

IMPLICATIONS of the Organic Law 8/2021, of June 4th, regarding the comprehensive protection of children and adolescents from violence



FUNDAZIOA



Introduction

All children participating in any sporting activity must have a space for safe/protected sports practice, with adults who are aware, trained, and responsible for the well-being of sports players.

The recently approved new Organic Law for the Protection of Children and Adolescents, is an important step forward in terms of child protection, as well as in sports. Sports must be a space for well-being, joy, happiness and freedom for children. It must never be forgotten that children play sports to:

- Have fun.
- Be entertained.
- Make friends.
- Improve their sporting skills.
- Have an exciting time.
- Try to win.

Sports are the third space where children spend the most time, along with family and education. It is essential to place value on the importance of sports as an area where boys and girls must be protected.

2. Sports are a fundamental tool for the all-round development of children, if they are used properly.

Sports have historically not been a space where the protection of children, the prevention of violence against children, and their proper treatment, have been consciously prioritised elements for sports institutions, entities and clubs.

This publication is part of the ATERPE programme: Athletic Club's Programme for the Protection and Good Treatment of Children.

Drawn up in the year 2021.

Author of the text: Iñaki Alonso Head of Children Safeguarding at Athletic Club.



Children as subjects of law

Children who play sports are subjects of law.

Children are not solely and exclusively sports players. They practise a sport at our entities, clubs, and sports schools, but they are children with other spheres of development and needs. Seeing them exclusively as “athletes” can make us adults, who are involved in sports practise, “forget” about attending to, caring for, and working on these other areas.

All children have the right to practise sports in a healthy and protective environment, where their well-being is prioritised. And we must guarantee this at our entities.

Violence against children in sports

Many situations of violence against children are normalised, or are invisible in the world of sports.

All institutions and the people that involved in the world of children’s sports must take responsibility for their care and protection.

We have to take a very decisive step forward, in terms of the protection and proper treatment of children.

We must take responsibility for the comprehensive care and development of children practising sports. Children are viewed exclusively as athletes in their sports practise.

No violent behaviour can be tolerated, as it has a current and future impact on the person suffering from it. Sports should make it a priority to detect, educate, train in, and prevent risks.



Content of the Organic Law on the comprehensive protection of children

I.-Generic sections which affect the world of sports and its agents (institutions, federations, clubs, entities, professionals, and volunteers).

TITLE II

Article 4. General criteria.

- f) The specialisation and training of professionals who are in regular contact with children and adolescents, in the early detection of possible situations of violence.
- g) Strengthening the autonomy and training of minors in the early detection and suitable reaction to possible situations of violence being exerted on them, or on third parties.

Article 5. Training.

1. Public administrations, within their respective spheres of competences, shall promote and guarantee specialised, initial and ongoing training in the field of the fundamental rights of children and adolescents, for professionals in regular contact with minors. This training shall include, at a minimum:
 - a) Education in the prevention and early detection of all forms of violence, as referred to in this law.
 - b) The actions to be taken out if signs of violence have been detected.
 - c) Specific training in safety, and safe and responsible use of the internet, including issues relating to its intensive use, and its generation of behavioural disorders.
 - d) The proper treatment of children and adolescents.
 - e) The identification of risk factors and greater exposure and vulnerability to violence.
 - f) Mechanisms for avoiding secondary victimisation.
 - g) The impact of gender roles and stereotypes on the violence suffered by children and adolescents.

4.



TITLE II Duty to communicate situations of violence

Article 15. Citizens' duty of communication. Any person who notices indications of a situation of violence being exerted on a minor, is obliged to report it immediately to the relevant authority, and, if the facts constitute a crime, to the Law Enforcement Agencies, to the Public Prosecution Office, or the judicial authorities, without prejudicing the provision of any immediate attention required by the victim.

Article 16. Qualified duty to communicate.

1. The duty of communication, as mentioned in the previous article, is notably required of those people who, by reason of their positions, professions, posts, or activities, are entrusted with the assistance, care, teaching, or protection of children or adolescents, and who, in the exercise of these duties, have become aware of a situation of violence being exerted on them. In all situations, the qualified personnel working at health centres, schools, **sports and leisure centres**, centres for the protection of children and the penal responsibility of minors, reception centres for minors, asylum and humanitarian care in establishments where minors habitually or temporarily reside, and social services, are considered to be covered by this duty.
2. When the personnel referred to in the previous section become aware of, or notice signs of the existence of a possible situation of violence towards a minor, they must immediately notify the relevant social services. Moreover, when such violence might result in the health or safety of the child or adolescent being threatened, they must immediately notify the Law Enforcement Agencies and/or the Public Prosecution Office.

Article 17. Communication of situations of violence by children and adolescents.

1. Children and adolescents who have been the victims of violence or witnessed a situation of violence against another minor, may communicate this, in person, or via their legal representatives, to the social services, to Law Enforcement agencies, to the Public Prosecution Office, and, where appropriate, to the Spanish Data Protection Agency.
2. Public administrations shall establish secure, confidential, effective, suitable, and accessible communication mechanisms, in a language that they can understand, for children and adolescents, who may be accompanied by a person of trust who they designate themselves.
3. Public administrations shall guarantee the existence and support of electronic means of communication, such as free telephone numbers, for assisting children and adolescents, as well as making them known to the public, as an essential tool available to all for the early prevention and detection of situations of violence against children and adolescents.



II.- Sections drafted to be specifically applied in the world of sports.

CHAPTER IX In the field of sports and leisure

Article 47. Action protocols for preventing violence in sports and leisure.

Public administrations, within the scope of their powers, **shall regulate action protocols that include actions for building a safe environment in the field of sports and leisure**, and which must be followed for prevention, early detection, and intervention in the case of possible situations of violence against children and adolescents in the field of sports and leisure. These protocols must be applied in all centres where sports and leisure activities take place, regardless of their ownership, and, in all cases, in the OFFICIAL STATE BULLETIN OF CONSOLIDATED LEGISLATION network, Page 36, High Performance Centres and Sports Tech, Sports Federations and Municipal schools.

Article 48. Entities hosting sports or leisure activities for minors on a regular basis.

1. Entities that regularly host sports or leisure activities for minors are obliged to:

- a) Apply the action protocols referred to in the previous article, as adopted by public administrations in the sports and leisure field.
 - b) Implement a monitoring system to ensure compliance with the above mentioned protocols in relation to the protection of minors.
 6. c) Designate a Protection Delegate, who minors can go to in order to express any concerns, and who will be in charge of disseminating and complying with the established protocols, as well as initiating suitable communications in any cases of the detection of a situation of violence against children or adolescents.
 - d) Adopt all necessary measures so that the practise of sports, physical activities, culture and leisure are not the scene of any discrimination in terms of age, race, disability, sexual orientation, sexual identity or gender expression, or any other personal or social circumstance, working with the children and adolescents themselves, as well as with their families and professionals, in rejecting any use of insults or degrading or discriminatory expressions.
 - e) Promote the active participation of children and adolescents in all aspects of their training and integral development.
 - f) Encourage and strengthen relationships and communications between sports organisations and parents or guardians, carers or foster carers.
2. Likewise, in addition to the training as specified in article 5, those persons working at the aforementioned entities must receive specific training in order to suitably attend to the different aptitudes and capacities of children and adolescents with disabilities, for the promotion and development of inclusive sports for these groups.



Implications for the world of sports in the application of the regulations of Organic Law 8/2021, of June 4th, on the comprehensive protection of children and adolescents from violence.

Awareness

We are much more than just coaches, monitors, or managers.

100% of the adults involved in the practise of sports must be aware that their role is more extensive than simply teaching sports skills.

We must be aware of our educational, point-of-reference, and protective roles. This involves:

- Not looking the other way when confronted with any questions, suspicions or concerns expressed by children.
- Making children and their well-being a central focus.
- Avoiding and preventing any behaviour which might leave a child unprotected.
- Guaranteeing the rights of children practising sports.

.7



Implications for the world of sports in the application of the regulations of Organic Law 8/2021, of June 4th, on the comprehensive protection of children and adolescents from violence.

Commitment

Committing ethically and legally to the protection and proper treatment of children, is an obligation for all institutions, clubs and people involved in the practise of sports.

The commitment that we must make in the world of sports to children is fundamentally aimed at:

- Generating well-being.
- Turning the sporting experience into beneficial one in the overall development of children.
- Combining sporting improvement and competition, with personal, emotional, and relational well-being.
- Respecting the rights of children in sports.

8.



Implications for the world of sports in the application of the regulations of Organic Law 8/2021, of June 4th, on the comprehensive protection of children and adolescents from violence.

For public administrations

- Generating public policy for protecting children in sports.
- Generating action protocols, bringing together actions for building a safe environment in sports and leisure.
- Requiring Federations, sports entities and professionals/volunteers to comply with the policies and protocols generated.
 1. Specific training in the protection and proper treatment of children, in order to issue licenses for being a monitor/coach in school sports.
 2. Facilitating communications and complaints channels in order to inform professionals, entities or children of complaints about situations of violence.
 3. Suitable professional training and compulsory clean sex-offender record.
- Facilitating and supporting entities, Federations, clubs, and personnel, with suitable advice and training.

They must DEMAND this responsibility from all professionals involved in children's sports.



Implications for the world of sports in the application of the regulations of Organic Law 8/2021, of June 4th, on the comprehensive protection of children and adolescents from violence.

For federations

- Integrating into their Regulations, circulars, etc., the fundamental requirements of the Law, the protocols, and the public policy concerning the protection of children in sports, as generated by the corresponding public authorities.
- Generating action protocols, bringing together actions for building a safe environment in the sports and leisure field within their own sport and Federation.
- Requiring the corresponding regional and territorial Federations, as well as the sports entities and professionals/volunteers in their sport, to comply with the generated protocols.
- Requiring specific training in child protection and the proper treatment of children, or integrate it into existing training processes for professionals wanting to acquire a federative license in their sport.
- Providing specific training in the protection and proper treatment of children.
- Electing a Child Protection Delegate.
- Facilitating communications and complaints channels to inform professionals, entities or children of complaints about situations of violence.
- Compulsory clean sex-offender record in order to issue a federation license.

10 .



Implications for the world of sports in the application of the regulations of Organic Law 8/2021, of June 4th, on the comprehensive protection of children and adolescents from violence.

Sports entities

- Applying the action protocols adopted by public administrations in the sports and leisure field.
- Ensuring that protocols are followed within their entities.
- Electing a Child Protection Delegate as a reference figure to lead this activity within the entity.
- Preparing a plan of measures for the prevention of, training in, and appropriate action to take, when dealing with violence against children.
- Facilitating communications channels for any suspicions or complaints by professionals or children.
- Making the relevant authorities aware of any situations of violence.
- Reporting, where appropriate, any situations of violence if they constitute a crime.
- Promoting children's participation.

. 11



Implications for the world of sports in the application of the regulations of Organic Law 8/2021, of June 4th, on the comprehensive protection of children and adolescents from violence.

Professionals and volunteers

- Obligatory training in this subject in order to work directly with children.
- Obligation to report any violent act affecting a child. This obligation applies to professionals as well as to volunteers.
- Complying with all protocols, plans and measures adopted by their sports Federation, and those of the sporting entity where they work.
- Clean sex-offender record.

