria concerning the protection of human rights in the processes of choosing host countries for major sports events and in the tendering procedures for the selection of commercial partners. The Assembly is satisfied with the action taken in response to [Resolution 2053 \(2015\)](#) on “The reform of football governance”.

7. Responsibility for the effective protection of human rights lies primarily with the public authorities; however, all sports organisations have a role to play in this regard and must use the means at their disposal to exert a positive influence on the attitude of countries that host sports events. The Assembly welcomes the specific initiatives taken by FIFA to monitor and improve the working conditions at the construction sites of the World Cup in Russia in 2018 and Qatar in 2022. However, the situation of immigrant workers in Qatar remains a concern, even though some progress has been noted at the 2022 World Cup construction sites. Problems concerning the rights of workers also exist in Russia. The Assembly is confident that FIFA will continue its endeavours to consolidate these improvements in these two countries and ensure that they benefit all workers and not only those employed at the football sites.

8. The Assembly believes that all partners should work together to promote human rights in and by sport and accordingly advocates closer co-operation between sports organisations and international organisations operating in the field of human rights, at both global and regional levels. It welcomes the creation of a Human Rights Advisory Board within FIFA and hopes that co-operation can take place with the Council of Europe and the Assembly itself on the protection of minors, combating racism and discrimination and the promotion of gender equality. The Assembly also welcomes the negotiations underway on the conclusion of a memorandum of understanding between UEFA and the Council of Europe and is prepared to work together on the measures to be implemented to strengthen the protection of human rights and promote good governance and sports ethics in Europe.

9. In order to make progress in these areas, the Assembly counts on the co-operation not only of FIFA and UEFA but also other key partners, such as the Association of European Professional Football Leagues (EPFL), the European Club Association (ECA) and the International Federation of Professional Football Players (FIFPro). The Assembly thanks these five organisations for their contributions to its work.

10. With regard to the requirement to ensure that the decision-making bodies within sports organisations are independent of the political authorities, and also that the internal supervisory bodies are genuinely independent of the decision-making bodies, the Assembly recommends that FIFA, UEFA, the International Olympic Committee (IOC) and the international sports organisations:

10.1. include in their statutes a rule prohibiting any individual who is a member of a government or holds a government office to sit on their decision-making bodies;

10.2. review their regulations on the supervisory bodies which ensure compliance with standards of ethics and good governance, in order to safeguard the independence in practice – in both procedural and substantive terms – of the members of these bodies, especially their chairpersons; in this connection, there should be open, transparent and objective procedures for selecting candidates for these offices, and the role of management boards in appointment and removal procedures should be limited; in addition to providing for a limitation on terms of office, the principle of partial renewal should apply so as to have at least one-third of members in office at each renewal to ensure the continuity of the work of these bodies;

10.3. take swift action to punish those responsible for malpractices and exerting undue influence and ensure that effective mechanisms are introduced to combat corruption.

11. With regard to the protection of human rights, and in particular the protection of minors, the promotion of gender equality and the human development of all football players, the Assembly recommends:

11.1. that FIFA:

11.1.1. encourage the Qatari authorities to ensure that the worker welfare standards applicable to workers employed at the 2022 World Cup construction sites apply to all workers;

11.1.2. design support programmes – particularly the Forward Programme – in such a way as to promote the human development of players, by linking the allocation of funds distributed under these programmes to the obligation to give young footballers an education and vocational training;

11.2. that FIFA and UEFA, each within their sphere of responsibility:

11.2.1. introduce effective checks on compliance with the obligations entered into by countries that apply to host major football competitions and by their national associations;

11.2.2. insist with the governments of the host countries on the necessity of protecting the fundamental civil and political rights, and in particular the freedom of expression - including the freedom of the media - and the freedom of peaceful meetings, and not only in connection with their competitions but beyond;

11.2.3. assure that all the cases of serious breaches in human rights, including the rights of the workers, by private companies involved in the organisation of their competitions, to begin with those who build stadiums and infrastructures, are made public and that effective penalties are applied when the measures of follow-up recommended by supervisory bodies are not implemented; the governments of the host countries have to accept this responsibility;

11.2.4. ensure compliance with the transfer rules in order to prevent “trading in children” and consider, in collaboration with the Council of Europe’s Group of Experts on Action against Trafficking in Human Beings (GRETA), the mechanisms and measures required to put a stop to the chain of “forced transfers” of underage players, which falls within the definition of human trafficking;

11.2.5. launch a process of reflection on the protection of minors and the promotion of their education, as well as the promotion of gender equality in and by football, by taking account of the specific proposals in the report on “Good football governance” and of Recommendation (2012)10 of the Committee of Ministers to member States on the protection of child and young athletes from dangers associated with migration;

11.2.6. promote the adoption by their member associations of rules enshrined in their statutes in order to ensure that the composition of their executive boards and standing committees includes a number of women at least proportional to the number of female members registered, with a minimum number of places reserved for women in all cases;

11.2.7. increase the funds allocated to education programmes and the financial support for educational projects launched by national associations;

11.2.8. strengthen their financial support for training programmes to promote leadership for women at national level and to increase the number of female coaches and referees;

11.2.9. use a higher percentage of their resources to promote women’s football, particularly in countries whose associations are less wealthy, by studying forms of co-operation with the national associations.

11.2.10. launch an information campaign to combat sexual harassment and gender discrimination.

12. The Assembly asks FIFA to take swift action and shed full light on the latest procedures for the award of the World Cup and in particular the procedure concerning the 2022 World Cup in Qatar, which appears to be seriously flawed.

13. The Assembly calls on FIFA and UEFA not to lose sight of its previous recommendations to which there has not yet been a satisfactory response. In particular, FIFA and, more generally, all major sports organisations, should consider separating their regulatory powers and commercial operations, with the establishment of a subsidiary undertaking responsible for the management of commercial operations.

14. With regard to the promotion of good governance and sporting values, the protection of professional players' rights and reflection on financial excesses in the world of football, the Assembly considers it essential for all partners to work together on these matters. It calls on FIFA and UEFA to set up a joint Working Table to discuss financial fair-play, player ownership, the status of agents or intermediaries and other issues, by involving other stakeholders.

15. The Assembly calls on the European Commission and on the Enlarged Partial Agreement on Sport (EPAS) to participate in this Working Table once it has been set up and confirms its willingness to contribute to a joint reflection.

16. The Assembly calls on the authorities of the European Union, in concertation with the IOC, FIFA, UEFA and the Council of Europe, to examine the feasibility and promote the establishment of an independent observatory entrusted to assess the governance of football by placing the emphasis on, amongst other things, ethics and the integrity of elections. This would not confer on this observatory the power to govern the sport but to ensure that the principles of good governance are being effectively implemented and shared.

17. The Assembly asks the public authorities to work with the international sports bodies, especially FIFA and UEFA, to ensure that the ordinary law is applied with regard to financial and taxation matters.

B. Explanatory memorandum by Ms Brasseur, rapporteur

1. Origin and aims of the report

1. For several years, football has been the victim of an almost continuous series of scandals, at both national level, with cases relating to match fixing, and international level, in particular regarding FIFA's procedures for awarding the organisation of the World Cup and various cases of financial malpractices.

2. In response to the charges brought by prosecutors in New York's Eastern Division, based on investigations by the FBI's Eurasian Joint Organised Crime Squad, against 27 officials or former officials of FIFA and the two American confederations³ for "racketeering, fraud, bribery and money laundering", and following a statement given on 3 December 2015 by Loretta Lynch, US Attorney General, FIFA accused South Africa of having paid a bribe to secure the organisation of the 2010 World Cup and, in March 2016, lodged a claim with the US courts, seeking 38 million dollars in compensation.⁴ This is the first and so far only action of its kind.

3. There are also serious suspicions regarding the awarding of the 2006 World Cup to Germany.⁵ The Assembly, in Resolution 2053 (2015) "The reform of football governance", felt that the decision to award the 2022 World Cup to Qatar was "radically flawed" and called on FIFA to open a new procedure for the award of the 2022 World Cup,⁶ but this has not been acted upon.

4. This procedure is currently being investigated in Switzerland and the United States. In 2016, France's national financial prosecution service opened a preliminary investigation into "private corruption", "conspiracy" and "influence peddling and the concealment of influence peddling" in relation to suspicions of corruption at FIFA in connection with the award of these two World Cups.

5. The recent publication by FIFA of the "Garcia Report" has now made generally known the extent of the irregularities committed in connection with this procedure as well as the systemic failings that Mr Michael Garcia helped to uncover. Apart from the purely legal issues involved – especially the question whether the actions of Mr Bin Hammam (together with those of Qatar's Aspire Academy) substantially influenced the vote in favour of Qatar by the representatives of the Confederation of African football (CAF). This report clearly shows that the predominant culture at FIFA was such that power was a source of personal enrichment and ensured the impunity of those who held it.

6. Financial malpractices within FIFA, linked to a lack of transparency which the Assembly has been criticising for several years, are a further sign of this culture, of which FIFA and world football are victims. In this respect, the sanctions imposed by the Court of Arbitration for Sport (CAS) on Mr Sepp Blatter, former FIFA President and Mr Michel Platini, former UEFA President and FIFA Vice-President demonstrate the seriousness of these actions.⁷

7. Another case concerns Mr Sepp Blatter, Mr Jérôme Valcke, FIFA Secretary General from 2007 to 2015 and Mr Markus Kattner, at that time FIFA Finance Director. Following the election of Mr Gianni Infantino as FIFA President, an internal investigation revealed that these three senior officials had awarded themselves financial benefits for USD 80 million (€72 million) between 2011 and 2015, via increases of their

³ The Confederation of North, Central American and Caribbean Association Football (Concacaf) and the South American Football Confederation (Conmebol).

⁴ It is interesting to note that in the words of Ms Lynch, two generations of officials had abused their positions of trust to acquire bribes and kickbacks: it is claimed that since 1991 some 150 million dollars in bribes had been paid to the indicted officials in exchange for media and marketing rights for tournaments held in the US and South America. For further details, see the online articles in the Telegraph: [Fifa demands return of millions of pounds 'stolen' by former leaders](#) and in Le Monde: [La FIFA se pose en « victime » de la corruption et réclame 38 millions de dollars](#).

⁵ See for example the online Eurosport article: [FIFA opens probe into 2006 World Cup bidding](#). In this case, Franz Beckenbauer was under investigation by the Swiss justice system for mismanagement, fraud and money laundering, along with three other senior members of the 2006 World Cup Organising Committee: Hans-Rudolf Schmidt, Theo Zwanziger and Wolfgang Niersbach. See the online articles in the Guardian: [Franz Beckenbauer faces criminal investigation into corruption claims](#) and in Le Monde: [Mondial 2006: Franz Beckenbauer poursuivi par la justice suisse pour gestion déloyale et blanchiment](#).

⁶ See paragraphs 10-12 and 13.1 of Resolution 2053 (2015).

⁷ The Court of Arbitration for Sport (CAS), banned Mr Platini and Mr Blatter from taking part in any football-related administrative, sport or other activity at national or international level respectively for four years (see sentence [TAS 2016/A/4474](#)) and for six years (see sentence [TAS 2016/A/4474](#)). The two cases concerned FIFA's payment to Mr Platini in February 2011 of CHF 2 million (€1.8 million) allegedly for work carried out by Mr Platini when he served as adviser to Mr Blatter, between January 1999 and June 2002. The CAS judged that this payment, authorised by Mr Blatter, did not have any contractual base and was an undue gift.

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annual remuneration, bonuses linked to the financial results of the football World Cup and other advantages.⁸

8. Apart from the internal situation at FIFA, individuals at the top of national and international football continue to be involved in court cases. In April 2017, Sheikh Ahmad Al-Fahad Al-Sabah, a member of the Kuwaiti royal family, an active member of the International Olympic Committee (IOC) and President of the Olympic Council of Asia (OCA), resigned from FIFA's ruling council after being (implicitly) linked to an alleged illegal payment to Richard Lai, President of the Guam Football Association, who pleaded guilty in a New York court to charges of corruption and failure to disclose foreign bank accounts.⁹

9. *The Mail on Sunday* revealed that the 23 players of the Russian national football squad that took part in the 2014 World Cup in Brazil were under FIFA investigation for doping. Their names are on the list of the thousand Russian athletes who, according to the report published by World Anti-doping Agency (WADA) in two parts in July and December 2016 following investigations into the squad headed by Professor Richard McLaren, "appear to have been involved in or benefited from systematic and centralised cover up and manipulation of the doping control process".¹⁰ Nonetheless, it is unlikely that the disciplinary proceedings will result in any penalties since there is in reality not enough proof.¹¹

10. In July 2017, the Spanish and international press reported the arrest in connection with a judicial investigation of Mr Ángel María Villar, President of the Spanish Football Federation since 1988 and appointed acting President of UEFA in 2015 (following the suspension of Mr Michel Platini). Mr Villar is suspected of having benefited from his position to commit financial malfeasance (abuse of trust and misappropriation) and private corruption. He is alleged to be at the centre of an economic conspiracy that also involves several national federations, whose support he is said to have "bought" to ensure his re-election. Auditors identified irregularities in the accounts of the Spanish Federation amounting to more than 50 million euros for the years 2013-2014.

11. Again in July 2017, The Italian press carried reports on a double investigation conducted by the Public Prosecutor's Office in Prato (a town in Tuscany) into illegal immigration and sports fraud, involving inter alia the President of A. C. Prato (a third division club) and the President of Sestese (a fifth division Florence club). The sports fraud investigation concerns the manipulation of the results of eleven football matches, while the other charge relates to the establishment of a system to enable young footballers from Côte d'Ivoire and Senegal to enter Italy illegally.

12. On 25 September 2017, a one-year ban and a fine of 20,000 euros were imposed by the Italian Football Federation (FIGC) on Mr Andrea Agnelli, the President of Juventus, and three other club officials for selling large numbers of blocks of tickets over a period of five seasons to groups of ultra-fans (whereas under the rules no more than four units may be sold per person). The sports tribunal prosecutor had called for a 30-month suspension and the extension to the European level of the penalty against Mr Agnelli, who had just been elected Chairman of the European Club Association. The company Juventus Football Club was fined 300,000 euros.

13. The leaks known as the "Panama papers" were followed by a series of tax fraud investigations concerning several big names in football, including Mr Lionel Messi and Mr Cristiano Ronaldo, two of the biggest players of all time, as well as Mr José Mourinho, one of the coaches who receive the most media attention, and Mr Jorge Mendez, a top agent in the global football market. In short, the rot is everywhere and the thirst for money and power is eating away at "the beautiful game" from within. These tax fraud cases have been described in detail in the book "Football Leaks".¹²

14. This summary of recent events substantiates the reasons for presenting a new motion on "good football governance"¹³ following the adoption by our Assembly of Resolution 2053 (2015). On the one hand, I feel it essential for us to continue monitoring the FIFA and UEFA governance reforms and this to ascertain

⁸ For further information see the online articles in the Guardian: [Blatter, Valcke and Kattner awarded themselves £55m, say FIFA lawyers](#) and in *Le Monde*: [FIFA : Blatter et ses deux adjoints se sont partagé 80 millions de dollars en cinq ans](#).

⁹ The charge against Mr Richard Lai stated that the "co-conspirator #2 was a high-ranking official of FIFA, the Kuwait Football Association (KFA) and the Olympic Council of Asia (OCA)".

¹⁰ The *Mail on Sunday* article is [here](#).

¹¹ See the *Monde Sport* online article [Dopage: l'impossible suspension des footballeurs russes](#). After the first 96 checks, in mid-September 2017, WADA sanctioned only one Russian athlete and decided not to take action against the other 95 mentioned in the McLaren report as there was insufficient evidence to decide on individual sanctions.

¹² *Football Leaks: Die schmutzigen Geschäfte im Profifussball von Rafael Buschmann und Michael Wulzinger. Ein Spiegel-Buch 2017.*

¹³ [Doc. 14027](#).

whether they are carried on taking into account the demands made by our Committee and by the Assembly in Resolution 2053 (2015), and also for us to highlight and support any effort to promote a culture of transparency within these two organisations and ensure that they have exemplary governance, including with a view to stimulate improvements within their member associations.

15. This new report is intended to focus on the governance of football in Europe and step up our existing collaboration with UEFA and other partners, including the organisations representing European professional football leagues (EPFL), clubs (ECA) and professional footballers (FIFPro), in order to reflect on how together we can improve football governance in Europe, at national level and in clubs, and to make European football a showcase for the promotion of our core values.

16. Accordingly, this report will also look at the role which these different partners play or can play to promote human rights and, more particularly combat discrimination, safeguard the rights of minors, and strengthen solidarity, social cohesion and respect for human dignity, above and beyond our differences.

2. Carrying on governance reforms at FIFA and UEFA

17. Two information documents [AS/Cult/Inf (2017) 15 and AS/Cult/Inf (2017) 16] and the synoptic tables therein provide a detailed presentation of elements I consider more significant on the state of governance reforms at FIFA and UEFA, and on the implementation of our specific recommendations. I will recover here only some of these elements. My intention is not necessarily to insist on all recommendations that have not yet been implemented; though a general call to FIFA and to UEFA to implement these recommendations is indispensable, I would suggest that we focus on some elements which, I believe, have greater relevance. These elements mainly concern the issue of the separation of powers, the control mechanisms and the system of checks and balances.

18. Even though the analysis in this section aims to underline the problematic issues, it would be unfair to ignore from the outset the fact that improvements have been made at both FIFA and UEFA, particularly with regard to financial transparency, a reduction in certain types of spending, monitoring money flows to prevent misappropriations and participatory governance. These are welcome changes; our insistence on certain points has not been in vain. For practical reasons, readers are referred to the documents mentioned above for more detailed information on these aspects. In addition, the section of this report focusing on the protection of human rights mentions considerable advances made by the two organisations in this field.

2.1. Separation of powers, control mechanisms and system of checks and balances at FIFA

19. The high concentration of power and the lack of proper checks and balances are two problematic elements of the governance of sports institutions in general, including football institutions at the various levels. In this respect I welcome that the new FIFA Statutes provide today for a clear **separation of the strategic function** – performed by the FIFA Council (previously Executive Committee) – **from the management / executive function** – performed by the general secretariat under the authority of the Secretary General. For example, the FIFA General Secretariat is responsible, for the negotiation, execution and performance of all commercial contracts, in accordance with the standards, policies and procedures established by the Council.

20. However the control of the President on all FIFA activities including on management functions seems to be as stronger as under the previous leadership. Of course, the administration must implement strategic decision taken by the “policy-making bodies” and in particular by the President and the Council. What raises questions is the power that I believe the President still has, in practice, on decisions concerning, for example, appointment and dismissal of key staff positions.

21. On 16 October 2017, at my meeting at FIFA with Mr Infantino, Ms Samoura and senior FIFA officials, Mr Infantino claimed that the idea that he retains control over management functions was incorrect and not based on any specific facts. In this connection, I wish to point out, first of all, that this opinion does not in itself constitute “criticism”. For me, it is simply a question of mentioning what I believe is relevant in order to understand the internal dynamics at FIFA. I note that some choices had been made before Ms Samoura arrived. As she is fairly new to football, she is not as well-equipped as Mr Infantino – an outstanding manager in the world of football – when it comes to selecting the senior executives of a specialised organisation such as FIFA. Furthermore, in the three hours that the meeting lasted it was very much Mr Infantino who was in charge, so I find it impossible to believe he is not at the helm concerning not only the macro but also the micro-management.

22. The high number of persons dismissed after the election of Mr Infantino can possibly be explained, at least partially, by the will to remove staff who had been too close to the previous leadership – with the exception of Mr Marco Villiger¹⁴ – and maybe also by a certain will of renewal. However, the way in which these changes took place appears somewhat “brutal”, as I have heard some of the people define the process. To avoid misunderstanding: I do not question at all the competences and skills of FIFA senior officials who are now in place.

23. I believe that the prominence of the President’s position and his drive (also) on management issues are still a key element of FIFA governance culture. It has been like this for decades and it would be naïve to think that this could change just because a new provision proclaims a different *modus operandi*. It must be recognised that the FIFA President, Mr Infantino, has long-standing and rich experience and an in-depth, comprehensive knowledge of the functioning of football institutions. The Secretary General, Ms Samoura, is a newcomer in this world, which is in many regards excellent; nevertheless the consequence is that she needs time to consolidate her role. She is a determined and competent person, well-acquainted to managing complex files and who is deeply attached to the protection of human rights; I hope that she could progressively strengthen her position and implement a true separation of functions, which the rules call for but which do not exist to date.

24. Regarding the recent developments at FIFA, I have especially strong reservations concerning the loss of independence for the so-called “independent” bodies. The President and the FIFA Council have broad discretionary powers when it comes to the **appointment and removal of members of FIFA standing committees**. The principle as such sounds fine: it is not at all anomalous that the leading positions in standing committees, whose role is to advise and assist the Council in performing strategic policy-making, are in the hands of the FIFA Council.

25. Nevertheless, the main pillar of the reform initiated by the FIFA Independent Governance Committee (IGC), headed by Professor Mark Pieth, was to ensure the **independence of the bodies entrusted with key supervisory functions** and responsible to prevent, detect and sanction abuses and wrongdoings, i.e.: the Audit and Compliance Committee, the Ethics Committee in its two articulations (the Investigatory Chamber and the Adjudicatory Chamber) and the Governance Committee. True independence of their chairpersons was considered from the outset a necessary condition for these bodies to work properly.

26. In the current FIFA structure, there are four bodies which are qualified as independent: the Audit and Compliance committee (including the Compensation Sub-Committee) and the three judicial bodies, i.e. the Appeal, Disciplinary and Ethics Committees. A consequence is that the members of these bodies including their chairpersons and deputy chairpersons are not appointed by the Council: they are elected – and can be removed only – by the Congress and they cannot be members of other FIFA bodies.

27. Though it is listed as a standing committee, the “Governance Committee” is considered as (or at least assimilate to) an independent body. Thus, the chairperson, deputy chairperson and members of the Governance Committee are elected by the Congress upon the proposal of the Council, they may not belong to the Council and they must fulfil the independence criteria as defined in FIFA Governance Regulations.

28. All this sounds quite good, at least in theory. However independence cannot be merely formal; in addition to enshrine it in the Statutes, it should be substantially confirmed and uphold in practice. For this reason, a major change implemented following the proposals of the Independent Governance Committee was that true independence of the chairpersons (and deputies) of these bodies should be secured also through a transparent and independent process of identification and selection of suitable candidates.

29. Proposals for the first chairmanships of the two chambers of the Ethics Committee and of the Audit and Compliance Committee came from the Independent Governance Committee itself and the persons eventually appointed had the agreement of this committee; these were:

- Mr Domenico Scala, who was elected chairperson of the Audit and Compliance Committee (upon a proposal by the IGC) ;
- Mr Hans-Joachim Eckert, who was elected chairperson of the Adjudicatory Chamber of the Ethics Committee (upon a proposal by Professor Pieth, Chairperson of IGC);
- Mr Michael Garcia, who was elected chairperson of the Investigatory Chamber of the Ethics Committee (upon a proposal by Interpol).

¹⁴ Mr Villiger had played a key role over the past year as legal director, and has now been appointed as deputy secretary-general in charge of the new commercial/administrative sector.

30. Notwithstanding the formal recognition of “independence”, which remains in the Statutes, the concrete situation seems today quite different from the one that Professor Pieth’s Independent Governance Committee had wished.

31. Following the decision by the 66th FIFA Congress (meeting in Mexico City on 13 May 2016) to authorise the FIFA Council to appoint the office holders for the remaining vacant positions of the independent committees and the Governance Committee and to dismiss any office holder of those committees until the successive 67th FIFA Congress, Mr Scala immediately resigned from his functions. He considered that this decision was a clear threat to the independence of the concerned bodies, because such a power could be used by the Council to impede investigations by dismissing the responsible committee members or by keeping them acquiescent through the threat of a dismissal.

32. FIFA stated that Mr Scala has misinterpreted the purpose of the decision and explained that it had been taken to allow for the Council to appoint members on an interim basis to the vacant positions of the new committees so that they could fulfil their roles. This explanation is not entirely convincing however, because the problem was not mainly in the power to appoint, but in the power to dismiss. In this connection, at our meeting on 16 October 2017, Mr Infantino gave me an explanation, namely the need to be able to intervene quickly in the case of a committee member failing to meet his or her obligations. This is a valid reason for an exceptional and temporary power, but I wonder why the provision in question (which, it seems, was ultimately not used) was not worded in such a way as to make this clearer. Mr Scala was replaced by Mr Tomaž Vesel, an international audit expert, who has now been elected for a four-year term by the last FIFA Congress, which was held in Bahrain on 11-12 May 2017.

33. The Congress in Bahrain, upon the proposal of the Council,¹⁵ decided, to great surprise, not to renew the mandate of Mr Borbély (who had replaced Mr Garcia in the presidency of the Investigatory Chamber of the Commission of Ethics in December, 2014) and Mr Eckert and elected Ms Maria Claudia Rojas (former president of the Council of State in Colombia) and Mr Vassilios Skouris (a Greek judge, former president of the European Court of Justice) as chairpersons of the Investigatory Chamber and of the Adjudicatory Chamber of the Ethics Committee. Together with them, all the other but two members of the two Chambers were replaced.

34. Mr Luis Miguel Maduro, a former European Court of Justice Advocate General, who had been chairing the Governance Committee and the Review Committee (which is, amongst other functions, responsible for eligibility checks and independence reviews)¹⁶ since only eight months, was also replaced with his former deputy, Mr Mukul Mudgal (former Chief Justice of the Indian High Court).

35. With regard to Mr Borbély and Mr Eckert, I note that the action of these two chairpersons, also supported by Mr Scala’s action regarding checks on proper accounting for certain operations, led to heavy sanctions for 70 well-known official figures, including Mr Blatter and Mr Platini.

36. Mr Infantino believes that what really triggered the legal action and the sanctions in question was the action of the FBI and the American authorities. He is no doubt right in the sense that the possibility for FIFA’s Ethics Committee to use evidence acquired by the American investigators speeded up several proceedings and was probably a determining factor with regard to the merits of the cases. It is a fact that the Ethics Committee does not have the investigative powers of the national judicial authorities. Even though I am not sufficiently aware of all the facts to be able to express my views on other cases, it seems to me that the case involving Mr Blatter and Mr Platini has nothing to do with the FBI investigations.

37. Here, it is not my task to ascertain whether Mr Borbély and Mr Eckert could have done better. However, I consider that the results they obtained could never have been achieved without true independent action. This independence requires suitable regulatory standards, an organisational practice consistent with these standards (which is never acquired once and for ever) and also professional competence and proven integrity among the persons ultimately filling these positions. However, it also requires open, transparent and objective procedures for selecting candidates for these offices, and a limitation of the role of management boards in appointment and removal procedures, as well as other precautions such as limiting the length of

¹⁵ The official report says this was a “unanimous” proposal, and maybe formally it was; but some dissent was apparently there: Mr Reinhard Grindel, president of the German Football Association, reportedly stated that it was a decision of the FIFA president and there was no open decision. See: [UEFA duped over lack of transparency in process for picking new Ethics chiefs](#).

¹⁶ As an example, Mr Maduro led the tough refusal of clearance to the Russian Deputy Prime Minister, Mr Vitaly Mutko, to stand again for the FIFA Council.

terms of office and introducing the principle of partial renewal, in order to ensure the continuity of the work of these bodies.

38. The replacement of Mr Borbély and Mr Eckert raised lots of questions. Apart from the fact that the standard procedure would have required earliest information to them, while the intentions of the Council were announced to them just a couple of days before the Congress, the two former chairpersons publicly claimed that the decision not to renew their mandate was “politically motivated”, seriously hampered the pursuit of hundreds of pending investigations and meant the end of reform efforts at FIFA. FIFA replied that the new chairpersons, Ms Rojas and Mr Skouris, were recognised, high-profile experts in their respective fields and that their election was also to better reflect geographic and gender diversity within FIFA bodies. This explanation is the same as the one that was given to our committee by FIFA representatives at the hearing on 22 May 2017 and which was given to me by Ms Samoura during my first visit to FIFA on 29 May 2017, and by Mr Infantino during the visit on 16 October 2017.

39. I consider that, whatever the quality of the chairpersons in function and of their work, at some point in time it is wise to foresee their replacement. Indeed, in this respect our position was and is that a term limit must be set for key positions; I welcome that FIFA implemented this recommendation including for the chairpersons of the Ethics Committee.

40. However, I think the right course of action was neither to manoeuvre in shadow with virtually no notice to the interested persons nor to replace 13 members out of 15 of the Ethics Committee while the quality of the work delivered was considered outstanding. At their hearing before our committee, on 22 September 2017, Mr Borbély and Mr Eckert emphasised the impact their replacement has already clearly had on the continuation of the current investigations and procedures, stating that hardly any decisions have been taken by the Ethics Committee after their departures.

41. The qualities of the new chairpersons elected by the FIFA Congress do not really cast any doubt: Mr Skouris was President of the European Court of Justice for 12 years and Ms Rojas was President of the Council of State of her country, Colombia, and a judge at its Constitutional Court. I had the opportunity to meet them during my visit to FIFA on 16 October 2017 and gained an excellent impression. They are two professionals of the highest level and of the highest integrity.

42. However, while the profile of Mr Skouris and his professional experience are perfectly in line with the duties he has to perform, the work of President of the Investigatory Chamber of the Ethics Committee calls for experience in the field of criminal investigations, especially financial investigations, which Ms Rojas does not have. She does not really meet the profile of a “prosecutor”, as was clearly the case of her two predecessors, Mr Garcia and Mr Borbély. Also, her lack of knowledge of English and French is a major obstacle, as almost all documents are in one of these two languages. This is not merely a factor that risks slowing her down in her examination of case files, even if she demonstrates the necessary willingness to carry out her duties, but it also means – and this is much more problematic – that she is more dependent on the secretariat that assists her and that it is objectively difficult for her to enter into confidential contacts with witnesses or experts.

43. I was surprised to learn that no meeting had taken place between the former and new presidents. That is not too serious for cases before the Adjudicatory Chamber but is not very effective as far as the management of investigation files is concerned. Ms Rojas told the press that there were no ongoing investigations concerning Mr Infantino before learning about all of the files, including the more sensitive files that her predecessor, Mr Borbély, still had in his possession and had not been able to communicate to her.

44. According to the Guardian newspaper¹⁷ (information picked up by other media) Mr Infantino was the subject of two preliminary inquiries.

- one concerning a false statement about his campaign expenses for the FIFA presidency election (his statement reports 500 000 €, when in fact UEFA had given him a budget of around 1 million euros).
- the other responding to complaints stating that Mr Infantino and Ms Samoura tried to wrongfully influence the election of Mr Ahmad Ahmad (Madagascar) to the presidency of the African Football Confederation (CAF) by promising several African Federation leaders, during private exchanges, a quicker transfer of development funds to their respective countries if they voted for Mr Ahmad.

That does not mean that Mr Infantino was responsible but simply that Ms Rojas’s statement might not have been made in full knowledge of the facts.

¹⁷ See: [Gianni Infantino faced investigation by Fifa ethics committee for alleged malpractice](#) and [Fifa ethics committee was investigating Gianni Infantino over election expenses.](#)

45. Mr Maduro, on 14 September 2017, stated publicly before the Select Committee for Culture, Media and Sport of the House of Commons, United Kingdom parliament, that he had been ousted from his term of office as the chair of the FIFA Governance Committee after he refused to bow to pressure placed on him by Mr Infantino, by Ms Samoura (on behalf of the former) and by Mr Vesel, seeking to make the Governance Committee reverse its decision announcing that Mr Vitaly Mutko, Russia's deputy prime minister, was ineligible to sit on the FIFA Council. This interference was confirmed by Ms Navi Pillay, former judge at the International Criminal Court and former UN Commissioner for Human Rights, in a letter of resignation from the FIFA Governance Committee. Professor Joseph Weiler, former member of the Governance Committee, had placed a complaint against Mr Infantino and others responsible for attempting to block the enquiries against the football managers.

46. I asked Mr Borbély and Mr Eckert a direct question on the matter; they replied that, if interferences of this kind were proven, the provisions of the FIFA's code of ethics should, in their view, be applied. At this point, I would like to refer to the version of the facts that Mr Infantino gave me on 16 October 2017 concerning Mr Maduro's allegations: he confirmed that he had discussed the question of Mr Mutko's ineligibility with Mr Maduro and had voiced his doubts to him regarding the Governance Committee's approach since he did not believe that the ineligibility was covered by the provisions currently in force. Mr Infantino felt that it was his duty to let Mr Maduro know his opinion in that connection in view of the potential consequences for the organisation of the 2018 World Cup in Russia. He saw no undue interference (either by him or Ms Samoura) and considered that the case involved a normal institutional exchange of views, with due regard for each individual's competences and responsibilities. Moreover, once the Governance Committee's decision had been taken it had been implemented without any problem. I personally consider that it is not our role to take sides in a case in which nuances make all the difference. The body competent to rule on this case is FIFA's Ethics Committee, and I respect its role. However, I cannot resist suggesting that, in order to avoid any misunderstandings, the form of institutional dialogue with an independent supervisory body should be something other than an off-the-record discussion: it might have been preferable for Mr Infantino to have made an overt statement to the Governance Committee.

47. Finally, I note that in less than one year the four chairpersons of the FIFA key supervisory bodies were changed. I find this regrettable and I believe this is a bad signal. The way all this happened cannot be reasonably considered as a normal turnover of key positions and, regrettably, the general feeling is that FIFA Council and Mr Infantino in particular wished to get rid of persons who might have embarrassed them.

48. It is far from me to denigrate FIFA or to carry out "FIFA bashing" (as expressed by Mr Infantino). I will focus later on a number of very significant progresses made by FIFA. However, as far as checks and balances are concerned, the President and the Council made it clear that they are in command; those that are not with them are against them and must leave. The true independence of FIFA supervisory bodies does not seem to be secured. This is also the conclusion of all the experts external to FIFA who I met.

49. To remedy this situation, there are no ready-made solutions. Some formal safeguards like the introduction of a "staggered board" membership principle for bodies like the Ethics Committee could help; we have already asked for it and can renew our demand; but the main issue remains who proposes and select the members of the "independent" bodies" (and the independent members of other standing committees). If FIFA policy makers really accept that scrutiny of their action is led by independent persons – meaning persons on which they have no control whatsoever – they must also accept that they do not have such a prominent role in their choice and end of contracts. A system should be established where candidates are put forward (and proposed for renewal or not) from outside the FIFA system, building on the model of the first Independent Governance Committee. It would also be appropriate, I believe, that the Congress does not only have a "take or leave it" choice, but could elect the chairpersons and their deputies among short lists of candidates with comparable high quality profiles.

50. The effectiveness of many significant advances in FIFA governance reforms is highly dependent on an effective room for manoeuvre of the independent committees, including the Governance Committee, to work truly independently. If this independence, while proclaimed and formally safeguarded by many provisions, were tamed by the Council or president practice, any attempt to build up a new culture in FIFA governance would be doomed to fail.

51. I would like however to conclude this section with a positive note and to welcome the fact that the new FIFA Statutes establish **term limits** of no more than three terms of office of four years, i.e. 12 years, for:

- the FIFA President and Council members (Article 33.2 and 33.3 of the Statutes);
- all members of the FIFA judicial bodies (Article 52.5 and 52.6, of the Statutes);
- all members of the Audit and Compliance Committee (Article 51.3 and 51.4 of the Statutes).

2.2. Separation of powers and system of checks and balances at UEFA

52. Looking at the UEFA's statutory regulations, it does not appear that the UEFA fully complies with the principle of separation between the strategic function and the management function, as the latter is explicitly the responsibility of the Executive Committee which "*manages UEFA*". However, this must be viewed in context and analysed together with two other elements.

53. For one thing, UEFA has established "UEFA Events S.A.", a public limited liability company of which it has full ownership, to manage its commercial and event operations. The Executive Committee is therefore no longer responsible for managing UEFA's commercial events. The Statutes also explicitly entrust the management and leadership of the Administration to the General Secretary and Article 30 lists among the latter's duties the appointment and dismissal of Directors, after consultation with the President; appointment and dismissal of staff of the Administration; the submission of an annual business plan; the drawing up of an estimate for income and expenditure; and the approval of expenditure within the framework of the budget. It can therefore be considered that the strategic function and the management function are separated; and, indeed, in listing the Executive Committee's untransferable duties, the Statutes speak of the "*overall supervision of UEFA*", which is a strategic role rather than a management role.

54. As for the position of the President of UEFA, despite the importance and prestige of his institutional role and the genuine influence he can have on the decision-making process, his powers are clearly delineated and he is far from being an all-powerful figure who can decide on everything: the establishment of the Emergency Panel is in itself a sign of the determination to distribute strategic duties and this is reinforced by the stipulation that in carrying out his responsibilities, the President shall consult with the Executive Committee (final paragraph of Article 29 of the Statutes). The President is also responsible for ensuring that the decisions of the Congress and the Executive Committee are implemented "*by the Administration*", which confirms the latter's role. Generally speaking, therefore, the situation of the UEFA with regard to the balance of power does not seem to raise any issues.

55. I also note that, compared to the situation analysed by our Committee in the context of the report on "The reform of football governance", a major improvement has taken place. We had suggested to UEFA that it limit the duration of the terms of office of the President and the other senior officials elected, including the Executive Committee; UEFA has followed this recommendation.

56. Article 22.1 of the new UEFA Statutes states that "*No person may serve as President or member of the Executive Committee for more than three terms of office (whether consecutive or not). Any partial term of office shall count as one full term*". Article 22.2 keeps the already existing age limit: "*A person aged 70 or more shall not be eligible for election or re-election*".

57. Moreover, Article 21.3 stipulates that each member of the Executive Committee to be elected by the Congress, except for the President, "*shall hold active office in their association*". The idea is to promote closer links between the UEFA Executive Committee and the national associations, thus avoiding "political parachuting". Finally, it is henceforth stipulated (Article 22.1) that 50% of the Executive Committee shall be elected (or re-elected every two years), thereby applying the principle of gradual renewal of the terms of office of members of this body.

58. Concerning the other bodies, the requirement of independence – which is also upheld by detailed provisions intended to prevent conflicts of interests – is specifically underlined with regard to members of the organs for the administration of justice. In this respect, Article 32.1 of the Statutes stipulates that they "*(...) are independent and may not belong to any other organ or Committee of UEFA. They shall not take any measure nor exercise any influence in relation to a matter where any conflict of interests exists or is perceived to exist. They are bound exclusively by the UEFA Statutes, rules and regulations and the law.*"

59. These provisions are sound. I nevertheless have some observations and proposals for improvements to make:

- i. There does not seem to be any verification of eligibility and independence prior to appointment, or at least they are not codified. The introduction of specific statutory provisions in this respect should be considered.
- ii. Article 32.2 stipulates that "*Members of the Control, Ethics and Disciplinary Body and Appeals Body as well as the Ethics and Disciplinary Inspectors shall be elected by the Executive Committee (from candidates proposed by the Member Associations) for a term of four years. Members of the Club*

Financial Control Body shall be elected by the Executive Committee for a term of four years. The elected members of the UEFA's Organs for the Administration of Justice shall be presented to the Congress for ratification". This means that the UEFA Executive Committee plays a decisive role in the choice of members, which may be incompatible with their real independence, particularly given that their (four-year) term of office is indefinitely renewable.

Consequently, even though it should be noted that, in practice, it does not seem that there are any problems of interference in the functioning of judicial bodies, they should envisage changing their methods so that the president of the Control, Ethics and Disciplinary Body and the head Ethics and Disciplinary Inspector are chosen through transparent procedures, candidates are able to apply not only from member associations but also from other stakeholders and that the persons concerned are elected (and possibly dismissed) by the Congress based on a preselected list (of at least three members) and a list of suggestions justified by the Executive Committee.

- iii. There should be term limits for the members' terms of office and these terms of office should begin and end at different points in time to ensure that they do not all expire at the same time and thereby ensure the continuity of the work. Rules applicable to the members of the Executive Committee could be a model.

3. Football governance and human rights

3.1 Implementation of PACE recommendations concerning the inclusion of human rights within the FIFA governance system

60. The PACE Resolution 2053 (2015) on "The reform of football governance" called FIFA to request the authority of Qatar to take all necessary measures to secure respect for the fundamental rights of all foreign migrant workers employed in their country and to co-operate with the International Labour Organization (ILO) in verifying the effective observance of these rights by both public and private enterprises operating in Qatar. I am pleased to notice the concrete initiatives taken by FIFA in this respect and sincerely commend them. In particular, I would like to highlight the establishment of monitoring systems on working conditions in Russia and in Qatar, respectively for the 2018 and the 2022 FIFA Worlds Cups™.

61. The first report of the Advisory board of the human rights of FIFA (see below para. 65) indicates that, according to FIFA and the International Workers of Building and Wood (BWI), the system of control carried improvements. Nevertheless, the Advisory board notes that there is no public data available on the global efficiency of the system and that there is no consensus on the question whether the system duly handles the causes at the origin of the accidents.

62. In Qatar, FIFA have engaged with the International Labour Organization (ILO), Amnesty International, Human Rights Watch, the BWI and the Qatari authorities, to improve the working conditions at construction sites. Workers' welfare standards (WWS) based on international standards are now an integral part of the tendering process and are contractually binding for all companies working on FIFA World Cup construction sites. The implementation of the standards is monitored by a four-tier monitoring system, including self-assessments by the contractors, audits by the Supreme Committee, audits by an independent third-party, the British company Impactt Ltd., and audits by the Qatari Ministry of Labour. In April 2017, Impactt Ltd. published its first public report; significant improvements have been acknowledged in the concerned construction sites and these show that the mechanisms established are achieving concrete results. However, the situation in Qatar still raises serious concerns. Human Rights Watch, in a communicate published on its website,¹⁸ stress the need for urgent measures to enhance the situation of all building workers and not only those employed in the World Cup construction sites.

63. In its Resolution 2053 (2015), the Assembly also asked all international sports organisations, and namely FIFA and UEFA to:

- *"ensure that any country bidding for the organisation of major sports events undertakes, in all activities linked to the organisation and conduct of the event, to abide by international standards in respect of fundamental rights, including the standards of the ILO,"* and to
- *"strengthen co-operation with the relevant intergovernmental organisations to promote human rights through sport and foster their effective protection, in particular through their development programmes".*

¹⁸ See: [Qatar: Take Urgent Action to Protect Construction Workers.](#)

FIFA and human rights

64. I am pleased to notice that steps adopted by FIFA go beyond our demands and may really be a model for other international organisations. The document AS/Cult/Inf (2017) 15 and the tables therein include a presentation of concrete actions FIFA undertook to integrate the consideration of the human rights in its governance system. I would also refer to two key documents which FIFA delivered in May 2017 concerning its human rights policy and its implementation.¹⁹ Here, I will just highlight a few particularly significant elements.

65. FIFA's commitment towards the promotion of human rights is enshrined in the new article 3 of its Statutes: "*FIFA is committed to respecting all internationally recognised human rights and shall strive to promote the protection of these rights.*" FIFA set up an independent Human Rights Advisory Board, which should provide FIFA with advice on its efforts to implement article 3 of the Statutes.²⁰ This is promising and we could explore the possibility to collaborate with this Board on issues such as the protection of minors or the fight against racism and discrimination.

66. In May 2017, the FIFA Council decided to integrate human rights requirements in the bidding process for the 2026 FIFA World Cup™. The new guide to the bidding process has now been published. The template "*Bidding Registration*" appended to the "*FIFA Regulations for the selection of the venue for the final competition of the 2026 FIFA World Cup™*" provides (in Article 8.2) that "*The Member Association(s) shall respect International Recognised Human Rights, including workers' rights, in respect of all its/their activities relating to the Bidding Process in accordance with the UN Guiding Principles [on Business and Human Rights] (...)*". Bidders and the selected host country or countries will be required to make a public commitment to respect internationally recognised human rights in line with the UN Guiding Principles in all aspects of their activities relating to the hosting and staging of the competition and to provide a human rights strategy and concept, including a detailed risk assessment and strategy to address potential adverse human rights impacts. An initial assessment and strategy proposal will have to be provided by the bidders as part of the bidding process. Human rights criteria and the information provided by the bidders will then be an integral part of the bid evaluation by the FIFA administration.

67. In addition, FIFA has started to integrate human rights considerations into the bidding requirements for its other tournaments. Similarly, in the framework of its commercial relationships, FIFA includes human rights considerations in its procurement process in a systematic manner.

68. The first objective listed in article 2 of FIFA Statutes is "*to improve the game of football constantly and promote it globally in the light of its unifying, educational, cultural and humanitarian values, particularly through youth and development programmes*". In line with this objective, FIFA plans to invest 4 billion USD over the next decade in football (including women football) development through FIFA's 211 member associations under a new "FIFA Forward Programme" and additional funding initiatives. I would like to stress that FIFA has now included human rights-related considerations in the regulations of the new Forward Programme. Moreover, through the Football for Hope programme, FIFA supports a wide range of NGOs that tackle social issues in their communities through football and contribute to the protection and promotion of human rights.

UEFA and human rights

69. I also welcome the genuine effort of UEFA to promote human rights, of which the document AS/Cult/Inf (2017)16 gives an overview. I will include here only some noticeable example.

70. UEFA has made it a requirement for all candidate countries to host major sporting events to comply with international standards in the area of fundamental rights in all activities connected with the organisation of the event and its functioning. With regards to the organisation of the Euro, according to section 3.3 of the "EURO 2024 Tournament Requirements: "*The Bidders have the obligation to respect, protect and fulfil human rights and fundamental freedoms, with a duty to respect human, labour and child rights during the Bidding Procedure and, if appointed, until the end of the dismantling of UEFA EURO 2024. (...) In order to respect at best human rights, the Bidders should aim at: culturally embedding human rights; proactively addressing human rights risks; engaging with relevant stakeholders and implementing means of reporting and accountability.*" Furthermore, the "Staging Agreement" affirms the duty for the host association to support and guarantee the respect of internationally proclaimed human rights, and in particular the rights of the child, and to ensure that it is not complicit in human rights abuses.

¹⁹ [FIFA's Human Rights Policy](#); [FIFA Activity Update on Human Rights](#).

²⁰ The Advisory Board held its first meeting on 13-14 March 2017; see the [media release](#)).

71. As part of its social responsibility programme, UEFA supports activities which address social issues through football and has set up partnerships with organisations which help to promote human rights through their work, as the Football against Racism in Europe (FARE) network. UEFA also disseminates its message of zero tolerance for racism and discrimination and increased respect for diversity through its big competitions, namely the Champions League, the Europa League and the Euro. The *#EqualGame* initiative, launched in August 2017 in the context of the Respect Campaign, should be welcomed.

72. Combating racism, intolerance and discrimination is a key focus of the work of the Council of Europe and our Assembly, so I would like us to be able to consider, together with UEFA, ways of co-operating in this area. I hope that the co-operation agreement between UEFA and the Council currently under discussion could also provide an appropriate framework for closer collaboration between UEFA and the Parliamentary Assembly.

73. I will also mention UEFA's support for projects targeting children and other activities intended to foster peace and reconciliation through football, access to football for persons with disabilities and the social integration and rehabilitation of the homeless. The sums earmarked for these kinds of "social responsibility" activities are somewhat limited compared to the organisation's overall budget. The financial report for 2015-2016 gives a total of €4.8 million. I believe it would be possible to make an extra effort to support these activities.

74. However, it should be noted that UEFA's social responsibility funding also comprises awareness-raising activities, such as the "Equal Game" TV advert, banners at football pitches ("Respect", "No to Racism", "EqualGame", "UEFA Foundation"), and the use for educational purposes of advertising space (billboards and 30-second TV adverts broadcast during half-time) the market value of which would amount to roughly €290-340 million over four years.

3.2. Promotion of gender equality: women in football and women's' football development

75. The role of women in the world of football is a subject to which I attach considerable importance, as football can become a driving-force for gender equality policies and a powerful factor for changing attitudes, which is also necessary in Europe.

76. In its report on "The reform of football governance", our committee called on UEFA and FIFA to encourage female candidates to apply for key positions and seek to ensure a knock-on effect on the national associations' gender-equality policies (and on those of the football federations too where FIFA is concerned). Here, too, I welcome the efforts being made by the two organisations.

FIFA and the promotion of gender equality

77. Internally, FIFA new Statutes include provisions which target directly the gender equality issue. Remarkably, Article 2.f set as a new objective: "*to promote the development of women's football and the full participation of women at all levels of football governance*". Article 4 of the Statutes prohibits discrimination of any kind on account of gender (among others) punishing such a discrimination by suspension or expulsion.

78. A very concrete issue identified by our committee is a weak female representation within the main FIFA bodies, which reflects a male domination within the structures of confederations as well as of national associations. In this respect, FIFA Statutes require that each confederation must ensure that they elect at least one female member to the Council (Article 33.5). If a confederation does not elect a female candidate, the seat will remain vacant until the next election of members of the Council.²¹ The Council is responsible for ensuring adequate female representation within the standing committees (Article 39.4 of the Statutes) and, when proposing chairpersons, deputy chairpersons and other members of judicial bodies to the Congress, the Council shall take into account appropriate female representation (Article 52.2 of the Statutes).

79. The document "FIFA 2.0: the Vision for the Future" set the goal of doubling to 60 million the number of female football players worldwide by 2026 through the development and execution of a strategy to bring women's football to the mainstream. A targeted leadership programme²² is designed to identify, support and develop strong female leaders in football, while advocating for women's access to senior decision making positions globally. Within FIFA structures a dedicated Women's Football Division has been established to build and execute a development and commercial strategy for the women's game.

²¹ In the former Executive Committee there was only one reserved seat for a female member.

²² [FIFA Female Leadership Development Programme](#).

UEFA and the promotion of gender equality

80. UEFA Statutes do not contain a principle provision setting the objective to promote women's football and gender equality. Gender equality is, however, one of the stated priorities of UEFA's new President and his team.

81. I would like to insist on the need to ensure a more gender balanced representation on UEFA's various collective bodies. Article 19 of the Statutes provides that at least one member of the Executive Committee and at least one of the European members of the FIFA Council (all of whom are elected by UEFA) must be a woman. At present there is only one woman on the Executive Committee and one woman who has been appointed as a member of the FIFA Council. This does not amount to a balanced representation. I do not have any information on the actual membership of other UEFA committees but of the 19, only two are chaired by a woman; I feel that this could be improved.

82. UEFA must also continue to promote a change of culture in all of Europe's national football associations. In this connection, it should be pointed out that UEFA has launched a specific long-term programme to promote women to leadership jobs in European football called the "Women in Football Leadership Programme". The aim of this programme is to identify women with the potential to take on management functions and help them to develop their skills, enabling them to get closer to occupying leadership positions. In addition, women who are already in positions of responsibility will be offered more support in their tasks.

83. UEFA sees the development of women's football as a strategic factor in the development of football as a whole and aims to promote it as a stimulus to social progress. A new activity, the Together #WePlayStrong campaign, which is aimed primarily at girls between 13 and 17, is intended to change perceptions of women's football and encourage girls to take up this sport so that football becomes the number one women's sport in Europe by 2020.

84. At national level, UEFA's strategy is based on the implementation of local participation programmes by all 55 member federations (which UEFA will support in their efforts) and aims to reach out to girls and offer them adapted content through the new media channels, as they do not consult the media that is normally used to promote men's football. UEFA will also co-operate with a network of sponsorship partners to reach an even wider target audience.

85. UEFA's initiatives should be welcomed; but the exponential growth of UEFA's budget should make it possible for it to use a higher percentage of its resources to promote women's football, particularly in countries where the associations are not so wealthy.

3.3. Protection of minors

86. The question of the protection of minors mainly arises in connection with international transfers, which, apart from the risk of child trafficking, cause young players to be uprooted from their country and culture of origin. However, this question also arises regarding the uncertain fate of these young expatriate players – and more generally all young players with broken dreams – when they fail to meet their clubs' expectations, because they do not all turn out like Lionel Messi.

87. Following an agreement signed by the European Commission (now the EU), FIFA and UEFA on revising the system of international football transfers,²³ which also concerned the question of the protection of young players, FIFA changed its regulations on player transfers and strengthened the protection of minors with amendments made in 2005 and 2009.

88. In particular, Article 19 of FIFA's *Regulations on the Status and Transfer of Players* states that, in principle, "(i)nternational transfers of players are only permitted if the player is over the age of 18". They do, however, provide for exceptions in the following four cases:

- The minor's parents move to the country in which the new club is located for reasons not linked to football.
- Minors involved in transfrontier arrangements: the new club is a member of a neighbouring association located no more than 50km from the border and the player's domicile is no further than 50km from the

²³ Agreement between the Commission and FIFA/UEFA on the rules relating to international football transfers (Brussels, 5 March 2001, IP/01/314).

national border and 100km from the new club. The associations concerned must give their explicit consent.

- Transfers within the EU or the European Economic Area (EEA) of players aged between 16 and 18. In this case, the new club must fulfil a number of obligations that, in essence, relate to a plan to provide sports training, education (school, academic) and/or vocational training and the supervision of the minor.²⁴ The club must provide its association with proof that it is in a position to comply with these obligations.
- The player has lived continuously for at least five years in the country in which the first registration is applied for and before the application is made.

89. Subject to compliance with certain strict conditions, an exception can be made to allow international transfers of players who are refugees or exchange students.

90. The provisions of Article 19 also apply to the first registration of a minor who does not possess the nationality of the country in which the application for registration is made. Each international transfer and each first registration of a minor “is subject to the approval of the subcommittee appointed by the Players’ Status Committee for that purpose” (Article 19.4). Annexe 2 to the *Regulations on the Status and Transfer of Players* describes the procedure governing applications to the subcommittee.

91. Article 19 bis of the same Regulations has introduced provisions to guarantee that all academies or training centres – with or without links to the club – inform the national association concerned about all minors who participate in their activities. Each national association must keep a register comprising the names and dates of birth of the minors who have been reported to it by the clubs or academies. Paragraph 6 of this Article provides that “Article 19 shall also apply to the reporting of all minor players who are not nationals of the country in which they wish to be reported”.

92. Article 7.8 of the *Regulations on Working with Intermediaries* strengthens the protection of minors by prohibiting players and clubs from making any payment to an intermediary whose services are requested by a minor: “Players and/or clubs that engage the services of an intermediary when negotiating an employment contract and/or a transfer agreement are prohibited from making any payments to such intermediary if the player concerned is a minor (...)”.

93. In 2015, FIFA’s Executive Committee decided to reduce from 12 to 10 years the age limit from which an international transfer certificate, which is obtained by making an application via the TMS (see below, is compulsory. This decision was taken to strengthen the protection of minors in view of the increase in the number of international transfers involving players under 12 years of age.

94. FIFA supervises international transfers through its Transfer Matching System (TMS), which is an online tool set up to encourage and maintain the transparency of the international transfer market. Since 2009, the use of the TMS has been compulsory for all applications for the international transfer of a minor or for the first registration of a minor in a country other than his/her own. A FIFA-owned company, FIFA TMS GmbH, investigates potential breaches of the FIFA regulations and brings certain cases before the FIFA Disciplinary Committee. For example, in April 2014 the latter sanctioned the *Real Federación Española de Fútbol* (RFEF) and the Spanish club FC Barcelona for breaches relating to the international transfer and registration of players under the age of 18.

95. For the FIFA Disciplinary Committee, the protection of minors in the context of international transfers is an important social and legal matter that concerns everyone involved in football, and protecting the healthy and appropriate holistic development of a minor must take priority over purely sporting interests.

96. It is precisely in order to place the interests of the minors first that consideration should be given to how to continue to improve the system of protection. At the moment, it appears to me to be more important to ensure compliance with existing standards and complement them with national measures aimed in particular at taking in and supporting minors than introducing new global standards. In this regard, I believe that clubs, national associations and confederations have a direct responsibility according to their respective functions.

²⁴ In particular, the club is required to:

- provide the player with education and/or football training that meets the highest national standard;
- guarantee the player academic, school and/or vocational education and/or training that enables him/her to exercise another profession if he/she ceases playing professional football;
- do everything to provide the player with optimum supervision (accommodation with a host family or at the club’s reception centre, provision of a club tutor, etc.).

4. Football governance and ethics: business or values?

97. Without money, sport could not develop and fulfil its social function, so it is to be welcomed that the football business is flourishing. Nonetheless, too much money will sound the death knell for sport and football seems to me most at risk in this regard.

98. At the hearing held by our committee on 22 May 2017, we discussed several questions, some interconnected, including:

- the transparency of financial flows (for example, amounts paid in connection with development programmes) and monitoring their use;
- player ownership, a question that is linked to transfers and which, notwithstanding the new standards adopted by FIFA, does not seem to have been resolved in practice. In this connection, the FIFA President, Mr Infantino, declared to the Extraordinary UEFA Congress in Geneva on 20 September 2017 that it was everyone's responsibility to tackle the transfer system – which he described as a “rat race” – in order to deal with the escalation of spending in the game and make the system more transparent;
- financial fair-play is another issue linked to transfers, which is once again becoming topical after the new records set by the transfer market in the summer of 2017 (nearly 65,000 transactions worldwide, with total expenditure amounting to nearly 5 billion euros) and the astronomical prices paid for the transfers of three players: Neymar (who moved from Barcelona to Paris Saint-Germain for 222 million euros) Kylian Mbappé (from Monaco to Paris Saint-Germain for 180 million euros) and Ousmane Dembélé (from Dortmund to Barcelona for 150 million euros);
- the growing gaps between the level of the various leagues and (above all) between big and small clubs;
- solidarity between professional and amateur football;
- agents and intermediaries, i.e. the question of whether they should be subject to a specific status to ensure better professional supervision (including with regard to the level of their remuneration and their responsibilities).

99. Another matter to which the partners of FIFPro attach considerable importance is the status of players and protection of their rights. Not all players are millionaires: quite the contrary, many of them have to cope with significant financial insecurity, well away from the spotlight and unnoticed by the media and the general public. Moreover, two thorny issues should not be overlooked: match-fixing and doping. We have discussed them in two separate reports but a great deal still needs to be done and we should consider examining them further.

100. I will add three other sensitive issues:

- The first one concerns the role that clubs, national associations and UEFA can and should play to combat – alongside the government authorities – the phenomenon of tax evasion in the world of football, which the “Panama papers” and the book “Football Leaks” brought to light.
- The second concerns agreements between sports organisations – including FIFA and UEFA – and states that host major sporting events. These agreements incorporate clauses that constitute exceptions to the common legislation, especially, but not only, by providing for tax exemptions. In its report on the organisation of Euro 2016, the French Court of Auditors was very critical and spoke of “agreements derogating from national legislation”.²⁵
- Finally, a key cross-cutting issue is the interconnections between sport, politics, the economy and the media. A lack of knowledge or poor understanding of the mutual influences between these four dimensions is an obstacle to an effective search for solutions.

101. It is not possible to analyse these questions in the context of this report but they are extremely important, so I intend to table a motion for a resolution without delay to enable our committee to continue its work in collaboration with FIFA, UEFA, the EPFL, the ECA and FIFPro. In this respect, I have included in the draft resolution a call to FIFA and UEFA to take the initiative to set up a working table to discuss these and possibly other matters. I hope the Assembly could be involved in this.

²⁵ The report on public subsidies for Euro 2016 in France (“Les soutiens publics à l’Euro 2016 en France”) and a summary of the report are available (in French) at <https://www.ccomptes.fr/fr/publications/les-soutiens-publics-leuro-2016-en-france>.

5. Conclusions

102. There is far more to football than scoring goals and winning matches and titles. Sport in general, and football in particular, as the most popular and universal sport, must be based on values such as fair play, respect and tolerance. To convey these values to players and fans, the leading bodies at the local, national and international levels need to set a good example and display irreproachable behaviour, which, unfortunately, is far from being the case.

103. Manipulation, unlawful influence, corruption, money laundering, etc. are taking place. Geopolitical considerations frequently influence decision-making. Despite the commendable efforts made to update procedures, they are often never applied in practice, which seriously threatens the independence of the monitoring bodies, albeit essential to good governance.

104. Football does not belong to an owner, it belongs to everyone. With this in mind, public authorities cannot avoid taking responsibility for ending negative behaviour in the interests of football. Football cannot be a lawless zone. It is necessary to end the tendency to conceal, ignore, play down and trivialise over-indulgence and excess. All those concerned, namely the public authorities, the world of football, the sponsors and the press need to co-operate in bringing about a change of culture so as to overcome resistance and prevent football from self-destructing.

5.1. *The influence of politics in sports and the independence of supervisory bodies*

105. A first necessary step is to avoid undue political influence on decisions by sports organisations. The issue of the relationship between politics and sport should be taken up again and considered in depth in a future report. Nonetheless, I believe it is necessary to emphasise already in this report the need to include in the FIFA and UEFA statutes an explicit rule prohibiting a member of a government from involvement in their decision-making bodies. The same situation exists or may exist in other organisations, including the IOC. The statutes of international sports organisations should provide that no government (indeed, no individual with responsibility within a government body) may sit on their decision-making bodies.

106. A second matter I consider crucial for giving lasting support to the good governance of sports organisations is the independence of supervisory bodies. For the sake of ensuring autonomy, sport should regulate and supervise itself while complying with the law, but the truth is that some federations are not capable of regulating themselves. The presence within these organisations of independent supervisory bodies may be a solution, but only if this independence is genuine.

107. In order to avoid misunderstandings, I wish to make it clear that it is not a question of checking whether the rules of the game are appropriate. In my opinion, this should remain within the scope of sports autonomy. However, I ask whether it is acceptable that the heads of the major sports organisations are free to decide the salary levels, allowances and the economic benefits they grant themselves, to distribute money generated by sport without any effective checks on its use and also to appoint those they want to strategic positions, including the heads of bodies subsequently responsible for supervising them.

108. The nub of the problem is, it seems to me, knowing who proposes and chooses the members of "independent" bodies. It goes without saying that if the body is to be "independent" its members must be independent individuals, that is to say people over whom sports organisation decision-makers have no control whatsoever. Consequently, executive boards cannot play such an important role in their appointment and dismissal.

109. The question of independent scrutiny is a sensitive matter that affects the entire world of sport; thus it is also dealt with in the context of the report by our colleague Mr Mogens Jensen "Working towards a framework for modern sports governance". I suggest that the Assembly asks the authorities of the European Union set up an independent international agency in order to introduce mechanisms to monitor aspects of the governance of football organisations and other sports bodies by placing the emphasis on, amongst other things, ethics and the integrity of elections. This will not confer on that agency the power to govern the sport but to ensure that the principles of good governance are being implemented in practice.

5.2. *Football and human rights, protection of minors and gender equality*

110. FIFA and UEFA have made progress in this area and this should be welcomed. If they are duly implemented, the measures that these two organisations have adopted are such as to put them in the forefront with regard to taking account of the "human rights" dimension in all the sporting and commercial activities of an international sports organisation. It is now necessary to ensure the

implementation of these new measures and, in particular, to introduce effective oversight of compliance with the obligations that countries applying to hold major football competitions will be required to undertake.

111. It is essential to ensure the protection of the human rights of not only with regard to those working on building the World Cup infrastructures or contributing in some other way to the organisation of the event but also the rights of all citizens of an applicant country. Therefore, I propose asking FIFA to encourage the Qatari authorities to ensure that worker welfare standards apply to all construction workers and not only to those employed in building the World Cup stadiums.

112. I propose to ask FIFA and UEFA to:

- insist with the governments of the host country on the necessity of protecting the fundamental civil and political rights, and in particular the freedom of expression – including the freedom of the media – and the freedom of peaceful meeting, and not only in connection with their competitions but beyond;
- assure that all the cases of serious breaches in human rights, including the rights of the workers, by private companies involved in the organisation of their competitions, to begin with those who build stadiums and infrastructures, are made public and that effective penalties are applied when the measures of follow-up recommended by supervisory bodies are not implemented; the governments of host countries have to accept this responsibility.

113. Despite the attention paid by FIFA to the question of transfers of underage players and the rules and procedures that exist in this connection, there is a risk of the football dream turning into a nightmare for teenagers, or indeed children. For this reason, I propose that FIFA and UEFA could consider together with the Group of Experts on Action against Trafficking in Human Beings (GRETA) mechanisms and measures required to put a stop to the chain of “forced transfers” of players, which falls within the definition of human trafficking.

114. It is necessary both to ensure compliance with existing standards to prevent any trading in children and to complement them with national measures aimed in particular at the reception of and support for underage players. This is not only a responsibility for FIFA, but also a direct responsibility of the clubs, the national associations and the confederations, according to their respective remits.

115. In this connection, FIFA and UEFA could consider in liaison with the other stakeholders on different measures, such as:

- drawing up a “charter” that would be applicable at confederation level, with the goal of promoting good practices aimed at preventing any physical or mental ill-treatment of a young sportsman/woman. This could become a model for other confederations, and indeed other sports;
- reinforcing the mechanisms for monitoring compliance with the declaration (and reporting) requirement of Article 19bis of the *Regulations on the Status and Transfer of Players*, with particular attention paid to foreign minors;
- extending to other cases and non-EU countries (at least in the context of UEFA) the obligation to combine sport with schooling/vocational training, which Article 19 of the above-mentioned regulations only formally provides for in the case of transfers of players aged 16 to 18 within the EU/EEA;
- Even in the absence of a formal obligation at global level, promote the adoption by all the national associations of measures which should draw inspiration from the “Ten recommendations for looking after a foreign minor in a French club” issued by the French Union of Professional Football Clubs (UCPF).²⁶

²⁶ In 2009, the French League 1 and 2 professional clubs adopted, under the auspices of the Union of Professional Football Clubs (UCPF), 10 recommendations for looking after a foreign minor in a French club. The precise aim of these recommendations is to propose the best practices in order to secure the travel, reception, stay, and return of young foreigners on a training placement in France. These practices are in particular:

1. Admitting the young person to an introductory training course on the basis of predetermined criteria and finding out about his/her sporting record.
2. Ensuring the reliability of his/her intermediaries/people accompanying him/her.
3. Sending a letter of invitation to the French consulate in the country of origin and, where possible, the club of origin.
4. Obtaining an agreement and a parental discharge.
5. Asking for a photocopy of the passport and visa.
6. Checking the return air tickets.
7. Taking out public liability and physical injury insurance.
8. Organising a medical examination by the club doctor.
9. Paying the player’s accommodation costs and expenses during his or her stay at the club.

116. I would also propose that support programmes – such as the Forward Programme – be designed in a way that they could uphold not only football development per se, but also the human development of players, thus helping them to improve their competences and skills for life while enhancing their capacity as athletes. In particular I would like to encourage efforts towards the education and professional training of players. It is important that young footballers receive not only sports training but additionally an education and a professional training to allow them to reintegrate into the world of work at the end of their football career.

117. In this respect, I believe that the players' clubs should assume the main responsibility and more detailed rules on this subject could be adopted by the national associations; however, FIFA at global level and UEFA at European level could play a role of promotion and minimum standard-setting working together with FIFPro and the ECA. FIFA and UEFA could initiate a process of reflexion into this matter.

118. In addition, UEFA should set as an objective a progressive increase of the amounts earmarked to education projects implemented at national level. In this respect, the UEFA solidarity programmes can be considered.²⁷ UEFA could earmark higher percentages for the promotion of:

- Youth football in general;
- Women's football in particular (currently annual incentive payments under the UEFA Women's Development Programme are capped at €100 000 per association, out of a maximum total of €1 025 000);
- Good governance of national associations (currently annual incentive payments under the UEFA Good Governance Programme are capped at €100 000 per association, out of a maximum total of €1 025 000);
- The leadership programme for women at national level (for which no incentive payment seems to be provided).

119. Moreover, as a result of the significant increase in the receipts from the two interclub competitions (€2 160 million net after deduction of the direct costs of organising these competitions) UEFA has been in a position to earmark € 198.7 million specifically for "European football", which includes, among others, financing of football development and education activities. It emerges from the financial report that the "contribution to European football" amounts to 8.2% of the receipts from interclub competitions. UEFA could consider raising this contribution to 10% and allocating the increase to supporting education projects launched at the national level.

120. Concerning the promotion of gender equality within sports institutions, I would like to call for further efforts to correct the significant imbalances between women and men in football. Even though this is clearly a general problem, I believe football can and should act as a role model in this area, as should Europe in the world of football.

121. I am not in favour of women's quotas as I believe that this sometimes gives the impression of overlooking the professional skills and attributes which women already possess and they give evidence of when they are given the opportunity to enter positions of responsibility. However, it should be possible to contribute to a change in culture and, where feasible, there should be an acceleration in the process of bridging the gap in this field of football leadership, which has traditionally been monopolised by men.

122. I would therefore like to reiterate one of the proposals which our Committee made in its previous report and ask FIFA and UEFA to promote the adoption of statutory rules by all national sports federations in order to ensure that their executive boards and standing committees contain a number of women at least proportional to the number of women members registered, with a minimum number of places reserved for women in all cases. The effectiveness of such an approach depends on a process involving the development of women's football. Accordingly, FIFA and UEFA should use a higher percentage of their resources to promote women's football, especially in countries whose associations are less well-off. In the European framework, it would be interesting to study, in this connection, forms of co-operation between UEFA and the national associations.

¹⁰ Arranging to have the player picked up from and driven to the airport.

²⁷ These programmes and in particular *Hat Trick*, are financed from two different sources of net receipts: EURO and UEFA merchandise and the merchandise of UEFA's main interclub competitions, namely the Champions League and the Europa League. The 2015-2016 financial report lists solidarity payments totalling over € 312.3 million.

5.3. Working together for better football governance

123. Last but not least: to be more effective football institutions should work together and we should work with them. In this respect, I have formulated three proposals, namely that our Assembly:

- should invite FIFA and UEFA to take the initiative to set up a Working Table to discuss these and other matters expressing its readiness to participate and calling for the EU Commission to be involved;
- calls on the authorities of the European Union to set up an independent international agency in order to introduce mechanisms to monitor aspects of the governance of football organisations and other sports bodies by placing the emphasis on, amongst other things, ethics and the integrity of elections. This will not confer on that agency the power to govern the sport but to ensure that the principles of good governance are being implemented in practice.
- asks the public authorities to work with the international sports bodies, especially FIFA and UEFA, to ensure that the law is also applied with regard to financial and taxation matters.

6. Acknowledgements

124. I would like to thank all those with whom I spoke who helped me to better understand the functioning and dysfunctioning of football bodies: top managers from FIFA, UEFA, EPFL, ECA and FIFPro, in addition to many independent experts and journalists who offered their time.

125. I would like to end on the words of Rafael Buschmann – who is, among other things, a journalist for the German magazine *Der Spiegel* – that clearly illustrate the perception of football: “football is an emotional rollercoaster, which is sometimes difficult to understand. We forgive, hate and forgive again, quicker than in everyday life. One victory, one defeat, one goal can change everything.”