

Gymnastics Ethics Foundation

Annual Report 2019



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President’s Message

The Gymnastics Ethics Foundation’s first year of existence has not only been a busy and productive one: it has fundamentally confirmed the founder’s vision that an independent Foundation is a necessary part of ensuring that due support, justice and oversight are integral to the eradication of abuse from gymnastics worldwide.

The personal accounts of gymnasts, whistle-blowers and witnesses who have come forward have underlined the essential nature of the Foundation: an independent, confidential destination to report and seek help when it is not available elsewhere. In its unique position, the Foundation is positioned to listen and provide support to all those who reach out to us. The nature of the support provided is specific to each case. No two situations are exactly alike.

However, when it comes to dealing with abuse, one aspect is constant: overcoming the challenges caused by the trauma resulting from abuse, whatever its nature, involves sharing the knowledge of often very painful events. This is the first step in seeking help. Our small yet experienced and dedicated team is committed to ensuring that anyone who contacts us for help gets the support they need.

The Foundation’s work is only beginning, and the challenge ahead is substantial. Our Council members and staff stand ready to address the challenges ahead and are committed to building a future for gymnastics that is free of abuse.

Micheline Calmy-Rey, President



The Foundation and its Mission

One of the fundamental missions of the Gymnastics Ethics Foundation (Foundation) is to strengthen accountability and to help build a safer environment in gymnastics. Its activities are focused on the following three core areas:

Safeguarding

The Foundation strives to ensure adequate and efficient safeguarding policies and procedures have been implemented by the National Federations at the country level. When a suspected violation of FIG safeguarding rules and procedures has occurred, gymnasts and other stakeholders may submit complaints through the Foundation’s website (www.gymnasticsethicsfoundation.org/reporting), by phone or e-mail. Complaints may be submitted anonymously, and confidentiality is ensured. Each complaint received is reviewed and if, following an investigation, an alleged infringement is established, disciplinary proceedings may be initiated before the Disciplinary Commission (see Appendix A for an overview of the process). Regarding preventative measures for safeguarding at national and international level, the Foundation works closely with the FIG Safeguarding Unit.

Disciplinary

With the establishment of the Foundation, the Disciplinary Commission and Appeal Tribunal of the FIG and their disciplinary functions were transferred to the Foundation. As a result, disciplinary proceedings for violations of FIG policies and procedures are now carried out by the Foundation. During the initial transition period (until 31 December 2020) the members of both disciplinary bodies, previously appointed or elected by the FIG, transitioned to the Foundation. New members of both the Disciplinary Commission and Appeal Tribunal will be appointed by the Foundation Council in 2020 for the term 2021-24.

Compliance

The Foundation is also charged with overseeing that the FIG duly fulfils its obligations under FIG regulations, policies and procedures, the IOC Code of Ethics and the World Anti-Doping Code. This dovetails with its parallel efforts at continuously improving governance. In 2019, the FIG participated in the Third Review of International Federation Governance by the Association of Summer Olympic International Federations (ASOIF) and significantly improved its results as compared to the previous review, in part through the establishment and operations of the Foundation. The Foundation also provides recommendations on ethical questions to FIG authorities and its members.

Key Developments in 2019

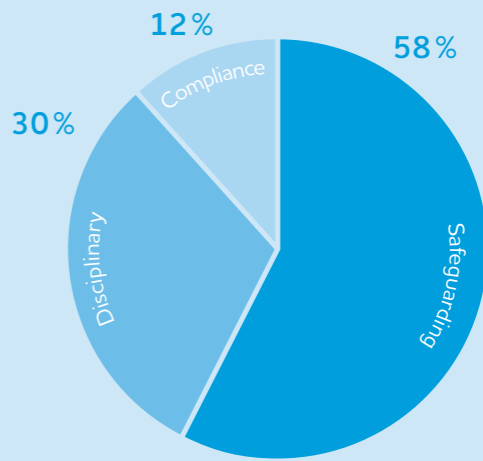
- January 2019** The Foundation begins operations, after having been formally established in Lausanne by the FIG on 21 December 2018.
- January – April 2019** Initial cases administered.
- 4 February 2019** The Foundation Council formally adopts the Foundation’s Operational Rules, establishing the Safeguarding, Disciplinary and Compliance sections.
- 13 February 2019** Disciplinary Commission decision in the matter of coach U. Beliankou (BLR) provides for 12-month suspension for breaches of the FIG Statutes, Code of Ethics and Code of Discipline, as well as behavioural awareness and safeguarding training.
- 19 February 2019** First meeting of the Foundation Council in Lausanne. The Council takes initial decisions on its operational methodology and budget, approach to safeguarding including prevention and trust-building, and investment regulations on its initial endowment. It appoints an interim Director, Alex McLin.
- 1 March 2019** The Foundation is entered into the Swiss commercial register.
- 6 March 2019** The Court of Arbitration for Sport (CAS) confirms the appealed decision of the Disciplinary Commission suspending S. Ashirbayeva (KAZ) for two years for a doping offence.
- 3 May 2019** First report to the FIG Council in St. Petersburg (RUS). Cases are being brought to the Foundation in each of its sections, including complaints and inquiries brought by athletes, anonymous witnesses, National Federations and the FIG. The Foundation is focused on building trust and adding value, ensuring each case is addressed with the appropriate skill set.
- May 2019** The Foundation advises the FIG on its Event Safeguarding Plan.
- 13 June 2019** The Foundation advises the FIG on the dissemination of information concerning national bans to protect participants in the sport worldwide.
- 27 June 2019** Disciplinary Commission decision cancels the judging brevets of D. Williamson (USA) and F. Leon Lopez (COL) and excludes them from participation in any FIG activities or international events until 30 June 2021 for violations of the FIG General Judges’ Rules at the 2018 ANAC International Aerobic Gymnastics Championship.

- 21 August 2019** Disciplinary Commission decision cancels the judging brevet of B. Bjanes (NOR) and excludes her from participating in any FIG activities or international events until 30 June 2021 for violations of the FIG Statutes, Code of Ethics, Code of Discipline, Code of Conduct and FIG General Judges’ Rules at the 2019 Asker Lukoil Cup.
- 26 September 2019** Disciplinary Commission decision sanctions rhythmic gymnastics equipment and clothing manufacturer Pastorelli for multiple and repeated violations of the FIG Apparatus Norms.
- 17 October 2019** Second meeting of the Foundation Council addresses case trends, key policies and the strategic direction of the Foundation.
- 5 November 2019** Report to FIG Executive Committee in Lausanne, Switzerland summarizing the cases received to date, 12 of which have been closed, since the beginning of the Foundation’s operations. Cases appear on all continents, with a majority in Europe.
- 7 December 2019** GEF Interim Director presents at POR Gymnastics Federation’s European Seminar on *Fighting Violence in Gymnastics*.
- 20 December 2019** Disciplinary Commission decision in the matter of rhythmic gymnastics coach Ning Ya Kuo (TPE) excludes her from participating in any FIG activities and other international events until 1 January 2025. She is to undertake training in relation to good practice in behavioural awareness and the safeguarding of children and young persons, and, commencing on 1 January 2025, undergo a 12-month period of monitoring, for repeated violent behaviour following incidents that occurred at the 2019 Asian Championships in Pattaya (THA).

Overview of Cases in 2019

	Safeguarding	Disciplinary	Compliance
January	1		
February	1		
March	1		1
April	4		
May	4		
June	1	3	
July		2	
August			1
September	2	2	1
October	1		
November		1	
December			
Totals	15	8	3
Total cases	26		

Chrono evolution by section.





Moving Forward

The Foundation will continue to support FIG efforts to protect athletes’ well-being, strengthen accountability in gymnastics and help National Federations in being more proactive in tackling safeguarding issues. The objective is to increase the ownership, by all actors in gymnastics, of this difficult issue.

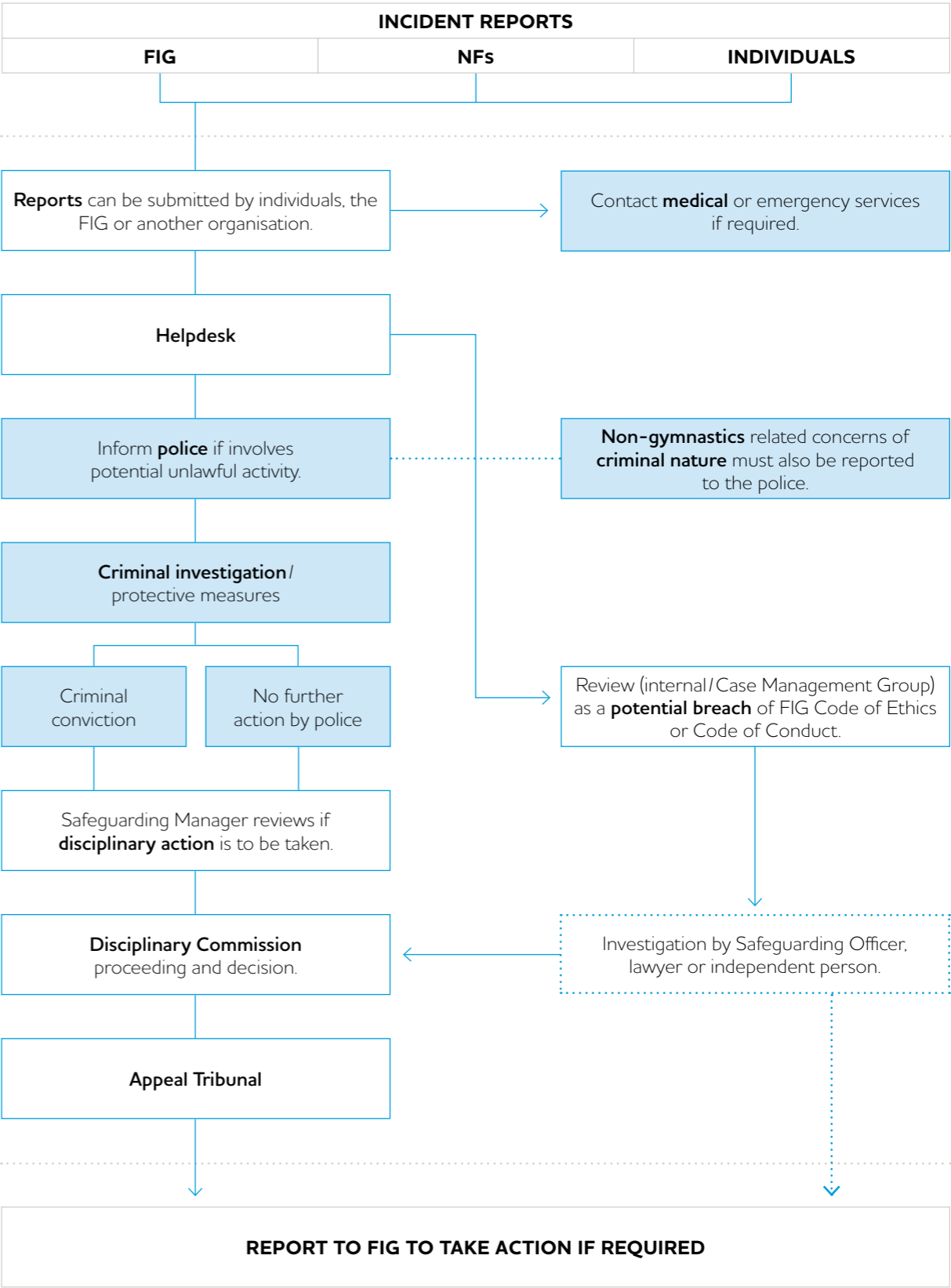
Building on the experience from its first year of operation, the Foundation will refine its internal processes in order to serve and guide its stakeholders in the best possible way.

In addition, it will continue to raise awareness of its role and independent status and other means of support available to participants in gymnastics who encounter abuse. This includes the promotion of the IOC’s Safeguarding Toolkit, which aims to assist International Federations (IFs) and National Olympic Committees (NOCs) in the development of policies and procedures to safeguard athletes from harassment and abuse in sport. Where permitted while ensuring confidentiality, the Foundation will also communicate about concrete results of its work. This is essential in order to build and foster the trust of the gymnastics community in the Foundation.

Going forward, the Foundation will stay focused on its key roles of independent investigator and arbiter. Over time, its oversight role will allow it not only to determine whether policies and procedures are being applied as they should, but also whether they need to evolve. It will be important to remain pragmatic and flexible in order to adjust quickly to new developments.

From a governance point of view, the Foundation’s Council will appoint new members to its Disciplinary Commission and Appeal Tribunal for the upcoming new term in 2021-2024.

Appendix A Overview of the Foundation’s Processes



Appendix B

Meet the Foundation’s Team

Management

ALEXANDER MCLIN, Director
Attorney at Law
Executive Director, ASA —
Swiss Arbitration Association
Former CEO & Secretary General, FEI
Member, Court of Arbitration for Sport
Member, ASOIF Governance Task Force

Council

MICHELINE CALMY-REY, President
Former President, Federal Councillor,
and Minister of Foreign Affairs of the
Swiss Confederation

FRANÇOIS CARRARD, Member
Doctor of Law
Former IOC General Director

SLAVA CORN, Member
Honorary Vice President, FIG

Auditor

VINCENT BERNASCONI, Auditor
Certified Public Accountant
Authorised Auditor

MARTINA COXOVA, Manager
Safeguarding & Operations
Experienced lawyer and project coordinator with
a particular interest in ethics and governance

IVANA HONG, Member
Senior International Elite Athlete and Athlete
Representative, USA Gymnastics

HRH FEISAL AL HUSSEIN, Member
President, Jordanian Olympic Committee
Member, IOC Executive Board

Appendix C

Members of the Foundation’s Disciplinary
Committee and Appeal Tribunal

Disciplinary Commission

The functions of the Disciplinary Commission
are mainly to:

- Request statements from the parties
or independent experts.
- Conduct hearings.
- Investigate and make decisions in disciplinary
cases under its authority.
- Impose disciplinary sanctions.

Members

Victor Berezov
Borys Boguslavskyy
Michelle Duncan
Paul Engelmann
Kate Gallafent
Maximilien Lehen
Daniele Moro
Mohamed Rached Gharbi
Matthias Scherer
Bernhard Welten

The period until 31 December 2020 is a tran-
sitionary period during which the Disciplinary
Commission is comprised of members who were
either previously elected or appointed by the FIG
Congress and the Executive Committee, respec-
tively. As of 1 January 2021, all members of the
Disciplinary Commission will be appointed by the
GEF Council.

Appeal Tribunal

The functions of the Appeal Tribunal are to:

- Hear and decide the appeals lodged by any
federation, gymnast, judge, or other person
directly affected by a decision of the Disciplinary
Commission, the FIG Congress, or the GEF
Council.
- Hear and decide appeals against sanctions
imposed during competitions (as provided for
under the FIG Statutes).

Members

Mehman Aliyev
Renata Loss Campana
Rafael Resende De Andrade
Dhruba Bahadur Pradhan
George C. Stewart

The period until 31 December 2020 is a transi-
tionary period during which the members of the
Appeal Tribunal are those who were previously
elected by the FIG Congress. As of 1 January
2021, all members of the Appeal Tribunal will be
appointed by the GEF Council.

Appendix D

Frequently Asked Questions

What is the role of the Foundation?

The Foundation is an independent body to which athletes and other stakeholders from the gymnastics community can turn for reporting rule violations and abuse, of any kind, occurring in the sport. It seeks to build trust and add value by offering more accountability and support.

Is the culture of fear and bullying a global issue in gymnastics?

From the many testimonies received through the Foundation's reporting mechanism or reported in the media, the conclusion is that this problem is clearly of a global nature, not specific to one country or region. Sadly, harsh training practices experienced by one generation seem to be passed on to the next. Transnational safeguards are lacking in this area, and the Foundation is working towards establishing them, such as a means of tracking coaches who have been sanctioned by a National Federation. The Foundation has also recommended that the FIG establish rules obligating National Federations to in turn make it mandatory to conduct background checks before recruiting new coaches, including at the international level.

How to increase the Foundation's visibility?

The most important stakeholders for the Foundation to reach out to are clearly the National Federations and the athletes. There are different ways to increase the Foundation's visibility. Where efficient, the Foundation makes use of FIG communications channels to address the gymnastics community. In addition, FIG meetings and competitions are very important platforms for educational and awareness-raising measures aimed at athletes and their entourages. The Foundation has also engaged with media in various countries in order to raise awareness about its existence and support function.

How does the Foundation coordinate its work with the FIG's Safeguarding Unit?

Whilst the Foundation is an independent body and reports submitted to it are kept confidential, the Foundation works closely with the FIG's Safeguarding Unit when it comes to prevention and awareness-raising activities. The Unit is also kept informed about official outcomes following investigations or disciplinary procedures so it can follow-up appropriately by enforcing sanctions and addressing issues that may have contributed to behaviour that was the subject of disciplinary proceedings.

How does the Foundation work with the National Federations?

The Foundation supports National Federations in their efforts towards pro-actively tackling safeguarding issues. National Federations must build capacity and operate reliable, trustworthy processes in order to comply with FIG regulations. National Federations have an obligation to ensure these rules are adopted and, in the event of noncompliance, the Foundation may open disciplinary proceedings, which could then lead to sanctions being imposed.

What are the Foundation's human and financial resources?

The Foundation is composed of a small and dedicated management team, guided by a Council composed of five voluntary members. Its financial accounts are audited annually, and it is subject to oversight by the Swiss Federal Supervisory Authority for Foundations. The Foundation has at its disposal about half a million Swiss francs a year allocated by the FIG. It should be noted that the Foundation is not the only body committed to tackling abuse and harassment in gymnastics: the FIG Safeguarding Unit is working to increase capacity at National Federation level and at events, which is essential.

How can victims, who need the Foundation's help, get in touch?

There are different ways to contact the Foundation, but the easiest is via the website (www.gymnastics-ethicsfoundation.org), which offers a confidential reporting mechanism as well as the Foundation's phone number and e-mail address. In addition, National Federations should play a role in directing athletes and other stakeholders to the Foundation.

Appendix E

The Foundation’s 2019 Audited Financial Accounts

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info@bvconsult.ch
www.bvconsult.ch

Membre FIDUCIAIRE SUISSE




Report of the statutory auditor on the limited statutory examination to the Supreme Governing Board (Foundation Council) of the

Fondation d’Ethique de la Gymnastique, à Lausanne

As statutory auditor, we have examined the financial statements (balance sheet, profit & loss statement and notes) of the Fondation d’Ethique de la Gymnastique for the first year 2019 ended 31 December 2019.

These financial statements are the responsibility of the Supreme Governing Board (Foundation Council). Our responsibility is to perform a limited statutory examination on these financial statements. We confirm that we meet the licensing and independence requirements as stipulated by Swiss law.

We conducted our examination in accordance with the Swiss Standard on the limited statutory examination. This standard requires that we plan and perform a limited statutory examination to identify material misstatements in the financial statements. A limited statutory examination consists primarily of inquiries of company personnel and analytical procedures as well as detailed tests of company documents as considered necessary in the circumstances. However, the testing of operational processes and the internal control system, as well as inquiries and further testing procedures to detect fraud or legal violations, are not within the scope on this examination.

Based on our limited statutory examination, nothing has come to our attention that causes us to believe that the financial statements do not comply with Swiss law and the company’s articles of incorporation.

Bienne, 15 June 2020

BVConsult SA



Vincent Bernasconi
Expert-comptable diplômé
Expert-réviseur agréé
Réviseur responsable

Enclosures: financial statements (balance sheet, profit & loss statement and notes)

Appendix E – The Foundation’s 2019 Audited Financial Accounts

Balance sheet

ASSETS (CHF)	Notes	31.12.2019
Current assets		
Cash & cash equivalents	4.0	669'272.41
Current investments	5.0	1'204'700.00
Account receivable	6.0	7'296.00
Total current assets		1'881'268'41
TOTAL ASSETS		1'881'268'41
LIABILITIES	Notes	31.12.2019
Current liabilities		
Operating creditors	7.0	24'049.68
Accrued expenses	8.0	4'500.00
Total current liabilities		28'549.68
TOTAL LIABILITIES		28'549.68
Equity		
Foundation capital		2'000'000.00
Annual result		(147'281.27)
Total equity		1'852'718.73
TOTAL EQUITY		1'852'718.73
TOTAL LIABILITIES		1'881'268'41

The notes to the financial report are available on the Foundation’s website.

Appendix E – The Foundation’s 2019 Audited Financial Accounts

Income statement

IN CHF	Notes	from 01.03.2019 to 31.12.2019
Reimbursement procedural fees		500.00
Total revenues		500.00
Management fees		(108'937.50)
Legal fees		(2'667.35)
Disciplinary section		(5'158.85)
Foundation board		(28'571.58)
Management expenses		(665.25)
Staff charges		(1'021.68)
Office rental and maintenance		(6'195.06)
Property insurances		(1'175.85)
Phone & internet		(118.80)
Accountancy and auditing fees		(4'500.00)
Incorporation legal fees		(7'111.85)
Total operating expenses		(166'123.77)
Operating result		(165'623.77)
Financial income	9.0	20'845.70
Financial expenses	10.0	(2'503.20)
Financial results		18'342.50
ANNUAL RESULT		(147'281.77)

The notes to the financial report are available on the Foundation's website.



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