

# LEGAL AND REGULATORY



Which legislation, conventions, regulatory frameworks, standards and good practice guidelines help us to prevent and respond to sexual violence against children and young people?

## — The United Nations Convention on the Rights of the Child (1989)

The United Nations Convention on the Rights of the Child has 54 articles that cover all aspects of a child's life and set out the civil, political, economic, social and cultural rights that all children and young people everywhere are entitled to.

All European countries are signatories and must report on implementation to the Committee on the Rights of the Child (CRC). Every child and young person has rights, whatever their ethnicity, gender, religion, language, abilities or any other status. The convention must be seen as a whole: all the rights are linked and no right is more important than another. The right to relax and play (Article 31) and the right to freedom of expression (Article 13) have equal importance as the right to be safe from violence (Article 19) and the right to education (Article 28).

## — Civil and Criminal Law

Civil law is a body of laws of the state which regulate private matters. Criminal law is a body of rules and statutes that defines behaviour prohibited by a government because it threatens and harms public safety and welfare. It also establishes punishments for breaking the law. In some countries there is what is called a "statute of limitations" which defines the time period for an individual who has been a victim of sexual violence to file a complaint. See your country context box for information.

## — Safe Sport International - Declaration of Principles (2014)

The Brunel Declaration sets out the principles which should underpin the protection of all athletes, including young athletes, from all forms of violence in sport.

## — The Council of Europe Lanzarote Convention (2007)

The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, also known as "the Lanzarote Convention", requires criminalisation of all kinds of sexual offences against children and young people. It sets out that states in Europe and beyond shall adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute perpetrators. The Lanzarote Committee is the body established to monitor whether parties effectively implement the Lanzarote Convention. To see the most current information on all of the states which have ratified the Lanzarote Convention go to:

[www.coe.int/en/web/children/convention](http://www.coe.int/en/web/children/convention)

## — The International Olympic Committee consensus statement: harassment and abuse (non-accidental violence) in sport (2016)

Builds on its previous consensus on sexual harassment and abuse in sport (2007) and makes specific reference to the protection of children and young people. In 2016 the IOC strengthened its guidance to international federations and National Olympic Committees.

Pro Safe Sport+ Put an end to sexual harassment and abuse against children in sport (Erasmus+)

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## — The International Safeguards for Children in Sport (2014)

In 2001, the NSPCC's Child Protection in Sport Unit in the UK developed a set of Standards for Safeguarding and Protecting Children in Sport which benchmark that government funded sports bodies have appropriate safeguards in place.

Subsequently, Unicef UK has led a partnership of organisations to define the core components/pillars of safeguarding which need to be put in place to ensure that children and young people are protected from all forms of violence (including sexual violence) in and through sport.

These safeguards are: policy, procedures to respond, training, communication, equality issues, communicating with and listening to children and young people, prevention – safe recruitment and selection/safe events plans, monitoring and evaluation. They have been tested with over 50 sports bodies around the world and are becoming adopted by a range of sports bodies. A guidance document for organisations was produced in 2016.

### Country context

- ▶ Definitions: of a child and of sexual violence in civil and criminal law
- ▶ Definition of a child is under 18; consenting age is 16 or over 17 in positions of trust
- ▶ Main legislation, e.g. criminal law, civil law
- ▶ Statute of limitations for sexual offences: none
- ▶ Legal sanctions: e.g. criminal, civil, prevention orders, barring from employment with children and young people
- ▶ Government/statutory guidance: e.g. England and Wales "Working Together to Safeguard Children", HM Government 2015; "What to do if you are worried a child is being abused" 2015
- ▶ Professional/voluntary sector standards/guidance: e.g. sport safeguarding standards, codes of practice for coaching children and young people - the "Standards for Safeguarding and Protecting Children in Sport" in England
- ▶ Sport governance and integrity frameworks: e.g. UK Code for Good Governance in sport includes safeguarding requirements for sports organisations in receipt of government funding – including the Standards for Safeguarding and Protecting Children in Sport for national governing bodies.

## — EU Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography

This directive contains, *inter alia*, provisions to ensure that when recruiting a person for professional or organised voluntary activities involving children, the criminal record will be checked. See the directive here:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=cellex%3A32011L0093>

### — Key References

UNCRC 1989

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

Committee on the Rights of the Child

<http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIntro.aspx>

The Council of Europe - Lanzarote Convention 2007

<http://www.coe.int/en/web/children/lanzarote-convention>

The International Safeguards for Children in Sport 2014

<https://www.unicef.org.uk/sport-for-development/safeguarding-in-sport/>

The Standards for Safeguarding and Protecting Children in Sport

<https://thecpsu.org.uk/resource-library/2013/standards-for-safeguarding-and-protecting-children-in-sport/>

The International Olympic Committee consensus statement: harassment and abuse (non-accidental violence) in sport

<http://bjism.bmj.com/content/bjsports/50/17/1019.full.pdf>

Safe Sport International Principles

<http://www.safesportinternational.com/principles/>

<https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

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

<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32011L0093&from=EN>

The UNESCO Charte Internationale de l'Education Physique et du Sport [http://www.unesco.org/education/educprog/eps/EPsfrançais/EVENEMENTS/charte\\_internationale\\_de\\_l.htm](http://www.unesco.org/education/educprog/eps/EPsfrançais/EVENEMENTS/charte_internationale_de_l.htm)

Kazan Action Plan from the Ministers meeting at the Sixth International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport (MINEPS VI), Kazan (13-15 July 2017), (UNESCO) <http://unesdoc.unesco.org/images/0025/002527/252725e.pdf>

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