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OMBUDSMAN IN SPORT: COMPARATIVE LAW PERSPECTIVE

Summary

Violations of sports law may undermine the effective protection of human rights and the rule of law, potentially warranting ombudsman intervention. Despite this connection, legal scholarship has devoted comparatively little attention to the role of ombudsman institutions in the field of sport. This paper examines the evolution, institutional positioning, and mandates of national sports ombudsman institutions in safeguarding sports law across selected jurisdictions. The paper first establishes a conceptual definition and classification of the ombudsman institution, as analytical benchmarks for assessing sports ombudsman models in the jurisdictions under review. Using comparative and normative approaches, supplemented by a historical-legal analysis of the evolution of the ombudsman institution, the paper assesses whether emerging sports ombudsman bodies conform to established institutional classifications and the extent to which their functions align with the traditional ombudsman mandate of strengthening the rule of law and addressing maladministration.

Keywords: Ombudsman, Sport, Sports Law, Ombudsman in Sport, Comparative Analysis.

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OMBUDSMAN U SPORTU – UPOREDNOPRAVNA PERSPEKTIVA

Sažetak

Povrede sportskog prava ugrožavaju delotvornu zaštitu ljudskih prava i načelo vladavine prava, te stoga iziskuju i delovanje ombudsmana. Uprkos ovoj povezanosti, pravna nauka je do sada posvetila relativno malo pažnje ulozi nacionalnih specijalizovanih ombudsmana u oblasti sporta. U ovom radu se, stoga, analizira mesto, karakter i nadležnosti novonastalih nacionalnih sportskih ombudsmana u uporednom pravu. U radu se najpre uspostavlja pojmovno određenje i klasifikacija institucije ombudsmana kao analitički okvir za vrednovanje modela sportskog ombudsmana u odabranim uporednopravnim sistemima. Primenom uporednopravnog i normativnog pristupa, uz istorijskopravnu analizu razvoja institucije ombudsmana, ispituje se da li se novi oblici sportskih ombudsmana uklapaju u postojeće institucionalne klasifikacije i u kojoj meri su njihove nadležnosti usklađene sa tradicionalnom ulogom ombudsmana u jačanju vladavine prava i otklanjanju loše uprave.

Ključne reči: ombudsman, sport, sportsko pravo, ombudsman u sportu, uporedno pravo.

1. Introduction

The ombudsman is an institution that has gained widespread global acceptance, notwithstanding the significant differences among national legislative systems (Lazarević, 2014, pp. 57-61). In contemporary states, the establishment of an ombudsman serves two principal objectives: first, the promotion of accountability, and second, the strengthening of democracy, the rule of law, and good governance (Diamandouros, 2006). By achieving these objectives, states ensure improved quality of life for their citizens, who are the ultimate holders of sovereignty (Castro Barriga, 2019, pp. 19-20). Addressing and remedying maladministration constitute the principal mandate and primary objective of most national ombudsman institutions across jurisdictions, which is equally important (Davinić, 2013, pp. 20-21).

The *Venice Principles on the Protection and Promotion of the Ombudsman Institution* constitute the most comprehensive and detailed international instrument articulating the values that should guide the performance of ombudsman institutions. The principles attribute to these institutions a significant role in

strengthening democracy, the rule of law, and protecting and promoting human rights and fundamental freedoms. At the same time, they place particular emphasis on the ombudsman's core mandate to address maladministration and to promote good governance (Venice Commission, CDL-AD(2019)005, pp. 3-4, paras. 1 and 12; Venice Commission, CDL-AD(2025)002; Knežević Bojović & Ćorić, 2024, p. 192).

In a legal order grounded in the rule of law, all individuals – including those exercising public authority – are bound to comply with the law and its fundamental principles. Consequently, institutions established within such a legal framework must have the capacity to safeguard the rights and freedoms of citizens, protecting them not only from interference by other individuals, but also from unlawful action by the state itself. As human rights, democracy, and the rule of law have emerged as core values of contemporary constitutional systems, the institution of the ombudsman has attained global recognition and prominence (Korbayram & Hoca, 2024, p. 37; Golubović & Galetin, 2024; Tomić & Marković, 2025). In this context, developments in modern democratic states have positioned the ombudsman as one of the principal non-coercive mechanisms for advancing and safeguarding the principles of the rule of law (Zhyvko, Dombrovska & Kiblyk, 2025, p. 88; Kolman, 2010, p. 57).

Sport has transcended its traditional role as a form of mass entertainment and has evolved into a significant and rapidly expanding economic sector. An increasing number of individuals are engaged professionally in sporting activities, and at the global level, sport accounts for approximately three percent of overall financial flows in the trade sector. These developments have contributed to the growing complexity of legal relations arising from sporting activities. The expansion of social interactions within this field has given rise to the establishment of a coherent regulatory framework, resulting in the recognition of sports law as a distinct branch of law. A defining characteristic of this field lies is its inherently cross-sectoral nature, encompassing elements of constitutional, administrative, civil, economic, criminal, and labor law.

Furthermore, as sporting activities often transcend national borders, they necessarily entail an international legal dimension (Stanić, 2023, pp. 415-416; Andonović, 2017, pp. 131-132). Sport is widely recognized as a matter of legal regulation and is therefore governed both at the national level and within the framework of the European Union. Although the economic dimension of sport is undeniable, its incorporation into national and supranational law is not driven exclusively by economic considerations, but also by sociological and cultural factors. The legal norms governing sport thus reconcile economic interests with broader social values. In this regard, sport undeniably holds significant social, economic, and cultural importance, and is recognized as such at the global level (Stanić & Rajić Ćalić, 2022, p. 317; Andonović & Radovanović, 2019, p. 47).

Given the legal dimension of sport, violations of sports law may undermine the effective protection of human rights and the rule of law, potentially warranting ombudsman intervention. In legal scholarship, considerable attention has been devoted to examining the contribution of the ombudsman institution to the advancement of the rule of law and the protection of human rights, as well as the significance and evolution of sports law (Tai, pp. 113-132; Glintić, 2018, pp. 359-372; Mitten & Opie, 2012; Davis, 2012; Rajić Ćalić, 2023). However, comparatively little attention has been given to the specific role of the ombudsman in the field of sport, particularly in situations involving violations of sports law. Accordingly, this paper focuses on analyzing the institutional position and role of national ombudsman institutions in the protection and enforcement of sports law. Specifically, it examines the evolution and mandate of emerging sports ombudsman institutions worldwide in order to determine whether these bodies fall within established classifications of ombudsman institutions and the extent to which their functions align with the general ombudsman mandate of reinforcing the rule of law and addressing maladministration. While both general and specialized national ombudsman institutions are understood to contribute to the protection of human rights and the strengthening of the rule of law in cases involving alleged violations of sports law, the present research is confined to an analysis of the specialized national ombudsmen operating in this field. The practices of general national ombudsman institutions, as well as those of the European Ombudsman, in matters arising from sporting activities are excluded, as that would exceed the scope of this study.

Before turning to the historical development of the ombudsman institution and conducting a comparative analysis of emerging sports ombudsmen, the paper first establishes a definition and classification of the ombudsman institution, which serve as analytical benchmarks for assessing the position and role of sports ombudsmen in the selected jurisdictions. The methodology of this research is determined by the nature of the subject matter. Specifically, the study employs a comparative and normative approach to examine the existing regulatory framework in this field and its prospective development, while also utilizing a historical-legal method to trace the evolution of the ombudsman institution. In addition, the research draws on doctrinal analysis of relevant domestic and international scholarship, which provides essential analytical insights.

2. Definitions and Classification of Ombudsman Institutions

The term "ombudsman" has been defined differently in legal scholarship (Radojević, 2016. pp. 9-40). Such definitional plurality is to be expected. While ombudsman institutions across the globe share considerable similarities in their

organizational structures and functional mandates – largely reflecting adopted international standards governing their establishment and operation – scholarship consistently underscores that no two institutions of this kind are exactly the same (Davinić, 2013, p. 37).

One frequently cited definition, offered by the *Columbia Encyclopedia*, describes the ombudsman as a government agent acting as "an intermediary between citizens and the administrative bureaucracy, characterized by independence, impartiality and accessibility, and empowered only to make recommendations" (Finkel, 2006, p. 6). While this definition accurately captures the intermediary and advisory functions of the institution, it remains incomplete, as it understates the proactive and systemic role that ombudsman institutions can play in preventing maladministration and in promoting the rule of law.

Finkel further cites the International Bar Association, which in 1974 defined the ombudsman as an office established by the constitution or legislation, headed by an independent, high-level public official responsible to the legislature, empowered to receive complaints from aggrieved individuals against public authorities or to act on its own initiative, and vested with the authority to investigate, recommend corrective action, and issue reports (Finkel, 2006, pp. 6-7). While this definition provides a comprehensive description of the institution's formal structure, it remains somewhat limited, as it primarily portrays the ombudsman as a reactive complaints-handling body. It does not fully encompass the broader normative and systemic role that ombudsman institutions can play in preventing maladministration and in shaping administrative standards.

Finally, a major study of the institution published in the early 1980s defines the ombudsman as an independent and non-partisan office, often established by the constitution, which supervises public administration and addresses specific complaints from the public concerning administrative injustice and maladministration, with a primary focus on strengthening the rule of law. The ombudsman is empowered to investigate, report, and make recommendations regarding individual cases and administrative procedures, but does not have the authority to issue binding orders or to overturn administrative actions. The office derives its authority from appointment by and accountability to a principal organ of state – typically the legislature or the executive – and relies on independence, impartiality, objectivity, credibility, and professional competence, rather than on coercive powers (Finkel, 2006, p. 7).

This definition captures the essential structural and functional elements of the ombudsman institution. It emphasizes the supervision of public administration as the central function, exercised primarily through complaint-based review aimed at preventing maladministration and reinforcing the rule of law. In performing this

role, the ombudsman is empowered to investigate, report, and make recommendations concerning individual cases and administrative procedures, but lacks the authority to issue binding orders or overturn administrative actions. Consequently, the effectiveness of the institution derives not from formal enforcement powers, but from its institutional authority and credibility, which are grounded in independence and accountability to the principal organs of the state.

There are multiple approaches to classifying the institution of the ombudsman based on different criteria. Two principal institutional models are commonly recognized. The first, derived from the Swedish and Finnish traditions, and often referred to as the classic ombudsman model, is characterized by a broad mandate and extensive powers. Under this model, the ombudsman exercises comprehensive supervision over public administration at both the state and municipal levels and may also oversee certain procedural and administrative activities of the judiciary. In addition, this type of ombudsman may possess the authority to initiate or recommend criminal proceedings against public officials. The second model, derived from the Danish tradition, restricts the ombudsman's mandate to the supervision of public administration, excluding judicial oversight. This model is most widely adopted in contemporary practice (Finkel, 2006).

Ombudsman institutions may also be classified according to several additional criteria. With respect to organizational structure, a distinction may be drawn between individual and collective ombudsman bodies, depending on whether the function is exercised by a single office-holder or by a collegial entity. From a territorial perspective, ombudsmen may operate at either the national or local level. Most importantly for the purposes of this paper, classification may also be based on the scope of competence, distinguishing between general and specialized ombudsman institutions (Serzhanova, 2021, p. 102; Rapajić & Logarušić, 2024, pp. 83-86).

With regard to the scope of competence, alongside general-type ombudsman institutions that protect citizens' rights across the full spectrum of administrative activities, an increasing number of specialized ombudsmen have emerged to oversee specific sectors of public administration and safeguard rights within particular areas of social life. In Anglo-Saxon terminology, these bodies are often referred to as single-purpose ombudsmen (Milkov, 2007, p. 112; Rapajić & Logarušić, 2024, pp. 83-86).

Comparative practice demonstrates the proliferation of specialized ombudsman institutions across a wide range of regulatory fields (Korbayram & Hoca, 2024, p. 37; Finkel, 2006). Notable examples include military, environmental, data protection, patient rights, police, and prison ombudsmen. Unlike general ombudsmen, whose mandate extends broadly to the protection of human rights across all administrative authorities and public services, specialized ombudsmen operate within a more narrowly defined jurisdiction. Their competence is typically restricted to

the protection of specific categories of rights or groups of persons, or to oversight within a particular administrative sector (Marković & Jugović, 2017, p. 144; Rapajić & Logarušić, 2024, pp. 83-86).

Within the category of specialized ombudsmen, it is important to distinguish between two institutional types. The first comprises specialized ombudsmen established as public authorities and appointed or dismissed by the parliament in a manner broadly analogous to that of general ombudsman institutions. These bodies represent the ombudsman institution in its formal sense and retain its core structural characteristics. Their mandate typically involves protecting the rights of specific categories of persons in relation to the relevant sectors of public administration. For instance, healthcare ombudsmen are tasked with safeguarding patient rights in interactions with public healthcare providers.

The establishment of such specialized institutions reflects an effort to enhance the effectiveness of rights protection and to improve administrative performance through sector-specific expertise. This trend toward institutional specialization is not limited to ombudsman structures but reflects broader developments within contemporary legal systems, driven by the increasing complexity of social relations. Accordingly, these bodies may be characterized as public-law specialized ombudsmen of an external type.

Conversely, a number of bodies that are not established in accordance with the general principles governing the ombudsman institution are also described as specialized ombudsmen. Although some of these entities formally adopt the title "ombudsman," they do not correspond to this institution in its substantive sense. Such "ombudsmen" typically function as internal complaint mechanisms created by individual state administration bodies or public services to handle grievances from service users (Milkov, 2007, p. 112; Rapajić & Logarušić, 2024, pp. 83-86). As a result, they lack institutional independence**,** which is one of the fundamental principles underlying the ombudsman institution. Their capacity to perform the core functions of oversight and administrative improvement is limited. These bodies do not exercise external administrative oversight in the strict sense but instead operate as internal complaint units within specific organizations or services. For this reason, such "ombudsmen" are also referred to as private-sector ombudsmen (Milkov, 2007, p. 113; Rapajić & Logarušić, 2024, pp. 83-86).

Their integration within the organizational structure of the entities they are intended to oversee may compromise objectivity**,** as effective oversight generally requires organizational and functional separation from the bodies under review (Milkov, 2007, pp. 116–117; Rapajić & Logarušić, 2024, pp. 83-86). Moreover, their appointment and dismissal remain subject to the discretion of the very same organizations whose activities they are tasked with monitoring**,** which further

constrains their independence. In practice, such mechanisms often function primarily as channels for collecting user feedback, rather than as genuinely independent rights-protection institutions (Milkov, 2007, p. 118; Rapajić & Logarušić, 2024, pp. 83-86). Examples include banking, insurance, telecommunications, and university ombudsmen, as well as various private-law ombudsmen, such as those in the airport, football, industrial, and hospital ombudsmen (Milkov, 2007, pp. 109–110; Rapajić & Logarušić, 2024, pp. 83-86). This typological distinction, together with the identification of their principal characteristics, provides a conceptual framework essential for the systematic assessment of the nature and role of sports ombudsman institutions from a comparative perspective.

3. The Expansion of the Ombudsman Institution in Comparative Law

The institution of the ombudsman, in its modern form, was first established by the Swedish Constitution of 1809 (Korbayram & Hoca, 2024, p. 38; Beker, 2010, p. 166). The term "ombudsman" originates from Swedish and denotes a "proxy," "deputy," or "authorized representative" (Finkel, 2006). The historical circumstances surrounding the emergence of this institution have been extensively examined in the literature, with several scholars providing largely convergent accounts of its development (Milkov, 2008, pp. 198-200; Milkov, 2018, pp. 432-435; Kijevčanin, 2020, p. 269; Ivković, 2021, p. 2; Gonzalez Volio, 2003, p. 221; Lazarević, 2014, pp. 26, 57-61). Although the rule of law, or the *Rechtstaat* doctrine, did not originate in Sweden, the Swedish invention, the ombudsman institution, has had a profound impact on the advancement of human rights and fundamental freedoms (Jovanović & Rapajić, 2011, p. 206).

The ombudsman institution is now widely recognized, although its diffusion was neither rapid nor straightforward. Rather, its expansion occurred through a gradual, often understated, yet continuous and progressive process (Remac, 2013, p. 63). Initially, familiarity with the institution was confined largely to the Scandinavia countries (Abedin, 2011, p. 897). Since its establishment, the ombudsman has undergone a process of incremental development, described as an "organic historical process" (Castro Barriga, 2019, p. 17). From the 1960s, the international community had increasingly acknowledged the institutional flexibility and functional potential of the ombudsman institution. A particularly significant expansion in the adoption of ombudsman institutions occurred during the 1990s, notably following the collapse of totalitarian regimes (Remac, 2013, p. 62).

Summarizing the historical diffusion of the ombudsman institution, former European Ombudsman Nikiforos Diamandouros identifies three principal

expansion waves. The first expansion wave extended until the mid-twentieth century, during which the institution remained largely confined to its Scandinavian origins. The second expansion wave began with the introduction of the ombudsman into the Danish legal system in 1955, which subsequently served as a model for numerous other jurisdictions (Davinić, 2011, p. 105). Finally, the third expansion wave expansion was closely linked to broader processes of democratization in Europe, Africa, and South America (Davinić, 2011, p. 105). A decisive turning point was the establishment of the ombudsman institution in Denmark in 1955, where the office was entrusted with investigating and reporting on complaints against public authorities – excluding the courts – without possessing legally binding decision-making powers (Diamandouros, 2005, p. 4; Jovičić, 1969, pp. 10-12; Božić Savić, 2018, p. 160). The Danish model exerted considerable international influence and inspired the establishment of an ombudsman in New Zealand in 1962, the first such institution in an English-speaking country with a Westminster-style parliamentary democracy (Milkov, 2018, pp. 436-447; Finkel, 2006; Kijevčanin, 2020, p. 270; Korbayram & Hoca, 2024, p. 39; Danilchenko, 2024, p. 55). By the mid-1980s, the number of ombudsman offices worldwide had more than doubled (Ayeni, 2014, p. 499). The fall of the Berlin Wall in 1989 and the subsequent collapse of communist regimes led to a significant expansion of ombudsman institutions in Central and Eastern Europe (Finkel, 2006). In this context, the establishment of an ombudsman increasingly came to be seen as an indicator of a state's commitment to democratic reforms (Ayeni, 2014, p. 499). As a result of these developments, ombudsman institutions were established in more than one hundred countries worldwide, representing a substantial increase compared to previous decades (Finkel, 2006; Kijevčanin, 2020, p. 270; Korbayram & Hoca, 2024, p. 39). Combined, the emergence of new states in the post–Second World War era, the collapse of communist regimes in the late 1980s, and the global movement toward democracy and human rights were the key drivers of the worldwide diffusion of the ombudsman institution, generating significant institutional effects in both newly established and post-communist countries (Abedin, 2011, p. 897; Van Roosbroek & Van de Walle, 2008, p. 288). It should be noted that the first European Ombudsman was appointed in 1995 by the European Parliament, in accordance with the Treaty of Maastricht. This independent office, operating at the level of the European Union, is appointed to investigate cases of maladministration within the EU institutions (Gonzalez Volio, 2003, pp. 220-221; Lazarević, 2014, pp. 57-61). This was a significant milestone in the institutionalization of the ombudsman within a supranational organization (Korbayram & Hoca, 2024, p. 40). As a result of these processes, all EU Member States now maintain national ombudsman institutions within their borders (Diamandouros, 2005, p. 5).

One of the core functions of the ombudsman is the prevention of abuses by administrative authorities. However, experience has shown that a single, general ombudsman institution – tasked with protecting citizens' rights across all areas of public administration and in relation to all state bodies and public services – often proves insufficient. This limitation constitutes the principal rationale for the establishment of specialized ombudsman institutions, as discussed in the previous section (Milkov, 2007, p. 112; Rapajić & Logarušić, 2024, pp. 83-86). Following the global diffusion of the ombudsman institution and the recognition of its functional advantages, the emergence of specialized ombudsman bodies represented a logical development.

4. Ombudsman in Sport: A Comparative Law Analysis

Among the various forms of specialized ombudsman institutions, the sports ombudsman remains relatively underexplored in both legal scholarship and institutional practice. The *Olympic Charter* expressly recognizes the practice of sport as a human right, implying, *inter alia*, that all individuals should have the opportunity to participate in sport free from any discrimination (Kraljić & Drnovšek, 2021, p. 154). Given that the Venice principles, along with other international instruments, underscore the role of ombudsman institutions in the protection and promotion of human rights, the establishment of a national ombudsman for sport appears to be an appropriate mechanism for advancing this objective (Yunin *et al.*, 2021, pp. 173-179).

From a comparative law perspective, the selection of jurisdictions for analysis is necessarily limited, as only a small number of countries have established ombudsman institutions in the field of sport. This analysis therefore focuses on the United Kingdom, the United States, and Slovenia. The relatively limited diffusion of this institutional model may be attributed to two principal factors. First, the significance of establishing a specialized ombudsman in the domain of sport may not yet be fully recognized in many jurisdictions. Second, it is often assumed that the protection of athletes' rights can be adequately ensured through existing ombudsman mechanisms, particularly general ombudsman institutions. In light of this, the following sections will examine the institutional design, jurisdiction and practical functioning of sports ombudsman bodies in the selected jurisdictions.

4.1. Sports Ombudsman in the United Kingdom

The United Kingdom provides an important point of departure for comparative analysis, considering both that the introduction of a specialized sports ombudsman was formally proposed within its 2017 policy framework and that an

ombudsman institution already operates in the field of football as a sector-specific oversight mechanism within sport governance.

The proposal to establish a specialized sports ombudsman is particularly significant in the context of the *Duty of Care in Sport Report* (hereinafter: the DoC in Sport Report), commissioned and published by the Department for Digital, Culture, Media and Sport (hereinafter: the DCMS) from April 2017. This report included seven priority recommendations (Anderson & Partington, 2018, p. 1). The first one, outlined in Baroness Tanni Grey-Thompson's *Duty of Care Review of UK Sport* (hereinafter: the Report) (2017), proposed the establishment of a Sports Ombudsman. The Report detailed several potential institutional models, emphasizing an accessible, athlete-centered, and fully accountable approach to dispute resolution in sport. Of particular significance is the proposed maladministration model, which envisages extensive oversight and redress powers and could, if successfully implemented, serve as a template for an independent and athlete-accountable international sports ombudsman. Under this model, the Sports Ombudsman would ensure compliance with the principles of good governance established by the UK's *Code for Sports Governance*. Although the concept of "maladministration" lacks a precise definition, it is generally understood to encompass poor governance and, as previously discussed, constitutes the core of the ombudsman institution's universally recognized mandate and *raison d'être*.

This proposal is also consistent with the broader British practice of sector-specific ombudsman institutions, as evidenced by more than forty such bodies listed by the Ombudsman Association, ranging from the Financial Ombudsman to the Furniture Ombudsman (Anderson & Partington, 2018, pp. 1-2).

Turning to established institutional practice, the United Kingdom provides an example of sector-specific oversight through the Independent Football Ombudsman (IFO) in England, which has been in operation for over a decade. The IFO was established in July 2008 by the English football authorities, with the agreement of the Government. These authorities include the Football Association, the Premier League, and the English Football League.

The IFO is mandated to receive and adjudicate complaints that have not been resolved by football clubs or governing bodies, with an exclusive focus on relations between clubs and supporters (The Independent Football Ombudsman, About the IFO). In practice, such complaints commonly involve ticketing disputes, stadium ejections, and the conduct of stewards, many of which are of limited financial value. Supporters are entitled to lodge complaints regarding the practices of football clubs, particularly in relation to fan engagement policies, ticketing, and membership arrangements. Such complaints may be submitted to the Independent Football Ombudsman, which examines grievances concerning club conduct. Where a

complaint is upheld, the ombudsman does not have the authority to impose binding measures but may recommend appropriate remedial action, including an apology or assurances that similar conduct will not recur. If a club declines to implement a recommendation, it is required to provide a public explanation of its reasons and to propose an alternative resolution (Anderson & Partington, 2018, pp. 5-7; *A Guide to England's Independent Football Ombudsman*).

The IFO procedure is particularly significant in that it offers an accessible and cost-free mechanism for resolving disputes without recourse to civil litigation, reducing financial and procedural barriers for supporters (Anderson & Partington, 2018, pp. 5-7; Kraljić & Drnovšek, 2021, p. 155). The non-binding nature of the IFO's recommendations aligns with the widely accepted understanding of the ombudsman as a soft oversight mechanism, relying on persuasive rather than coercive authority.

The IFO constitutes the final stage in the resolution of customer-related complaints within English football. Complainants – whether individuals, groups of individuals, or organizations – submit first their grievances to the relevant service provider, typically the football club concerned or, where applicable, one of the football authorities responsible for the service in question. Each club and authority maintains a customer charter or a comparable document outlining the applicable complaints procedure. Only after the internal process has been exhausted, or where the service provider has failed to respond adequately within six weeks without reasonable justification, may a complaint be referred to the IFO for investigation and adjudication.

The IFO normally completes its investigation within ninety days, and summaries of adjudications are published in its annual report and on the website of the relevant authority. Where a complaint is upheld, in whole or in part, the IFO may issue recommendations. Although these recommendations are not legally binding, the football authorities have indicated that they, together with their member clubs, generally comply with the IFO's findings. No further appeal is available within the football complaints framework, as the IFO represents its ultimate stage (The Independent Football Ombudsman, *Complaints Procedure*).

From an institutional perspective, this mechanism represents an internal ombudsman model established by sector-specific entities to regulate and govern relations between football clubs, national football association, and supporters. The non-binding nature of its recommendations, a common feature of ombudsman institutions as discussed above, underscores the broader institutional logic of ombudsmanship, which relies on persuasive authority and soft oversight mechanisms, rather than coercive enforcement. As noted, the complaints handled by the IFO primarily concern ticketing disputes, stadium ejections, and the conduct of stewards, many of which are of limited financial value. Despite their modest

economic scope, this mechanism plays an important role in strengthening sectoral integrity and enhancing access to justice, thereby contributing to the prevention of maladministration and the reinforcement of the rule of law – the core objectives of ombudsman institutions.

4.2. Sports Ombudsman in the United States

Another important comparative example is the United States Olympic and Paralympic Committee Athlete Ombudsman (hereinafter: the USOC Ombudsman), established by the 1998 amendments to the *Amateur Sports Act of 1978* (Anderson & Partington, 2018, p. 4). The USOC Ombudsman operates on the core principles of confidentiality, privacy, independence, and impartiality, and is mandated to represent athletes and provide cost-free, impartial advice on issues relating to their rights and obligations within the Olympic and Paralympic Movement. In practice, the USOC Ombudsman advises athletes on a broad range of matters, including team selection disputes, the interpretation of commercial agreements, eligibility concerns, and anti-doping issues. Through these activities, the USOC Ombudsman promotes integrity and compliance with the applicable legal and regulatory framework, exercising a form of institutional "soft" authority characteristic of ombudsman mechanisms.

In addition to its advisory function, athlete advocates appointed by the USOC Ombudsman monitor compliance by sports bodies with relevant codes of conduct and legal responsibilities. By issuing recommendations and facilitating the early resolution of disputes, the office contributes to the stability and integrity of the national sports system, reducing the need for escalation to formal litigation. It has also been commended for promoting an equality of arms between athletes and other stakeholders – such as coaches, administrators, and sponsors – in the dispute resolution process (Anderson & Partington, 2018. pp. 4-5).

From an institutional perspective, this model may be characterized as an internal ombudsman mechanism operating within the Olympic Committee, combining educational, advisory, and preventive functions in the protection of athletes' rights. By enhancing athletes' understanding of their rights and available remedies, promoting procedural fairness in the dispute resolution through the principle of equality of arms, and providing a secure channel for raising concerns, the USOC Ombudsman contributes to the advancement of fairness, transparency, and the consistent application of relevant policies and procedures (United States Olympic & Paralympic Committee, 2025; The Ted Stevens Olympic and Amateur Sports Act, 1978). In this respect, the office reflects the widely recognized role of ombudsman institutions in upholding the rule of law, promoting good governance, and protecting human rights.

4.3. Sports Ombudsman in Slovenia

In Slovenia, the institutional framework for the protection of athletes' rights is established through the Office of the Ombudsman for the Rights of Athletes. The legal basis for this office is set out in Article 66 of the Slovenian Sports Act.[1] Adopted in 2017, the Act provides for the operation of the Athlete's Ombudsman within the Ministry of Education, Science and Sport. Following its appointment by the Government of the Republic of Slovenia, the Ombudsman commenced operations within the Ministry on 1 April 2018.

The Slovenian Athlete's Ombudsman safeguards the rights of athletes and sports professionals, and examines complaints, comments, proposals, and initiatives submitted by athletes, their legal representatives, sports practitioners, sports program providers, and public authorities at both the national and local levels. The Office also promotes transparency in sport by publishing good and poor practice examples and by informing the public accordingly. The Ombudsman is authorized to issue proposals and recommendations to relevant entities, which are required to consider them and provide a response within a time limit specified by the Ombudsman. These entities are further obliged to grant the Ombudsman access to all relevant information necessary for the examination of a specific matter, no later than five days following receipt of a request (Kraljić & Drnovšek, 2021, p. 154; Sports Act of Slovenia, Art. 66; *2022 Annual Report of the Athlete's Ombudsman and Mandate Report for 2018-2023*).

One of the principal features distinguishing ombudsman procedures from other forms of dispute resolution is confidentiality. Parties may seek advice or request an assessment without the immediate involvement of the opposing party. The Ombudsman is required to inform participants that the procedure is confidential and that any information obtained would not be disclosed without explicit consent. Outcomes are published only with such consent or, alternatively, in anonymized form. In addition to confidentiality, another advantage of the procedure before the Slovenian Athlete's Ombudsman is that it is free of charge.

The procedure is informal and does not require legal representation. This informality implies that the Ombudsman cannot issue binding decisions; rather, the Ombudsman may provide recommendations, initiate proposals, and facilitate mediation and negotiations. The Office may also publish anonymized good and bad practice examples in sport for public information purposes (Kraljić & Drnovšek, 2021, p. 155; Sports Act of Slovenia, Art. 66; *2022 Annual Report of the Athlete's Ombudsman and Mandate Report for 2018-2023*).

[1] *Official Gazette of the Republic of Slovenia*, Nos. 29/17, 21/18 – ZNOrg, 82/20, and 3/22 – Zdeb.

From an institutional standpoint, this body is a highly specialized external ombudsman that nevertheless embodies the core characteristics generally associated with ombudsman institutions, including the non-binding nature of its recommendations and the confidentiality of its procedures. By safeguarding the rights of athletes and promoting accountable administrative conduct in the sport sector, the Slovenian model contributes to the fundamental objectives of ombudsman institutions: reinforcing the rule of law, preventing and remedying maladministration, and protecting human rights.

4.4. Other Comparative Developments: Proposed Models and the Canadian Alternative Dispute Resolution Framework

The establishment of a sports ombudsman has also been considered by several other jurisdictions. In India, proposals have been advanced for the creation of an ombudsman competent to adjudicate disputes in cricket, the country's most prominent sport. Similarly, in Australia, discussions have centered on the establishment of a dedicated commission within which an ombudsman would exercise specific oversight powers. These initiatives, however, have remained at the level of policy proposals and have not let do the creation of fully operational institutions (Anderson & Partington, 2018, p. 3; Fowlie, 2017).

A distinct institutional approach is observed in Canada through the Sport Dispute Resolution Centre of Canada (hereinafter: SDRCC). Established under Section 10 of the *Physical Activity and Sport Act* (S.C. 2003, c. 2), the SDRCC provides a national alternative dispute resolution mechanism for sport-related disputes and offers expertise and assistance in the field of alternative dispute resolution. Its mission emphasizes education and prevention by equipping stakeholders with the tools and guidance necessary to resolve disputes efficiently and informally (CRDSC-SDRCC*, About Mission*). The SDRCC Code further establishes the procedural framework governing disputes submitted to the SDRCC and serves as a central reference for parties, mediators, arbitrators, and Dispute Resolution Secretariat staff (CRDSC-SDRCC, *About Mission*). From an institutional perspective, the Canadian model does not constitute an ombudsman mechanism in the strict sense, but rather functions as a specialized dispute resolution body that contributes to the protection of athletes' rights through structured alternative dispute resolution processes. However, it does not appear to provide the same institutional guarantees of independence typically associated with ombudsman institutions, and its mandate remains confined primarily to dispute resolution. Consequently, its role in promoting the rule of law and addressing maladministration differs both in scope and character from that of classical ombudsman mechanisms.

5. Conclusion

In recent decades, the ombudsman institution has expanded globally, taking diverse institutional forms across all major legal systems. This evolution has been accompanied by the emergence of specialized ombudsman mechanisms designed to provide targeted protection within specific sectors of social life. Concurrently, sport has developed beyond a purely recreational activity into a significant social and economic domain, shaped in part by the growth of the media and commercialisation. In this context, the establishment of an appropriate legal framework for sport assumes increasing importance.

From a legal perspective, the extension of the ombudsman principles into the sport sector is a promising avenue for strengthening accountability, safeguarding rights, and promoting good governance. It should be noted that practicing sport has been expressly recognized as a human right under the *Olympic Charter*. The comparative analysis presented in this paper demonstrates that specialized oversight mechanisms in sport can play a meaningful role in enhancing institutional integrity and access to justice, indicating that the development of sports ombudsman models constitutes a logical and desirable direction for contemporary legal systems.

Accordingly, certain developments can already be observed in comparative law, including initiatives in several Anglo-Saxon legal tradition countries and in Slovenia. It should be noted, however, that the establishment of sports ombudsmen remains at an early stage of development. As demonstrated above, it exists in some form in two Anglo-Saxon countries and in Slovenia. Nevertheless, if the established theoretical ombudsman definitions and models were applied, it may be argued that a sports ombudsman in the strict sense currently exists only in Slovenia.

As previously explained, the UK and the US ombudsmen are internal in nature, and are designed to perform specific institutional functions. In the UK context, their primary role is the protection of fans' rights and the improvement of relations between the football clubs and their supporters. This approach may be understood in light of the fans' economic importance or the clubs, although its primary objective is not the protection of the rule of law or the exercise of administrative oversight. By contrast, the United States Olympic and Paralympic Committee Sports Ombudsman protects the rights of athletes within the Olympic and Paralympic Movement, but cannot be regarded as an ombudsman in the strict sense. The Office is established within the Olympic and Paralympic institutional framework and focuses primarily on safeguarding the rights and interests of American Olympians. In this respect, it appears to be oriented toward practical considerations related to athlete preparation for the Olympic Games, rather than toward the broader objectives of rights protection and administrative accountability.

In light of the foregoing analysis, it appears that many legislatures have yet to fully recognize the importance of protecting athletes' rights through specialized ombudsman mechanisms. It is often assumed that general ombudsman institutions can provide adequate legal protection in this field. However, given the transformation of sport from a purely recreational activity into a significant economic sector, such assumptions may warrant reconsideration. The development of sports ombudsman institutions may therefore constitute an additional and appropriate component of the legal framework governing sport.

The examined models collectively demonstrate the diversity of institutional approaches to protecting rights and resolving disputes in the sport sector. Despite their structural differences, these models share a common objective: enhancing accountability, improving access to justice, and strengthening governance in sport. In this context, a sports ombudsman may be understood as a complementary mechanism for strengthening the rule of law and addressing maladministration. Given the widely acknowledged value of specialized ombudsman mechanisms, extending such institutional models to the sport sector has the potential to prevent unlawful or ineffective administrative practices and to protect athletes' rights, thereby contributing to the broader objective of reinforcing the rule of law in contemporary societies.

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