PROTOCOL AGAINST SEXUAL ABUSE, HARASSMENT, MISTREATMENT AND DISCRIMINATION IN NATIONAL SPORTS ACTIVITY: CHILEAN MODEL

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ABSTRACT

Objective: The aim of this study is to examine the process of implementing a new legal protocol intended to prevent and sanction behaviors of harassment, abuse, discrimination, and mistreatment in the sports environment.

Theoretical Framework: It is based on alarming statistics indicating a significant percentage of young athlete’s face abuse in sports globally. The literature examines power dynamics, the closeness between coaches and athletes, and the lack of effective protocols as factors facilitating abuse and sexual harassment.

Method: A qualitative methodology was adopted to analyze official documents related to the Supreme Decree from the National Sports Institute and the Ministry of Sports of Chile, involving thematic content analysis to extract explicit and implicit meanings from legal texts.

Results and Discussion: The findings revealed and highlighted the effectiveness of Decree 22, which introduces mandatory educational and preventive measures, and the designation of institutional representatives to manage complaints, demonstrating a significant advancement in sports legislation to protect athletes, particularly minors.

Research Implications: The research underscores the necessity for a systematic and rights-based approach to protecting athletes, suggesting that the Chilean model could serve as a reference for other countries.

Originality/Value: This study contributes to the literature on violence in sports by detailing the implementation of an innovative legislative protocol in Chile, offering insights into how such measures can be replicated and adapted globally.

Keywords: Sexual Abuse In Sports, Sports Legislation, Protection Of Minors, Safety Protocols.

RESUMO

Objetivo: O objetivo deste estudo é examinar o processo de implementação de um novo protocolo legal destinado a prevenir e sancionar condutas de assédio, abuso, discriminação e maus-tratos no ambiente esportivo.

Referencial Teórico: Baseia-se em estatísticas alarmantes que indicam que uma significativa porcentagem de atletas jovens enfrenta abuso no esporte a nível mundial. A literatura examina as dinâmicas de poder, a proximidade entre treinadores e atletas, e a falta de protocolos eficazes como fatores que facilitam o abuso e assédio sexual.

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Método: A pesquisa adotou uma metodologia qualitativa para analisar documentos oficiais relacionados ao Decreto Supremo publicado pelo Instituto Nacional do Esporte e do Ministério do Esporte do Chile, envolvendo análise de conteúdo temática para extrair significados explícitos e implícitos dos textos legais.

Resultados e Discussão: Os resultados obtidos revelaram e destacam a eficácia do Decreto 22, que introduz medidas educativas e preventivas obrigatórias, e a designação de responsáveis institucionais para gerenciar denúncias, demonstrando um avanço significativo na legislação esportiva para proteger atletas, especialmente menores de idade.

Implicações da Pesquisa: A pesquisa sublinha a necessidade de uma abordagem sistemática e fundamentada em direitos para proteger atletas, sugerindo que o modelo chileno pode servir de referência para outros países.

Originalidade/Valor: Este estudo contribui para a literatura sobre violência no esporte ao detalhar a implementação de um protocolo legislativo inovador no Chile, oferecendo insights sobre como tais medidas podem ser replicadas e adaptadas globalmente.

Palavras-chave: Abuso Sexual no Esporte, Legislação Esportiva, Proteção de Menores, Protocolos de Segurança.
1 INTRODUCTION

The sports environment, often celebrated for its potential to promote health, discipline and companionship, can also be a setting for unconfessed acts of sexual harassment (Kerr et al., 2014). This persistent and complex problem permeates the organizational structures of sport, occurring at different levels and in various ways, requiring careful analysis and specific prevention measures. In Chile, as in other countries, sexual abuse in sport is emerging as a growing concern, revealing the urgent need to address not only the factors that make such acts possible, but also the perceptions and experiences of victims and sports professionals (Alexandre et al., 2022).

Recent studies indicate that between 14% and 29% of athletes specifically in football may have been victims of some kind of sexual violence in sport before the age of 18, an alarming indication that not only points to the prevalence of the issue, but also to the countless victims who remain silent. In this scenario, there is a need to understand the factors that enable harassment in sport, ranging from the proximity and the relationship of trust between coach and athlete, to systemic and organizational issues that fail to prevent abuse (Rojas, 2021).

Specialized literature has identified a number of elements that contribute to the perpetuation of harassment in sport, including monopolistic power structures, lack of representativeness of athletes, conflicts of interest and the over-commercialization of sport, which often fosters a culture prone to abuse. In addition, the process of healing victims typically begins with the revelation of abuse, which highlights the importance of a trauma-informed approach in the judicial system that places the victim at the center of the judicial process (Krieger & Pieper, 2023).

In this article, we will address the institution of a supreme decree establishing an innovative and comprehensive protocol against sexual abuse, harassment, ill-treatment and discrimination in the sports field. We will describe the structure and guidelines of this protocol, detailing how it aims to protect athletes - especially children and adolescents - from systemic vulnerabilities within sports organizations. The analysis of this supreme decree will reveal its potential as a prevention tool and as a model for similar initiatives in the fight against injustices in sport.

2 THEORETICAL FRAME

In Chile, sexual abuse, which includes a broad spectrum of abusive behavior, is the most
reported sexual crime, accounting for 66% of the accusations, while rape cases correspond to 32% in football alone (Podestá Hasbún, 2022). This data highlights the severity and extent of the problem within sport and highlights the need for systematic actions and protocols specific to the sports environment. The literature shows that the sports environment can become a breeding ground for abusers due to the intense proximity between coaches and athletes, often exacerbated by the absence of effective protocols and by a culture that often minimizes the severity of abusive acts. The creation of protection figures such as the 'defender of the minor sportsman' and the implementation of specific training to detect and prevent violence are measures recognized by the literature as effective. These interventions suggest a positive development in the fight against sexual abuse in sport, aiming at protecting young athletes in high risk situations in particular (Parent & Demers, 2011).

The implementation of specific laws and policies for the protection of minors in sport is a key step identified by the literature. They provide formal frameworks that enable reporting and proper treatment of abuse cases, establishing a legal framework for preventive and intervention actions (Budevici-Puiu & Manolachi, 2022). In countries like Ecuador, the integral approach is essential. Protocols covering protection, attention and redress of rights prove to be more effective when considering the underlying causes of inequality and violence, promoting a sports environment that is by design inclusive and safe (Saltos, 2018).

Through the analysis of protocols from different countries, a common trend in the implementation of prevention and education measures is identified. However, the results indicate that significant challenges remain, including under-reporting of abuse and the need to raise awareness of sexual abuse in sport (Blanco González et al., 2020). Although the protocols have proven effective in some respects, the level of recognition and reporting of abusive behavior remains low. This suggests a continuing need for strengthening awareness and intervention capabilities by all stakeholders in the sports environment (Tuakli-Wosornu et al., 2023). The implementation of the protocol, based on national and international standards and developed with the collaboration of multiple entities, reflects a significant effort to address the problem of sexual abuse in sport. The participation of gender equality councils and human rights organizations is essential to ensure that the protocol is effective and respects human rights, paving the way for a safer and more equitable sports culture.

3 METHODOLOGY

This study used a qualitative methodology to analyze official documents related to the
Supreme Decree published by the Instituto Nacional del Deporte (IND) and the Ministerio del Deporte de Chile (MINDEP). This decree aims to establish specific legislation against sexual abuse in the sports environment. We selected documents that were essential to understand the structure and applicability of this decree in Chilean sport. The selection focused on documents available on the website of the IND and Ministry of Sport, ensuring that the survey included up-to-date and complete information.

The data collection was systematic and comprehensive, covering the entire content of the Decree, as well as supplementary materials that offered additional context or guidelines such as archives of the sports law number 19,712 promulgated on February 9, 2001. Through a thematic content analysis, the study examined the data to identify key topics and understand both the explicit and implicit meaning of the documents, seeking to deeply understand the legislation and its relevance for the prevention of sexual abuse in sport (Chile, 2001).

Conducting a documentary analysis of public sources eliminates ethical concerns related to consent and privacy. However, the study maintained a faithful and responsible interpretation of the material, preserving the integrity of the original content. The limitation of this study lies in the nature of the material analyzed, which is restricted to documents and does not include perspectives of individuals or entities involved nor the practical implementation of the decree. To attenuate the researcher's potential bias in the analysis, strategies such as triangulation and peer review were employed.

The methodological procedures of this study are valuable to the fields of sports law and sports sociology, offering a model for critical analysis of public policies and regulations. The findings of this research provide important insights to other regions or countries that are on the path to creating or reviewing legislation to combat sexual abuse in sport, pointing to the need for a systemic, rights-based approach to the protection of athletes.

4 THE SPORTS LAW IN CHILE

Law 19,712, known as the sports law in Chile, establishes the regulatory framework for the development and promotion of sport in the country. Promulgated on February 9, 2001, the law defines sport as any form of physical activity that uses human motricity as a means of integral development of people, oriented towards social integration, community development, health and recreation. In addition, the law organizes the administrative structure of sport, including the creation of the IND, which is tasked with implementing public sports policies and administering the resources for those activities (Chile, 2001).
Law 19,712 also details the obligations and responsibilities of sports organizations, including clubs and associations. Sports entities must comply with specific administrative and financial rules to ensure transparency and good use of public resources. The IND has the authority to supervise and supervise these organizations, ensuring that they comply with legal requirements for access to public funds and other state benefits. This monitoring includes the requirement for detailed reports and periodic inspections to verify fitness for sports and educational purposes.

The legislation further states that all sports entities must register with professional sports organizations to obtain official recognition and access funding programs. The law promotes the development of sport at all levels, from grassroots to high income, and seeks the inclusion of different social groups. Furthermore, Law 19,712 is a key instrument for the promotion of physical activity as a fundamental element for the quality of life and well-being of the Chilean population, reflecting the government's commitment to public health and education through sport.

5 LAW NO. 21.197 MODIFIES THE PREVIOUS LAW

Law No. 21,197 was enacted to strengthen measures against sexual harassment, sexual abuse, discrimination and mistreatment in the national sports arena, modifying several existing laws, including Law No. 19,712, known as the Sports Law. This new legislation inserts specific provisions obliging all sports organizations to adopt a protocol established by the Ministry of Sport to prevent and sanction such misconduct. This protocol not only covers punitive measures, but also emphasizes the promotion of a dignified treatment between people in the sports context, reflecting an effort to ensure a safe and respectful environment for all involved in sport (Chile, 2023).

In addition to clearly defining the behaviors that constitute sexual harassment and abuse, the law also establishes clear procedures for dealing with these issues within sports organizations, including the obligation to report these offenses to the public prosecutor. Sports organizations must, when applying for state benefits, prove the adoption and effective implementation of the protocol. This legislative movement is a significant step towards eradicating violence and discrimination in sport, aligning Chile with international practices for the protection of human rights in the field of sport.
Decree 22 in Chile establishes a legal framework for the prevention and sanction of conduct of sexual harassment, sexual abuse, discrimination and ill-treatment within the sports field. This decree was created in response to the need to improve safety in sports practices and is supported by previous legislation such as Sports Law No. 19,712, including modifications that underline the importance of a protocol against harassment and abuse. The drafting of the decree included consultations with government entities and sports organizations, ensuring an inclusive and effective approach. In addition, international standards and global best practices were considered for its formulation (Deporte, 2020).

The main features of Decree 22 include the obligation for sports organizations to implement educational and preventive measures, establishing clear procedures for intervention in cases of harassment or abuse. This implies the designation of specific institutional officers to manage the complaints and coordinate the necessary interventions. The decree also promotes equality and non-discrimination, protecting all athletes regardless of gender or age. Sports organizations must fully adopt this protocol into their policies and ensure the continued empowerment of their members, as well as comply with reporting obligations to authorities and face sanctions in case of non-compliance. This normative effort represents a significant step towards the creation of a safer and more respectful sports environment in Chile.

Figure 1

*Capture of video on YouTube of training carried out online*

Link: [https://www.youtube.com/watch?v=dsbGnI8XvM](https://www.youtube.com/watch?v=dsbGnI8XvM)
Figure 1 shows a **screenshot of video training with the title in Spanish**: "Training on General Protocol for the Prevention and Sanction of Conduct of Sexual Harassment, Sexual Abuse, Discrimination and Ill-Treatment in National Sports Activity". Training offered by MINDEP and the IND of the Government of Chile.

**7 THE PROTOCOL**

The protocol was designed in response to the need to address and prevent harassment in a variety of contexts, including the work and educational environment. The creation of the decree involved the collaboration of various government entities and legal and social experts, seeking to establish a robust framework to combat harassment. The process included public consultations, analysis of similar legislation in other countries and adaptation to local realities and needs. THE implementation of the decree is carried out through cooperation between government, private institutions and civil society organizations. Specific protocols have been established that organizations must follow, including the formation of conduct committees, reporting lines and clear procedures for investigating complaints. In addition, education and awareness-raising about harassment is promoted through mandatory information campaigns and training in workplaces and educational centers.

**Figure 2**

_Flow of implementation of the protocol in the sports institutions in Chile_

![Diagram](image)

Figure 2 shows the four-stage flow, detailing the process of protocol adoption by sports institutions. Each process of the rectangle represents a distinct stage: Convening the general assembly, approval of the protocol by the assembly, designation by the assembly of institutional officials and finally sending the documentation to the IND for registration for the protocol to be officially registered.
8 IMPLEMENTATION AND IMPACT OF THE SAFETY AND SECURITY PROTOCOL IN CHILEAN SPORT

The Protocol based on Law No. 21.197 is based on essential principles designed to ensure a safe and respectful sports environment that promotes the integral development of people and equality. Among the principles highlighted are the inclusion of children and adolescents as subjects of law, ensuring that their needs and rights are prioritized in the sports environment. Equally, gender equality and equity are established as a central axis, seeking to eliminate any barrier that prevents equal participation in sports. In addition to this, there is the principle of non-discrimination, focusing on efforts to eliminate all forms of discrimination, especially against women, in all spheres of sport.

Figure 3
Dissemination of the protocol on the website of the Instituto Nacional del Deporte - IND

The Protocol also addresses the importance of effective support for victims of harassment and abuse, ensuring that procedures are swift and efficient (speed) and avoiding the "victimization" of those who decide to report. A preventive approach is promoted to deter inappropriate behavior before it occurs and insists on the creation of a safe environment for all participants in sport. Responsible and collaborative management of all involved entities is crucial to implement and maintain safe standards and practices.

As for the adoption of the Protocol, all sports organizations must implement it within six months of its official publication in the Official Gazette, which was on September 21, 2020. This means that by March 21, 2021, all sports organizations should have adopted the Protocol.
to comply with the law. This timeframe ensures adequate time for organizations to prepare and make the necessary adjustments to meet the new safety and security standards (Chile, 2020).

Once the Protocol is adopted, sports organizations have several key obligations to ensure effective compliance. They must disclose the Protocol through their internal organs and make it accessible to all members within sixty days of its adoption. In addition, they should establish institutional policies against vulnerable behavior and ensure that all persons involved in the organization, including workers, managers and sportsmen, are aware of these policies and the associated protection measures. It is also vital that they have operational internal sports disciplines and that they maintain an internal register of cases and sanctions applied under Law No. 21,197.

The sanctions for not adopting the Protocol are significant. For sports organizations that do not comply, it is established the inability to receive benefits of Law N° 19.712 and for professional sports organizations, the inability to access the benefits and franchises of Law N° 20.019. These sanctions seek to encourage compliance and underline the seriousness with which the Chilean state treats security and protection in sport, marking a before and a after in the way these critical issues are managed in the sports environment.

9 NATIONAL SPORTS ARBITRATION COMMITTEE - CNAD: SANCTIONER

Essential collegiate body in the national sports system, created under the aegis of Law No. 20,737, which modified Law No. 19,712 of Sport. This committee has the disciplinary function over the National Sports Federations and is composed of five full members and five alternates, chosen through a process involving both the Olympic Committee of Chile and the director of the IND. Members shall include at least two lawyers among the holders and at least one lawyer among the alternates, highlighting the importance of integrity and legal rigor in their operations.

The functions of the CNAD are broad and include overseeing the proper functioning of the Courts of Honor or Ethics Commissions of the National Sports Federations. The committee may intervene to correct observed problems, hear complaints about abuses or misconduct by members of these committees, and review final decisions of these bodies. A notable ability of the CNAD is to overturn or modify resolutions, which reflects its crucial role in maintaining ethics and justice within national sport. In addition, the committee has the power to act independently when federations do not form their own courts, ensuring that discipline and ethics are maintained in all layers of Chilean sport.
10 INSTITUTIONAL RESPONSE TO COMPLAINTS IN SPORT

With respect to the functionality in the committee in hosting the complaints and investigating them we checked a case of abuse notification and found the following occurrences. The document under investigation reports a complaint situation which was notified on the same day as the request for information on the state of the case. The complaint was declared inadmissible, and an action for reinstatement was subsequently brought against that decision, which was rejected and the decision of inadmissibility maintained. As a result, the reported cases of ill-treatment and discrimination remained uninvestigated and unpunished due to formal issues. In addition, on 31 August 2021, a complaint was registered with the Comptroller General of the Republic against the then Minister of Sport for actions contrary to probity, and on the same day a letter was sent to this Commission, which was considered at the session of 21 September, agreeing to send a report on it.

The reported situation shows the complexity and challenges in handling complaints within the sports system, highlighting the importance of procedures and the need to ensure that accusations are dealt with appropriately. The initial inadmissibility of the complaint and the subsequent confirmation of this decision illustrate the obstacles that victims may face in seeking justice. In addition, the complaint against the Minister of Sport and the institutional response underline the interaction between different entities and the relevance of supervision and accountability in handling improper conduct in the sports and government environment.

11 ENHANCEMENT OF CHILEAN LEGISLATION TO PREVENT AND PUNISH ABUSIVE CONDUCT IN SPORT: DETAILS OF LAW NO. 21,605

On October 14, 2023, Law No. 21,605 was published in the Official Gazette, amending Law No. 19,712, Law No. 20,686 and Law No. 20,019, with the aim of improving legislation on prevention and punishment of conduct of sexual harassment and abuse, discrimination and ill-treatment in sports. This new legislation comes as a response to the shortcomings identified in Law 21,197 of 2020, which established the obligation to have a protocol against sexual harassment, sexual abuse, discrimination and ill-treatment in sport. The original protocol, established by Decree No. 21 of 2020, did not include specific deadlines for victims to file complaints, an omission that the new law seeks to correct.

The purpose of Law No. 21,605 is to refine the regulations related to the implementation and application of the General Protocol for the prevention and punishment of such harmful
conduct in sport. Among the novelties introduced, the obligation of sports organizations to notify the Ministry of Sport and the National Institute of Sports about the sanctions applied, by e-mail, within three working days after the application of them. That notification shall include the identification of the person sanctioned, the proven conduct and the sanction determined. In addition, a Sanctions Register, administered by the IND, was created to register both natural persons and sanctioned professional sports organizations, respecting Act No. 19,628 on the protection of privacy. The new legislation also stipulates that disciplinary proceedings must respect due process of law and the prohibition of "revitimization" secondary, with a four-year limitation period for disciplinary actions.

12 RESULTS AND DISCUSSIONS

Consequences of the harassment currently with this decree since the implementation of the decree, there has been an increase in awareness and recognition of harassment as a serious problem requiring immediate attention and action. the consequences for those found guilty of harassment have been hardened, including administrative, civil and, in serious cases, criminal sanctions. this has resulted in a greater willingness to report incidents of harassment and a reduction in tolerance to such behavior in the public and private spheres.

The protocol clearly states that any act of harassment, regardless of its form or context, is unacceptable and must be treated with the utmost seriousness to ensure the protection of all people.

Chilean laws 21.197 and 21.605 were instrumental in overhauling the country's approach to sexual harassment, abuse, discrimination and ill-treatment in sport, introducing mandatory protocols for all sports organizations. Law No. 21,197 initially established the need for a protocol to prevent and punish improper conduct, but presented shortcomings, especially in the absence of specific deadlines for victims to file complaints. These shortcomings were addressed by Law 21,605, which not only corrected these omissions but also imposed stricter requirements for the implementation and application of the protocol, including mandatory notification of sanctions to MINDEP and IND within three working days of its application (Chile, 2001, 2023).

Decree 22 complemented these legislative efforts by establishing a robust legal framework that strengthens educational and preventive measures, and by stipulating clear procedures for cases of harassment or abuse. This decree promotes equality and non-discrimination, emphasizing the protection of all athletes and universal adherence to protocol
in the policies of sports organizations. Accountability is a key aspect of this protocol, which is reinforced by the Sanctions Register and the requirement that disciplinary procedures respect due process (Chile, 2020).

The effective implementation of the Protocol has significantly transformed the Chilean sporting landscape, improving the protection of human rights and ensuring a safe environment for all involved. The adoption of the protocol by sports organizations has improved existing practices and established a new paradigm in dealing with incidents of harassment and abuse. The CNAD plays a vital role as a sanctioning body, maintaining high standards of conduct in sport and ensuring that no part of the sports system is left unsupervised.

Finally, the impact of the protocol goes beyond preventive measures, positively influencing the country's sports culture and promoting the participation of more women and young people. Organizations that do not comply with the new guidelines face strict sanctions, demonstrating a zero-tolerance policy for negligence and non-compliance with established standards. This strictness in law enforcement has consolidated trust in the system, making Chilean sport recognized for its ethical and safe practices.

13 CONCLUSION

The legislative reforms in Chile, specifically the laws, along with the decree, represent significant advances in protection against harassment, abuse, discrimination and ill-treatment in sport. These legal measures have strengthened the sports system, introducing strict protocols and accountability mechanisms that compel all sports organizations to adopt safer and more respectful practices. The implementation of these laws not only improved safety and integrity in sport, but also promoted a culture of equality and respect, ensuring that Chilean sport is a welcoming and safe environment for all participants. The decisive action of the national sports arbitration committee as a sanctioning body underlines the seriousness with which Chile addresses ethics in sport, setting a positive example of how legislation can influence profound cultural and social changes.

REFERENCES

Protocol Against Sexual Abuse, Harassment, Mistreatment And Discrimination In National Sports Activity: Chilean Model


