



EU Work Plan  
for Sport

2014-  
2017

## **Expert Group on Good Governance**

*Recommendations on the protection of young  
athletes and safeguarding children's rights in sport*

*Final document, July 2016*

*Acknowledgements: Under the chairmanship of Darren Bailey (UK), the Expert Group work on these recommendations was led by Alexandre Husting (LU) and supported by the European Commission (EAC/Sport)*

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## 1. Introduction

In accordance with the mandate deriving from the Council Resolution on the second European Work Plan for Sport (2014-2017), the protection and safeguarding of minors in sport was one of the five issues identified as priorities in terms of sport integrity by Member States and the European Commission. An expert group (XG) on Good Governance was set up in 2015 to produce recommendations on this key topic. The XG held its first meeting on 16 October 2014 and began its work on the protection of minors deliverable on 23 February 2016, followed by further discussions on 12 May and 14 July.

Today sport plays a major role in society and is a popular leisure activity among children. Every week millions of children worldwide take part in some form of organized or non-organised sport, either at club level, at school or in the street, at grassroots or competitive level.

Positive effects of sport for children are well known<sup>1</sup> and already underlined at international, EU and national level. Through sport children can learn important values as tolerance or fair-play. They can also develop motor skills<sup>2</sup> and a healthy way of life<sup>3</sup>. All forms of sport can contribute to their social inclusion, education and personal or social development<sup>4</sup>. Because of these positive effects among others, sport is recognised by Member States and EU as an important policy priority. And for the vast majority of children, sport is therefore a positive experience.

But for other children, the experience may be affected by negative experiences. Like in any other arenas involving a close personal relationship and/or authority relationship toward children, a sporting environment may also sometimes expose minors to particular risks. Studies and high-profile cases showed that minors can be subject to various forms of violence in sport that can lead to lifelong consequences on their emotional, physical and psychological health, personal development, social and family life, and subsequently impact their participation in sport and life.

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<sup>1</sup> G.J. Welk, J.C. Eisenmann, et J. Dolman, "Health-related physical activity in children and adolescents: A bio-behavioural perspective", The handbook of physical education, eds. D. Kirk, D. Macdonald and M. O'Sullivan, London : Sage Publications Ltd., 2006, p. 665-684

<sup>2</sup> Council conclusions on the promotion of motor skills, physical and sport activities for children, OJ C 417, 15.12.2015.

<sup>3</sup> Council recommendation of 26 November 2013 on promoting health-enhancing physical activity across sectors, OJ C 354, 4.12.2013.

<sup>4</sup> See: Council conclusions on Sport as a source of and a driver for active social inclusion (2010) and Council conclusions on the contribution of sport to the EU economy and in particular to addressing youth unemployment and social inclusion (2013).

Generally recognized as a vulnerable population, minors need special consideration and protection. However, the sport sector is an example (among others) where safeguarding minor's rights can be said to have been given insufficient attention in the past. Many structures or entities in the EU “working” close to minors have realized they have a particular responsibility towards protecting minors against any form of violence and to keep paying attention on this concern, but there is still much to be done.

Minors have to be protected against any form of “violence” that may be caused in the course of sport activities, regardless of the sports level (grassroots or high-level); minors have the right to practice sports activities in a safe environment.

The aim of these recommendations is to propose key actions to Member States, the European Commission and sport organisations/associations to raise awareness on the importance of the protection of minors in sport, and to propose concrete guidelines for action.

## 2. Background

Considering the United Nations Convention on the Rights of the Child<sup>5</sup> (UNCRC 1989) introducing the first community of children rights which, although it contains no direct reference to sport, provides some references in relation to the rights of children when it comes to recreational and leisure activity (art.31).

Considering the International Labour Organization Conventions and Recommendations on Child Labour (IPEC) (1999) aiming to eliminate work which deprives children of their childhood, their potential and their dignity, and which is harmful to the physical and mental development of children. Also, considering the Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work aiming to lay down minimum requirements for the protection of young people at work.

Considering that the “protection of the rights of the child” is one of the objectives of the EU on which the Treaty on European Union (2012) (Art. 3(3)) puts further emphasis. Considering that “The rights of the child” are also enshrined in the Charter of Fundamental Rights of the European Union (2000), where it is among other recognized that “Children shall have the right to such protection and care as it is necessary for their well-being” and that “in all actions relating to children, whether

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<sup>5</sup> <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

taken by public authorities or private institutions, the child's best interests must be a primary consideration" (Art. 24 al. 1-2).

Considering that following the Commission Communication of 4 July 2006<sup>6</sup>: "towards an EU Strategy on the rights of the child," the European Commission adopted an EU Agenda for the rights of the child<sup>7</sup>, reaffirming the commitment of all EU institutions and of all EU Member States to promoting, protecting and fulfilling the rights of the child in all relevant EU policies. The EU Agenda recalled that the standards and principles of the United Nations Convention on the rights of the child must continue to guide EU policies and actions that have an impact on the rights of the child.

Considering the "EU Guidelines for the promotion and protection of the rights of the child"<sup>8</sup> and the European Commission Communication on "A special place for children in EU external action to mainstream children's rights into all EU activities with non-EU Member States" (COM (2008) 55 final).

Considering the EU's Europe 2020 strategy aiming in particular to limit the share of early school leavers to less than 10% (COM(2010)2020 final).

Considering the Resolution on the prevention of sexual harassment and abuse of women, young people and children in sport (3/2000) from the Council of Europe.

Considering the European Parliament resolution of 2002 on women and sport<sup>9</sup> urging "Member States and sports federations to adopt measures for the prevention and elimination of sexual harassment and abuse in sport by enforcing the legislation on sexual harassment at work, to inform athletes and their parents of the risks of abuse and the means of legal action available to them, to provide sports organisations staff with specific training and to ensure that criminal and disciplinary provisions are applied;"(al. 40)

Considering that for 35% (2003) of the EU citizens the issue of "sexual abuse of children" in sport is of concern (29% in 2004) as the issue of "exploitation of children" is for 35% in 2003 (25% in 2004) (Eurobarometer: 2003 and 2004<sup>10</sup>). That for almost one third of EU citizens the field of sports and leisure are areas where

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<sup>6</sup> COM(2006)367 final

<sup>7</sup> COM (2011) 0060 final

<sup>8</sup> EU Guidelines for the Promotion and Protection of the Rights of the Child. Approved by the Council on 10 December 2007 [Not published in the Official Journal]

<sup>9</sup> 2002/2280(INI)

<sup>10</sup> Special Eurobarometer. The citizens of the European Union and Sport: [http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_213\\_presentation.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_213_presentation.pdf)

government or public administration should take children's interests into account when adopting legislation or making decisions (32%)<sup>11</sup>.

Considering the European Commission White Paper on Sport recognizing the need for protecting “the moral and physical integrity of young people through the dissemination of information on existing legislation, establishment of minimum standards and exchange of best practices”<sup>12</sup>.

Considering Article 165 TFUE (2007) indicating that in the field of sport the « Union action shall be aimed at (...) protecting the physical and moral integrity of sportsmen and sportswomen, especially the youngest sportsmen and sportswomen ».

Considering Council conclusions on the contribution of sport to the EU economy, and in particular to addressing youth unemployment and social inclusion (2014) underlining that through engagement in sport, young people gain skills and competences that actively support their participation, development and progression in education, training and employment and Council conclusions on the promotion of motor skills, physical and sport activities for children (2015) emphasizing the importance of raising awareness on developing physical and sporting activities suitable for young people.

### 3. The context

Research studies, evidence and high-profile cases have drawn attention to the problem of violence in sport that “young athletes” have experienced in the context of sporting activities. Paulo David, former Secretary of the Committee on the Rights of the Child, Office of the United Nations High Commissioner for Human Rights, roughly estimates that, of all children involved in “competitive sports”, 10% have undergone human rights abuse, and another 20% are at risk<sup>13</sup>.

A study conducted in UK in 2009<sup>14</sup> reported that 29% of the sample of athletes representing all competitive levels had been sexually harassed (34% of females and 17% of males) while 3% had been sexually abused (5% of males and 2% of females).

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<sup>11</sup> Flash Eurobarometer The Rights of the Child Analytical report May 2009: [http://ec.europa.eu/public\\_opinion/flash/fl\\_273\\_en.pdf](http://ec.europa.eu/public_opinion/flash/fl_273_en.pdf)

<sup>12</sup> White Paper on Sport {SEC(2007) 932} {SEC(2007) 934} {SEC(2007) 935} {SEC(2007) 936} /\* COM/2007/0391 final, p. 17.

<sup>13</sup> Paulo David, Human Rights in Youth Sport: A critical review of children's rights in competitive sports, Routledge, London and New York, 2005.

<sup>14</sup> Alexander, Stafford, and Lewis (2011), The experiences of children participating in organised sport. London: NSPCC. <https://www.nspcc.org.uk/globalassets/documents/research-reports/experiences-children-participating-organised-sport-uk-summary-report.pdf>

Another study conducted in Denmark among 250 sport students showed that about 25% either knew about or had experienced situations in which a sport participant under the age of 18 had been sexually harassed by coach<sup>15</sup>. From the studies we have consulted<sup>16</sup> we may estimate that between 2% and 8% of athletes (both minors and young adults) are victims of sexual assault within the context of sport.

J. Nielsen Toftegaard, a Danish researcher, underlined that “Generally, clubs agreed that preventing sexual abuse in sport was more important than the problems of eating disorders, doping and fair play”<sup>17</sup>.

Studies are still too few, focusing essentially on sexual violence against women and girls and thereby ignoring all other possible forms of “harm” as well as male victims, and affected by inherent methodological difficulties of the topic, making rarely a distinction in age category, the lack of standardised definition, mainly focusing on sexual violence and abuse in a broader sense from “simple sexual comment” to “sexual abuse” and not covering other forms of violence,... Today it seems obvious that violence against minors in sport requires special attention.

Concerning sexual violence, it appears in particular that:

- Elite young athletes are more likely to be sexually assaulted than their lower-level counterparts.
- The type of sport played by young athlete has no impact.
- Girls are sexually abused in sport more often than boys are (NB few studies include boys in their surveys and boys are maybe less likely to report this kind of abuse).
- Perpetrators of sexual abuse have been identified as primarily authority figures, particularly coaches, but also team doctors, trainers or "counsellors". Some studies have showed that sexual violence may be perpetrated by their peers or people they don't know (such as spectators or fans).
- In 98% of the cases perpetrators were male.

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<sup>15</sup> Nielsen, Jan Toftegaard, 'The Forbidden Zone', International Review for the Sociology of Sport, vol. 36, no. 2, 2001, pp. 165-182.

<sup>16</sup> See e.g. Brackenridge, C.H. Fasting, K., Kirby, S. and Leahy, T. (2010). Protecting Children from Violence in Sport: A review with a focus on industrialized countries. Florence: United Nations Innocenti Research Centre Review. [https://www.unicef-irc.org/publications/pdf/violence\\_in\\_sport.pdf](https://www.unicef-irc.org/publications/pdf/violence_in_sport.pdf) / CPSU/UNICEF (2012) Symposium report from the Beyond Sport Summit, London 25 July Berlin Nov 20-21 2012. <http://www.sportanddev.org/en/learnmore/safeguarding/> / Brackenridge, C. H. & Fasting, K. (1998). The problems women and children face in sport with regard to sexual harassment. Strasbourg: Council of Europe Sports Division. / United Nations Children's Fund (2010). Protecting children from violence in sport: A review with a focus on industrialized countries [http://www.unicef-irc.org/publications/pdf/violence\\_in\\_sport.pdf](http://www.unicef-irc.org/publications/pdf/violence_in_sport.pdf)

<sup>17</sup> Jan Toftegaard "Risk and possibilities for sexual exploitation in the Danish sport club system" (p. 131) in "A Sourcebook on Global Issues and Local Programmes". Celia Brackenridge, Tess Kay and Daniel Rhind (Editors) 2008-2012 Brunel University. [https://www.brunel.ac.uk/\\_\\_data/assets/pdf\\_file/0005/369293/2012-Sport-and-childrens-rights-edited-book.pdf](https://www.brunel.ac.uk/__data/assets/pdf_file/0005/369293/2012-Sport-and-childrens-rights-edited-book.pdf)

Negative consequences of violence against minors are widely studied in the intra and extra familial context to which must be added some specific “sporting” consequences when they occur in the sport context.

- Psychological: e.g. impacts on family-friends, lowered self-esteem, alcohol and drug use, etc.
- Physical: e.g. eating and sleep disorders;
- Sporting consequences: minors leaving their sport or to take up another one, decline in performance, failing to attend training sessions or finding it hard to concentrate during training...

Prevalence data in sport:

| Type                   | Prevalence estimate                             |
|------------------------|---|
| Sexual harassment      | 14-49% (outliers 2-92%)                         |
| Sexual abuse           | 2-13% for females (outlier 49%)<br>6% for males |
| Physical violence      | 11%   |
| Psychological violence | 38% (outlier 75%)                               |
| Neglect                | ?   |
| Bullying               | +/-30%  |

*Table presented by Ms Tine Vertommen during the XG meeting on 12 May 2016, a synthesis from studies in various countries: Volkwein et al, 1996, USA / Kirby & Greaves, 1996, CAN / Leahy et al, 2002, AUS / Fasting et al, 2003, NO / Fasting et al, 2011, NO, GRE, CZ / Alexander et al, 2011, UK/ Vertommen et al, 2016, NL and BE.*

A recurrent finding in several studies is that minority groups have all experienced more interpersonal violence. In accordance with childhood violence studies outside sport, the study some researchers<sup>18</sup> showed that LGBT athletes report higher rates than heterosexual peers. Secondly, this study also confirms the findings that physical and mental disabilities are associated with an increased risk of childhood sexual and physical violence. Thirdly, although the difference was small, the respondents with an ethnic background different from the Dutch and Flemish populations in this study also showed increased exposure to physical and sexual violence (but not psychological violence).

In summary, minority groups that already face more challenges to engage in sports indeed face higher risks of experiencing psychological, physical, and sexual violence. This evidence urges us to devote specific attention to intersectional dimensions in the sporting population, during research design, as well as during the development and implementation of prevention initiatives.

<sup>18</sup> Vertommen, Tine, Schipper-van Veldhoven Nicolette, Wouters Kristien, Kampen Jarl K, Brackenridge Celia H, Rhind Daniel J.A, Neels Karel, Van Den Eede Filip, Interpersonal violence against children in sport in the Netherlands and Belgium, in Child abuse and neglect 51 (2016), p. 223-236.



## 4. Definitions, and limits of the issue

Under EU law, there is no single, formal definition of “child” set out in any of the treaties, their subordinate legislation or case law. The definition of a child can vary considerably under EU law, depending on the regulatory context (e.g. young workers directive). In areas in which EU action complements that of Member States (e.g. education), EU law defer to national law to determine who is a child. Therefore we will use the definition laid down in the UN Convention on the Rights of the Child (UNCRC), according to which a child is any human being below the age of 18 (art.1).

It is difficult to define violence to minors in general and in sport in particular because in sport, minors can be abused in many ways depending on the context and sometimes sport may be “violent” by nature (fighting sports, ice hockey, etc.). They may be abused during the sporting activity, on the way to a competition, after the sporting activity, directly or indirectly via social media. They may be harmed by an adult(s) or young trainer, or another athlete, or by their peers or by anyone else from the entourage including parents. The general definition of violence we used is the one included in the UN Convention on the Rights of the Child (UNCRC) (art. 19) “all forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse while in the care of parent(s), legal guardian(s) or any other person who has the care of the child”. In the specific context of sport, this definition can be completed with the one given by Goldstein<sup>19</sup> where violence is a “behaviour that transgresses the rules of sport, leading to pain, either physical or emotional, and an abnormal risk of injury, harm, mutilation or death”. These definitions allow us to cover violence in sport against minors in sport in a broader sense covering issues like: physical humiliation, inappropriate behaviour (e.g. thoughtless or careless wording of critics or discouraging attitude on child concerns), undue pressure, sexual violence, doping, overtraining, etc.

Recommendations contained in section 7 intend to be limited to cases of interpersonal violence that minors may be victims during their sporting activity in a broader sense (including the travel to a competition). Excluding any other forms of violence they could suffer out of to the sport activity itself (child prostitution during sporting events, child exploitation in the construction of sports infrastructure<sup>20</sup>, minors' athletes trafficking<sup>21</sup>, etc.). Furthermore, we will not make any distinction between minors who are professional athletes or amateurs. Recommendations will

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<sup>19</sup> Goldstein, J.H., *Sports Violence*, New York: Springer-Verlag, 1983, p. 3

<sup>20</sup> These two points could be addressed during further discussions on Major Sporting Events (MSE).

<sup>21</sup> For the specific issue of transfers of young players see the deliverable produced by the XG on Good governance in December 2013 “Supervision of sports agents and transfers of players, notably young players”.

focus both on organised and non-organised sport, in schools, clubs or “recreational” but excluding physical education (PE lessons) and informal physical activities (e.g. street games, etc).

## **5. The existing (international) legal framework**

### **5.1 The UN Convention on the Rights of the Child (UNCRC) (1989)**

Even if no provision of the UN Convention on the Rights of the Child (UNCRC) explicitly refers to sports, many of the substantive provisions directly apply to sports. For example:

- Art. 3: the principle of the best interests of the child,
- Art. 19: everyone has the responsibility to protect all children from all forms of harm, abuse, neglect and exploitation,
- Art. 28 and 29, the right to education.
- Art. 31 every child’s right to participate in play and recreational activities
- Art. 32, 33, 34, 35, 36, the right to be protected from economic exploitation, illegal drugs, sexual exploitation, abduction, trafficking and sale and other forms of exploitation.

The Convention on the Rights of the Child is therefore a tool to guarantee the protection of children’s rights. Article 19 emphasises that State Parties must have proper laws in place to prohibit violence, but it also requires States to implement administrative, social and educational measures to protect children. All forms of violence, both physical and mental, fall under this article. The 28 MS have ratified the Convention, but the EU is not a party to the UNCRC, since there is no legal mechanism within the UNCRC to allow entities other than states to accede to it.

### **5.2 The Charter of Fundamental Rights of the European Union (2000)**

According to the EU Charter of Fundamental Rights “Children shall have the right to such protection and care as is necessary for their well-being (...)” and “In all actions relating to children, whether taken by public authorities or private institutions, the child’s best interests must be a primary consideration” (art. 24 al. 1-2). The Charter contains the first detailed references to children’s rights at the EU constitutional level, including through the recognition of children’s right to receive free compulsory education (Article 14 (2)) and a prohibition of exploitative child labour (Article 32).

With the entry into force of the Treaty of Lisbon, on 1 December 2009, the Charter became legally binding on the EU institutions and on national governments, like the

EU treaties (Art. 6 TEU)). It obliges the EU and its Member States to protect the rights enshrined in it when implementing EU law.

### 5.3 The Lisbon treaty

The Lisbon treaty also enhanced the EU's potential to advance children's rights, not least by identifying the "protection of the rights of the child" as a general stated objective of the EU (Article 3(3) TEU) and as an important aspect of the EU's external relations policy when the treaty mentioned that "In its relations with the wider world, the Union shall (...) contribute to (...) the protection of human rights, in particular the rights of the child (Article 3(5) TEU). More specific references to children are included within the TFEU as well, enabling the EU to enact legislative measures aimed at combating sexual exploitation and human trafficking (Article 79 (2) (d) and Article 83 (1)). This has led to the adoption of the directives on combating child sexual abuse, child sexual exploitation and child pornography (Directive 2011/93/EU, OJ 2011 L 335, p. 1.), and on preventing and combating trafficking in human beings and protecting its victims (Directive 2011/36/EU, OJ 2011 L 101, p. 1.), which also contain provisions addressing specific needs of child victims.

However in the field of sport, possibilities of any EU action are limited by art. 165 TFUE that makes sport a supporting competence excluding any form of harmonisation, EU may legislate only where it has been given competence under the treaties (Art. 2 to 4 TFEU). As children's rights are a cross-sectorial field, EU competence needs to be determined on a case-by-case basis. To date, areas relevant for children's rights with a link to sporting activity where the EU has legislated are data and consumer protection, and cooperation in civil and criminal matters.

## 6. Challenges: Violence that minors have to be protected from in sport

According to scientific studies in the particular context of sport, violence against minors may be expressed in many ways<sup>22</sup>:

- Physical maltreatment (non-accidental injury, forced regimes, etc.);
- Sexual abuse (by word or action);
- Neglect and negligent treatment (anything a child may need for his/her physical growth and development: medical care, hygiene, education, etc.);
- Emotional and psychological abuse;
- Overtraining;

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<sup>22</sup> Paulo David (2005) Human Rights in Youth Sport: A critical review of children's rights in competitive sports.

- Training not according to individual physical development;
- Discrimination, violence and harassment (based on sex, race, sexual orientation, disability);
- Doping, performance-enhancing substances or the inappropriate use of painkillers, nutrition supplements and/or alcohol;
- High-level intense training to the detriment of education;
- Bullying, including cyber-bullying, and any form of pressure (including to under-perform).

Detailed definitions of these forms of violence can be found in documents referenced in the annex.

## 7. Recommendations

Due to the share of competences and responsibility between various stakeholders, both public and private stakeholders have a direct and indirect responsibility to ensure protection of minors in sport.

Recommendations are provided for national and European public authorities and sport organisations/associations in order to provide a high level of protection of minor's rights and protect them from both physical and mental harmful in the context of sport activities.

Recommendations are primarily geared towards the promotions of tools, rules and advice, as well as the preparation and implementation of preventive actions

Encourage the use of the experience from specialised institutions<sup>23</sup> and link up with currently existing international initiatives in order to not overload the national administrations and sport organisation/association work.

### 7.1 To national public authorities

1. Encourage collaboration/effective partnerships between sport organisations, national agencies responsible for sport with those responsible for child protection.
2. Implement effective legislation and regulation in fighting against violence to minors in sport.
3. Support sport organisations for the development of child protection measures: promote educational programmes, codes of conduct, guidelines, toolkits,

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<sup>23</sup> Such as the Safe Sport International: <http://safesportintl.org.uk/>

awareness campaigns, hotlines, etc. with clear procedures for managing allegations and dealing with post-judgment issues and link revenue grant aid for that purpose.

4. Improve data collection and knowledge about violence to minors in sport.
6. Promote special training/courses for physical education teachers to be sure their work is adapted to working with minors.
7. Find a flexible way to implement the requirement of criminal record checks for people working with minors mentioning the nature of the crime and an exchange system between Member States (see directive 2011/93, Council Decision 2009/316/JHA of 6 April 2009 on the establishment of the European Criminal Records Information System (ECRIS) and Framework Decision 2009/315/JHA<sup>24</sup>). And consider facilitating the exchange of information across Member States by ensuring the equivalence of information shared across EU.
8. Encourage national sport governing bodies to develop and promote child protection strategies as one of their priorities.
9. Promote dual-career strategies, as young athletes involved in elite sports may face the risk of missed education opportunities and given that a professional sport career is often uncertain.
10. Ensure safe and adapted sport infrastructures, equipment and qualified staff/volunteers by regular inspections and monitoring.

## 7.2 To sport organisations/associations

Sport clubs/federations/associations have a responsibility for safeguarding minors in sport. They must prevent their staff, coaches, volunteers as well as their training and competition programmes from harming minors. Clubs/federations/associations should not expose minors to the risk of harm and abuse, and they should report any concerns they may have about children to the appropriate authorities. As part of good governance principles, it is their responsibility to prevent or minimise the «violence» minors may be victim of as a result of their activities. Due to the disparity of means between umbrella sport organisations, larger federations and clubs, and on the other side grassroots clubs and associations, recommendations cannot be the same.

Umbrella sport organisations, larger federations and clubs should:

1. Have a child protection policy in place when staff or volunteers have direct contact with minors.
2. Promote ethical guidelines and codes of conduct as part of the prevention system. They might include ethics communication to staff, reporting

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<sup>24</sup> The information can be exchanged for the purpose of criminal proceedings or for any other purposes, e.g. pre-employment screenings.

mechanisms, contact person, hotline, travel policy, clear procedures for managing allegations, management of the case after criminal procedures/disciplinary sanctions, etc.

3. Organise special and regular training for coaches, volunteers, medical staff, parents etc. having to be in contact with minors (on potential risks, broad definition of violence and special requests when dealing with minors (health, sensitiveness, motor skills; adapted training).
4. Organise awareness campaign to coaches, parents, minors, volunteers, agents etc. about various forms of physical and psychological violence that may happen in sport and what is acceptable / legitimate in sport and what is not with a particular attention to minority and vulnerable groups.
5. Improve strong partnerships and communication with parents.
6. Raise awareness and inform minors about their rights to be safeguarded from violence in a broad sense and how to report effectively any incident they could have been victims or might be aware and to develop a culture of confidence.
7. Implement a guideline of appropriate intervention on how to deal with and investigate complaints and suspicions.
8. Each national sporting body should make a risk analysis for minors in their sporting environment and recommend prevention measures based on the results.
9. Sports governing bodies should consider setting up relevant monitoring mechanisms to safeguard adherence and enforcement of their respective applicable regulatory frameworks pertaining to the protection of minors.

Grassroots clubs and associations should:

1. Have a child protection policy in place when staff or volunteers have direct contact with minors.
2. Improve strong partnerships and communication with parents.
3. Raise awareness and inform minors about their rights to be safeguarded from violence in a broad sense and how to report effectively any incident they could have been victims or might be aware and to develop a culture of confidence.
4. Implement a guideline of appropriate intervention on how to deal with and investigate complaints and suspicions.

### **7.3 To the European Commission**

1. Conduct a study on criminal records request for sport organisation/association wishing to hire someone in contact with minors (volunteer and paid staff): Obligatory check in Member States, information retention period and exchange of criminal records between member states
2. Conduct a study to collect prevalence data on violence against minors in sport

and national best practices/legal framework to respond to it.

3. Include the issue of sport in the annual Eurobarometer on “the rights of the child analytical report” (if still existing).
4. As a general principle, mainstream the issue of sport when talking about minors: for e.g. EU agenda for the rights of the child.

## 8. Dissemination

The present recommendations will be presented to the Council Working Party on Sport under the Slovak Presidency of the Council of the EU.

The Commission will explore the possibility to disseminate the results through relevant channels at EU level. Member States representatives in the XG GG will liaise with their national ministries and other relevant ministries to disseminate the information at national level.

*The lead expert wishes to give special thanks to Ms Tine Vertommen (University of Antwerp) and Anne Tiivas (NSPCC) for their kind contribution to this document.*

## Annex 1: References

### Definitions of various forms of violence against minors may be found in:

Children First: National Guidance for the Protection and Welfare of Children was published in July 2011. Department of Children and Youth Affairs Ireland (page 8 to 11):

<http://www.dcy.gov.ie/viewdoc.asp?fn=/documents/Publications/ChildrenFirst.pdf>

Brackenridge, C.H. Fasting, K., Kirby, S. and Leahy, T. (2010); Protecting Children from Violence in Sport: A review with a focus on industrialized countries. Florence: United Nations Innocenti Research Centre Review (page 9 to 15)

[http://www.unicefirc.org/publications/pdf/violence\\_in\\_sport.pdf](http://www.unicefirc.org/publications/pdf/violence_in_sport.pdf)

### United Nations

- European children's rights law is largely based on the UN Convention on the Rights of the Child (CRC). NB the EU is not and cannot become a party to the CRC.  
<http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

### Council of Europe

- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No.: 201, Lanzarote, 25.10.2007, pp. 1–21.
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, CETS No.: 126, Strasbourg, 26.11.1987, pp. 1–9.
- Council of Europe Convention on Action against Trafficking in Human Beings, CETS No.: 197, Warsaw, 16.5.2005, pp. 1–21.
- European Social Charter, CETS No. 035, Turin, 18.10.1961, pp. 1–18 and revised CETS No. 163, Strasbourg, 3.5.1996, pp. 1–29

### European Union

- Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work, OJ L 216, 20.8.1994, pp. 12–20. Ensuring that work of adolescent is strictly regulated and protected and to ensure that employers guarantee that young people have working conditions suitable for their age.
- Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, OJ L 101, 15.4.2011, pp. 1–11.
- Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children



and child pornography, and replacing Council Framework Decision 2004/68/JHA, OJ L 335, 17.12.2011, pp. 1–14. Ensuring that the criminal record will be checked when recruiting a person for professional or organized voluntary activities involving children,

- Council Directive 77/486/EEC of 25 July 1977 on the education of the children of migrant workers, OJ L 199, 6.8.1977, pp. 32–33
- The Commission Communication of July 2006 "Towards an EU Strategy on the Rights of the Child"(4.7.2006 COM(2006)367 final, proposed the establishment of an EU policy to promote and safeguard the rights of the child
- The EU Agenda for the Rights of the Child:  
[http://ec.europa.eu/justice/fundamental-rights/rights-child/eu-agenda/index\\_en.htm](http://ec.europa.eu/justice/fundamental-rights/rights-child/eu-agenda/index_en.htm)

## Annex 2: Bibliography

Exhaustive bibliography on academic studies, researches, guidelines, available on the following webpage:

[https://www.clearinghouseforsport.gov.au/knowledge\\_base/organised\\_sport/sport\\_integrity/child\\_protection\\_in\\_sport](https://www.clearinghouseforsport.gov.au/knowledge_base/organised_sport/sport_integrity/child_protection_in_sport)

<http://www.la84.org/resource-guide-on-preventing-child-sexual-abuse-in-youth-sports/>

EU acquis and policy documents on the rights of the child, European Commission, December 2015,

[http://ec.europa.eu/justice/fundamental-rights/files/acquis\\_rights\\_of\\_child.pdf](http://ec.europa.eu/justice/fundamental-rights/files/acquis_rights_of_child.pdf)

Handbook on European law relating to the rights of the child, European Union Agency for Fundamental Rights and Council of Europe, 2015

[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-ecthr-2015-handbook-european-law-rights-of-the-child\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-ecthr-2015-handbook-european-law-rights-of-the-child_en.pdf)

Brackenridge, C.H. Fasting, K., Kirby, S. and Leahy, T. (2010); Protecting Children from Violence in Sport: A review with a focus on industrialized countries. Florence: United Nations Innocenti Research Centre Review.

[http://www.unicefirc.org/publications/pdf/violence\\_in\\_sport.pdf](http://www.unicefirc.org/publications/pdf/violence_in_sport.pdf)

Brackenridge (Ed.), (2012); Sport, Children's Rights and Violence Prevention: A sourcebook on global issues and local programmes. UNICEF: Innocenti Research Centre.

[https://www.brunel.ac.uk/\\_data/assets/pdf\\_file/0005/369293/2012-Sport-and-childrens-rights-edited-book.pdf](https://www.brunel.ac.uk/_data/assets/pdf_file/0005/369293/2012-Sport-and-childrens-rights-edited-book.pdf)

Décamps, G., Afflelou, S., Jolly, A., Dominguez, N., Cosnefroy, O., & Eisenberg, F. (2009), Etude des violences sexuelles dans le sport en France: contexte de survenue et incidences psychologiques: Enquête nationale.

[http://www.anne-jolly.com/publications/articles/Rapport\\_2009.pdf](http://www.anne-jolly.com/publications/articles/Rapport_2009.pdf)

Jolly, A., Decamps, G. (2006). Les agressions sexuelles en milieu sportif : une enquête exploratoire. Science & motricité, 57(1), 105-121.

Nielsen, Jan Toftegaard, 'The Forbidden Zone', International Review for the Sociology of Sport, vol. 36, no. 2, 2001, pp. 165-182;

Siri Farstad, "Protecting Children's Rights in Sport: The Use of Minimum Age," Human Rights Law Commentary 3 (2007): 1-20.

Toftegaard, N. (2001). The forbidden zone: intimacy, sexual relations and misconduct in the relationship between coaches and athletes. *International Review for the Sociology of Sport*, 36, 165-182.

Vertommen, Tine; Toftegaard-Stoeckel, Jan; Vandevivere, Lore; Van Den Eede, Filip; De Martelaer, Kristine; 'A green flag for the Flag System? Towards a child protection policy in Flemish sport', *International Journal of Sport Policy*, March 2016, Vol. 8 Issue 1.

Vertommen, Tine, Schipper-van Veldhoven Nicolette, Wouters Kristien, Kampen Jarl K, Brackenridge Celia H, Rhind Daniel J.A, Neels Karel, Van Den Eede Filip, Interpersonal violence against children in sport in the Netherlands and Belgium, in *Child abuse and neglect* 51 (2016), p. 223-236.

## Annex 3: Example of strategies and good practises

### 3.1 Sport projects supported by the European Commission related to protection of minors in sport.

Preparatory actions and special events 2009-2013 relating to protection of minors in sport: Booklet summarizing the key achievements of the sport projects supported by the European Commission between 2009 and 2013

<http://bookshop.europa.eu/en/preparatory-actions-and-special-events-2009-2013-pbNC0414984/>

“Safeguarding Youth Sport”: International Center Ethics in Sport (ICES)

Protecting physical and moral integrity in competitive youth sport: stimulating individual empowerment of young athletes and conducive ethical climate in sport organisations.

<http://www.safeguardingyouthsport.eu/>

Health & Injury Prevention for Young Athletes (HIP Ya!): Atletski sportski klub "ASK" Split, Croatia

Exchange the best practices in athletic training and to improve practical training methodology conducive to prevention of injuries and health protection of young athletes in close co-operation with medical professionals.

<http://www.hipya.eu/project.html>

ARISTO: a European Monitoring Protocol of Young Athletes' health and training conditions: Empresa Pública para la Gestión del Turismo y del Deporte de Andalucía  
To improve young athletes (9-16 years) training and competition conditions by creating a monitoring protocol including medical and functional tests to control and prevent potential health problems and athletes' physical conditions.

<http://www.aristoproject.eu/en/partners?language=en>

FITFORHEALTH: CONI Comitato Regionale MARCHE

Golden rules for safety standards for individual young athletes in the age group of 14-19 years in volleyball, basketball, cricket, athletics and Finnish Pesapallo.

<http://marche.coni.it/marche/marche/notizie/3189-progetto-europeo-fitforhealth.html>

Pro Safe Sport for Young Athletes (PSS): Council of Europe / Enlarged Partial Agreement on Sport (EPAS).

Promote safe and healthy sport environments for young athletes by raising awareness among athletes' entourage, establishing self-evaluation and training

programmes and harnessing synergies of existing structures.

<http://pjp-eu.coe.int/en/web/pss/home>

Prevention of sexualised violence in Sports- Impulses for an open, secure and sound sporting environment in Europe, project led by German Sport Youth and co-financed by Preparatory Action in Sport 2011

Developed the concepts of prevention of sexualized violence in sports by building an European network of researchers, child protection and sport organizations.

Prevention of sexualised violence in Sports with a list of good practices: [https://www.dsj.de/fileadmin/user\\_upload/Handlungsfelder/Praevention\\_Intervention/sexualisierte\\_Gewalt/Catalogue\\_Initiatives\\_in\\_Europe\\_and\\_beyond\\_2012\\_2.pdf](https://www.dsj.de/fileadmin/user_upload/Handlungsfelder/Praevention_Intervention/sexualisierte_Gewalt/Catalogue_Initiatives_in_Europe_and_beyond_2012_2.pdf)

Sport Respects Your Rights project-- Empowering young Europeans in sport for a culture of respect and integrity — against sexualised violence and gender harassment co-financed by Daphne III Programme and led by SportUnion Austria.

Supported Europeans aged 16 to 22 to develop self-confident behaviour against sexualised violence and harassment in sports. Young sportswomen and sportsmen were given the platform to develop their own youth-led campaigns through which they raised awareness amongst peers, in their sport environment and beyond

<http://sport-respects-your-rights.eu>

The VOICE project - combatting sexual violence in European sport through the voices of those affected: <http://voicesfortruthanddignity.eu/> (Erasmus+ funding, 2016-2018)

The study on gender-based violence in sport (with specific focus on children), commissioned by EACEA and the Sport Unit (final report, including an assessment of best practices and recommendations for EU and MS, is due in November 2016)

### 3.2 Useful guidelines

Managing Risks – Parents by the Rules <http://www.playbytherules.net.au/managing-risks/parents>

United Nations, Sport development for peace: Child Protection in Sport, [http://www.un.org/wcm/webdav/site/sport/shared/sport/SDP%20IWG/2011-08-16\\_Child\\_Protection\\_in\\_Sport.pdf](http://www.un.org/wcm/webdav/site/sport/shared/sport/SDP%20IWG/2011-08-16_Child_Protection_in_Sport.pdf)

### 3.3 Best practices

National best practices with link to web page where useful definition, guidelines, practices etc. may be found.

UK:

The CPSU (Child Protection in Sport Unit) within the National Society for the Prevention of Cruelty to Children (NSPCC):

“Safeguarding children: What organisations need to do to protect children from harm” <https://www.nspcc.org.uk/preventing-abuse/safeguarding/>

Useful document “Standards for Safeguarding and Protecting Children in (and through) Sport” may be found on the CPSU webpage ([www.thecpsu.org.uk](http://www.thecpsu.org.uk)).

See as well the UNICEF- initiative on safeguarding children in sport: <http://www.unicef.org.uk/UNICEFs-Work/Sport-for-development/safeguarding-in-sport/>

Sports Coach UK, agency for coaching in sport and physical activity <http://www.sportscoachuk.org/>

DE:

German Olympic Sport Federation (DOSB) and German Sport Youth (dsj) “Prevention of sexualized violence in Sports” program.

[www.dsj.de/kinderschutz](http://www.dsj.de/kinderschutz)

DK

A broad range of public authorities, NGO’s, associations and private institutions are obliged under Danish Law to vet prospective employees/volunteers in regular direct or indirect contact with children, by obtaining a statement of previous convictions in respect of children (abuse of persons under the age of 15).

In the area of sport, this includes for example professional and voluntary trainers, who are affiliated with a sports club or association, dancing schools, riding schools, fitness centres etc.

EE :

In September 2013 several NGO’s and ministries agreed on principles to protect interests of the children and their transfers: <https://www.entk.ee/sites/default/files/Alaealiste%20huvide%20kaitse%20spordis%20ja%20%C3%BCleminekute%20HEA%20TAVA%20allakirjutamine.pdf> (in Estonian)

FR:

Guide juridique sur la prévention et la lutte contre les incivilités, les violences et les discriminations dans le sport (2013). Ministère des sports, de la jeunesse, de l’éducation populaire et de la vie associative.

<http://sports.gouv.fr/IMG/pdf/guidejuridique.pdf>

National public services establishments of the Ministry responsible for sports must display the phone number or a dedicated service (SNATED) in places

accessible to minors. An annual survey on the prevention of violence against/among children from these establishments is conducted since 2014.

IE:

Code of Ethics and Good Practice for Children's Sport, Irish Sports Council & Sports Council Northern Ireland, 2000 (Reviewed 2005)

[https://www.irishsportsCouncil.ie/Participation/Code\\_of\\_Ethics/Downloads/content.pdf](https://www.irishsportsCouncil.ie/Participation/Code_of_Ethics/Downloads/content.pdf)

Basketball Ireland code of ethics children's sport (2011).

<http://www.dlbb.ie/Documents/pdfs/basketball-ireland-code-of-ethics-for-childrens-sport.pdf>

Children First: National Guidance for the Protection and Welfare of Children. Department of Children and Youth Affairs (2011)

<http://www.dcy.gov.ie/documents/Publications/ChildrenFirst.pdf>

LU:

At the school centre for young athletes "Sportlycée" of Luxembourg, students are extensively monitored both by orthopaedic and general medicine by a multidisciplinary team (doctors, nurses, physiotherapists and psychologists) and examined to prevent injuries and lesions from possible overtraining.

USA:

Safe sport guidelines:

[http://www.usaswimming.org/\\_Rainbow/Documents/eca565d6-d11a-4c85-b5bd-307de73b6558/Safe%20Sport%20Handbook-FINAL.pdf](http://www.usaswimming.org/_Rainbow/Documents/eca565d6-d11a-4c85-b5bd-307de73b6558/Safe%20Sport%20Handbook-FINAL.pdf)

[www.teamusa.org/%2F~/%2Fmedia%2FUSA\\_Badminton%2FDocuments%2FSafe-Sports%2FUSAB\\_Safe\\_Sports\\_Handbook\\_-v1-8-\(2\).pdf](http://www.teamusa.org/%2F~/%2Fmedia%2FUSA_Badminton%2FDocuments%2FSafe-Sports%2FUSAB_Safe_Sports_Handbook_-v1-8-(2).pdf)

### 3.4 Sport initiatives

IOC: IOC Medical Commission, "Statement on Training the Elite Child Athlete" (2005).

The IOC Medical Commission recommended that coaches, parents, sports administrators, the media and other significant parties should limit the amount of training and competitive stress experienced by elite child athletes.

[http://multimedia.olympic.org/pdf/en\\_report\\_1016.pdf](http://multimedia.olympic.org/pdf/en_report_1016.pdf)

IOC: Consensus Statement on Sexual Harassment and Abuse (non-accidental violence) in Sport (2016) suggesting several practical steps to improve athlete safety by providing guidelines for prevention and resolution.

International Alliance for Youth Sports: Child Protection Recommendations

<http://www.iays.org/wp-content/uploads/Child-Protection-Recomendations-final.pdf>

FIFA: Regulations on the Status and Transfer of Players:

In particular Article 19, 19bis and Annex 2 and 3.

[http://resources.fifa.com/mm/document/affederation/administration/02/70/95/52/regulationsonthestatusandtransferofplayersjune2016\\_e\\_neutral.pdf](http://resources.fifa.com/mm/document/affederation/administration/02/70/95/52/regulationsonthestatusandtransferofplayersjune2016_e_neutral.pdf)

Camogie Association of Ireland: Our Games our Code.

Code of best practice in youth sport when working with underage players.

<http://www.camogie.ie/files/Our%20Games%20Our%20Code%202015.pdf>

German Sport Youth,

[https://www.dsjs.de/fileadmin/user\\_upload/Handlungsfelder/Praevention\\_Intervention/sexualisierte\\_Gewalt/Catalogue\\_Initiatives\\_in\\_Europe\\_and\\_beyond\\_2012\\_2.pdf](https://www.dsjs.de/fileadmin/user_upload/Handlungsfelder/Praevention_Intervention/sexualisierte_Gewalt/Catalogue_Initiatives_in_Europe_and_beyond_2012_2.pdf)

Norwegian Olympic and Paralympic Committee and Confederation of Sports: Guidelines to prevent sexual harassment and abuse in sport.

Czech Olympic Committee:

Prevention of harassment in the sport environment in the Czech Republic

French National Olympic Committee CNOSF:

Action Plan on the prevention of sexual violence.

Austrian Federal Sport Organisation (BS)

Child protection initiatives (awareness-raising, help-line, awards etc.)

Flanders: Centre for Ethics in Sport (ICES)

- Toolkits and training materials on “Children rights in sport”
- Documents and instruments on “Protection against physical and sexual violence”
- All the materials and policies are fully endorsed by the Flemish umbrella sport organisation.

International Safeguarding children in sport working group:

Launched in 2014, an international working group that has produced the “Safeguards” that are a guide that facilitates an organisation’s journey towards safeguarding children

([https://thecpsu.org.uk/media/2474/international\\_safeguards\\_for\\_children\\_in\\_sport\\_final\\_\\_updated\\_2016.pdf](https://thecpsu.org.uk/media/2474/international_safeguards_for_children_in_sport_final__updated_2016.pdf)). A final implementation guide should be published soon.

Safe Sport International:

Declaration and Principles is a not for profit company and will aim to host a conference in October 2017 to share practice across disciplines, engage with governments and sports bodies to protect and safeguard all ages of athletes.



In Finland the cross-sectoral initiative by the Finnish Sport Federation VALO, Finnish Youth Cooperation – Allianssi, SOSTE Finnish Federation for Social Affairs and Health and Arts Promotion Centre Finland published in 2014 a practical guidebook for clubs and associations on enhancing a safe environment for children and detection of criminal records of staff and volunteers based on national legislation.

See in Finnish <http://www.soste.fi/media/pdf/julkaisut/rikostausta-toimintaohje-2014.pdf> and in Swedish [http://www.soste.fi/media/kuvat/julkaisut/rikostausta-toimintaohje-sve\\_final.pdf](http://www.soste.fi/media/kuvat/julkaisut/rikostausta-toimintaohje-sve_final.pdf)