

# Helsinki Police Department

## Sexual violence legislation in the context of sports

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- What we're talking about
- Sexual harassment and abuse
- Sexual abuse of a child
- Who can report?
- Who has a duty to report suspected crimes against children?
- Is it a crime not to report?

# What we're talking about

- Sexual violence from the perspective of the penal code and the police
  - Not an academic study on violence against gender and sexuality
- Specific points to consider in the context of sports
  - Legislation references are truncated to most relevant points
- Generalisations on complex issues
  - Can be / Should be considered as / Aren't always
- Abuses of special trust and relationships
  - Bond between athlete and coach
  - Trust placed by parents

# Sexual harassment and abuse, Chapter 20

## section 5/5a

- Sexual harassment
  - Violations of consent and sexual self-determination
    - Touching
    - Other violations with out using force
- Sexual abuse
  - Abuse of a position of trust / dependency
    - Coach / Athlete relations
  - Sexual intercourse or other essential violations of sexual self-determination
  - Submission into essential violations
    - Filming in lockerroom

# Sexual abuse of a child / Aggravated

- Sexual abuse of a child (= under the age of 16)
  - Sexual acts and touching
  - Sexual intercourse with no aggravating circumstances
    - close to a normal relationship (i.e. small age difference and other mitigating circumstances)
- Aggravated sexual abuse of a child
  - Sexual intercourse
  - Sexual acts perpetrated by a person in a position of trust
    - Coach / Athlete relations

# Who can report?

- Anyone can report a crime to the police if they are not bound by specific confidentiality obligation
  - Best outcome is with the consent of the victim
  - Consider the seriousness of the crime compared to the victims right to privacy
  - If there is a victim, there could be more – report crimes
- Anyone can report a violent or a sexual crime against a child to child welfare authorities, confidentiality regulations do not apply

# Who has a duty to report crimes against children?

- Child welfare act chapter 5 section 25
  - Who has a duty to act?
    - Education services
    - Youth services
    - a unit engaged in morning and afternoon activities for schoolchildren
  - Includes contractors and independent professionals
  - All healthcare professionals
  - Duty to notify social services
    - circumstances endangering the child's development
  - Duty to report a crime
    - Suspected sexual crimes and violent crimes of assault and up

# Is it a crime not to report?

- Penal code 16:10 Failure to report a serious offence
  - Rape, aggravated rape
  - Aggravated sexual abuse of a child
  - ... In time to prevent the offence
  - It can be a crime not to report an ongoing
    - sexual intercourse relationship between an adult and a child under the age of 16
    - sexual acts committed by a person under a special trust, such as a coach
- Penal Code Violation of official duty / Negligent violation of official duty
  - Failure to make a report under the Child welfare act



# Thank you!

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