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NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Draft conclusions of the Council and of the Representatives of the Governments of the Member States meeting within the Council on safeguarding children in sport
- Adoption

Delegations will find attached the text of the above-mentioned draft conclusions, as agreed by the Working Party on Sport (WPS) at its meeting of 22 October 2019.

The Permanent Representatives Committee is accordingly invited to confirm the agreement reached by the WPS on the attached text and forward it to the Council (EYCS on 21-22 November 2019) for its adoption and subsequent publication in the Official Journal of the EU.

Safeguarding Children in Sport

- Draft conclusions of the Council and of the Representatives of the Governments of the Member States meeting within the Council -

THE COUNCIL AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES MEETING WITHIN THE COUNCIL

RECOGNISING THAT

1. Safeguarding children in sport is a prerequisite for children to enjoy sport as a hobby and grow as athletes. Moreover, an active lifestyle should be adopted in childhood. Practising sport at an early age may contribute to citizens' health, well-being, ability to work and social inclusion in the long run, as well as to the development of competences, skills and knowledge, including active citizenship.
2. Article 19(1) of the United Nations Convention on the Rights of the Child provides the basis for the legal framework for safeguarding children¹. In addition, the EU Charter of Fundamental Rights recognises that children have the right to the protection and care necessary for their well-being. According to Article 165 TFEU, protecting the physical and moral integrity of sportspeople, especially the youngest sportspeople, is a way to develop the European dimension in sport and therefore a specific aim of Union action in the field of sport.
3. Safeguarding children in sport should be understood, broadly, as keeping all children safe from harm, abuse, violence, exploitation and neglect. Child safeguarding involves a set of actions that help to ensure all children participating in sport have a positive experience.

¹ 'States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or 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.'

4. Member States have recognised that a safe environment is a prerequisite for enhancing children's physical activity, and have taken several concrete measures to make sporting activities safer for children in recent years, such as improving legislation and setting up targeted projects.
5. At EU level, Member States have been exchanging good practices and various projects have been funded through the Erasmus+ and Rights, Equality and Citizenship programmes. Yet the work and efforts in this context should still be reinforced.

CONSIDER THAT

6. Member States should continue to play a key role in strategic policy development and to ensure there is an adequate legislative and policy framework for safeguarding children, including in the field of sport.
7. Sustainable results in this field require close cooperation with governmental and non-governmental organisations at all levels. The Erasmus+ programme and other EU funding instruments can provide additional resources to facilitate projects and other initiatives to safeguard children in sport.
8. Developing measures for safeguarding children in sport requires cooperation with different sectors such as the education, health, social services, justice, law enforcement and youth sectors. It also requires the engagement of various actors, including schools, sports organisations and clubs, families, physicians, coaches, teachers, sports officials and peers.
9. The policy guidelines developed by international organisations to identify, prevent and tackle the problems related to safeguarding children in sport should be disseminated, implemented and monitored more effectively.²

² E.g. UNICEF's International Safeguards for Children in Sport (2016), the International Alliance for Youth Sports' Child Protection Recommendations, the Council of Europe's Start to Talk Initiative, and the IOC's Safeguarding Athletes from Harassment and Abuse in Sport Framework.

INVITE THE MEMBER STATES, IN LINE WITH THE SUBSIDIARITY PRINCIPLE AND AT THE APPROPRIATE LEVELS, TO

10. Ensure that there is an adequate legal and policy framework, including preventive positive measures as well as sanctioning procedures where appropriate, that can support the development of holistic practical measures designed to address the issue of safeguarding children in sport.
11. Consider introducing and reinforcing awareness-raising as well as initial and continuous education and training measures – such as policy guidelines, educational toolkits, codes of conduct, campaigns and the exchange of best practices and experience – targeted towards children, families, sports organisations, volunteers, coaches, instructors, teachers and youth workers working with children in sport in order to prevent physical as well as emotional violence and abuse.
12. Cooperate with sports organisations to develop measures to safeguard children in sport, such as educational programmes, codes of conduct, monitoring, and guidelines and procedures for preventing violence and abuse, including systematic checks of criminal records³ on sports employees and volunteers where appropriate, as well as for managing allegations, conducting appropriate follow-up and providing the necessary support to children.
13. Review the possible actions in granting public funding based on organisations' commitment to implement measures to safeguard children in sport.
14. Put in place and raise awareness as well as optimise the effectiveness of existing child-protection communication channels and reporting mechanism that children experiencing or people witnessing violence and/or abuse in sport can use. These tools may include telephone helplines, chats or websites

³ Directive 2011/92/EU on combating the sexual abuse and sexual exploitation of children and child pornography and especially its article 10.

INVITE THE MEMBER STATES AND THE COMMISSION, WITHIN THEIR RESPECTIVE SPHERES OF COMPETENCE, TO

15. Collect and share data where possible, in accordance with EU and national legislation, on violence against and abuse of children and promote the use of monitoring instruments that seek to estimate the prevalence of all types of potential threat to the safeguarding of children in sport, as well as to monitor the effective implementation of relevant policies and procedures.
16. Support, promote and disseminate studies and publications on safeguarding children in sport.
17. Promote the exchange of best practices, in particular by sports organisations and national authorities, on safeguarding measures, including preventive measures to safeguard against sexual violence and abuse, on the promotion of tolerant and respectful behaviour in sport, and on anti-bullying.
18. Foster cooperation with international governmental and non-governmental organisations, such as the Council of Europe and UNICEF.

INVITE THE SPORTS MOVEMENT TO:

19. Ensure that children are and feel safe in sport, and that they are heard and treated fairly and respectfully to help them build healthy self-esteem, in cooperation with the Member States where appropriate.
20. Ensure where appropriate that the growth stages of children and gender differentiation are respected in any competitive frameworks.
21. Implement adequate safeguarding procedures to prevent the risks of children being harmed, both physically and emotionally.

22. Develop training and clear sets of guidelines and regulations to make sure that sports organisations deal with child safeguarding concerns effectively, and take measures such as appointing an independent ombudsperson bound to confidentiality as contact person for children experiencing violence and/or abuse in sport.
 23. Implement background checks, including in cases of cross-border mobility, on sports employees and volunteers where appropriate, who work with children, in accordance with relevant legal frameworks.
 24. Collaborate with the law enforcement authorities, agencies and organisations responsible for child protection, in particular to support child victims.
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A. Definitions

For the purposes of these Council conclusions:

1. ‘Safeguarding children in sport’ means keeping all children safe from physical and emotional harm, abuse, violence, exploitation and neglect. It covers both child protection and the promotion of children’s well-being.
2. ‘Child protection’ means protecting an individual who has been identified as being at risk of abuse, violence, exploitation or neglect.

B. References

In adopting these conclusions, the Council recalls the following in particular:

European Union

1. Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work
2. 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
3. White Paper on Sport (2007)
4. Council conclusions on promoting health-enhancing physical activity (HEPA) (2012/C 393/07)
5. Council Recommendation on promoting health-enhancing physical activity across sectors (2013/C 354/01)
6. Council conclusions on the promotion of motor skills, physical and sport activities for children (2015/C 417/09)

7. Expert Group recommendations on the protection of young athletes and safeguarding children's rights in sport
8. Safeguarding Children in Sport: A mapping study by Ecorys and Thomas More University
9. 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
10. EU Charter of Fundamental Rights, in particular Article 24
11. Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime

United Nations

12. United Nations Convention on the Rights of the Child (1989)
13. 2030 Sustainable Development Agenda, in particular target 16.2 on violence against children
14. International Charter of Physical Education, Physical Activity and Sport - Unesco SHS/2015/PI/H/14 REV,
<https://unesdoc.unesco.org/ark:/48223/pf0000235409/PDF/235409eng.pdf.multi>
15. Kazan Action Plan - International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport (6th MINEPS) (Kazan, Russian Federation, 2017) - Unesco SHS/2017/PI/H/14 REV.

Council of Europe

16. Recommendation CM/Rec(2010)9 of the Committee of Ministers to member states on the revised Code of Sports Ethics
17. Recommendation CM/Rec(2012)10 of the Committee of Ministers to member States on the protection of child and young athletes from dangers associated with migration

18. Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No. 201,
 19. European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, CETS No. 126
 20. Council of Europe Convention on Action against Trafficking in Human Beings, CETS No. 197, Warsaw, 16.5.2005, pp. 1–21
 21. European Social Charter, CETS No. 35, revised CETS No. 163
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