Promoting Ethics and Integrity in Sport: the Romanian Experience in Whistleblowing

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Abstract: The issue of ethics and integrity in sport is a particularly recent one, as a result of the growing number of approaches from the perspective of collaboration between people who identify violations of the rules of organization or of the way in which sports activities are conducted, and the institutions empowered to prevent such phenomena. If at international level a series of coherent and consistent measures have been agreed to prevent and sanction such violations in sport, at national level there are still many stages to undergo and measures to be implemented.

Romania is one of the first European countries to adopt legislation on the protection of whistleblowers in public institutions (2004). However, given the defamatory influence from the communist era, the enforcement of the law has not produced results at the expected level, so few are now reporting corruption situations or irregularities within different organizations.

Starting from the general aspects of whistleblowing, the paper aims to analyze this phenomenon in the Romanian sport, which has some mechanisms for defending ethics and integrity. The analysis is carried out in the framework of the international provisions on whistleblowing and highlights the gap between these provisions and the legislation specific to sport in Romania, as well as the action guidelines that can be pursued in order to bring the Romanian sport in line with the legislative frame and good practices (legal and educational) at European and global level.

The paper reflects some concerns of the UNEFS specialists regarding the issue in question, as well as the creation and implementation of some measures and programs which would lead to clean practices in sport.

Keywords: sport, ethics, integrity, whistleblowing, education.

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1. Introduction

The issue of ethics and integrity in sport remains topical to the Science of Sport, as the phenomena of violation of these issues are coming more and more frequently in the attention of public opinion, decision-makers (such as the Romanian Olympic and Sport Committee), but also of the researchers. In relation to these, the whistleblowing action on the facts of corruption, in general, and in sport in particular, deals with legal, economic, social and educational specialists.

Whistleblowing is understood as "... the disclosure by organization members (former and current) of illegal, immoral, or illegitimate practices under the control of their employers, to persons or organizations that may be able to affect action." (Near & Miceli, 1985). Defined as a supportive action to maintain the sport clean, the warning regarding the ethics and integrity is approached from various perspectives, as a result of increased international efforts to reduce irregularities in this area.

In 2011, the Australian Institute for Sport published a report on the incidence of the main manifestations of violation of ethics and integrity that included: use of doping substances, violence against athletes, racist manifestations, disputable gender-related behaviours, institutional fraud, illegal betting and fake matches, methodological and managerial abuses (Near & Miceli, 1985). The list of irregularities was supplemented by the International Centre for Sport Security (ICSS) (headquartered in Qatar) with: discrimination, child and young people abuse, sexual harassment, irregularities in the conclusion of professional sportsmen's contracts (Treagus, Cover, & Beasley, 2011).

In the field of international sport, the most striking irregularities are those related to the consumption of prohibited substances and illegal bets (about 2-3 trillion US dollars annually, in various sports) (Cleret, McNamee, & Page, 2015). Although the International Centre for Sport Security and the United Nations Office on Drugs and Crime have drawn attention to these irregularities, most countries have not yet adopted more extensive legislation to regulate these situations. Starting in 2013, the two institutions have begun building an international platform to join government institutions, the sports movement, the sports betting industry, to act transnationally against these phenomena (Epstein, 2005). Although such an approach is still far from being able to achieve its objectives, institutions with specific attributions in the fight against organized crime (Interpol, Europol) have participated in numerous actions that have resulted in the exposure of criminal networks in sport.

In order to draw attention on the phenomena that may affect ethics and integrity in sporting activities, the Council of Europe, in turn, has made a number of statements and invited the Member States to undertake and implement them at national level. We are talking about the Anti-Doping Convention (ETS No.135, Strasbourg 16.11.1989), the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches (ETS No.120, Strasbourg, 19.08.1985) and the Convention on the Manipulation of Sports Competitions (Treaty No.215, Magglingen, 18.09.2014). While the first two conventions are signed by our country since 1994, the third one has not yet been assumed. Although Romania adopted *Law no. 227/2006 on the prevention and fight against doping in sports*, in our country there are no other explicit legal provisions that address directly other sporting irregularities.

In 2013, the *Berlin Declaration* of the European ministers responsible for Physical Education and Sports addressed the issue of integrity in sport and highlighted the need to defend the values of sport against fake matches, illegal betting, doping and corruption (MINEPS, 2013).

Along with these steps to report irregularities, some organizations have started programs to fight them. Among the first ones are FIFA and IOC, which run a series of educational awareness programs on out-of-law practices and have adopted internal rules on sanctioning athletes and officials involved in illegal actions.

Against such concerns, whistleblowing is becoming one of the main lines of action for the protection of ethics and integrity in sport, promoted by sports organizations.

2. Aim of the paper

Starting from the above-mentioned aspects, the paper aims to make a comparative analysis (institutional, legal and educational) of the issue of whistleblowing on actions of violation of ethics and integrity in sport, at international level, in relation to the situation in the Romanian sport. Such an approach provides the appropriate framework for formulating some conclusions on possible action lines whereby the Romanian sport can join the internationally expressed tendencies and requirements.

3. Whistleblowing in International Sport

3.1. Electronic platforms

Whistleblowing in sports is about the provision of information on corruption acts or other violations of sport ethics and integrity that occur in

public or private organizations and which harm the rules and regulations of sport, as well as sport shows and spectators. Signalling these irregularities aims to protect the participants, preserve the spirit of fair play of sporting competitions, ethics and integrity in sport, which also highlights the essential role of whistleblowers in sports, in the years to come.

On the other hand, such behaviour often exposes the integrity whistleblower to group critics or emotional and even physical abuse. Instead of being perceived as a defender of ethics and integrity in sports, that person is often perceived as a spy, squeaker or traitor. Starting from the general concept of witness protection, the issue of ensuring the anonymity of the integrity whistleblower was addressed so as not to expose that person to any risk. Consequently, organizations around the world (in the economic and educational field) promote whistleblowing with the observance of professional ethics and protection of those who identify rule breaches. To this end, they provide for whistleblowers platforms that enable safe manifestation of such behaviour.

One of the worst results of this practice is the one that has led to highlighting the doping cases of the Russian athletes. The statements of the two employees of the Russian Anti-Doping Agency, from 2008 to 2011, Iulia Stepanova and Vitaly Stepanov, on a sophisticated, state-run doping system, finally led to the suspension of Russian athletes from the Rio de Janeiro Olympics (2016). Later, the two whistleblowers said they were worried about their physical safety. In a similar manner, doctor Xue Yinxian, responsible for the preparation of many sports athletes in China during the 1970s and 1980s, noted that over 10000 athletes were involved in state-backed doping programs, and that the administration of doping substances to athletes was a proof of patriotism. After these statements, the doctor requested political asylum in Germany (Vanugard, 2017).

Based on such cases, the Independent Commission Report (2015) drew WADA's attention that *whistleblowers, therefore, are an important element in the fight against doping in sport* and therefore, *WADA needs to develop a whistleblower assistance and protection program to facilitate the encouraging of whistleblowers activities* (ICR, 2015). In 2016, the World Anti-Doping Agency (WADA) implemented the *Speak up Platform*, encouraging doping reporting, and assuring the identity protection of those involved in such actions, with the help of secure electronic platforms.(WADP)

Similar to the WADA model, in Australia, the Sport Anti-doping Authority implemented the whistleblowing system, through the Doping Report platform (WADA)

Starting with 2014, the International Olympic Committee (IOC) has been running the *Integrity and compliance hotline*, a reporting platform for cases of rigged matches, abuses and harassment, and any other violation of sport integrity. (IOC, 2014).

One of the first federations to adopt the whistleblowing system is the International Swimming Federation, which, through the *Clean sport tip line* platform, supports the reporting of doping cases and the rigging of competition results (Lewis et al., 2018).

In 2013, Football's world governing body - FIFA first launched an online whistleblowing portal. The main intention was to enable individuals to make anonymous reports of corruption by officials and attempts at match-fixing. On the other hand, UEFA encourages the exposure of rigged matches, as well as other violations of ethics and integrity in football, through the electronic platform *UEFA integrity - Protecting the Game (2014)*(UEFA). Using this model, the Portuguese Football Federation through *Integridade – Plataforma de denuncia de corrupcao*, encourages athletes, coaches, referees, and all those who have knowledge of corruption acts and want integrity in sport, to use this tool that ensures their anonymity (PFF).

3.2. Education programs for ethics and integrity in sport

In addition to the fact that the world of sports is encouraged to report violations of sports ethics and integrity, various organizations provide educational tools to whistleblowers meant to give the support they need for their involvement in the fight for clean sports. These efforts in sport must be supported, however, by basic education, essential for setting whistleblowers free from being stigmatised, and make understood as quickly as possible the social benefits of reporting irregularities, and the deterrent effects on those who are causing them.

As examples of good practice, we highlight the programs for anti-doping education and the anti-match-fixing education program, offered by the National Integrity of Sports Unit (Australia) which explains the significance, mechanisms, and psychological, social, and economic consequences of such violations of sports regulations, measures to protect whistleblowers, platforms that can be used, and other actions supporting such decisions (NISU).

Warning is known as an action and especially an effect, for reporting doping cases. In this context, however, there are several differences regarding the assumption of warning behaviour, depending on the sport branch. While athletes would notify the authorities if they had information about doping cases, rugby players would adopt a code of silence and would not report the case (Whitaker, Backhouse, & Long, 2014). Against this background, a

number of recommendations are formulated on the content of educational programs to be organized so that athletes, coaches and other people involved in the sporting phenomenon are best informed about the risks of consumption of doping substances, take responsibility on preventing this behaviour and engaging in whistleblowing. On the other hand, specialists stressed that the educational approach to doping should take into account the psychosocial characteristics of the target group, and that solutions should be adapted to them.

4. Sport Whistleblowing in Romania

4.1. Blowing the whistle in Romania

In the fight against corruption, Romania adopted Law no. 571/2004 on the protection of personnel from public authorities, public institutions and other units reporting violations of the law (also called the Whistleblowers Act). According to Article 2, the whistleblower is employed and reports irregularities in public institutions within the central or local public administration, as well as public institutions of culture, education, health and social assistance. The introduction of this law has been achieved as a result of Romania's commitment to fight the corruption, a fight backed by the public opinion and the EU. An important aspect to be highlighted is that Romanian legislation only refers to staff in public institutions and does not cover the private sector.

According to the Report prepared by International Transparency Romania (2012) (TIR, 2012), Romania's Whistleblower Protection Act, although providing the legal framework necessary to protect whistleblowers, is weak in terms of effectively implementing whistleblowing. The European Commission report on justice assesses and tackles local corruption, and the evaluation of the European experts shows that in 2008 only 15% of the 837 complaints solved by the Disciplinary Board were submitted by citizens. Only 9 of them were reported anonymously by people inside the institutions (whistleblowers) "because whistleblowers suffer if they report cases of corruption, although formally they are protected by law" (Blajan, 2009).

4.2. Whistleblowing in sport

The last few years have brought to the attention of the Romanian public opinion numerous cases of violation of sports ethics: consumption of prohibited substances, violence of coaches and/or parents against athletes, institutional frauds, rigged matches, methodological abuses.

Of course, the most common cases of violation of sports ethics are those related to the consumption of prohibited substances, but equally

publicized are those related to arranged matches and money laundering, acts with criminal consequences; people heard before of cases of sports managers condemned for corruption, sport management malpractices, procurement transparency and accountability issues, inappropriate sponsorship and funding.

Using the models already in place in the sporting world, the Romanian Football Federation is the first organization of this kind in Romania to set up an Integrity Department and to provide the football people with an electronic tool for reporting irregularities (Puiu & Barbu, 2015). Football remains one of the sports that sanctions ethics and integrity violations.

"Clean Football" is the first platform in Romania to allow safe and confidential reporting of any corruption or fixing matches attempts. Regardless of the status of the reporter (footballer, coach or referee), an (anonymous) report can be submitted via the platform, with the guarantee that neither identity nor personal data is disclosed. The report should be complete, with as many details as possible about the reported situation (the identity of the persons involved in the reported case, the teams involved, the credibility of the information, etc.)

Currently, as there are no statistics in this respect, one cannot say with certainty how many of the irregularities identified are consequences of whistleblowing actions on violation of sports ethics, and such data has never been made available worldwide.

Although until now the consumption of banned substances had the largest media exposure, other irregularities seem to be on the first pages. However, in Romania there is no integrity platform associated to the fight against doping, where doping cases could be reported.

About what has just been spoken only at the corners and / or "off the record" are physical and mental abuse, at least as widespread and more personal and harmful than the use of substances, whose effect is limited. In our opinion, this explains the controversy that the autobiography of Maria Olaru, the gymnast, sparked in the Romanian landscape. The book divided the Romanian public opinion and also the world of sport in two sides: defendants and defenders of abusive practices in sport.

Media campaigns are another important source of information in this respect. Antonia's case opens the series of "No to Abuse" articles launched by the journal "Gazeta Sporturilor" to draw the public's attention to the abuses faced sometimes by children practicing sports. The purpose of this journalistic approach is to report abuses on children in Romanian sports. Antonia Broszowski, or Toni, is a 15-year old 8th grade student who plays extreme and coordinator in the U-16 basketball team of a school sports club in Arad.

Antonia's mother, a physical education teacher, accepted to tell the newspaper what her daughter experienced and what caused her to talk about the terror to which the young basketball player was subjected for the last 6 years. The young woman coach from Arad is accused by several parents of repeated physical and verbal aggression over their daughters.

However, no action has been taken by the parents or other authorities in order to prosecute these abuses and to protect the rights of the children. All these happened knowing that in Romania physical punishment and humiliating treatment is prohibited (according to article 90, Law 272/2004 on the protection and promotion of the rights of the child). Also, article 185 of the Penal Code stipulates the prohibition of injury and other acts of violence that can cause physical suffering.

We highlight the fact that in sports schools (clubs), according to the law, there is an integrity department, as well as a security whistleblower. But there is no information at the level of these institutional structures to underpin the analysis of their effectiveness.

5. Discussions

Implementation of whistleblowing requires a set of measures adapted to the national context. The identification of the elements responsible for the efficiency of whistleblowing methods, the consistency of measures to protect whistleblowers remain specific to each country and even to the groups of athletes practicing certain sports (Whitaker et al., 2014).

Although recent years have brought whistleblowing to the public opinion and specialists' attention as an absolute necessity to keep sports clean, it actually faces numerous obstacles, starting with country-specific legislation, organization regulations, and continuing with the system of protection of those who report cases of violation of ethics and integrity in sport. Although WADA, IOC, UEFA, FIFA and some international sports federations are already using electronic whistleblowing platforms, there are still no reports showing the effectiveness of such tools. In Romanian sports there is only one integrity platform, that of the Romanian Football Federation. There are no electronic platforms for reporting on violations of ethics and integrity for the other branches of sport.

Specialists believe that the social perception regarding the status of the whistleblower in Romania is about to change, a slow change that needs practice to prove its effectiveness. The Romanian public opinion is still tributary to negative social perceptions originating long ago, before the 1990s. Prior to the appearance of the Whistleblowers' Protection Act, the

whistleblowers were perceived as traitors and informants. Currently, the position of these people in organizations is accepted, but their work is just beginning (Nielsen, 2013; Puiu & Barbu, 2015).

Whistleblowing faces a series of difficulties that make the whistleblower publicly exposed. These difficulties are highlighted in many public institutions and can be transferred to the sport field (Nielsen, 2013), (Pittroff, 2016)-: lack of resources needed for adequate and safe processing of warning cases (i.e. platforms to ensure the anonymity of the person who reports these cases); operators of these platforms do not have the necessary experience to process reports effectively; the areas of interest that may be affected by the reporting of those cases; major risks in whistleblowing in sports against some training systems that are under the authority of the state.

To overcome such difficulties, specialists recommend hotlines for whistleblowers, training programs for those who are involved in such activities, or at least educational tools to provide information support to those who decide to engage in such activities, strengthening the protection mechanisms for whistleblowers.

Based on such concerns, members of the project *Whistleblowing for Harmful Irregularities in Sport through Learning and Education* (financed by Erasmus Plus Sport Project, 2017 – 2019, lead by Aristotle University of Thessaloniki, Greece) will be involved in designing the educational tool that will be made available to all people involved in sports activities in Romania, in order to increase the level of awareness of the need to support a clean sport through this kind of behaviour too.

6. Conclusions

The world of sport promotes worldwide mechanisms and instruments able to defend ethics and integrity. However, the complexity of this phenomenon implies the involvement of several stakeholders in the legal, economic, and educational fields.

In Romania, sports whistleblowing is still at the beginning of the journey. Although each public sports unit has a whistleblower, their activity is not visible in the identified cases and measures aimed to reduce their incidence. It can be argued that even in sports, as in other areas, although there are warning mechanisms, they do not work. Other methods should therefore be identified and implemented (e.g.: whistleblowing platforms that include keeping the anonymity of the whistleblower).

In order to overcome the stereotypes related to the activity of whistleblowers, we believe that the title of Ethics and Integrity Officer would

be more appropriate, and we propose that it be introduced into the Romanian Classification of Occupations. Of course, all these measures can only be implemented with the help of policies aimed to protect whistleblowers, and establishment, in the institutions of sport, of structures capable of taking over and capitalizing on the information for the benefit of Romanian sport.

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