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The FIFA of human rights – beyond lip-service on anti-corruption



Dear friends,

What connects the comedian John Oliver, the sports organisation FIFA, the Parliamentary Assembly of the Council of Europe (PACE), political prisoners and the future of human rights? It is the topic of corruption and its consequences.

Comically grotesque

In June 2014 John Oliver, English comedian and political commentator, **introduced his audience to what he called "a comically grotesque organisation"**: FIFA, the *Federation Internationale de Football Association*. Oliver noted that he both loved football and was appalled by the state of the organisation that represented it on the global level. Oliver quoted an expert: "Bribery and FIFA go together like peanut butter and jelly." FIFA had taken too many decisions which seemed inexplicable without the assumption of corruption.

In June 2015 Oliver returned to the topic. **Once again, he explained that "despite being almost the dictionary definition of corruption,** they [FIFA] have escaped any significant prosecution for decades." And he celebrated the end of an era: in May 2015, following the publication of an indictment of 164 pages by US prosecutors, the first arrests had taken place. The world of football governance was shaken.

At that time comedians and the FBI were not the only ones looking at FIFA. So did Europe's foremost human rights institution, the Council of Europe. Why did this august body – which chooses the judges of the European Court of Human Rights and sees itself as a guardian of the European Convention for the Prevention of Torture and the European Convention of Human Rights – care about football?

Football, corruption and the Council of Europe



The Council of Europe, brainchild of Winston Churchill, sees itself as "the preeminent institution defending democracy, the rule of law and human rights" in Europe. It also claims to lead the European fight against corruption. In 1999 it launched GRECO – the "Group of States Against Corruption." Its mission includes **"holding other international organisations to account."** As PACE puts it on **its special anti-corruption platform:** "Corruption is theft."

In April 2015, PACE adopted a resolution on **"The reform of football governance."** It warned that FIFA had a "duty to be exemplary in their external action and in their systems of internal governance" and needed "stringent controls to prevent any illegal holding of personal interest and effective investigation and detection mechanisms allowing any breach of sports ethics to be sanctioned."

Already in late 2014 a PACE rapporteur wrote that he had seen "unequivocal pieces of evidence showing that ... a member of the FIFA Executive Committee distributed large amounts of money to many high-level representatives active in African football." He issued a **strong statement on inadequate efforts of the FIFA Ethics Committee to clear up corruption allegations.**

So what would one expect to happen in case PACE members learn that there are "unequivocal pieces of evidence" showing that members of the assembly distributed large amounts of money to other members? This is the question facing PACE members from 47 member states gathering in Strasbourg for the 2017 winter session next week.

An ominous silence?



At this moment, PACE is shaken by news of a serious scandal, following evidence that votes on key human rights issues have been manipulated for years. Just before Christmas, ESI published a new report:

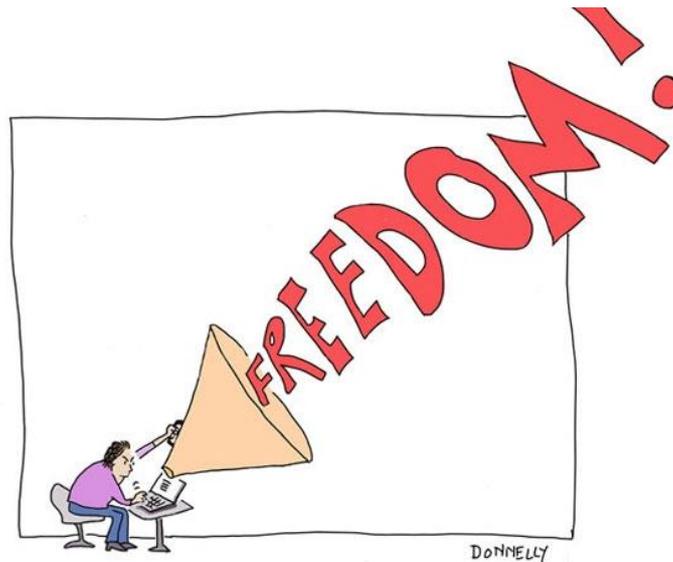
The European Swamp (Caviar Diplomacy part 2) Prosecutors, corruption and the Council of Europe

We described how in April 2012 Luca Volonte, an Italian parliamentarian, travelled on a private trip to Baku to meet with Elkhan Suleymanov, a fellow PACE member. In December 2012 transfers of €320,000 were made to bank accounts of Luca Volonte. The money came from two companies registered in Birmingham and on the Marshall Islands. This path was chosen to conceal the fact that these were payments from one PACE member to another.

In late 2012 and early 2013, Volonte helped build a coalition in PACE to defeat a resolution on political prisoners in Azerbaijan. Volonte then led the largest political party group in the assembly (EPP). The resolution was rejected by 125 votes to 79. Over the next two years Volonte received more than €2 million from Azerbaijan. At the same time there was a wave of new arrests of people in Azerbaijan for political reasons.

Luca Volonte admitted in an interview for an **Italian documentary in November 2016** that he received this money. And yet, PACE has no mechanism to investigate this, nor do its leaders appear interested to learn more: as of now, the **current agenda for the assembly session next week does not even foresee a debate on this dramatic development.**

A code of misconduct



Khadija Ismayil, leading investigative reporter and former political prisoner

This week leading human rights activists in Azerbaijan and former political prisoners, such as award winning journalist Khadija Ismayil and human rights lawyer Intigam Aliyev, **wrote to all PACE members urging immediate action:**

"We call on PACE to eliminate any trace of corruption and misconduct within the Pan-European human rights organisation, and to demonstrate a strong and consolidated stance on human rights violations in Azerbaijan."

When they meet next week PACE members should certainly issue a strong public statement affirming that there can be no place for corruption in the Council of Europe, and that the recent admission by Luca Volonte that he received money from another PACE member is deeply worrying. This should be followed by an independent investigation into the circumstances surrounding the PACE vote on political prisoners in January 2013.

This is not enough, however. While PACE has a Code of Conduct for its members which states that all members of the Parliamentary Assembly shall "not act in such a way as to bring the Assembly into disrepute or tarnish the Assembly's image", this code has no teeth. It notes:

"Members shall not request or accept any fee, compensation or reward intended to affect their conduct as members, particularly in their decision to support or oppose any motion, report, amendment, written declaration, recommendation, resolution or opinion. Members shall avoid any situation that could appear to be a conflict of interests or accept an inappropriate payment or gift."

"Members shall register with the Secretariat of the Assembly any gifts or similar benefits (such as travel expenses, accommodation, subsistence, meals or entertainment expenses) of a value in excess of €200 that they accept in the performance of their duties as Assembly members."



Everything depends on him: PACE president Pedro Agramunt

But what happens in case of suspicion of a violation? The answer is striking: unless the president of the assembly decides otherwise, nothing at all. There is no independent investigation. Even if the president does decide to act, the only sanctions foreseen in the case of "repetitive and serious breaches" are the "temporary deprivation of the right to speak and to be enrolled on the list of speakers" and the "temporary deprivation of the right to sign an amendment, a motion or a written declaration."

Today PACE has a worse anti-corruption system than FIFA. PACE also looks bad compared to most other national parliaments, including the US House of Representatives, where the recent attempt to limit the independence of the Office of Congressional Ethics caused huge waves and was aborted. Members of PACE who are concerned about corruption should push for a permanent non-partisan Office of Council of Europe Ethics (OCEE), answering to an independent board, with investigators who have the authority to look into instance where there is a reason to fear a violation of the Code of Conduct. The Council of Europe must not remain the FIFA of human rights.

To achieve this those genuinely to the fight against corruption in the Council of Europe – parliamentarians, professional staff, ambassadors representing member states – need to get organised in a cross-party alliance: a sunshine coalition to shed light on unethical behaviour.

European media, fascinated by the story of Donald Trump's relations with the Kremlin, should train their eyes on the lack of defence mechanisms against capture in key European institutions.

And John Oliver? He might consider another segment in his series on corruption in international organisations, sending his team to Strasbourg and introducing a global audience to the bizarre **practices of Caviar Diplomacy**. It is high time for change to come to Strasbourg.

Yours sincerely,

Gerald Knaus

PS: Further reading on Caviar Diplomacy: www.esiweb.org/caviardiplomacy

You might also be interested in this recent [TEDx talk on the future of human rights](#):

Today the human rights movement and its supporters are on the defensive across Europe and the US. Illiberal and autocratic leaders appear full of confidence, boasting of a popular mandate to rewrite the rules for the future of European politics, and to redefine what is shameful and what is honourable. Looking at fundamental human rights issues such as torture and political prisoners, and at developments in Europe in recent years, this talk examines dramatic setbacks, the failure of current strategies to protect rights when institutions are captured, and policy options for activists to mobilise democratic majorities ... and make an impact.

