



Sports governing body responses to coach-athlete violence in Finland and the UK

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Accepted: 4 March 2025
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Abstract

This article considers interpersonal violence committed by coaches towards athletes, scrutinising responses by sports national governing bodies (NGBs) in Finland and the UK. We take a wide view of the issue considering it from the perspective of both child and adult victims and adopting a definition which encompasses all forms of physical, emotional and sexual violence, recognising its multifaceted nature. We situate NGB responses to coach-athlete violence within their obligations under the framework of the United Nations Guiding Principles on Business and Human Rights (UNGPs), focusing our critique how NGBs define coach-athlete violence, their educational and awareness-raising efforts and the availability of grievance mechanisms and sanctions. We show that the UK has a much longer-standing and more child protection-focused approach to coach-athlete violence, whilst Finland has adopted a newer safe sport style system. We conclude that both approaches have deficiencies and outline the ways in which the principles of the UNGPs are not upheld. Therefore, suggestions for improvements for both countries are made, drawn from lessons learned from each other's systems and recommendations embedded in recent research.

Keywords Violence · Safeguarding · Human rights · NGBs · Finland · UK

1 Introduction

In recent years, reports of coaches inflicting violence on athletes has increasingly emerged, including in the UK and Finland. In 2020, in one of the first documented examples of this in Finland, a synchronized skating coach reportedly emotionally abused their athletes by, for instance, telling them to 'kill themselves' (Saarinen 2020). Around the same time, in the UK, Olympians Becky and Ellie Downie revealed that they had experienced years of emotional abuse whilst part of the British Gymnastics set up (Ingle 2020).

Public cases such as these have brought the issue to the forefront of Finish and UK sports, demonstrating that violence against athletes by coaches is a prominent issue in both countries. This article critically considers responses of Finnish and British sports national governing bodies (NGBs) to athlete violence. Our analysis offers a new perspective on the issue of coach-athlete violence, first, by taking a wide lens approach to the phenomenon, considering all forms of physical, sexual and emotional abuse, and, second, by using a human rights framework as the basis for our analysis.

When defining abuse, our starting point is Young (2012, p. 15), whose definition encompasses 'direct acts of physical violence, whether within the accepted boundaries of the game or outside them, that lead to harm to individuals, animals, or property', and also includes emotional abuse. The latter is defined as a pattern of deliberate non-contact behaviors by a person within a critical relationship role that has the potential to be harmful (Stirling and Kerr 2008, p. 178). Crucially, therefore, we include harmful or potentially harmful actions in the sporting context, whether they result in actual injury or not, as long as they compromise human rights and civil liberties. Our analysis is especially focused on interpersonal violence in the coach-athlete relationship,

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characterised by the significant influence coaches have over their athletes due to their expertise and decision-making power (Stirling and Kerr 2014). But, due to our focus on the actions of NGBs in responding to coach-athlete violence, we also touch upon issues of organisational and systemic abuse (Mountjoy et al. 2015). Previous analyses of violence against athletes have tended to focus on physical and sexual violence, most often taking a child protection perspective (e.g., Dodd et al. 2024). Here, we offer a complementary perspective, looking at the phenomenon of athlete violence in a holistic manner by considering regulatory responses as they address all forms of physical, sexual and emotional violence, as well as looking at the relevant frameworks as they apply to athletes at all stages of their sporting career, whether as child athletes or adults.

This wide lens view is important for a number of reasons. First, evidence suggests that emotional abuse (also referred to as psychological abuse) and bullying are more commonly experienced in sport than other forms of violence (Parent and Vaillancourt-Morel 2021). For instance, in a study conducted in the UK ($N=6000$), 75% of the participating child athletes had experienced emotional violence, 29% sexual harassment, 24% physical violence and 3% sexual violence in sports (Alexander et al. 2011). Similar results can be found in Finland. A recent report which considered athletes over 16 years old ($N=2045$) indicated that 39% had experienced inappropriate activities, 13% gender based harassment, 5% sexual harassment and 2% physical violence (Kaski and Kinnunen 2023). Equally, it has been clearly established that consequences of abuse on the athlete can be serious, ranging from mental health issues (e.g., PTSD and depression) to physical effects (e.g., isolation and decline in performance) (Stirling and Kerr 2013). For instance, the Whyte review, a recent, large-scale investigation into allegations of mistreatment at all levels of gymnastics in the UK, described how British gymnasts experienced physical pain as a result of excessive training forced on them by team coaches (Whyte 2022). In Finland, gymnasts argued that their coach's regular weighing practices resulting in eating disorders and mental health issues (Smolander-Slotte 2022). Whilst the issue of sexual and physical violence in sport remains extremely important, we argue that any meaningful analysis of measures to respond to athlete violence must consider the full spectrum of the phenomenon. Analyses also demonstrates that if regulatory responses target only the most extreme forms of athlete violence, such as sexual abuse, other forms of violence can may be neglected (Whyte 2022).

Violence can also be experienced at various stages of the athlete's career. Regulatory responses rightly recognise the need to offer specific frameworks which respond to the vulnerability of children and, indeed, many excellent analyses

have adopted a child protection framework in critiquing these (amongst others, Kerr et al. 2020; Lang and Harthill 2014; Kerr 2020, Brackenridge and Rhind 2014). We build upon this work by including athletes who have transitioned from childhood to adulthood in our analysis. The power imbalance that can often exist between a coach and an athlete (Muhonen et al. 2024; Stirling and Kerr 2014)– even when both are adults– means that adult victims of adult abuse require specific support and prevention measures by NGBs. By adopting this broad perspective, we are able to identify grey areas in NGB regulatory responses, some of which focus only on the risk posed to children by coach-athlete violence.

This article views coach-athlete violence as a human rights issue, using frameworks around sport and human rights as a benchmark against which to assess NGB activity. There is clear consensus in relevant rights documents, both hard and soft law, that coach-athlete violence violates human rights principles. Specifically within sport, the IOC (International Olympic Committee) consensus statement recognises all athletes' right to be protected from violence (Mountjoy et al. 2016).¹ Similarly, Article 3(1) the Universal Declaration of Player Rights states that '[e]very player is entitled to equality of opportunity on the pursuit of sport...free of discrimination, harassment and violence'.² The Declaration was written by the world's leading player associations, whilst it has no binding authority, it is the first comprehensive articulation of athletes' rights, is based on the experiences of athletes themselves and sets a standard for sports organisations to meet their obligations towards their members. Within broader international legal frameworks of relevance to the UK and Finland, Article 19 United Nations Convention on the Rights of the Child 1989 (CRC) requires that states take measures to ensure children are protected from all forms of violence (including physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse), and the UN Committee on the Rights of the Child has stated that this obligation should apply to sports coaches.³ A 'child' is defined as 'every human being below the age of eighteen

¹ International Olympic Committee, International Consensus Statement on Sexual Harassment and Abuse in Sport (8 February 2007), available at https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/News/20070802-IOC-adopts-Consensus-Statement-on-sexual-harassment-and-abuse-in-sport/EN-Sexual-Harassment-Abuse-In-Sport-report-1125.pdf?_ga=2.226351770.1056206452.1661150306-543794017.1647339882.

² World Players Association, Universal Declaration of Player Rights (7 April 2017), available at <https://www.fifpro.org/media/md2efzpd/universal-declaration-of-player-rights-english-version.pdf>.

³ Para 33, United Nations Committee on the Rights of the Child, General Comment No. 13 (2011) The right of the child to freedom from all forms of violence (18 April 2011), available at <https://digital.library.un.org/record/711722?ln=en&v=pdf>.

years' by the CRC (Article 1).⁴ Article 3 European Convention on Human Rights 1950 (ECHR) states that no one should be subjected to torture or to inhuman or degrading treatment or punishment and has been interpreted to include a range of forms of violence, for example, physical and verbal harassment of a minor, sexual abuse, and other forms of child abuse, and domestic violence.⁵ A human rights framework further provides a useful starting point for this article as the relevant instruments are cross-jurisdictional. Both Finland and the UK have accepted obligations under the CRC and the ECHR, and have legal systems that, whilst possessing many different characteristics, are influenced by the post-WWII human rights movement in Europe. There is, therefore, a universality to an understanding of coach-athlete violence in human rights terms which unites both jurisdictions. We have, therefore, used the United Nations Guiding Principles on Business and Human Rights (UNGPs), the applicable standards for non-state bodies whose activities impact upon human rights, as a framework for assessing activities of sports governing bodies in response to coach-athlete violence.

We begin our analysis by framing the issue of coach-athlete violence: first, through a human rights lens, then, as a social phenomenon. We outline key tenets of the UNGPs and lay down the hallmarks of a UNGP-compliant approach to the issue of coach-athlete violence. We consider the range of legal responses that can arise from instances of coach-athlete violence, such as criminal responsibility and civil remedies, arguing that responses from within sports governing bodies themselves occupy a crucial role, but are under-scrutinised. To address this, in the second part of the article, we use this UNGP-inspired human rights framework to critically analyse responses of NGBs to coach-athlete violence, focusing upon education/awareness measures, grievance procedures and sanctions. We show that the UK has a much longer-standing and more child protection-focused approach to coach-athlete violence, whilst Finland has adopted a newer safe sport-style system. We conclude that both approaches have deficiencies and outline the ways in which the principles of the UNGPs are not upheld. Therefore, suggestions for improvements for both countries are made, drawn from lessons learned from each other's systems and recommendations embedded in recent research.

⁴ This definition of 'child' will also be adopted in this article.

⁵ *V.K. v. Russia*, no. 68,059/13, ECHR 7 March 2017; *B v. Russia*, no. 36,328/20, ECHR 7 February 2023; *A. v. the United Kingdom*, 23 September 1998, ECHR Reports of Judgments and Decisions 1998-V; *T.M. and C.M. v. the Republic of Moldova*, no. 26,608/11, ECHR 28 January 2014. For a summary of this case law, see: European Court of Human Rights, Guide on Article 3 of the European Convention on Human Rights: Prohibition of torture (Updated 31 August 2023), available at: https://ks.echr.coe.int/documents/d/echr-ks/guide_art_3_eng.

2 Framing the issue of NGB responses to coach-athlete violence

Coach-athlete violence is a multi-faceted phenomenon: abuse can take many forms, leading to a range of harms. This means it can engage many legal and non-legal responsibilities. For this reason, rather than using the criminal law, the civil law, or a child protection angle to frame coach-athlete violence we have opted for the more universal and cross-cutting approach of human rights. This also reflects the broad approach we take to coach-athlete violence in this article.

2.1 A human rights framework for coach-athlete violence

The United Nations Guiding Principles on Business and Human Rights (UNGPs) apply to business enterprises.⁶ This can include sports organisations which are private law entities, with the European Court of Human Rights, for example, confirming in *Semenya v Switzerland* that the IAAF (now World Athletics) is an association under Monégasque private law.⁷ John Ruggie, who conceived of the UNGPs, wrote a report for FIFA in which he outlined how the principles apply to the organisation's activities in relation to football. In this report he stated that 'while FIFA is established as an association, it conducts significant commercial activities on a global scale, making the UNGPs the appropriate reference standard' (Ruggie 2016, p.5). Given their acceptance as providing a framework for the protection of human rights within sport by non-state actors, we have used the UNGPs to frame sports governing body responsibilities in relation to coach-athlete violence. The roots of the UNGPs can be traced back to 2008, when the United Nations endorsed the 'Protect, Respect and Remedy Framework' for business and human rights.⁸ The first pillar of the UNGP, 'Protect', reflects states' duty under international human rights law to protect everyone within their territory and/or jurisdiction from human rights abuses committed by business enterprises. This pillar puts the onus on states to ensure they regulate activities of private law bodies in a way that upholds human rights, whilst pillars two

⁶ Office of the United Nations High Commissioner for Human Rights, Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (2011), available at https://www.ohchr.org/sites/default/files/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf, p.1.

⁷ Para 80, *Semenya v Switzerland*, no. 10,934/21 (ECHR, 11 July 2023).

⁸ UN Working Group on Business and Human Rights, The UN Guiding Principles on Business and Human Rights: An Introduction (no date), available at https://www.ohchr.org/sites/default/files/Documents/Issues/Business/Intro_Guiding_PrinciplesBusinessHR.pdf.

and three directly address the role of businesses themselves. Under the ‘Respect’ pillar, business enterprises must know the actual or potential human rights impacts of their activities, they must prevent and mitigate these, and they must address the adverse impacts with which they are involved. Finally, under the ‘Remedy’ pillar, individuals must be able to access effective remedies for human rights violations not only through the state court system (or other legitimate non-judicial process), but also via grievance mechanisms offered by companies themselves. This framework reflects that the activities of businesses can profoundly impact the human rights of individuals and that whilst states are the only true duty bearers under international human rights law, business enterprises and other private actors still bear a responsibility for upholding human rights, independent of state activity.⁹ Whilst UNGPs have become the accepted mechanism by which human rights obligations are imposed on businesses, it is worth noting that the ‘Respect’ pillar has attracted some criticism, the term ‘respect’ being perceived as placing a weaker human rights obligation on corporations than the state duty to ‘protect’ (Wettstein 2015). This, it is argued, overlooks the human rights obligations of corporate actors which, logically, derive from the binding nature of the international treaties to which states have agreed (Bilchitz 2013). Byrne and Ludvigsen, writing in the context of FIFA and the IOC, are sympathetic to these criticisms, but point to the requirements to carry out due diligence and understand the human rights impact of business activities implied by the ‘Respect’ pillar as offering a potentially transformative effect (Byrne and Ludvigsen 2023, p.162). Indeed, there is only a small body of work, to date, which considers how these principles can be operationalised as a method for assessing sports governing body activity.¹⁰ This work builds upon that emerging literature: it moves beyond the use of the UNGPs as solely the theoretical basis for human rights obligations and considers their practical application as an auditing tool. This work, therefore, advances the novel use of a human rights framework to assess an area of NGB activity, namely responses to coach-athlete violence.

Using the full text of the UNGPs as a framework,¹¹ we have identified four crucial indicators of an effective system to tackle coach-athlete violence at governing body level. The four indicators respond both to the nature of the issue of coach-athlete violence and to the legal and regulatory characteristics of sports-governing bodies. Coach-athlete violence is an issue that has, historically, remained hidden, and efforts to combat it have been hampered by

poor understandings of the phenomenon, something that is reflected in the first two indicators. Indicator one requires that there must be an appropriate definition of what constitutes coach-athlete violence, and the steps the governing body will take to combat it. Within the UNGPs there is a clear expectation that organisations carry-out due diligence around the impact of their activities on human rights (Principles 15(b) and 17). There is also a requirement that they engage with relevant expertise and consult with affected groups and stakeholders (Principle 18). Therefore, a definition of coach-athlete violence that captures all harmful practices and reflects the most up-to-date research on what constitutes violence in the sports context is an essential starting point. Indicator two requires that there is awareness of the risk and impacts of coach-athlete violence within the organisation, underlining the importance of the educational role a sports governing body can play. The UNGPs make it clear that policies preventing or addressing human rights violations should address all levels of the organisation and be clearly communicated (Principle 16).

Indicators two and three reflect the very broad range of activities carried-out by sports governing bodies. Ordinarily, these organisations are responsible not only for the crafting of policies to combat issues affecting their sport (in this instance, coach-athlete violence), but also for their implementation and enforcement, as well as sanctions in the case of non-compliance. Within the broader context of the UNGPs, therefore, sports governing bodies carry-out an unusually broad range of activities when compared to other business entities. Our next two indicators respond to these quasi-judicial functions to assess whether governing bodies meet their human rights obligations in addressing coach-athlete violence. As such, indicator three reflects the requirement that organisations prevent and mitigate abuses, and address adverse human rights impacts (Principle 11), through grievance mechanisms around instances of coach-athlete violence. Principle 22 requires that where adverse human rights impacts have occurred, remediation is provided through legitimate processes, which can include ‘[o]perational-level grievance mechanisms. Indicator four states that remedies must be available, including in the form of sanctions, and must be impartial (Principle 25). Importantly, the UNGPs clearly state that these must exist at both state level and at the level of the organisation, in this instance a sports governing body. The principles also include effectiveness criteria for non-judicial grievance mechanisms, namely that they are legitimate, accessible, predictable, equitable, transparent, rights-compliant, a source of continuous learning and based on engagement and dialogue (Principle 31). This article will use the four indicators identified here— definitions, awareness, grievance mechanisms and sanctions— to assess sports governing body activity in the UK and Finland

⁹ Ibid.

¹⁰ This work has tended to come within the field of human rights and mega-sporting events, e.g. Rook and Heerdt 2023; Duval 2021; Kirschner 2019.

¹¹ Op cit n.8.

around coach-athlete violence. In the next Sect. (2.2), we will discuss definitions of coach-athlete violence. This part of our article serves two functions. First, it allows us to define the issue of coach-athlete violence for our subsequent analysis. Second, it enables us to offer a critical view on whether the respective Finnish and UK approaches respond to the UNGP requirement that businesses have an awareness of the human rights impacts of their activities through the use of appropriate definitions (the first of our indicators). After further context-setting discussion (addressing the busy legal and regulatory space in which responses to coach-athlete violence sit (2.3)), Sect. 3 will address the remaining three indicators— awareness, grievance mechanisms and sanctions— in turn.

2.2 Defining coach-athlete violence

In our introduction, we emphasised the importance of a holistic approach to coach-athlete violence, as well as the importance of scrutinising sports governing body responses to violence experienced across age groups. In this section, we outline the different ways in which the Finnish and UK systems conceptualise coach-athlete violence.

The approach towards coach-athlete violence which dominates in the UK is a safeguarding one, whereas in Finland it is a safe sport one. Broadly speaking, safeguarding refers to protecting children and adults from harm and to the prevention of violence in sports. The term also includes proactive and reactive obligations such as risk assessment, policy development and education (Brackenridge and Rhind 2014). Safe Sport refers to optimising the sport experience for everyone who works in sports environments— meaning that sport should be free from all forms of violence (i.e., abuse, neglect, bullying, harassment, discrimination), be accessible, welcoming inclusive, safe, contribute to wellbeing, be enjoyable and provide a sense of achievement (Kerr 2022). These approaches differ in their fundamental underpinnings in important ways. Safeguarding is very much anchored in a risk-minimisation, child protection ethos, whilst safe sport is more goal-oriented and aspirational.

The UK approach is the result of various national scandals of violence against child athletes in the 1990s and 2000s (Rhind et al. 2015; Whyte 2022). A watershed moment occurred in 1995 when Paul Hickson, a coach who had held senior roles with the British Olympic Swimming team, was convicted of fifteen counts of rape of teenage girls. It was a moment of reckoning for the sport, the chief executive of the Amateur Swimming Association commenting that the abuse itself shocked the sport, but what really made him realise the culture had to change was the failure to respond to concerns raised by some swimmers (Conn 2005). The Amateur Swimming Association began working with

a leading children's charity, the National Society for the Prevention of Cruelty to Children (NSPCC), and, when the charity was approached by other sports, dealing with their own abuse scandals, a more wholesale solution was sought. The result was the establishment of the Child Protection in Sport Unit (CPSU) in 2001, a joint initiative between the NSPCC and Sport England. These days, the CPSU 'work[s] to help improve safeguarding and child protection practices within sport organisations, to ensure all children and young people are safe while participating in sport and physical activity at all levels'.¹² The organisation, which is funded by a combination of public money and charitable donations, provides practical assistance to sports organisations in the design, implementation and review of safeguarding policies, as well as offering training and research.¹³ Most NGB activity in relation to coach-athlete violence falls under the umbrella of safeguarding and is firmly rooted in a child protection framework overseen by the CPSU. Whilst individual NGBs retain autonomy to implement safeguarding in a way that fits their sport, the overarching framework is centralised via the CPSU.

At this juncture, it is useful to note that, within the UK's constitutional framework, legislative powers in relation to safeguarding are devolved to the Scottish Parliament, the Senedd Cymru/Welsh Government and the Northern Ireland Executive.¹⁴ This means that each region— England, Northern Ireland, Scotland and Wales - has its own framework around safeguarding¹⁵ and specific safeguarding standards for sport.¹⁶ Where a safeguarding issue arises in the UK, the relevant legal framework is that of the respective region. In this article, however, we focus on UK NGBs, the majority of which are based in England and so draw their safeguarding frameworks from the CPSU's Standards for safeguarding and protecting children in sport, the relevant standards for that region. Through its work with the NSPCC, itself an influential UK-wide charity, the CPSU has played a

¹² CPSU, About Us (2024), available at <https://thecpsu.org.uk/about-us/>.

¹³ CPSU is funded jointly by the charity, the NSPCC, and three regional government bodies with responsibility for growing and overseeing grassroots sport in the UK (Sport England, Sport Northern Ireland and Chwaraeon Cymru/Sport Wales) (ibid.)

¹⁴ See: the Scotland Act 1998, the Northern Ireland Act 1998, and the Government of Wales Act 1998 (now the Government of Wales Act 2006).

¹⁵ The NSPCC provides a summary of the key developments in relation to child safeguarding in each of the four regions of the UK, including some references to sport, available at <https://learning.nspcc.org.uk/child-protection-system/history-of-child-protection-in-the-uk>.

¹⁶ These are, respectively, Standards for safeguarding and protecting children in sport (England), Club framework for safeguarding standards in sport (Northern Ireland), Standards for child wellbeing and protection in sport (Scotland), A framework for safeguarding and protecting children in and through sport in Wales (Wales).

significant role in shaping the sports safeguarding landscape across the UK, such that ‘structure of standards assessment processes may differ between UK nations but the principles are consistent’.¹⁷ For these reasons, our broader observations on safeguarding trends relating to UK-based NGBs are relevant across the territory. Where specific legal or policy frameworks relate only to England, we will highlight this for clarity.

Finland’s Responsibility Policy Programme was also created as a result of incidents of violence against athletes, but has a shorter history than safeguarding policies in the UK. The watershed moment in Finland came in 2020 with a nationally publicised case of a Finnish synchronized skating coach emotionally abusing their athletes (Saarinen 2020). The coach was accused and found guilty of repeated and intentional emotional abuse (Saarinen 2020). The public accused both the national Figure Skating Association and the Olympic committee of failing to deliver safe sports in Finland. In Finland, the Finnish Olympic Committee (FOC) regulates all NGBs. As a response to the case, the FOC developed the Responsibility Policy Programme in 2020 (and updated it recently in 2024) to include reference to the CRC and the ECHR. Athlete safeguarding is understood through this policy. The policy includes a code of conduct to promote children’s and adults’ safety in sports. This code of conduct is comparable to the Safeguarding Standards of the CPSU. Its purpose is to realise and increase awareness on athletes’ rights, protect athletes from any form of violence, to guarantee athletes’ healthy physical and psychological development and wellbeing in sports environments, as well as to support athletes’ participation in sports.¹⁸

In regard to defining athlete violence, the Finnish ethical principles in the Responsibility Policy Programme’s code of conduct states:

Any form of bullying, discrimination, name-calling, physical and emotional abuse, domination, belittling, sexual or gender-based harassment and discrimination as well as racism do not belong in sport or exercise— not even if it was intended as a joke.¹⁹

The policy focuses specifically on defining sexual and gender-based harassment, and general sexual abuse. However, the Responsibility Policy Programme fails to provide

definitions which encompass the full range of forms of violence in sports. In particular, definitions lack reference to the most common forms of violence in sports, emotional or psychological abuse, and their impact on athletes’ wellbeing (Parent and Vaillancourt-Morel 2021). However, the advantage of the Finnish Policy Programme is that it frames the characteristics of ethical sports in a practical manner. Recent research on safeguarding suggests that, rather than merely listing prohibited behaviours, these policies offer actionable recommendations for creating safe, inclusive, and abuse-free sporting environments (Kerr 2022). A further improvement in the way in which coach-athlete violence is defined in Finland, is that it is grounded in human rights, with references to the CRC, the ECHR and the UN Universal Declaration of Human Rights 1948. Overall, however, due to the lack of all-encompassing definitions of violence in sports, the policy does not meet the requirements in UNGP Principles 15(b) and 17 which require organisations to carry-out due diligence into the impact of their activities on human rights.

In contrast, safeguarding frameworks within England take a more child-centred approach to defining abuse in sport. The CPSU defines child abuse as ‘any form of physical, emotional or sexual mistreatment or lack of care that leads to injury or harm’, and provides a detailed description of physical, sexual and emotional abuse and bullying.²⁰ There is a separate webpage for each type of abuse, with examples of how they could be perpetrated in the specific context of sport. For instance, the page dedicated to bullying states that this behaviour ‘might include name-calling, offensive hand gestures, physical assault or exclusion from team activities or social media groups’.²¹ The CPSU also recognises that ‘lower level concerns’ must be reported through the complaints procedures of sports organisations. Further detail is provided on each of type of violence specifically within the context of sport. This means that a very expansive, and practically focused, definition of violence in sport is provided by the CPSU. This wide definition is reflected in definitions adopted by other governing bodies. For example, Sport England states that ‘[n]o one involved in sport and physical activity, whether they’re a volunteer, participant, spectator or an elite athlete, should ever have to worry about abuse or harassment’, going on to clarify that this applies to the protection of both children and adults from harm.²² These definitions offer NGBs a wide and all-encompassing definition of coach-athlete violence, such that the broader UNGP requirement that organisations carry-out

¹⁷ CPSU, Assess my organisation (2022), available at <https://thecpsu.org.uk/help-advice/assess-my-organisation#standards-assessment-process>.

¹⁸ Olympiakomitea, Urheillaan ihmisiksi: Urheiluyhteisön vastuullisuusohjelma 2020–2024 (2020), available at <https://olympiakomitea.kuvat.fi/kuvat/Materiaalipankki/Urheiluseuroille/Vastuullisuus/Urheiluyhteis%C3%B6n+vastuullisuusohjelma.pdf>.

¹⁹ Olympiakomitea, Reilu Peli—urheiluyhteisön eettiset periaatteet (20 November 2021), available at <https://olympiakomitea.kuvat.fi/kuvat/Materiaalipankki/Urheiluseuroille/Vastuullisuus/Reilu+pelin+%E2%80%93+urheiluyhteis%C3%B6n+eettiset+periaatteet+2021.pdf>.

²⁰ CPSU, Child Abuse in a Sports Setting (2024), available at <https://thecpsu.org.uk/help-advice/introduction-to-safeguarding/child-abuse-in-a-sports-setting>.

²¹ Ibid.

²² Ibid.

due diligence in relation to their human rights impacts are supported (Principles 15(b) and 17).

That said, the emphasis in the UK context on safeguarding as a child protection issue does create something of a gap in policies aimed at coach-athlete violence. In a broad sense, safeguarding in the UK is understood as applying to both children and ‘at risk adults’, the latter having a specific statutory definition in England which requires individuals to have ‘needs for care and support’ and to be ‘unable to protect themselves from harm as a direct result of those needs’ (s.42 Care Act 2014). Across all parts of the UK, ‘at risk adults’ are treated those with particular vulnerabilities due to care needs.²³ Many sports governing bodies equate protection from coach-athlete violence with safeguarding. However, most adults, especially elite athletes, do not fall into the category of ‘at risk’ and are therefore not fully covered by traditional safeguarding frameworks. While some sports organisations include all adults in their policies, others slip into the use of the terms ‘vulnerable’ or ‘at risk’ when describing adults who fall within their policies. The issue here is that safeguarding frameworks in the UK operate on the assumption that, unless they have specific vulnerabilities, most adults can advocate for themselves in situations of coach-athlete violence and so do not need any special protection. This approach does not recognise the very distinct power relations that can operate in the sporting environments. Coaches wield considerable influence over also adult athletes due to factors such as experience, and authority over their athletic careers (Stirling and Kerr 2008, 2013). In turn, athletes often rely on their coaches for essential guidance and expertise (Wilinsky and McCabe 2021). An adult who is not ‘at risk’ will often need to use the ordinary NGB complaints process to raise concerns about the conduct of a coach. The dominance of a safeguarding framework in the UK, therefore, means there is less focus on adult victims of coach-athlete violence than under the more inclusive Finnish framework, which applies the same processes to adults and children.

In summary, there is an interesting contrast between two approaches to coach-athlete violence: on the one hand, the Finnish safe sport policies and, on the other, the UK safeguarding focus. Each has its advantages. The UK approach has a more inclusive understanding of the nature of abuse in sport and is firmly embedded in a child protection focus. The Finnish approach shows a better understanding of the vulnerability of adults in coaching relationships, however

²³ The relevant definitions in other regions are found in: s.3(1) Adult Support and Protection (Scotland) Act 2007 and s.126(1) Social Services and Well-Being (Wales) Act 2014. There is no statutory definition of an ‘at risk adult’ in Northern Ireland. The Ann Craft Trust provides an overview of difference in adult safeguarding in sports, available at <https://www.anncrafttrust.org/resources/differences-between-safeguarding-in-wales-and-england/>.

fails to encompass all aspects of violence in sports. We suggest that each system can learn from the other in this respect, but that further research is needed on whether a safe space ethos or a safeguarding one offers more effective protection.

2.3 Coach-athlete violence in a legal and regulatory space

In accordance with the UNGPs, if the rights of individuals are to be realised, we must see evidence of NGB policies to prevent coach-athlete violence and of appropriate redress when incidents do occur. However, NGB activities do not exist in a vacuum: when an athlete suffers violence perpetrated by their coach, there are several possible legal avenues beyond the NGB response. Indeed, the body of law known as ‘sports law’ consists of both dispute resolution internal to sport, and the application of laws external to sport to disputes that arise within sport (see, e.g., James 2017; Foster 2003) Violence in sport offers an excellent illustration of the way in which a complex web of sports governing body rules, as applied by dispute resolution bodies, civil and criminal legal processes and, increasingly, the application of human rights norms, can be applied to one incident.

Violence by coaches towards athletes will often meet the threshold for a civil or criminal action under both Finnish and UK law. There are many instances of, for example, criminal convictions of coaches who have sexually abused athletes in their care.²⁴ The level of sanction available following criminal law processes, particularly the possibility of incarceration, make this the appropriate course of action in the most severe cases of abuse. There is also scope for civil claims, such as where violent conduct breaches a duty of care owed by a coach to an athlete, which would offer the possibility of compensation (based, in England and Wales, for example, on a common law duty of care and, in Finland, on the Tort Liability Act (412/1974).²⁵ Equally, where the athlete is an employee, employment law may provide redress for a victim of athlete violence such as bullying or harassment. On this latter point, however, it is worth noting the UK case of *Varnish* in which an employment tribunal found that the elite cyclist, Jess Varnish, was not in

²⁴ In the UK, see, for example, 80 convictions of sports coaches for child sexual abuse in the two years from 2016 to 2018 (BBC, Eighty sports coaches convicted of child sex abuse, says Offside Trust (5 December 2018), available at <https://www.bbc.co.uk/sport/football/46453955>). In Finland, see, for example, the imprisonment of a football coach for two years and 8 months and the payment of a €20,000 fine to the victim for sexual abuse (Yle, Jalkapallovalmentajalle 2 vuotta ja 8 kuukautta vankeutta törkeästä lapsen seksuaalisesta hyväksikäytöstä–13-vuotiaana uhriksi joutunut Emilia: “Se oli minulle helvetti” (16 October 2018), available at <https://yle.fi/a/3-10425471>).

²⁵ In the England and Wales context, see further: Partington 2016. In the Finnish context, see further: Halilla and Norros (2017), pp. 473–478.

an employment relationship with British Cycling or UK Sport, but was instead an independent contractor, and, as such, could not rely on provisions of the Equality Act 2010 in alleging sex discrimination.²⁶ This is widely considered to have been a significant blow to the prospects of athletes seeking redress for emotional abuse in elite sport, where many individuals are not in a formal employment relationship with organisations who provide coaching.²⁷

We must also acknowledge the increase in cases brought directly based on human rights norms within sports law in recent years.²⁸ The UNGPs offer an accepted framework for how NGBs should conduct their activities in relation to their impact on human rights, however the issue of litigation brought on the basis of a breach of human rights by a sports governing body is more complex. Human rights obligations raise the tricky question of who the duty lies with in respect of activities related to sports organisations. An orthodox reading of international law confines such obligations to states parties only, and does not confer obligations on sports governing bodies directly. Final challenges against decisions of international sports federations are, in almost all cases, decided by the Court of Arbitration for Sport in Switzerland (James 2017, pp.51–72). As such, cases which have reached the European Court of Human Rights (ECtHR) have considered the separate question as to whether the legal processes available to applicants in Switzerland uphold human rights, rather than engaging explicitly with the activities of sports governing bodies.²⁹ Whilst this means that a human rights-based challenge cannot be brought against an NGB before a specific human rights court, such as the ECtHR, these cases do exert a form of indirect pressure on NGBs to comply with human rights norms, and on both the Court of Arbitration for Sport and national courts to consider the human rights arguments in sports cases before them in a meaningful way. Given the limited circumstances in which an athlete who is the victim of violence perpetrated by their coach can seek redress under criminal, civil or human rights law, the remainder of this article will focus upon the actions of NGBs in the UK and Finland. We begin this discussion by outlining the role of the UK and Finnish states in influencing NGB activity in relation to coach-athlete violence.

Both Finland and the UK have what is, in principle, a non-interventionist approaches to the regulation of sport.³⁰ NGB powers are derived from an agreement between members and the relevant sports association. This means that, in both countries, NGBs enjoy significant independence from the state. This is traditionally thought of as the principle of autonomy of sport (Chappelet 2010; Halila and Norros, 2017 pp. 14–18), and in Finland it is also closely aligned with freedom of association within the Finnish constitution (Sect. 13, The Constitution of Finland (1999)). The result is that in both countries national governing bodies and other associations have extensive ability to regulate their internal activities and govern individual coaches, athletes and officials through disciplinary rules and regulations.

Despite their largely non-interventionist approach, both the Finnish and UK states can influence NGB policies in relation to coach-athlete violence through their distribution of public money. In the UK context, Gardiner and colleagues argue that the government exerts indirect power over the sports sector via the sports councils, non-departmental public bodies which receive funding from the Department for Culture Media and Sport (Gardiner et al. 2012, p.31). Indeed, a number of analyses have pointed to the way in which distribution of funding is used as leverage to ‘modernise’ the governance of sports organisations by central government (e.g. Grix 2009; Green and Houlihan 2006). The sports councils oversee a process for recognising a sport, which is an essential prerequisite for that sport to become eligible for public funding. This includes a requirement that the sport ‘meet[s] minimum governance standards and should be able to evidence statements on anti-doping, safeguarding, equality, complaints and conflicts of interest...’³¹ In this way, the government is able, indirectly, to ensure that each governing body has safeguarding procedures in place as part of its governance structures.

Similarly, public authorities, especially the Ministry of Culture and Education and local authorities, are important financiers of sport in Finland. The competence of the Ministry of Education and Culture to govern sporting activities is largely based on the state subsidies granted to national and regional sports organisations. According to Sect. 12 of the Finnish Sports Act (390/2015), in assessing eligibility for state aid, it is essential to consider how an organization promotes the objectives of this Act, alongside adhering to the ethical principles of sports and physical activity. Typically, relevant conditions related to state subsidies have included

²⁶ *Varnish v British Cycling Federation* UKEAT/0022/20/LA, 19 and 20 May 2020.

²⁷ See Brown 2023 (pp.223–226) and Gilroy 2020.

²⁸ See, for example, cases which have reached the European Court of Human Rights in Strasbourg, including *Mutu and Pechstein v. Switzerland*, nos. 40,575/10 and 67,474/10 (ECHR 2 October 2018) and *Semenya v Switzerland* (op. cit. n7).

²⁹ *Ibid.*

³⁰ On the other hand, see Grix et al. 2025 for a discussion of the way in which elite sport development has garnered significant political attention in a comparative context.

³¹ Sports’ Councils Recognition Policy 2017, para. 49(a), available at <https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fs-public/uk-recognition-policy-2017.pdf>.

commitments to anti-doping codes and ethical programs. Section 1.1 of the Sports Act mandates that the application of this Act must consider international commitments binding on Finland, particularly referencing international human rights conventions such as the CRC. This presents a potent mechanism to safeguard children and their rights in sports if systematically leveraged by the Ministry of Education and Culture. Currently, 15% of future funding from the Ministry is explicitly linked to various ethical considerations including parity, equality, and the promotion of healthy, safe sports environments.³² This shift indicates a growing recognition of the importance of ethical governance in sports, aligning financial support with the broader objectives of safety and fairness in athletic environments.

Our focus now turns to the activities of NGBs in Finland and the UK in relation to coach-athlete violence. We will assess their activities against the three remaining UNGP benchmarks of awareness/education, grievance procedures and sanctions.

3 Critiquing NGB responses to coach-athlete violence

3.1 Awareness of coach-athlete violence within NGBs

Arguably, the most important method to combat the issue of coach-athlete violence is through education and, indeed, Principle 16 of the UNGPs places an emphasis on clear statements around human rights which are embedded throughout the organisation. The latter commitment cannot be achieved without educational policies which are informed by relevant expertise (Principle 16(b)). Finland and the UK offer useful case-studies in relation to the extent to which NGBs have engaged in education around coach-athlete violence. In the UK, the requirement for safeguarding education and training for NGB personnel is very well established and has been commonplace for two decades, since 2001. In Finland, the need for a comprehensive approach has only been recognised more recently, since 2020, and training on coach-athlete violence is still in its infancy.

In England, the CPSU national Standards for Safeguarding in Sport explicitly recognise that those involved in sport can only protect children confidently and effectively if they are aware and have the necessary understanding and skills.³³ Standard 7, therefore, states that ‘[o]rganisations providing

sporting activities for children have a responsibility to provide learning, training and development opportunities for staff and volunteers’,³⁴ including an induction process which covers child protection and safeguarding issues. Standard 7 sets out more detailed requirements around training on safeguarding policies and procedures, recognising and responding to concerns about child abuse, and case management and disciplinary processes. In addition, the CPSU provides support for NGBs in identifying their safeguarding training needs and provides a plethora of information on types of training and delivery models. Similarly in Finland, the FOC ‘s Responsibility Programme sets educational standards for national governing bodies, specifically mandating that ‘[e]very one of our instructors, coaches, and operators must complete safety-related online training’.³⁵ As a response to this policy, NGBs and other sports organisations have developed tailored educational resources for their members. However, there exists a disparity in the adoption of safeguarding education among different Finnish NGBs. While some organisations have implemented compulsory training for adult members, others have yet to catch up, highlighting inconsistencies in safeguarding education across the sector. This lack of uniformity results in a varied understanding and awareness of human rights violations in sports, contravening Principle 16 of the UNGPs.

In contrast, in England, the CPSU national Standards for Safeguarding in Sport can now be said to be embedded in the sport sector (Harthill et al. 2021). This is in part because the UK-wide framework requires adherence to these standards as a prerequisite for recognition as a sport and for access to the main source of sports funding, the National Lottery. Harthill et al. (2021) argue that this means some of the early challenges around implementation of child protection approaches within sport have now given way to an acceptance of the need for education and some examples of very high-quality training and education. The work of the CPSU is underpinned by research on child safeguarding in sport, with research carried out at Edge Hill University explicitly mentioned in relation to the provision of education and training.³⁶ This is indicative of a good level of realisation

³² Liikuntaa edistävien järjestöjen yleisavustus, available at <https://okm.fi/-/liikuntaa-edistavien-jarjestojen-yleisavustus>.

³³ CPSU, Standards for safeguarding and protecting children in sport (2024), available at <https://thecpsu.org.uk/resource-library/tools/standards-for-safeguarding-and-protecting-children-in-sport/>.

³⁴ Standard 7, CPSU, Standards for safeguarding and protecting children in sport (2018), available at https://thecpsu.org.uk/media/xlfpx04/web_cpsustandards.pdf.

³⁵ Olympiakomitea, Fyysisen turvallisuuden opas yhdistyksille: Turvallisia liikuntapalveluita ja yleisötapahtumia (2022), available at <https://olympiakomitea.kuvat.fi/kuvat/Materiaalipankki/Tietoa+meist%C3%A4/Vastuullisuus/Fyysisen+turvallisuuden+opas+yhdistyksille+2022.pdf>.

³⁶ For example, a prevalence study into abuse in sport carried out by Edge Hill University is mentioned by the CPSU on their website: CPSU, Prevalence study into abuse in sport (28 July 2020), available at <https://thecpsu.org.uk/news/2020-07-prevalence-study-into-abuse-in-sport/>.

of Principle 16 of the UNGPs around awareness of human rights issues within organisations, as well as engagement with affected groups and organisations (Principle 18).

That said, the UK system is not without its limitations. It is noteworthy in the UK that sports-focused safeguarding education has become something of an industry. Whilst the work is undeniably spearheaded by the CPSU and their partner charity, the NSPCC, multiple private organisations offer a range of courses,³⁷ and Edge Hill University has plans for a dedicated Masters in Sports Safeguarding degree course.³⁸ There remain, however, persistent barriers to effective education and training around coach-athlete violence in UK sport. First, situating training and education around safeguarding as a pre-requisite for funding is a double-edged sword. On the one hand, it is without doubt the principal driver behind the very high degree to which safeguarding education is embedded in UK sport. On the other, it has repeatedly been found to encourage only tokenistic compliance by some individuals and to promote an organisational complacency towards the need to engage meaningfully with education around coach-athlete violence (Harthill 2021, Whyte 2022). Indeed, it is striking that a selling feature of many of the commercially available sports safeguarding courses is their brevity, low-price, and the immediate provision of a certificate of completion.³⁹ Second, many sports in the UK— even at a relatively high level rely upon volunteers who are not remunerated for time they spend engaging with training and education, such that it is inevitably surface level, even amongst committed and conscientious coaches (Harthill et al. 2021). Thirdly, questions remain about the content and delivery of safeguarding training. While the currently popular online webinars are easily accessible, research suggests that in a post-covid world, a form of blended (both online and offline) teaching and learning is the preferred and most effective method for participants (e.g. Müller and Mildenerger 2021; Harthill et al. 2021). Finally, the safeguarding framework and the educative work of the CPSU dominate the coach-athlete violence sector in the UK, such that it is far less clear what

training takes place to educate coaches and NGB personnel about violence which falls outside of the narrow remit of safeguarding. In summary, whilst education around safeguarding in the UK looks impressive on paper, it is unclear how much this has translated into a greater awareness of coach-athlete violence and the impact it has on the rights of athletes within NGBs more broadly, which suggests the UK has not entirely fulfilled its obligations under Principle 16.

Despite an increase in the provision of safeguarding education since Finland's landmark case in 2020, the available education remains limited compared to that in the UK. In Finland, safeguarding education is scarce and primarily offered by the FOC, Finnish Centre for Integrity in Sports (FINCIS), the Family Federation of Finland's subsidiary project 'You are not alone', and the Finnish Sports Coaches' Association (FSCA). Additionally, certain NGBs offer safeguarding education tailored to specific disciplines (e.g., the Finnish Gymnastics Federation). Notably, the FSCA organises the most attended workshops and courses for sports coaches on athlete safeguarding, covering topics such as coaching psychology, communication skills and coaching methods. The advantage is that safeguarding education is provided by nationally recognised organisations, rather than private entities. However, this education covers only bullying and particularly sexual abuse (harassment) out of all the forms of violence in sports. Coverage of physical and especially emotional abuse is missing. As it stands, such omissions fail to comprehensively cover all aspects of human rights violations as required by Principle 16. Similar to the position in the UK, the predominant delivery method for safeguarding education is through brief online webinars lasting one to two hours and additional website resources. This approach raises questions about the depth and efficacy of the education provided, arguably falling short of the expectations of UNGP's Principle 16. Lastly, the development and implementation of safeguarding education appear to lack input from experts within the sports domain (Principle 16b). The knowledge and perspective of these professionals are crucial for devising effective educational content. Researchers argue that violence in sports cannot be eradicated unless relevant education is research based (Kerr 2022). Thus, while Finland has made strides in introducing safeguarding education within sports, the limited scope, inconsistent application, brevity and potential lack of expert insight within the current educational programmes indicate that there is significant room for improvement to better protect athletes' rights and wellbeing.

³⁷ See, for example, courses offered by High Speed Training (<https://www.highspeedtraining.co.uk/courses/safeguarding/safeguarding-in-sport/>), Child Protection by Smart Horizons (<https://www.childprotectioncompany.com/safeguarding-children-in-sport/>), Sport Structures (<https://www.sportstructures.com/education-training/our-courses/workshops/safeguarding-and-time-to-listen/uk-coaching-safeguarding-protecting-children-workshop/>), amongst many others.

³⁸ See the University and Colleges Admissions Services website: <https://digital.ucas.com/coursedisplay/courses/78695d6b-ab0c-42c1-b138-058657c3a6f5?academicYearId=2024&courseOptionId=ff23a074-6f83-4f2c-97b6-005d47a41ed1>.

³⁹ We have not audited these courses such that we can conclude whether they are high quality, we have simply observed that the marketing of some of the examples above encourages a tick-box mentality to sports safeguarding.

3.2 NGB grievance procedures and coach-athlete violence

Our third criterion, drawn from the UNGPs, is that NGBs provide appropriate grievance mechanisms for coach-athlete violence. In both Finland and the UK, NGBs enjoy significant independence, operating on the basis of a private contractual relationship.⁴⁰ Sports participants (coaches and athletes included) either expressly or impliedly agree to a set of expectations laid down in articles of association, membership rules, standards of conduct and policies (James 2017 pp.29–32). Failure to meet these is a disciplinary matter to be adjudicated by the NGB. Typically, every governing body has a disciplinary board. Disciplinary sanctions are imposed by each board based on a governing body's internal rules and codes. There is no specific legislation in the UK or Finland governing NGBs' dispute resolution procedures. O'Leary (2021) concludes, therefore, that the quality of dispute resolution procedures, when measured against principles such as independence and impartiality, varies between NGBs. It is worth noting that the UNGPs require that grievance mechanisms for human rights violations exist at both state and, where appropriate, business organisation levels (Principle 22), our focus here being the latter.

In the UK, instances of violence in sport will often be dealt with under an NGB's safeguarding policy. NGBs are able to refer cases to an organisation called Sports Resolutions which offers independent investigations into safeguarding complaints, and can carry-out arbitration or disciplinary processes.⁴¹ The parties must agree to the involvement of Sports Resolutions, which is often done via a provision within the relevant NGB regulations.⁴² Sports Resolutions is comprised of lawyers and experts in the relevant field, and offers a National Safeguarding Panel. It also provides support to NGBs in their own safeguarding procedures via a case management programme with expert advice. This system has been described as 'one of the most sophisticated dispute resolutions systems globally' in response to safeguarding.⁴³ The use of independent investigators, provision

of expertise and focus on case management, are indicative of grievance mechanisms which meet the requirements of the UNGPs.

The dominance of safeguarding procedures, however, can make the treatment of coach-athlete violence cases patchy and unpredictable. As outlined above, safeguarding procedures tend to apply only to children and at-risk adults. For an adult without the sort of vulnerability which would bring them within the remit of safeguarding policies, violence in sport would usually fall under policies which cover expectations around the conduct of coaches. For example, British Gymnastics has a comprehensive safeguarding policy covering both children and at-risk adults, defining abuse and outlining responsibilities for implementing and reporting safeguarding concerns.⁴⁴ Additionally, they publish Standards of Conduct for Coaches, Instructors, and Officials, emphasising the importance of not abusing trust or engaging in practices harmful to the physical or psychological wellbeing of gymnasts.⁴⁵ Whilst the coach-athlete violence landscape in the UK is very dominated by safeguarding education and processes, the option to categorise actions as breaching a code of conduct has not been uncontroversial. In 2023, the Weston Report was published which looked, in depth, at three cases that had been considered by Swim England around safeguarding and other judicial procedures (Weston 2023). The report highlighted a case involving the public weighing of child swimmers, which Swim England did not categorise as a safeguarding concern. Instead, it suggested addressing it through the appropriate code of conduct, allowing for resolution at the club level rather than escalation to the NGB. This illustrates how ambiguity in safeguarding boundaries can result in the minimisation of certain forms of alleged coach-athlete misconduct. Relatedly, the Whyte review concluded that formal disciplinary processes were used in the sport of gymnastics 'infrequently' (Whyte 2022, p.249), with a clear preference for dealing with complaints informally where possible. This raises questions about the extent to which the grievance procedures are accessible, as required by the UNGPs (Principle 31).

Furthermore, several concerns have been identified around the conduct of investigations and disciplinary processes within safeguarding cases in the UK. The most comprehensive study to look at this issue was the Whyte review, which took evidence from over 400 gymnasts competing at various levels within the UK (Whyte 2022). The review

⁴⁰ In the UK context, see, for example: *Modahl v British Athletic Federation Ltd* [2001] EWCA Civ 1447. In the Finnish context, see, for example: *travaux préparatoires* of the Finnish Association Act (HE 64/1988), p. 15; Sect. 13 of the Constitution of Finland; and, Aine 2023, p.53.

⁴¹ Sport Resolutions, *Our Services: Safeguarding in Sport* (2024), available at <https://www.sportresolutions.com/services/safeguarding-in-sport>.

⁴² By way of example, see UK Athletics Safeguarding Regulations (Version 2, 2023), available at: <https://www.uka.org.uk/wp-content/uploads/2023/02/safeguarding-regulations-2023.pdf>.

⁴³ <https://www.lawinsport.com/topics/blogs/jack-anderson/item/the-scope-of-the-duty-of-care-in-sport-a-submission-in-relation-to-uk-governments-review>.

⁴⁴ Para 23, British Gymnastics, *Standards of Conduct for Coaches, Instructors and Officials* (2023), available at <https://www.saadigymnastics.co.uk/terms-conditions>.

⁴⁵ Para 23, British Gymnastics, *Standards of Conduct for Coaches, Instructors and Officials* (2023), available at <https://www.saadigymnastics.co.uk/terms-conditions>.

found that: complaints were not acted upon, investigations were not adequate, there were unwarranted delays, poor standards of record keeping and communication and a lack of consistency in handling complaints and disciplinary processes happening behind closed doors. The Weston review which looked at safeguarding cases in Swimming reached similar conclusions (Weston 2023). Very much echoing the requirements of the UNGPs the report concluded that regulations and processes for safeguarding or other disciplinary cases ought to, *inter alia*, be accessible to users, fair, impartial, accord with natural justice and ensure governing bodies are accountable. The evidence considered in the report suggested that Swim England did not meet those tests. These two significant reviews of disciplinary processes in both swimming and gymnastics suggest that the UNGP requirements that grievance mechanisms are ‘legitimate, accessible, predictable, equitable, transparent and rights-compliant’ (Principle 31) may not be routinely met.

In Finland, those involved in sports have several avenues to report ethical breaches, including direct contact with an NGB’s designated complaints officer or through two independent channels. Traditionally, acts of violence are addressed through disciplinary procedures based on the NGB’s general concept of unsportspersonlike behaviour. For instance, the Finnish Gymnastics Federation implements its safeguarding policies (aligned with the National Olympic Committee’s Responsibility policy) alongside specific disciplinary measures activated in cases of sporting regulation breaches.⁴⁶ Similarly, in the watershed case in Finnish sports, the skating coach was valuated based on unsportspersonlike conduct (Saarinen 2020). However, recently to address the limitations of a federation’s authority, a specialised disciplinary board was established under the FOC in May 2021. This independent board aims to address challenges concerning the jurisdiction of a national governing body’s disciplinary power over athletes, coaches, teams, and other entities. Primarily, the specialised disciplinary board handles ‘more serious’ cases.

Interestingly, and similar to the UK, the investigation process is overseen by an impartial third party, FINCIS, which can be called upon by NGBs or independent reports if the federation is unable to conduct its investigation.⁴⁷ Prior to commencing an investigation, FINCIS, along with NGB disciplinary boards and FOC’s special disciplinary board, prioritise mediation and aim for a settlement between the

accuser and accused. This system benefits from the impartial scrutiny provided by FINCIS, ensuring fairness and objectivity in case resolution. In this respect the Finnish system fulfils the UNGPs outlined effectiveness criteria for non-judicial grievance mechanisms such as transparency and accessibility (Principle 31).

However, the current framework in Finland has limitations. The preference for mediation by disciplinary boards may not always be suitable. While mediation can be valuable, the requirement for both the accuser and accused to agree on a settlement could favour the party with more resources or influence, potentially disadvantaging the less powerful participant. Moreover, an athlete or coach who receives disciplinary sanctions in one sporting discipline can still engage in training activities within the same discipline or work in other disciplines, unless the disciplinary code explicitly prohibits such involvement.⁴⁸ For ‘more serious offences’ the Finnish system addresses perpetrators across disciplines. The specialised disciplinary board’s Disciplinary Regulations does define the term ‘serious offences’ and gives specific examples of punishable acts included under the term.⁴⁹ Furthermore, the descriptions and details of punishable acts, along with their applicability, are further developed through application practices and case law. While the descriptions of acts have been specified in recent years, those related to punishable acts of emotional abuse still require further clarification. Emotionally abusive punishable acts lacks specificity, leading to ambiguity about qualifying behaviours. This raises questions about whether actions often perceived as less serious, like emotionally abusive coaching, would be appropriately categorised.

For ‘less severe’ cases that do not fall under the jurisdiction of the FOC’s special disciplinary board, there are concerns about the effectiveness of enforcing sanctions and ensuring the protection of participants across different levels and disciplines of sports.

Furthermore, recent research from Finland has highlighted deficiencies in the current grievance mechanisms (Toivonen and Aine 2024). Despite numerous abuse incidents reported to FINCIS, only a few have resulted in consequences for alleged perpetrators. Athletes have raised concerns about various aspects of the grievance process, such as insufficient communication regarding its progress, lack of information about the mechanism itself, transparency throughout

⁴⁶ Suomen Voimisteluliitto, Vastuullinen voimistelutoiminta: Työkaluja seuroille vastuullisuustyön käynnistämiseen ja toteuttamiseen (no date), available at https://409bd6e0-4ec0-4f56-b286-8f516e4b7777.filesusr.com/ugd/966b6c_7f9dcccddcbeb42168718e7788ee8d36e.pdf.

⁴⁷ FINCIS, About FINCIS (2024), available at <https://suek.fi/en/fin-cis/fincis/>.

⁴⁸ Olympiakomitea, Lajiliiton kurinpitomääräykse (2019), available at <https://olympiakomitea.kuvat.fi/kuvat/Materiaalipankki/Tietoa+me-ist%C3%A4/Vastuullisuus/Kurinpidon+mallis%C3%A4%C3%A4nn%C3%B6t.pdf>.

⁴⁹ Suomen Olympiakomitea, Disciplinary provisions of the sports sector pertaining to serious inappropriate behaviour and severe ethical violations (25 May 2021), available at <https://bin.yhdistysavain.fi/1608028/ACRplkXEFZYGTZvw3De0aR1H4/Disciplinary%20provisions.pdf>.

the process, and the absence of a defined timeline (Principle 31) (Toivonen and Aine 2024). Unfortunately, athletes frequently report their frustration at being left in the dark regarding the duration of investigation processes and the lack of communication from the relevant NGO or FINCIS (Toivonen and Aine 2024), criticisms which are reminiscent of those of the UK processes.

Two key themes emerge from our analysis of the grievance mechanisms across both countries. The first is that the disciplinary procedures allow for the downgrading of actions that may be considered low-level (e.g., emotional abuse), but nonetheless have seriously detrimental impacts, in a way that does not make athletes feel listened to, or as though complaints about rights violations are taken seriously. This fails to uphold requirements in Principle 31 of the UNGPs around engagement and dialogue with stakeholders. Secondly, whilst good processes exist on paper in both countries, the reality of navigating grievance mechanisms reveals a multitude of barriers to accessing remedies and poor case management, leaving question marks over legitimacy, accessibility, predictability, equitability and transparency, as required by Principle 31.

3.3 NGB sanctions and coach-athlete violence

According to the UNGPs, for an effective grievance mechanism to exist, appropriate remedies must be in place (Principle 25). Where coach-athlete violence is dealt with by NGBs in both countries, as outlined above, sanctions will be as laid down in the membership rules of each organisation. In the UK, this means that the sanctions available to each NGB and the way in which they are applied varies significantly. They generally include: suspension of an individual, disaffiliation of a club/organisation from the governing body and financial penalties. Specifically, in relation to safeguarding, an investigation may trigger a referral to an external agency (such as the police or local authority with responsibility for safeguarding issues), but it does not necessarily follow that a sanction will be imposed by an NGB. This may somewhat undermine the efficacy of the remedies available in the form of a sanction (Principle 31). The Whyte review found evidence that the willingness to sanction coaches could be dependent upon the extent to which that individual was valued within the organisation. For example, it was reported that a coach who was seen to be ‘integral to international medal success’ could be protected by British Gymnastics when other coaches were disciplined (Whyte 2022, pp. 298–299). In both the Whyte and Weston reviews, concerns were raised about the somewhat arbitrary approach to sanctions found in both the sports of gymnastics and swimming (Whyte 2022; Weston 2023). These reviews found that there was little consistency between like cases and the processes

which led to sanctions did not always seem to meet basic standards of fairness. Furthermore, the unpredictable nature of the cases which do or do not reach a disciplinary tribunal mean that instances of coach-athlete violence are not always sanctioned. Furthermore, the Weston review found that it was unclear why sanctions were imposed on individuals rather than clubs and that sanctions were not pursued when a club was disbanded or an individual had left (Weston 2023). As such, the efficacy, impartiality and fairness of sanctions in the UK is not clear, potentially undermining Principle 23 of the UNGPs.

In Finland, coach-athlete violence can be addressed through disciplinary measures, where a NGB’s disciplinary board oversees sanctions on its members. Regulations, available sanctions, and organisational procedures vary across disciplines, with sanctions typically ranging from warnings to temporary bans from specific sports. In the notable case in figure skating mentioned earlier, the Finnish Figure Skating Association’s Disciplinary Board found the skating coach guilty of violating ethical rules by using inappropriate language and humiliating skaters (Saarinen 2020). The coach received a one-year ban from participating in competitive events organised by the Finnish Figure Skating Association, while still allowed to engage in day-to-day training and international competitions. However, these sanctions applied solely within a single sport, raising questions about the extent of disciplinary power over athletes, coaches, and other entities by a national governing body.

On the other hand, the mandate of the FOC’s specialised disciplinary board, extends beyond one sport discipline and to training sessions and other non-competitive activities where violent incidents may occur. The acceptance of the board’s disciplinary power however is voluntary and while most NGB’s have accepted the mandate of the board, others have not. The disciplinary code enforced by the specialised disciplinary board precisely outlines relevant offenses, with unsportpersonlike conduct being just one of the offenses covered.⁵⁰ The sanctions available for specialised disciplinary board established by the FOC (according to Sect. 8 of the disciplinary provisions in the sports sector) are penalties including (a) warning, (b) fine, (c) competition-specific or temporary competition ban, (d) game-specific or temporary game ban, (e) game or competition-specific or temporary ban from official operations, and d) temporary operating ban (Sect. 8).⁵¹ Furthermore, disciplinary rules for serious ethical violations consider the power dynamic between coaches and athletes. Section 6 outlines that factors like the age, developmental stage, or subordinate position of the subject relative to the offender are viewed as aggravating factors in

⁵⁰ Ibid.

⁵¹ Ibid.

determining the severity of the offence.⁵² To date, the disciplinary board has handled one case involving inappropriate behaviour by a coach. In a decision dated 17 November 2023, the board found a Finnish baseball coach guilty of sexually harassing four players and officials during team activities. The coach's actions were determined to constitute sexual harassment under Sect. 5 (c) of the disciplinary rules, which is also punishable under Chap. 20 of the Finnish Criminal Code. As a consequence, the coach was suspended from participating in sporting activities until 31 December 2024. Factors contributing to the board's decision included the repetitive nature of the behaviour, the coach's position of authority, and the presence of witnesses to the misconduct. The entire procedure, from initiation to conclusion, lasted approximately a year and a half.

Given the limited number of activities and decisions of the special disciplinary board for serious ethical violations, it is too early to draw conclusions regarding any shifts in jurisprudence or the board's effectiveness. However, it is essential to highlight that the board's disciplinary provisions are applicable only to organisations that have accepted its mandate. The disciplinary proceedings are not universally accessible to all individuals participating in Finnish sports, which does not align with the requirements of the UNGP framework (Principle 31). Moreover, certain sanctions imposed by the specialised board and national governing bodies, such as a "warning," lack clear explanation. This ambiguity raises questions about the accumulation of warnings and whether repeated warnings can lead to suspension. To meet the requirements of Principle 25 of the UNGP, which calls for clear and understandable remedies to violence within organisations, it is crucial to define the function of a warning more precisely.

Additionally, recent research from Finland highlights that children's rights are not adequately realised in national sports (Aine et al. 2022). Research has shown that children often struggle to recognise and report instances of emotional abuse by coaches, largely due to a strong athletic identity (Muhonen et al. 2024). While the specialised board considers the age and development of accusers, the application of the Convention on the Rights of the Child (CRC) varies significantly in Finnish sports, due to the freedom of association of the NGBs. Current national policies, disciplinary rules, remedies, or sanctions do not specifically address children's rights or the unique barriers they face in reporting incidents of violence in sports, as outlined by Principle 27 of the UNGP. Finland could benefit from adopting the UK's approach of prioritising children's rights in terms of legal remedies as well as safeguarding policies, considering their heightened vulnerability to violence compared to adults.

In summary, the grievance mechanisms available in both the UK and Finland are not fully effective and fall short of the principles of the UNGP. In the UK, the Whyte and Weston reviews revealed that sanctions in sports like gymnastics and swimming are applied inconsistently and arbitrarily, often protecting valued coaches or individuals. This lack of transparency and fairness contradicts UNGP Principle 31, which demands clear and predictable disciplinary processes. In Finland, the specialised disciplinary board's provisions are limited to organisations that have accepted its mandate, making the proceedings not universally accessible. This also fails to meet UNGP Principle 31. Moreover, certain sanctions, like warnings, are ambiguously defined, not meeting UNGP Principle 25, which calls for clear and understandable remedies.

4 Conclusion and recommendations

In this article, we first provided a conceptual framework for, and then critically examined, responses of UK and Finnish NGBs to violence within coach-athlete relationships. Specifically, we assessed how both systems align with obligations under UNGPs which require appropriate definitions, awareness, enforcement systems and sanctions in response to human rights issues. In summary, we highlighted deficiencies in responses in both countries, sometimes in similar ways, and at other times reflecting crucial differences, in the approach in respective countries. In this section, we delve into potential improvements for both systems by highlighting good practice and identifying where each system can draw lessons from the other. In the socio-legal spirit of this article, we ground our improvement suggestions in the latest research on coach-athlete violence.

First, regarding appropriate definitions, the UK's policy, having deeper roots than Finland's, has had more time for its terminology to evolve and to encompass comprehensive definitions of violence in sports. In contrast, UK responses to coach-athlete violence are firmly embedded in safeguarding policies which primarily target children, reflecting a child protection approach. Whilst certainly welcome from a children's rights perspective, this does create potential gaps in relation to adults who also experience violence in sports. Finland takes a broader approach by including children, adults, and vulnerable groups in the FOC's Policy Programme. However, the definitions of violence in this policy are deficient, lacking coverage of all forms of violence, particularly of emotional abuse, and falling short in addressing its impact with comprehensive definitions. On the other hand, it is important to highlight that the FOC continuously seeks to improve their policy by updating it regularly.

⁵² Ibid.

Thus, both countries appear to have fallen short of fulfilling all aspects of articles 15, 17, and 18 of the UNGP. To enhance their policies, Finland could learn from the UK's embedding of children's rights frameworks within sport, a gap previously identified by Finnish researchers (Aine et al. 2022). Conversely, the UK could adopt a more inclusive approach to athlete safeguarding, akin to Finland's, by more explicitly incorporating adults, who do not meet the definition of 'at risk', into its policies. This would better reflect the latest research on coach-athlete violence which illustrates that this is not an issue that stems only from the vulnerability of childhood. The power imbalances inherent in a coach-athlete relationship create an environment in which a range of types of violence can occur, regardless of the victim's age (Wilinsky and McCabe 2021).

Second, one of the main areas where both the UK and Finland need improvement is awareness of the risk and impacts of coach-athlete violence as mandated by the UNGPs. To fortify the systems within both countries, strategic and multifaceted reforms are essential. In Finland, educational efforts concerning athlete safeguarding lack detailed definitions and practical guidance on implementing safe sports practices. There is however a welcome focus on positive aspects of how ethical sports environments should be implemented, previously identified in research as an important aspect of policies to combat coach-athlete violence (Kerr 2022), but educational measures are inconsistently embedded in NGBs creating a discrepancy in the level of knowledge between different sports. In contrast, the UK has a well-established history of safeguarding education for sports personnel spanning two decades, with clear standards and training requirements set by the CPSU. However, challenges persist, such as tokenistic compliance and dependence on volunteers with limited time for comprehensive training. In this instance, it becomes evident that uniformity in education is necessary across both countries. There is a pressing need to standardise educational measures among NGBs to ensure a consistent level of knowledge around violence in sport among members. We also want to highlight the need to include comprehensive education on all forms of violence in both countries, avoiding the current tendency to focus on more extreme forms such as sexual abuse. This can be achieved through collaborative efforts between NGBs and regulatory bodies to develop unified training programs and resources. Moreover, the shortcomings of online safeguarding education delivery, favoured particularly during periods of time impacted by the COVID-19 pandemic, were recognised in both countries. A blended learning approach, incorporating both online and offline components, emerges as the preferred and most effective method for participants' learning needs (Harthill 2021).

Thirdly, the enforcement system surrounding instances of coach-athlete violence necessitates effective grievance and sanctions procedures. However, significant limitations were identified in relevant processes in both Finland and the UK. There is evidence in both countries that NGB processes can lack legitimacy, accessibility, predictability, equity, and transparency, which are required by Principle 31 of the UNGPs. It is essential to increase transparency as to how decisions are made within disciplinary proceedings, including detailed publication of disciplinary outcomes and reasoning, to restore trust and integrity within sports communities. (Weston 2023). We also recommend effective and regular communication between the complainant and the investigating party, as previous research has highlighted significant deficiencies in this area (Muhonen et al. 2024). Athletes often feel that their complaints through a grievance mechanism do not result in any investigation or disciplinary proceedings (Toivonen and Aine 2024). In both systems, we see a failure to respond effectively to offences perceived as less serious. Currently, there is a tendency to downgrade actions perceived as low-level, such as emotionally abusive behaviours including humiliation, name-calling, and exclusion, as well as tendency to fall back on mediation. This stands in contrast to widely accepted definitions of abuse in sport, ignoring the very serious consequences this sort of behaviour can have for victims, such that they are left without appropriate redress.

We also saw a need for greater use of independent bodies for investigating and responding to complaints of coach-athlete violence in both systems. More precisely, particularly in Finland this entails a continuous development of existing independent investigative and disciplinary bodies to guarantee the independence, transparency, and accuracy of the system. The breadth of activities carried-out by NGBs— that of administrator, regulator, and overseer of disciplinary procedures— is a challenge to impartiality. Added to this, the culture within many sports organisations is one of protecting the organisation's interests over supporting those who call the integrity of its members into question. In the UK system, we saw that several independent reviews into the culture of sports organisations had successfully highlighted instances of coach-athlete violence, something which the Finnish system could replicate. While the NGBs in the UK have implemented such reviews, in Finland, due to the novelty of the systems, these reviews have not yet been conducted. The present article particularly recommends the implementation of independent reviews and audits for Finnish sports to ensure the protection of athletes' rights and the integrity of the grievance process. This proactive approach will not only align with international best practices but also provide a more supportive environment for athletes to voice their concerns. Furthermore, the findings from these audits can

be used to continuously improve the systems, ensuring they remain responsive and effective. In the UK we saw instances of individual grievance processes lacking the sort of impartiality expected in quasi-judicial processes, alongside inconsistent approaches to the use of independent investigators. In Finland, the grievance processes should be continuously developed to ensure their independence. Furthermore, the system should be regularly and independently reviewed by impartial entities to uphold its integrity and transparency. A rigorous set of principles around the use of independent bodies is essential for a robust and credible response to the issue of coach-athlete violence.

Acknowledgements We are grateful to the participants at the Sport and the EU Annual Conference, Universidade Autónoma de Lisboa, Portugal, 6–7 July 2023, for their feedback on an earlier draft, and to the anonymous reviewers for their extremely valuable suggestions. All errors or omissions remain our own.

Author contributions AA and JM provided expertise on Finnish sports governing bodies. ED provided expertise on UK sports governing bodies. AA and ED provided expertise on Finnish and UK sports law, respectively. JM oversaw sections on the phenomenon of coach-athlete violence. ED oversaw sections on the UNGPs. All authors contributed to the overall arguments and reviewed the final manuscript.

Data availability No datasets were generated or analysed during the current study.

Declarations

Competing interests The authors declare no competing interests.

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