

School of Human Kinetics  
Faculty of Health Sciences  
University of Ottawa

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A Proposed Safeguarding Policy for National Athletes in the Philippines

Francesca A. Altomonte

Tutored by Professor Dr. Donald Rukare  
Uganda Olympic Committee President



## ABSTRACT

Harassment and abuse of athletes are persistent issues globally that warrant serious attention and needs to be addressed. The Philippines is not an exemption to this and proactive measures towards creating a safe sporting environment must be taken by sports organizations and other stakeholders. The objective of this study is to propose a safeguarding policy for harassment and abuse of national athletes in the Philippines wherein each component of the policy is applied in the context of the country. Organisational factors that encourage harassment and abuse in sport are taken into consideration to allow for provisions that clearly dictate what behaviour constitutes as harassment and abuse. The process to report and investigate any incident report is also clearly defined, along with the sanctions for violating the policies within the organisation.

*Le harcèlement et les abus à l'encontre des athlètes sont des problèmes persistants à l'échelle mondiale qui méritent une attention particulière et doivent être traités. Les Philippines n'échappent pas à cette règle et les organisations sportives et autres parties prenantes doivent prendre des mesures proactives pour créer un environnement sportif sûr. L'objectif de cette étude est de proposer une politique de protection contre le harcèlement et les abus dont sont victimes les athlètes nationaux aux Philippines, dont chaque composante est appliquée dans le contexte du pays. Les facteurs organisationnels qui encouragent le harcèlement et les abus dans le sport sont pris en considération pour permettre des dispositions qui dictent clairement ce qui constitue un comportement de harcèlement et d'abus. La procédure de signalement et d'investigation de tout rapport d'incident est également clairement définie, de même que les sanctions en cas de violation des politiques au sein de l'organisation.*

## DECLARATION

The content and recommendations provided in this study are a result of research, review of existing literature, and consideration of the cultural, legal, and ethical context of the Philippines. It is important to note that while the proposed safeguarding policy is crafted to suit the specific needs of the Philippine sporting community, it has adopted definitions, terms and procedures from international safeguarding policies used as a benchmark.

Due to the sensitive nature of the project, the confidentiality and anonymity of interview participants will be protected, and they will not be identified. Informed consent was obtained from all interview and focus group participants. Participants were allowed to disallow recording and withdraw at any time without any consequences.

I affirm that the proposed safeguarding policy was developed with the best interests of the Philippine sporting community and its national athletes in mind.

## ACRONYMS

POC	Philippine Olympic Committee
IOC	International Olympic Committee
IF	International Federation
NF	National Federation
PSC	Philippine Sports Commission
NSA	National Sports Association
SSC	Safe Sport Commission
WPSBA	Witness Protection, Security, and Benefit Act
GOCC	Government-owned and controlled corporation
RA	Republic Act
VAWC	Anti-Violence against Women and their Children Act
EB	Executive Board
GA	General Assembly

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## CHAPTER ONE: INTRODUCTION

There has been a rather significant global movement to address harassment and abuse of athletes over the past decade, driven by high profile athlete cases, advocacies of athletes and organizations, and increased awareness of the topic that was also boosted by social movements such as the #MeToo campaign. The International Olympic Committee (IOC) in its 2016 consensus statement on harassment and abuse (non-accidental violence) in sport states that the promotion of safe sport is an urgent task and that the successful prevention and eradication of abuse and harassment against athletes rests on the effectiveness of leadership by the major international and national sport organisations (Mountjoy et al, 2016, p.1019).

This highlighted the need to create a safe sporting environment through implementation of policies and guidelines. All athletes have a right to engage in 'safe sport', defined as an athletic environment that is respectful, equitable and free from all forms of non-accidental violence to athletes (Mountjoy et al, 2016, p.1019).

As with other countries, harassment and abuse happens in sport in the Philippines, but it is only recently that they are joining the public dialogue on the topic due to the emergence of their own high profile athlete cases. The highly publicized Obiena case in 2021 showed that there is a lack of reporting mechanisms available to national athletes who have experienced harassment or abuse in the Philippines. Philippine Olympic pole vault athlete EJ Obiena had a dispute with his National Federation wherein it was determined by the Philippine Olympic Committee that the former was harassed and abused (Villar, 2021). Before that, in 2019, first Philippine Olympic gold medallist Hidilyn Diaz was baselessly accused of being a part of a supposed conspiracy to oust then President Rodrigo Duterte which put her life in danger (CNN Philippines, 2019). This project therefore seeks to put forth a reporting mechanism through a safeguarding policy in the Philippines which will be the first of a kind.

### Purpose of the Study

The objective of this study is a proposed safeguarding policy for harassment and abuse specifically for national athletes in the Philippines that considers the cultural contexts, norms, sensitivities, and legal and regulatory considerations surrounding the topic of safe sport. The primary building blocks for safe sport include culturally specific policy and procedures, with implementation, monitoring and evaluation systems (Mountjoy et al, 2016, p.1025).

Reporting mechanisms have been described as "a system designed to receive and handle reports" (United Nations Office on Drugs and Crime - International Olympic Committee, 2019, p. vii) and so the proposed safeguarding policy will include a reporting

mechanism that will assist in effectively receiving and managing reports of harassment and abuse that fall within the scope of the national athlete safeguarding policy.

### Research Questions

Understanding the cultural factors of the Philippines is a critical first step in developing a safeguarding policy. What is the appropriate approach for a safeguarding policy in the Philippines that will be accepted by the majority? Is it a compulsory policy that should be enforced or a voluntary policy? Which sports organisation can implement such a policy? What laws are relevant or applicable to sports in the Philippines? What behaviour is considered as non-accidental violence? What is the most suitable reporting mechanism and disciplinary process? This study will recommend a safeguarding policy and actionable steps to consider by the relevant authorities and sporting community to work towards a safe sport environment.

## CHAPTER TWO: LITERATURE REVIEW

While there has been increased interest in safe sport in the country that resulted in sports organisations beginning to develop policies, reporting mechanisms, and educational programmes, Lang (2015) argues that sports organisations must be more discerning in recognizing and valuing programmes that are supported by research. The core components of an organisational athlete safeguarding policy as outlined in the IOC Safeguarding Toolkit include a policy outline, defining a reporting procedure through reporting mechanisms, personnel, investigation procedure, disciplinary procedure, measures and sanctions, fair process, involvement of relevant public authorities, confidentiality, and involvement of athletes (Burrows, 2017).

### Definition of Harassment and Abuse

Harassment and abuse are defined and characterized in different ways across all countries and communities due to variables such as cultural differences and varied societal norms. It is important to have clear definitions of what constitutes as harassment and abuse as this will underline the principles for which a case may be opened and determines what behaviours and actions are considered as such.

For the purpose of this study, the definitions of harassment and abuse will be adopted from the IOC Consensus Statement for the importance of consistency related to the definitions of harassment and abuse. In the document, Mountjoy (2016) states that harassment and abuse come in four forms: psychological, sexual, physical and neglect.

Psychological abuse is defined as “a pattern of deliberate, prolonged, repeated non-contact behaviours within a power differentiated relationship. This form of abuse is at the core of all other forms” (Mountjoy et al., 2016, p.1021). The reason that psychological

abuse is at the core of all others is because any other form of harassment and abuse also has psychological underpinnings (Mountjoy et al., 2016, p. 1020).

Physical abuse is defined as “non-accidental trauma or physical injury caused by punching, beating, kicking, biting, burning or otherwise harming an athlete. This could include forced or mandated inappropriate physical activity (e.g., age-inappropriate or physique-inappropriate training loads; when injured or in pain); forced alcohol consumption; or systematic doping practices” (Mountjoy et al., 2016, p.1021).

Sexual abuse is defined as “any conduct of a sexual nature, whether non-contact, contact or penetrative, where consent is coerced/manipulated or is not or cannot be given” (Mountjoy et al., 2016, p.1021).

Neglect is defined as “the failure of parents or care givers to meet a child’s physical and emotional needs or failure to protect a child from exposure to danger. This definition equally applies to coaches and athlete entourages” (Mountjoy et al., 2016, p.1021).

### Legal Context in the Philippines

It is important to note that there are some terms relating to harassment and abuse that are defined differently under Philippine laws. One such example would be the definition of a “child” which, following the IOC Consensus Statement, states that it is every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier. Under Sec. 3(a) of Republic Act 7610: The Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act, the term “child” includes those who are above 18 but are unable to fully take care of themselves or protect themselves from abuse because of physical or mental disability or condition.

In cases such as these where there are different positions, the definition under the Philippine law will take precedence. Policy and procedures may be functionally connected to the criminal justice system through which legal redress can be sought (Mountjoy et al, 2016, 1025).

Listed below are current laws that are applicable to sports in the Philippines.

Republic Act (RA) 11313: Safe Spaces Act	An act defining gender-based sexual harassment in streets, public spaces, online, workplaces, and educational or training institutions, providing protective measures and prescribing penalties
RA 9775: The Anti-Child Pornography Act of 2009	An act defining the crime of child pornography prescribing penalties therefore and for other purposes



RA 7610: The Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act	An act providing for stronger deterrence and special protection against child abuse, exploitation and discrimination, and for other purposes
RA 9262: Anti-Violence Against Women and their Children Act of 2004 (VAWC)	An act defining violence against women and their children, providing for protective measures for victims, prescribing penalties therefore, and other purposes
RA 7877: The Anti-Sexual Harassment Act of 1995	An act declaring sexual harassment unlawful in the employment, education, or training environment, and for other purposes
RA 8353: The Anti-Rape Law of 1997	An act expanding the definition of the crime of rape, reclassifying the same as a crime against persons, amending for the purpose act no. 3815, as amended, otherwise known as the revised penal code, and for other purposes
RA 8505: The Rape Victim Assistance and Protection Act of 1998	An act providing assistance and protection for rape victims, establishing for the purpose a rape crisis center in every province and city, authorizing the appropriation of funds therefore, and for other purposes
RA 9208 The Anti-Trafficking in Persons Act of 2003	An act to institute policies to eliminate trafficking in persons especially women and children, establishing the necessary institutional mechanisms for the protection and support of trafficked person, providing penalties for its violations, and for other
RA 9710: Magna Carta of Women	An act providing for the magna carta of women
Act No. 3815: The Revised Penal Code	General provisions regarding the date of enforcement and application of the provisions of this code, and regarding the offenses, the person liable and the penalties
RA 10175: Cybercrime Prevention Act of 2012	An act defining cybercrime, providing for the prevention, investigation, suppression and the imposition of penalties therefore and for other purposes
RA 7658: An Act Prohibiting the Employment of Children Below 15 Years of Age in Public and Private Undertakings	An act prohibiting the employment of children below 15 years of age in public and private undertakes, amending for this purpose section 12 article VII of RA 7610
RA 9231: An Act Providing for the	An act providing for the elimination of the worst forms of child labor and affording stronger protection for the

Elimination of the Worst Forms of Child Labor	working child, amending for this purpose Republic Act No. 7610, as amended, otherwise known as the "Special Protection of Children against Child Abuse, Exploitation and Discrimination Act"
RA 9344: Juvenile Justice and Welfare Act	An act establishing a comprehensive juvenile justice and welfare system, creating the juvenile justice and welfare council under the Department of Justice, appropriating funds therefore and for other purposes
RA 10627: Anti-Bullying Act of 2013	An act requiring all elementary and secondary schools to adopt policies to prevent and address the acts of bullying in their institutions
RA 11053: Anti-Hazing Act of 2018	An act prohibiting hazing and regulating other forms of initiation rites of fraternities, sororities, and other organizations, and providing penalties for violations thereof, amending for the purpose Republic Act No. 8049, entitled "An Act Regulating Hazing and Other Forms of Initiation Rites in Fraternities, Sororities, and Organizations and Providing Penalties Therefore"
RA 9995: Anti-Photo and Video Voyeurism Act of 2009	An act defining and penalizing the crime of photo and video voyeurism, prescribing penalties therefore, and for other purposes
RA. 8369: The Family Courts Act of 1997	An act establishing family courts, granting them exclusive original jurisdiction over child and family cases, amending Batas Pambansa Bilang 129, as amended, otherwise known as the judiciary reorganization act of 1980, appropriating funds therefore and for other purposes
RA 10354: The Responsible Parenthood and Reproductive Health Act of 2012	An act providing for a national policy on responsible parenthood and reproductive health
Rule 102, Revised Rules of Court: Writ of Habeas Corpus	The writ of habeas corpus was devised and exists as a speedy and effectual remedy to relive persons from unlawful restraint, and as the best and only sufficient defense of personal freedom
Presidential Decree No. 483	The law seeks to protect the integrity of sports by criminalizing game-fixing, point-shaving, and game machination.

### Organisational Approach

While there has been movement towards the reduction of non-accidental violence in sport, there is still a lack of progress due to the fact that most organisations approach the

issue from an individual perspective by targeting the individuals responsible for alleged maltreatment, rather than the broader organizational approach (Roberts et al., 2019, p.24).

The study of Roberts, Sojo, & Grant (2019) on organisational factors and non-accidental violence in sport demonstrated that current practices do not allow for athletes to be in a safe environment as non-accidental violence occurs in the routinary activities of developing and motivating athletes. The study goes on to recommend that sports organisations review their safeguarding policies and “clearly outline (a) the expected respectful behaviours on and off field from athletes, their entourages, coaches, sports managers, and spectators; (b) the practices and processes to support expected behaviour, promote athlete autonomy and remove athlete isolation; (c) the mechanisms for reporting incidents, detailing the steps that will be followed to manage the report; and (d) sanctions for non-compliance and the mechanisms to enforce such penalties” (Roberts et al., 2019, p. 24).

To strengthen safeguarding policies, there should be provisions that clearly define the behaviour that constitutes harassment and abuse as the IOC’s current body of codes and policies needs to be more specific to make progress in protecting athletes (Burke, 2021, p. 91).

The conceptual framework of maltreatment in sport proposed by Sterling (2009) will be adopted as it outlines the different classifications and constituents of maltreatment. Sport specific examples of maltreatment are given which allows for clearer understanding of what constitutes as harassment and abuse within the context of sports and how these behaviours can manifest in the sporting environment. Some of these examples will be included in the proposed safeguarding policy following the recommendations to combat the pervasive issue of non-accidental violence in sport as it will help to identify when the behaviour occurs and the appropriate action that must be taken.

## **CHAPTER 3: METHODOLOGY**

The findings of the desk review, interviews and focus group discussion are used as a guideline in developing a safeguarding policy and to determine what is best suitable for the Philippine national sporting landscape as it is right now.

### **Desk Review of Existing Safeguarding Policies**

A comprehensive review of existing athlete safeguarding policies, guidelines, best practices, reporting mechanisms, and legal frameworks that have been implemented in other countries was conducted. Three policies were identified, and a comparison was made between the different reporting mechanism modalities to gain comparative data, insight and valuable context. The first is that of the United States of America, wherein government passed a federal law titled “Protecting Young Victims from Sexual Abuse and

Safe Sport Authorization Act of 2017” that gives authority to the U.S. Center for SafeSport to resolve abuse and misconduct reports for all those within the U.S. Olympic and Paralympic Movement and mandates all governing bodies within the scope to adopt and implement the SafeSport Code (U.S. Center for Safesport, 2023). The U.S. Center for SafeSport is an independent body. The second policy that was reviewed is that of Canada. An independent body that is funded by the government, Abuse-Free Sport, is given authority to investigate violations against the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS). The third and last policy that was reviewed is that of Singapore as it is in the same region as the Philippines; the Singapore National Olympic Committee implemented a voluntary policy, the Safe Sport Unified Code.

### Desk Review of the Constitutions of the Main Sports Organizing Bodies

Understanding and distinguishing the main sports organizing bodies in the Philippines when creating a safeguarding policy is important as each have varying levels of authority, jurisdiction, and responsibilities with its own respective structures, policies and procedures. Because safe sport should be appropriately incorporated as a core element in sports organisations as it sets the tone for responsibility and facilitates cultural change (Mountjoy, 2016), this review will determine what the specific mandates and responsibilities are of the sports organizing bodies towards athlete welfare, protection and safety. Knowing the core objectives of an organization is crucial in developing a safeguarding policy as it is meant to complement said objectives. Reviewing provisions related to member affiliations, sanctions for violations, and dispute resolution processes will also ensure that in the creation of a safeguarding policy, it aligns with the established procedures of the organization.

The Republic Acts are pieces of legislation that serve as a guide to carry out the principles of the Constitution. For sports, the guiding principle is in Article XIV, Section 19 of the Philippine Constitution and Republic Act 6847 supports it. In 1990, Republic Act No. 6847 created the Philippine Sports Commission (PSC), the main policy setting and implementing agency for sports in the country. It is a government agency responsible for the promotion and national development of sports in the Philippines and it establishes the functions and responsibilities of the main sports organizing bodies which are the Philippine Sports Commission, the Philippine Olympic Committee, and the National Sports Associations.

The Philippine Olympic Committee (POC) is a private organisation affiliated with the International Olympic Committee (IOC), is recognized as the National Olympic Committee of the Philippines and is autonomous in character (Republic Act 6847, 1990). There is a National Sports Association (NSA) for each sport in the Philippines and they are recognized by the PSC if they are affiliated with their respective International Federations that are recognized by the IOC. The NSAs are mandated to lead the development of their respective sports; they are independent and have their own Constitutions and By Laws.

A review of the following documents was undertaken:

1. Republic Act No. 6847: The Philippine Sports Commission Act
2. The Implementing Rules and Regulations of Republic Act No. 6847
3. The Philippine Olympic Committee Constitution and By Laws

## Interviews

To better understand the current state of the safe sport landscape in the Philippines, along with the existing issues and possible barriers of implementation, high ranking sports executives were interviewed. Eight (8) interviews were conducted. Participation was voluntary and due to the sensitive nature of the project, the interviewees will not be identified.

Interviewee	Role	Response
A	Leadership	Recorded
B	Leadership	Recorded
C	Leadership	Recorded
D	Leadership	Partially Recorded
E	Leadership	Partially Recorded
F	Leadership	Unrecorded
G	Leadership	Unrecorded
H	Former Leadership	Unrecorded

Semi-structured interviews were used for the study as it allowed for flexibility in the delivery of questions and follow up questions as the topic of harassment and abuse in sport is not only complex, but very sensitive. Three (3) responses were recorded, two (2) were partially recorded, and three (3) were not recorded upon preference. Audio recordings were transcribed using the Zoom transcription software and the dictate function of Microsoft Word.

## Focus Group

Athlete involvement in the development of policies is recommended by Burrows (2017) in the IOC Safeguarding Toolkit. To achieve this, a focus group discussion was held. The focus group consists of six (6) current and former national athletes, all of whom had lived experiences of abuse. All athletes agreed that they did not want a recording of the discussion and not to be identified. The input from the focus group discussion helped identify specific needs and concerns of the athletes, and what might be a potential barrier to reporting harassment and abuse cases.

## CHAPTER 4: DATA COLLECTION AND ANALYSIS

Independent or autonomous in nature, the Philippine Olympic Committee and the respective National Sports Associations are legal bodies as it complies with Philippine laws on associations and corporations, and it also complies with the International Olympic Committee and the International Federations. However, Republic Act 6847 gives the POC and the NSAs legitimacy since it is recognized in a separate law; it provides the legal framework for sports in the country.

Among the POC's main aims are to "develop and protect the Olympic Movement in the Philippines in accordance with the Olympic Charter", to "ensure the observance of the Olympic Charter in the Philippines" and "to guard and take action against all forms of discrimination and violence in sports", (POC Constitution and By Laws, 2011)<sup>1</sup>. Following the Olympic Charter, one of the IOC's roles, and the POC's, is to "promote safe sport and the protection of athletes from all forms of harassment and abuse". The implementation of a safeguarding policy is in line with the aims of the organisation.

It is stated in RA 6847 that the NSAs are to "adopt a Constitution and bylaws not inconsistent with the Constitution and bylaws of the Philippine Olympic Committee". This means that should the Constitution and bylaws of the POC require the adoption of a safeguarding policy and recognition of the POC Safe Sport Commission, the POC can technically mandate the NSAs to comply as a condition for membership, if that is the direction they want to take.

On the other hand, the PSC, as the main policy setting and implementing agency in the country, is empowered by Section 3 of the Implementing Rules and Regulations of Republic Act 6847 to exercise visitorial, supervisory, and disciplinary powers over the NSAs. More specifically, they may investigate complaints filed against the NSA for "physical and mental sexual abuse of athletes including sexual harassment cases" and to "enforce policies, issuances, laws, rules and regulation for the attainment of the Commission's objective". This means that should the PSC require the adoption of a safeguarding policy, the PSC can mandate the NSAs to comply as a condition to receive government funding.

Interviewees claimed that if a safeguarding policy were to be mandated, *"there will be heavy pushback because why would NSAs give power to another body... they are autonomous and govern themselves"*. Six of the eight interviewees alluded to the NSAs being autonomous and that if mandated to comply with a safeguarding policy, they will answer back with such. However, the review of the documents proved that it is within the power of both the POC and the PSC to mandate a safeguarding policy for NSAs to receive the benefit of membership and funding, respectively.

Interviewees were consistent in describing the current reality of safe sport in the Philippines in that it *"is in its infancy stage"* and that *"most people don't even have a clue about what it is"* and so *"[the NSAs] fear it because they do not understand it and are*

*scared to be sanctioned*". One interviewee said, *"I wouldn't even call it a gap, but it is a void"* when it comes to safeguarding in the Philippines. Another interviewee shared that *"you will find more commitment if it's voluntary; I would rather the organizations volunteer to be part of the safeguarding network system in the Philippines... sports communities can be political, and we can't say, you know, let's set that aside and do this for the safety of everyone"*. All eight interviewees said they would support a mandated safeguarding policy once the concept of safe sport is more accepted in the community but as of now, *"the Philippines is not ready to be forced into submission and comply"*, as one interviewee put it.

All six (6) athletes in the focus group have experienced some form of harassment and abuse. All athletes agreed that they do not feel safe in reporting alleged maltreatment to their respective NSAs and that they feel that they have no options on who to approach regarding such cases. Some expressed concern in reporting to the POC and PSC as well because *"they're all connected... my NSA officials have allies and friends in the POC and PSC so I cannot go to them either because they protect my NSA"*. The athletes expressed fear in being removed from the national team pool if they file a report and that *"filing a report is not worth the trouble, extra harassment, and ridicule especially when nothing is going to happen anyway"*. All six athletes agreed that it is crucial for the safeguarding policy to involve an independent group who is able to enforce the policy and the sanctions on the abusers and that in doing so, they would feel more inclined to file a report. All athletes in the focus group agreed that *"we will take any policy at this point. Mandated or voluntary... as long as there is something that will protect us. If we had a choice, definitely we would prefer to have a mandated one that NSAs are forced to comply with"*.

Given the context of the Philippines and the sports organizing bodies, a voluntary safeguarding policy under the Philippine Olympic Committee through a Safe Sport Commission that incorporates an independent body with investigatory and disciplinary functions is recommended. NSAs that wish to adopt the safeguarding policy will be recognized as a Member Organization and will carry a Safe Sport Badge which will signify that they are committed to advancing a safe environment for national athletes, free from all forms of harassment and abuse, or maltreatment.

A review of the SafeSport Code of the United States of America, the Universal Code of Conduct to Prevent and Address Maltreatment in Sport of Canada, and the Safe Sport Unified Code of Singapore allowed for learning from established best practices. Benchmarking against these policies will allow for the development of a robust and effective policy aligned with international standards. The proposed safeguarding policy will incorporate best practices adopted from these benchmarks while adapting them to the cultural context of the Philippines.

## CHAPTER 5: THE PROPOSED SAFEGUARDING POLICY FOR NATIONAL ATHLETES IN THE PHILIPPINES

The proposed safeguarding policy for National Athletes in the Philippines will be referred to as the Safe Sport Policy<sup>2</sup>.

### SAFE SPORT POLICY FOR THE PHILIPPINE OLYMPIC MOVEMENT

#### I. PURPOSE

The Philippine sport sector is committed to advancing a safe environment for national athletes, free from all forms of harassment and abuse, or maltreatment. Maltreatment in all its forms is a serious issue that undermines the health, well-being, performance and security of individuals, communities, society, and the integrity of sport.

The Safe Sport Policy may be adopted by any member of the Philippine Olympic Committee.

#### II. DEFINITIONS

1. An **Athlete** is one who meets the eligibility standards established by the National Sports Association for the sport in which the athlete competes.
2. **Misconduct** are acts and/or behaviours set out in Article 5 of the Safe Sport Policy.
3. A **Member Organization** is an organization that participates in safeguarding activities and adopts the Safe Sport Policy and is recognized by the Safe Sport Commission as a member or affiliate.
4. A **Participant** refers to an individual to which the Safe Sport Policy applies by virtue of a member organisation's adoption of the Safe Sport Policy in its own policies and may include all individuals employed by, contracted by, or engaged in activities with the POC or its Members including but not limited to employees, interns, contractors, board members, committee members, athletes, coaches, support personnel, volunteers, technical officials, administrators, and participants authorized as a member of the POC or its Member Organizations in events. They are individuals within the governance and disciplinary jurisdiction of a Member Organization.
5. An **Affected Party or Claimant** is an individual who reports or experiences an act or acts of alleged or proven misconduct.
6. A **Respondent** refers to a Participant against whom a report is made alleging misconduct pursuant to this Safe Sport Policy.
7. A **Report Provider** refers to an individual who makes a report alleging misconduct, whether they are the Affected Party or not.



8. A **Safeguarding Officer** is an individual designated by the Member Organization to perform the roles and responsibilities set out in Article 3 Section 3.
9. A **Child** is one below 18 years of age or one who is over 18 years of age but who cannot take care of himself fully because of a physical or mental disability or condition.
10. **Consent** is permission that is informed (knowing), voluntary (freely given) and active (not passive). Consent must be demonstrated by clear words and/or actions, indicating that an individual is agreeable to engage in the activity in question. Consent can be withdrawn through clear (verbal or non-verbal) communication. The responsibility for ensuring consent rests with the person who initiates or pursues the activity. Consent cannot be given by a person who is a Minor, unconscious, or lacks mental capacity due to incapacitation, mental or intellectual disability or illness. There is no consent where one party induces the other to engage in the activity by force. Additionally, in the context of Sexual Misconduct, consent to one sexual activity does not mean consent to another, and consent at one time does not imply consent in the future. Being in a relationship with someone does not mean that party has consented to any sexual activity.
11. **Incapacitation** means that an individual lacks the ability to make informed, rational judgments about whether to engage in an activity. An individual who is incapacitated is unable, temporarily or permanently, to give Consent because of mental or physical helplessness, unconsciousness, or lack of awareness that sexual activity is taking place. An individual may be incapacitated because of consuming alcohol or other drugs, or due to a temporary or permanent physical or mental health condition. Incapacitation is a state beyond drunkenness or intoxication. An individual is not necessarily incapacitated merely because of drinking or using drugs. The impact of alcohol and other drugs varies from individual to individual and is evaluated under the specific circumstances of the matter. Being impaired by alcohol or other drugs is not a defence to any violation of the Unified Code.
12. **Power Imbalance** may exist where, based on the totality of the circumstances, one person has supervisory, evaluative, or other authority over another. Whether there is a Power Imbalance depends on several factors, including but not limited to: the nature and extent of the supervisory, evaluative or other authority over the person; the actual relationship between the parties; the parties' respective roles; the nature and duration of the relationship; the age of the parties involved; whether there is an aggressor; whether there is a significant disparity in age, size, strength, or mental capacity.

### III. ROLES AND RESPONSIBILITIES

1. The Philippine Olympic Committee
  - 1.1 The Philippine Olympic Committee (POC) will take all reasonable and practicable steps to prevent and treat harassment and abuse within their respective jurisdictions through a set of actions which includes:

- a. Recognizing the Safe Sport Commission and appointing its members
- b. Integrating a culture of respect and the prevention of non-accidental violence into the Philippine sporting community
- c. Raising awareness of Safe Sport and safeguarding through information sharing

## 2. Safe Sport Commission

2.1 The Safe Sport Commission (SSC), appointed by the Philippine Olympic Committee, is responsible for administering the Safe Sport Policy.

2.2 The SSC aims to:

- a. Streamline the safeguarding efforts across the Philippine sporting landscape through the National Sports Associations (NSAs) and other relevant sport organisations
- b. Assist with the development of safeguarding policies that incorporate the Safe Sport Policy and other best practices
- c. Train and educate stakeholders and give access to materials for safeguarding officers and participants
- d. Receive, respond, and resolve reports of concern through case management with an independent mechanism that is under the jurisdiction of the SSC
- e. Periodically consulting, updating, amending, varying, or making additions to the Safe Sport Policy

## 3. Member Organisations

3.1 Member Organisations are responsible for complying with the obligations of this Policy by:

- a. Formally adopting, implementing, and giving effect to the Safe Sport Policy and the reporting mechanisms regarding alleged prohibited conduct by incorporating into its safeguarding policy and any other governing documents and/or rules and regulations
- b. Implementing the safeguarding policy within the scope of its authority, within its business, activities, and events
- c. Requiring that all Participants within its governance and disciplinary jurisdiction agree to be bound by the Safe Sport Policy and the reporting mechanisms set forth.
- d. Conducting environment risk assessments, implementing risk mitigation strategies, and adopting other relevant safeguarding policies recommended by the Safe Sport Commission
- e. Initiating and organising events, workshops, briefings for Participants to create awareness of their safeguarding roles and responsibilities.
- f. Appointing a Safeguarding Officer to ensure the Member Organisation fulfils its roles and responsibilities, managing reports and providing timely notice of any alleged violations of the Safe Sport Policy

- i. The Safeguarding Officer must be independent of the Member Organisation or National Sports Association (i.e., is not an already employed administrator or contractor of the NSA, an elected officer, or a current coach, athlete, official) and has no criminal record or warrant for arrest
- g. Putting in place processes and procedures to manage, refer and/or resolve concerns and allegations of violations of the Safe Sport Policy which come under their jurisdiction; where alleged violations fall within the mandatory jurisdiction of the SSC, refer such cases to the SSC and refrain from its own investigation or disciplinary process unless requested
- h. Cooperating with the requests for information and/or assistance with investigations conducted by the SSC
- i. Implementing and enforcing any measure, suspension, and/or decision rendered by the SSC
- j. Not encouraging, allowing, or tolerating attempts from any person, group, or organization to retaliate, punish, or in any way harm any individual who reports a concern in good faith and/or otherwise participate in an investigation

#### 4. The Safe Sport Commission Safeguarding Panel

- 4.1 The Safe Sport Safeguarding Panel is a group of individuals appointed by the Safe Sport Commission to perform the independent adjudicative functions set out in Reporting and Resolution Process.
- 4.2 When the Safeguarding Panel is appointed to adjudicate a case, it shall appoint individuals for the Disciplinary Committee and Appeals Committee that will be made up of 3 members each, one of whom must be a Legal Member and a minimum of 2 Ordinary Members up to a maximum of 4 Ordinary Members
  - 4.2.1 Legal Member must
    - i. Provide legal expertise to the Committee
    - ii. Chair hearings and guide the Committee on procedural matters
    - iii. Produce clear, reasoned, written decisions on a timely manner
  - 4.2.2 Ordinary Members must
    - i. Analyse and interpret information in a fair and impartial manner to make objective and reasoned decisions
    - ii. Weigh evidence and make unbiased evidence-based decisions
    - iii. Commit to the principles of Safe Sport Policy and maintain the integrity and reputation of sport
    - iv. Commitment to attendance at hearings and meetings
    - v. Complete the International Olympic Committee Safeguarding Officer in Sport Certificate Program
- 4.3 Safe Sport Commission Safeguarding Panel Criteria for Eligibility
  - a. Every member must be independent; has no current, material affiliation or relationship, directly or indirectly, with the Philippine Olympic Committee, Safe Sport Commission and Member Organisations, any National Sports

- Association, Philippine Sports Commission, or any other affiliated organisation such as a Training Center or designated partner.
- b. Legal Members must be a legal practitioner of at least 10 years standing, or a retired/former judge
  - c. Ordinary Members must have extensive experience in sport in multiple aspects (athlete, coach, official, administrator)
- 4.4 The Safe Sport Commission may, at its discretion, remove any member of the Safe Sport Safeguarding Panel where the member of the panel no longer meets the appointment criteria, has committed any serious breach of the law, or is under investigation for, received a warning for, or committed a criminal offence
- 4.5 The decision in relation to the removal of any member of the SSC Safeguarding Panel shall be final and binding.

#### **IV. APPLICATION**

The Policy applies to the following Participants:

1. A member of the POC
2. An employee or board member of the POC or Member Organisation
3. Within the governance or disciplinary jurisdiction of the POC and its partners or any Member Organisation
4. Is an Athlete or Non-athlete Participant that a Member Organisation or the POC formally authorises, approves or appoints to a position of authority over Athletes or to have frequent contact with Athletes, or
5. Identified to be within the jurisdiction of the Member Organisation.

The Participant is any individual who is subject to the Safe Sport Policy. This may include, but is not limited to, athletes, coaches, administrators, members of governing bodies (board members, NSA officials), staff members (full time, part time, international and national), interns, volunteers, local partner organizations and their staff, consultants, sponsors, and contractors.

#### **V. PROHIBITED CONDUCT**

This section sets forth expectations for Participants related to psychological or emotional maltreatment, physical maltreatment, sexual maltreatment, and neglect, including hazing, and harassment.

The privilege of participation in the Olympic and Paralympic Movement may be limited, conditioned, suspended, terminated, or denied if a Participant's conduct is inconsistent with this Policy or the best interest of sport and those who participate in it.

Where a Participant is subject to the jurisdiction and/or governance of a Member Organisation, the relevant measures and sanctions are set out in the provisions of the reporting and resolution procedures.

It is a violation of the Policy for a Participant to engage in or tolerate: (1) Prohibited Conduct outlined in this Policy; (2) any conduct that would violate applicable criminal or civil laws. The categories of Prohibited Conduct are not mutually exclusive, and the examples or explanations set out in each category are not exhaustive.

## 1. Psychological Maltreatment

- 1.1 Psychological Maltreatment is a pattern of deliberate, prolonged, repeated non-contact behaviours within a power differentiated relationship and includes, without limitation, verbal acts, non-verbal acts and conduct that denies attention or support, or non-assaultive physical acts.
- 1.2 Verbal Acts includes, without limitation, verbally assaulting or attacking someone, including in online forms; implied or expressed body shaming; derogatory comments related to one's identity (e.g., race, gender identity or expression, ethnicity, indigeneity, disability); comments that are demeaning, belittling, intimidating, insulting, degrading or threatening; verbal acts of humiliation; the use of rumours or false statements about someone to diminish that person's reputation.
- 1.3 Non-Verbal Acts include, without limitation, intentional denial of attention or support; exclusion or expulsion from an activity; socially isolating a person repeatedly or for an extended period; abandonment of an athlete for poor performance; arbitrarily or unreasonably denying feedback, training opportunities, support or attention for extended periods of time and/or asking others to do the same.
- 1.4 Non-assaultive Physical Acts is physical behaviour, or the encouragement of physical behaviour, that has the potential to instil fear. This includes, without limitation:
  - a. body shaming, such as, without limitation, repeated and unnecessary weigh-ins, setting unreasonable weigh-in goals, inappropriately taking food away from athletes, prescribing inappropriately restrictive diets; and
  - b. forms of physically aggressive behaviour such as, without limitation, hitting and throwing of objects (no contact or intention to make contact), damaging another's personal belongings, hitting or striking objects in the presence of others.
- 1.5 Psychological Maltreatment is determined by the behaviour viewed objectively, not whether harm is intended or results from the behaviour. It does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline nor conduct reasonably accepted as part of sport or as part of the Participant's participation.

## 2. Physical Maltreatment

- 2.1 Physical Maltreatment is any intentional contact or non-contact behaviour that causes, or reasonably threatens to cause, physical harm to another person.
- 2.2 Contact violations include, without limitation, deliberately punching, kicking, beating, striking, strangling or slapping another; deliberately hitting another with objects, such as sporting equipment.
- 2.3 Non-contact violations include, without limitation, isolating a person in a confined space; encouraging or knowingly permitting an athlete to return to play prematurely following a serious injury and without the clearance of a medical professional where reasonably required; forcing an athlete to assume a painful stance or purpose for no athletic purpose (e.g., requiring an athlete to kneel on a hard surface); the use of exercise for the purpose of punishment; withholding, recommending against, or denying adequate hydration, nutrition, medical attention, or sleep; denying access to a toilet; providing alcohol to a person under the legal drinking age; providing illegal drugs or non-prescribed medication to another.
- 2.4 Physical Maltreatment is determined by the behaviour viewed objectively, not whether harm is intended or results from the behaviour. It does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, nor conduct reasonably accepted as part of sport.

## 3. Sexual Maltreatment

- 3.1 Sexual Maltreatment violations include, but is not limited to, sexual harassment, non-consensual sexual contact or attempts to commit the same, non-consensual sexual intercourse or attempts to commit the same, sexual exploitation, sexual bullying behaviour, sexual hazing, or other inappropriate conduct of sexual nature.
  - 3.1.1 Sexual harassment, which is defined as any series of or serious comment(s) or conduct of a sexual nature that is unwelcome and that would be objectively perceived to be unwelcome, and which broadly includes jokes, remarks or gestures of a sexual or degrading nature, or distributing, displaying or promoting images or other material of a sexual or degrading nature, or any act targeting a person's sexuality, gender identity or expression. It can also include stalking or harassment in person or by electronic means where the stalking or harassment is of a sexual nature.
  - 3.1.2 Examples of sexual maltreatment includes, without limitation, non-consensual sexual intercourse which is any penetration, however slight, with any object or body part by a person upon another person; unwanted/coerced fondling of an athlete's breasts, buttocks, groin or genitals; making an individual touch another person's sexual organs; inappropriate sexual contact with an athlete such as groping, fondling, kissing, pinching; indecent exposure; unwanted or coerced observation of masturbation; sexually oriented comments, jokes or sexual innuendos

towards an athlete; sexually related practical joke played on an athlete; a coach discussing their sex life with an athlete; exposing athletes to pornographic material; inadequate or inappropriate supervision of a child athlete's voluntary sexual activities.

- 3.2 Sexual Maltreatment can take place through any form or means of communication (e.g., online, social media, verbal, written, visual, hazing, or through a third party).
- 3.3 It is prohibited for a Participant to create, possess, make available or distribute images that sexualize or contain nudity of another person in the absence of consent.

#### 4. Neglect

- 4.1 Neglect refers to a lack of reasonable care and attention. This includes physical neglect, emotional neglect, and social neglect.
- 4.2 Physical neglect includes, without limitations, refusing an athlete adequate recovery time and/or treatment for a sport injury; delaying medical assessment or treatment of a sport injury until the completion of a competition; abandonment of an athlete for poor performance; inadequate supervision during travel, training, or competition; prescribed dieting or other weight control methods without regards to the athlete's welfare; disregarding or encouraging the use of performance enhancing drugs by an athlete; failure to ensure the safety of athletic equipment or environment.
- 4.3 Emotional neglect includes, without limitations, refusing psychological counselling of an athlete exhibiting any perceived psychological distress; delaying psychological care of an athlete.
- 4.4 Social neglect includes, without limitations, allowing an athlete to disregard sport's rules, regulations, and standards; chronic exclusion of an athlete from team social events; permitted maladaptive behaviour where the authority figure has reason to be aware of the existence and seriousness of a problem and does not intervene.
- 4.5 Neglect is determined by the behaviour viewed objectively, not whether harm is intended or results from the behaviour.

#### 5. Hazing

- 5.1 Hazing refers to any act that results in physical, emotional, mental, or psychological suffering, harm, abuse, or injury inflicted on another person as part of an initiation rite or practice made as prerequisite for admission or a requirement for continuing membership or being socially accepted by a group, team, or organization.
- 5.2 Purported consent by the person subject to Hazing is not a defence, regardless of the person's perceived willingness to cooperate or participate.
- 5.3 Examples of hazing include:

- 5.3.1 Contact acts: tying, taping, or otherwise physically restraining another person; paddling, whipping, beating, branding, or other forms of physical assault
- 5.3.2 Non-contact acts: exposure to weather; forced consumption of any food, liquor, beverage, drug, or other substance, including participation in binge drinking and drinking games; forced physical activity; personal servitude; requiring social actions (e.g., wearing inappropriate or provocative clothing) or public displays (e.g., public nudity) that are illegal or meant to draw ridicule; sleep deprivation; withholding of water and food; restrictions of personal hygiene; excessive training requirements demanded of only particular individuals on a team that serve no reasonable or productive training purpose; any activity, intentionally made or otherwise, that tends to humiliate or embarrass, degrade, abuse, or endanger, by requiring a person to do menial, silly, or foolish tasks.
- 5.3.3 Criminal acts: any act or conduct that constitutes hazing under RA 11053: Anti-Hazing Act of 2018 or any other applicable Philippine law.
- 5.4 Conduct may not rise to the level of Hazing if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as a part of a pattern of behaviour), or arising from conflict or struggle between persons who perceive they have incompatible views or positions.
- 5.5 Hazing does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, nor conduct reasonably accepted as part of sport.

## 6. Harassment

- 6.1 Harassment refers to repeated or severe conduct that causes mental or emotional anguish; public ridicule; causes fear, humiliation, or annoyance; offends or degrades; creates a hostile environment; or reflects discriminatory bias in an attempt to establish dominance, superiority or power over an individual or group based on age, race, ethnicity, culture, religion, national origin, or mental or physical disability; or any act or conduct described as harassment under RA 7877: The Anti-Sexual Harassment Act of 1995, RA 9262: Anti-Violence Against Women and their Children Act of 2004 (VAWC), RA 11313: Safe Spaces Act, or any other definitions under Philippine law.
- 6.2 Whether conduct is harassing is depends on the totality of the circumstances, including the nature, frequency, intensity, location, context, and duration of the behaviour.
- 6.3 Conduct may not rise to the level of Harassment if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as a part of a pattern of behaviour), or arising from conflict or struggle between



- 6.4 Harassment does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, nor conduct reasonably accepted as part of sport.

## 7. Bullying

- 7.1 Bullying refers to repeated or severe behaviour that are aggressive, directed at a Minor, and intended or likely to hurt, control, or diminish the Minor emotionally, physically or sexually.
- 7.2 Bullying-like behaviours directed at adults are addressed under other forms of misconduct, such as Hazing or Harassment.
- 7.3 Examples of bullying include, without limitation, repeated or severe:
  - 7.3.1 Physical: hitting, pushing, punching, beating, biting, striking, kicking, strangling, slapping, spitting at, or throwing objects (such as sporting equipment) at another person
  - 7.3.2 Verbal: ridiculing, taunting, name-calling or intimidating or threatening to cause someone harm
  - 7.3.3 Social, including cyber-bullying: use of rumours or false statements about someone to diminish that person's reputation; using electronic communications, social media or other technology to harass, frighten, intimidate or humiliate someone; socially excluding someone and asking others to do the same
  - 7.3.4 Criminal Conduct: Bullying Behaviour includes any conduct described in RA 10627: Anti-Bullying Act of 2013 or under any other Philippine law.
- 7.4 Conduct may not rise to the level of Bullying if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as a part of a pattern of behaviour), or arising from conflict or struggle between
- 7.5 Bullying does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, nor conduct reasonably accepted as part of sport.

## 8. Other Inappropriate Conduct

- 8.1 Other inappropriate conduct, as defined below, may be non-sexual or sexual in nature.
  - 8.1.1 Intimate Relationship

An adult participant violates this Code by engaging in an intimate or romantic relationship where a Power Imbalance exists. An intimate or romantic relationship is a close personal relationship – other than a familial relationship – that exists independently and outside of the sport relationship. Whether a relationship is intimate is based on the totality of the circumstances, including: regular contact or interactions outside of or unrelated to the sport relationship (electronically or in person), the parties' emotional connectedness, the exchange of gifts, ongoing physical or intimate contact or sexual activity, identity as a couple, the sharing of

sensitive personal information, or intimate knowledge about each other's lives outside the sport relationship.

#### 8.1.2 Intentional Exposure of Private Areas

An adult participant violates this Code by intentionally exposing breasts, buttocks, groin, or genitals, or induces another to do so, to an adult when there is power imbalance, or to a minor.

#### 8.1.3 Inappropriate Physical Contact

An adult participant violates this Code by engaging in inappropriate physical contact with a participant when there is a power imbalance. Such inappropriate contact includes, but is not limited to, intentionally touching, slapping, or otherwise contacting the buttocks or genitals of a participant; excessively touching or hugging a participant; kissing a participant.

#### 8.1.4 Wilful Tolerance

A Participant violates this Code by wilfully tolerating any form of Prohibited Misconduct, when there is a power imbalance between that participant and the individual(s) who are being subjected to the Prohibited Conduct.

### 9. Aiding and Abetting

9.1 It is any act or communication taken with the purpose of directly assisting, furthering, facilitating, promoting, or encouraging the commission of maltreatment or other prohibited conduct by or against a Participant

9.2 Aiding and abetting includes, without limitation, knowingly allowing any person who is suspended or is otherwise ineligible to participate in a Member Organisation's activities; providing any coaching related advice or service to an athlete who is suspended or is otherwise ineligible; and allowing any person to violate the terms of their suspension or any other sanctions imposed.

### 10. Misconduct Related to Reporting

#### 10.1 Failure to Report

10.1.1 It is a violation for any Adult Participant who knew or ought to have known of a Participant's Prohibited Conduct toward another to fail to report such conduct.

10.1.2 A Participant is not obligated to report Prohibited Behaviour to which they are personally subject.

10.1.3 The person making the report does not need to determine whether a violation took place; the responsibility lies in reporting the objective behaviour

10.1.4 The reporting obligation includes reporting, in a timely basis, all relevant information of which an Adult Participant becomes aware

## 10.2 Intentionally Reporting a False Allegation

- 10.2.1 It is a violation to report a knowingly false allegation, or influence another to report a knowingly false allegation, that a Participant engaged in Prohibited Conduct. An allegation is false if the events did not occur, and the person making the report knows at the time of the reporting that the events did not occur.
- 10.2.2 A false allegation is different from an unsubstantiated allegation, which means there is insufficient supporting evidence to determine whether an allegation is true or false. Absent demonstrable bad faith, an unsubstantiated allegation alone is not a violation of the Safe Sport Code.

## 10.3 Interference with or Manipulation of Process

- 10.3.1 It is a violation for a Participant to interfere with, directly or indirectly, or manipulate an investigation or disciplinary review process by
  - a. Knowingly destroying, falsifying, distorting, concealing, or misrepresenting information, with the intent to interfere with or influence the resolution process or the implementation of an outcome
  - b. Attempting to discourage or prevent a person's proper participation in or use of the process
  - c. Harassing or intimidating any person involved in the process before, during, and/or following any proceedings
  - d. Failure to comply with any temporary or provisional measure or final sanction
  - e. Influencing or attempting to influence another person to interfere with or manipulate the process
  - f. Distributing or publicizing materials a Participant gains access to during a SSC investigation or hearing, except as required by law or as expressly permitted

## 11. Retaliation

- 11.1 It is considered retaliation for a Participant take an adverse action against any person for making a good faith report of possible Prohibited Conduct or for participating in any SSC enforcement process.
- 11.2 Retaliation includes threatening, intimidating, harassing, coercing, negatively interfering with sport participation, or any other conduct that would discourage a reasonable person from engaging or participating in an investigation or disciplinary review process related to conduct prohibited by the SSC
- 11.3 Retaliation after the conclusion of these processes is also prohibited, even where there is a finding that no Prohibited Conduct occurred.

## 12. Subjecting a Participant to the Risk of Maltreatment

- 12.1 Individuals in positions of authority who place participants in situations that make the participant vulnerable to maltreatment are subjecting the participant to the risk of maltreatment.

- 12.2 Subjecting a participant to the risk of maltreatment includes, without limitation: instructing an athlete and authority figure to share a hotel room when traveling, knowingly hiring a participant who has a past history of prohibited behaviour and who is under a sanction of temporary or permanent ineligibility.

## **VI. REPORTING AND RESOLUTION PROCEDURES**

### **1. General Requirements**

- 1.1 Adult Participants must know their reporting requirements under this Policy and Philippine law. Lack of knowledge about a reporting obligation is not a defence.
- 1.2 A Participant is not obligated to report Prohibited Conduct to which they are personally subject.
- 1.3 The reporting requirements under this section are an individual obligation of each Adult Participant. Reporting to an authority figure does not relieve the adult participant of the obligation to report and they must report even if they believe someone else has already reported.

### **2. Jurisdiction**

- 2.1 The Safe Sport Commission will only have jurisdiction to investigate and resolve allegations of prohibited conduct in accordance with these processes where the Participant is within the governance and disciplinary jurisdiction of the Member Organisation. An illustration of the classification for Categories A, B, and C is set out in Appendix 1.
- 2.2 The SSC shall have mandatory jurisdiction when it determines the alleged Prohibited Conduct to be Category A or B.
- 2.3 The SSC may exercise discretionary jurisdiction when it determines the alleged Prohibited Conduct to be Category C at the request of the Participant or Member Organisation where there is a conflict of interest or where there are reasonable grounds for believing the matter will not be dealt with fairly.
- 2.4 If the SSC accepts discretionary jurisdiction, it will proceed to use the resolution procedures set forth in this Policy.
- 2.5 If the SSC declines discretionary jurisdiction, the matter shall be dealt with in accordance with the Member Organisation's relevant procedures.
- 2.6 The Member Organisation's Safeguarding Officer and the case manager of the Safe Sport Commission will determine whether the Commission shall have jurisdiction. Where there is disagreement, the Safe Sport Commission's decision shall take precedence.
- 2.7 The Commission will not manage sport specific or other general policies related to interpersonal conduct (e.g., field-of-play incidents which are governed by the rules of sport, breach of curfew set out in travel policy, unprofessional conduct which breaches a Member Organisation's Safe Sport Policy and/or code of conduct which is not related to Prohibited Conduct under the Safe Sport Commission's Safeguarding Policy).

### 3. Receiving a Report

3.1 Any Participant who experiences or becomes aware of a Prohibited Conduct may report the incident directly to the Safe Sport Commission through [www.safesport.ph](http://www.safesport.ph) and/or a Safeguarding Officer of a Member Organisation

3.3.1 Non recent reports may also be accepted

3.4 The Safeguarding Officer of the Member Organisation must record and report any alleged incident received to the Safe Sport Commission within 48 hours.

3.5 Formal Report: Where a formal report is filed, the SSC will conduct a preliminary assessment and may implement any temporary measures pending the outcome of such formal investigations

3.6 Anonymous Reports: An anonymous report may limit the SCC's ability to effectively investigate and respond to a report, so it is encouraged to provide a name and contact information when reporting

#### 3.7 Requests for Non-Identification

3.7.1 Subject to its obligations under mandatory reporting laws, an Affected Party and/or third-party report provider may request that personally identifying information not be shared. The Safe Sport Commission will honour the request if it is possible to do so whilst protecting the health and safety of the Affected Party and the sporting community. A list of mandatory reporting guidelines according to Philippine laws can be found in Appendix 2.

3.7.2 If the SSC determines it cannot honour a request that personally identifying information not be shared, the SSC may direct appropriate actions, which may include:

- a. imposing a no contact directive or other temporary measures;
- b. initiating a formal investigation; and
- c. arranging, imposing, or extending any other appropriate remedial and/or protective measures.

3.7.3 The Commission reserves the right to notify guardians of affected parties regarding any health or safety risk.

3.8 A report may be withdrawn at any point before resolution by the Affected Party.

3.9 Confidentiality relating to the identity of a whistle blower will be respected and in certain cases may fall under the Witness Protection Security and Benefit Act (Appendix 3).

### 4. Management After Receiving a Report

4.1 When the SSC receives a report, it will:

- a. determine if the allegation(s) in the report fall within its jurisdiction

- b. where appropriate, facilitate access to the appropriate level of psychosocial support for the parties
- c. conduct a preliminary assessment, and/or
- d. where applicable, trigger the formal investigation process to determine whether there was prohibited conduct constituting a breach of the safeguarding policy

4.2 The SSC will discontinue the process under these procedures where it:

- a. determines that the alleged prohibited conduct does not fall within its mandatory jurisdiction
- b. declines to exercise its discretionary jurisdiction
- c. determines that the reporting constitutes False Reporting or Abuse of Process.

## 5. Resolutions

5.1 Reports may be resolved in the following manner:

- 5.1.1 Close the File – The SSC may close a matter as a result of insufficient evidence, an affected party elects not to participate in the resolution process, or other factors as determined by the SSC.
- 5.1.2 Informal Resolution – A Respondent may, at any time before the matter is final, elect to resolve allegations of Misconduct by an Informal Resolution. An Informal Resolution is not a settlement but does constitute a final and binding disposition of the matter. An Informal Resolution and the related measures and sanctions will be kept on record.
- 5.1.3 Formal Resolution – When the SSC determines that a Category A or B Misconduct has taken place and will be referred for hearing before the Disciplinary Panel or a Category C Misconduct has taken place and may be referred back to the Member Organisation for resolution and/or the SSC may issue a warning or any appropriate measures set out in Section 6.

## 6. Sanctions

6.1 Where there is sufficient evidence through the resolution procedure to support a finding that a Participant violated the Policy, the Disciplinary Committee will determine whether, or the extent to which, a Participant may participate in sport and may impose one or more sanctions.

6.2 One or more of the following sanctions may be imposed singularly or in combination:

- a. Written Warning – an official written notice and formal warning that a Participant has violated the Safe Sport Policy and that more severe sanctions will result should a Participant be involved in other violations.
- b. Probation – a specified period of time during which, should any further violations of the Policy occur during the probationary period, it will result in additional disciplinary measures, likely including a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements.

- c. Suspension - Suspension for a specified period of time from participation, in any capacity, programme, activity, event, or under the jurisdiction of the Member Organizations or its affiliates/members. A suspension may include restrictions or prohibitions, from some types of participation, but allowing participation in other capacities. A suspended Participant is eligible to resume participation after the suspension lapses, but reinstatement may be subject to certain restrictions or contingent upon the Participant satisfying specific conditions noted at the time of suspension.
- d. Ineligibility - Permanent ineligibility to participate, in any capacity, in any programme, activity, event under the jurisdiction of the Member Organisation or its affiliates/members.
- e. Other discretionary sanctions - The Disciplinary Committee may, in its discretion, impose other sanctions for Prohibited Conduct, including, but not limited to, other loss of privileges, no contact directives, requirement to complete educational or other programs, or other restrictions or conditions as deemed necessary or appropriate.

## 7. Appeals

- 7.1 The Respondent or the SSC may appeal the decision of the Disciplinary Committee where:
  - a. there is error in application of the rules and principles of the Safe Sport Policy;
  - b. error in central finding of fact (exercise of judgement/discretion by Disciplinary Committee was manifestly wrong);
  - c. sanction was manifestly excessive or wrong in principle;
  - d. sanction was unduly lenient;
  - e. decision should be overturned in the interests of natural justice.
- 7.2 If the SSC or the Respondent does not make an appeal against the written decision of the Disciplinary Committee within thirty (30) days, the decision shall be final.
- 7.3 Where the Respondent is suspended or has had other measures and/or sanctions imposed by the Disciplinary Committee, such measures and/or sanctions shall remain in place pending the outcome of an Appeal.
- 7.4 The Appeal Committee shall decide, by way of a simple majority, whether to allow or dismiss the appeal and/or take any other action, including varying the decision of the Disciplinary Committee, as it thinks fit.
- 7.5 The decision of the Appeal Committee shall be delivered to the parties as soon as practicable, after the conclusion of the hearing. The decision shall be final and binding upon notification to the Appellant and/or individual.
- 7.6 The decision of the Appeal Committee shall be final.

## 8. Confidentiality

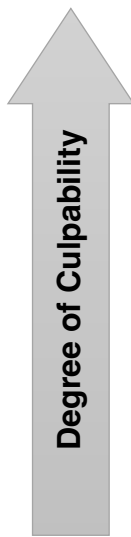

- 8.1 All documents and/or evidence related to the Response and Resolution Procedure are confidential, in that they may not be disclosed outside of the proceedings, except as may be required by law and/or authorised by the Commission.
- 8.2 The Commission may disclose such relevant parts of a decision, including whether a breach was found, the nature and severity of the Misconduct, to those parties or organisations with a 'need to know' basis such that the outcome can be properly effectuated and/or understood, including, but not limited to: the Member Organization, the parties involved in the proceedings, any individual to facilitate the proper handling of the report, any third party including foreign sporting bodies, child protection agencies, law enforcement agencies and government regulatory authorities for the purposes of protecting the safety of Participants, and as required by law or any court.
- 8.3 The SSC may maintain a publicly available searchable register of individuals on [www.safesport.ph](http://www.safesport.ph) who have been sanctioned by or whose eligibility has in some way been restricted where the SSC considers it necessary to give full effect to the measures and/or sanctions.




## 9. Mandatory Reporting

- 9.1 The Commission may be bound by mandatory reporting requirements under Philippine law and may, in its discretion and/or in accordance with its legal obligations, report to law enforcement, particulars of any Misconduct.
- 9.2 The Commission may impose Temporary Measures or vary current Temporary Measures pending the outcome of such investigations.
- 9.3 Because the standards of proof for criminal law are different from the standards of findings for Misconduct under the Safe Sport Policy, the resolution of a criminal proceeding is not determinative of (but may be relevant to) whether a breach of the Safe Sport Policy has occurred.
- 9.4 Conduct may amount to Misconduct under the Safe Sport Policy even if the Respondent is not charged, prosecuted, convicted, or is acquitted of a criminal charge. This applies as well to matters in which legal authorities decline to prosecute.



APPENDIX 1 for the Safe Sport Policy  
**Classification for Category A, B and C Violations.**

 Degree of Culpability	Almost certain	M	M	H	H	H
	Likely	L	M	M	H	H
	Possible	L	L	M	M	H
	Unlikely	L	L	L	M	M
	Rare	L	L	L	L	L
		Insignificant	Minor	Moderate	Major	Severe
		 Degree of Harm				

-  Category A: High Culpability or Severe Harm
-  Category B: Medium Culpability or Moderate Harm
-  Category C: Low Culpability and Low Harm

## Safeguarding Risk Assessment Matrix Explainer

(Adopted from ChildFund Alliance, 2017)

Impact	Description
<b>Insignificant</b>	Coaches and staff should be aware of, but no management strategy is required.
<b>Minor</b>	Can be managed by staff, coaches or program management.
<b>Moderate</b>	Could cause negative impact to a Participant or the organization but can be effectively managed by program management.
<b>Major</b>	Could have negative impacts upon a Participant or a Participant's participation in activities; Could have negative impacts upon the organization's work or reputation.
<b>Severe</b>	Could cause <u>serious</u> negative impacts on a Participant or a Participant's participation in activities; Could impact on the ability to continue implementing activities; Could cause serious negative impacts on the organization's reputation.

Likelihood	Description	Probability
Almost certain	Is expected to happen	Over 90% chance
Likely	Will probably happen	Between 60-90% chance
Possible	May happen at some time	Between 30-60% chance
Unlikely	May happen but only in special circumstances	Between 10-30% chance
Rare	Not expected to happen	Less than 10% chance

## APPENDIX 2 for the Safe Sport Policy

### **Mandatory Reporting Guidelines According to Philippine Law**

Although there aren't any decided Supreme Court cases on the non-reporting of harassment or child abuse cases and we are unaware of cases in local courts, rest assured, there are mandatory reporting laws which would support filing a case in court for non-reporting. These include the following:

1. Rules and Regulations on the Reporting and Investigation of Child Abuse Cases
  - 1.1 Persons required to report
    - a. Head of any public / private hospital, medical clinic, and similar institution, and the attending physician and nurse;<sup>1</sup>
    - b. Teachers and administrators in public schools;<sup>2</sup>
    - c. Probation officers;<sup>3</sup>
    - d. Government lawyers;<sup>4</sup>
    - e. Law enforcement officers;<sup>5</sup>
    - f. Barangay officials;<sup>6</sup>
    - g. Correction officers;<sup>7</sup> and
    - h. Other government officials and employees whose work involves dealing with children.<sup>8</sup>
  - 1.2 Failure to report
    - a. Punishable with a fine of not more than P2,000<sup>9</sup>
2. Safe Spaces Act
  - 2.1 Persons required to report
    - a. Employees and co-workers shall have the duty to report acts of gender-based sexual harassment witnessed in the workplace.<sup>10</sup>
  - 2.2 Failure to report
    - a. No corresponding penalty

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<sup>1</sup> Section 4, Rules and Regulations on the Reporting and Investigation of Child Abuse Cases (1993).

<sup>2</sup> Section 5, Rules and Regulations on the Reporting and Investigation of Child Abuse Cases (1993).

<sup>3</sup> Id.

<sup>4</sup> Id.

<sup>5</sup> Id.

<sup>6</sup> Id.

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> Section 6, Rules and Regulations on the Reporting and Investigation of Child Abuse Cases (1993).

<sup>10</sup> Section 18, Safe Spaces Act (2018).

### 2.3 Persons required to act on reports

- a. Employers for not taking action on reported acts of gender based sexual harassment committed in the workplace. Penalty: Upon conviction, penalized with a fine of P10,000 – 15,000.
- b. Principals, school heads, teachers, instructors, professors, coaches, trainers, or any other person who has authority, influence or moral ascendancy over another in an educational or training institution for failure to act on reported acts of gender-based sexual harassment committed in the educational institution. Penalty: Upon conviction, penalized with a fine of P10,000 – 15,000.

## 3. Anti-Child Pornography Act

### 3.1 Persons required to report

- a. Photo developers, information technology professionals, credit card companies and bank and any person who has direct knowledge of any form of child pornography activities.<sup>11</sup> Penalty: fine of P1,000,000 – 2,000,000 for the first offense. For subsequent offenses, fine of P2,000,000 – 3,000,000 and revocation of its license to operate and immediate closure of the establishment.
- b. Internet content host, within 7 days, report the presence of any form of child pornography, as well as the particulars of the person maintaining, hosting, distributing or in any manner contributing to such internet address, to the proper authorities. Penalty: *prision correccional* in its medium period and a fine of P1,000,000 – 2,000,000 for the first offense. For subsequent offenses, fine of P2,000,000 – P3,000,000 and revocation of its license to operate and immediate closure of the establishment.

## 4. VAWC

### 4.1 Persons required to report

- a. Barangay officials and law enforcers shall immediately report the call for assessment or assistance of the DSWD, social Welfare Department of LGUs or accredited non-government organizations (NGOs).<sup>12</sup>

### 4.2 Failure to report

- a. Fine not exceeding P10,000 or whenever applicable criminal, civil or administrative liability.<sup>13</sup>

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<sup>11</sup> Section 10, The Anti-Child Pornography Act of 2009 (2009).

<sup>12</sup> Section 30(h), Anti-Violence Against Women and Their Children Act of 2004 (2004).

<sup>13</sup> Section 30(h), Anti-Violence Against Women and Their Children Act of 2004 (2004).

## APPENDIX 3 for the Safe Sport Policy

### **Witness Protection, Security and Benefit Act**

The Philippines has a Witness Protection, Security, and Benefit Act (WPSBA) and it applies when the following conditions concur:

- a. the offense in which the whistle-blower's/witness' testimony will be used is a grave felony as defined under the Revised Penal Code, or its equivalent under special laws;
- b. his or her testimony can be substantially corroborated in its material points;
- c. he, she, or any member of his family within the second civil degree of consanguinity or affinity is subjected to threats to his or her life or bodily injury or there is a likelihood that he or she will be killed, forced, intimidated, harassed or corrupted to prevent him from testifying, or to testify falsely, or evasively, because or on account of the testimony; and
- d. he or she is not a law enforcement officer, even if he or she would be testifying against the other law enforcement officers. In such a case, only the immediate members of his or her family may avail themselves of the protection provided for under the law.<sup>14</sup>

The WPSBA also provides a State Witness program when certain circumstances are met.<sup>15</sup>

As for whistleblowing, the Philippines currently has no universal whistleblowing policy in place.<sup>16</sup> However, there are ones which apply in very specific sectors such as the GOCC Sector.<sup>17</sup>

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<sup>14</sup> Section 3, Witness Protection, Security and Benefit Act (1991).

<sup>15</sup> Section 10, Witness Protection, Security and Benefit Act (1991).

<sup>16</sup> Integrity Beat, *Is 2019 a landmark year for whistleblower protection?*, THE FREEMAN (28 June 2019), <https://www.philstar.com/the-freeman/cebu-business/2019/06/28/1930097/2019-landmark-year-whistleblower-protection> (last accessed 2 July 2023).

<sup>17</sup> GCG Memorandum Circular No. 2014-04 (14 April 2014).

## CHAPTER 6: RECOMMENDATIONS AND ACTION PLAN

The implementation of a national athlete safeguarding policy is a critical step in promoting the well-being of the athletes as it helps create a culture of safety and accountability in the Philippine sporting community. The findings of this study through an analysis of existing literature, best practices, international standards, organizational context, and the cultural context in the country highlighted the critical elements necessary in a safeguarding policy for the national athletes of the Philippines. One important finding based off the research is that given the current state of the Philippine sporting environment, a voluntary reporting mechanism is what would be most effective and accepted right now as awareness of safe sport is low.

One of the critical success factors to be able to successfully implement the proposed safeguarding policy revolves around people. There needs to be meaningful engagement and open conversation around the concept of safe sport rather than resistance. There needs to be a buy in with the POC, PSC, and NSA Board Members as the key partners and stakeholders, along with a system buy-in with all the constituents such as the athletes, coaches, and NSA officials. Training and education must be a continuous process and there needs to be a clear communication strategy to ensure that the sporting community understands what safe sport is and what the safeguarding policy can do for them.

Safeguarding is an ongoing process that requires continuous evaluation, regular monitoring and assessment, and stakeholder engagement to ensure the effectiveness of the policy. Moving towards the implementation of the proposed safeguarding policy, below are some recommendations for immediate next steps.

Priority 1	
Recommendation	Multi-disciplinary Collaboration
Action	Have experts in different fields such as medical experts, sports governance, legal professionals, psychologists, and law enforcement review and give feedback on the safeguarding policy
Lead	Philippine Olympic Committee Safe Sport Commission <sup>3</sup>
Resources	Time
Timescales	October 2023
Critical Success Factors	Timely feedback from the experts

Mountjoy (2016) recommends that in the implementation of a safeguarding policy, the sport organisation must “partner with expert groups and stakeholders to follow a systematic multidisciplinary, multiagency approach. This may include law enforcement, media, medical, child protection, counselling and support or other groups” (p.1025).

<b>Priority 2</b>	
Recommendation	POC Executive Board Approval of the proposed Safe Sport Policy
Action	Present the proposed Safe Sport Policy to the POC Executive Board for approval and present to the General Assembly for approval to implement
Lead	POC Safe Sport Commission, Chair of the POC Athletes' Commission, Secretary General
Resources	Time
Timescales	November 2023
Critical Success Factors	Commitment of the Executive Board (EB) and the General Assembly (GA) members
<b>Priority 3</b>	
Recommendation	Develop a communication strategy
Action	Identify the best channels to use for launching the policy and develop a communication strategy for rollout and promotion of the policy to the sporting community; set up the <a href="http://www.safesport.ph">www.safesport.ph</a> website <sup>4</sup> .
Lead	POC Safe Sport Commission
Resources	Time; Budget to set up the various channels to reach target audience
Timescales	December 2023
Critical Success Factors	Integration of the policy into constitutions, commitment of the POC EB, GA, and NSAs to safe sport
<b>Priority 4</b>	
Recommendation	Develop training and education plans
Action	Work with safe sport experts in developing a training program that will increase awareness of harassment and abuse, and the importance of reporting; develop a plan to educate the national athletes on the reporting mechanism available to them
Lead	POC Safe Sport Commission
Resources	Time; Travel expenses; Budget for training
Timescales	Start in January 2024 then continuous
Critical Success Factors	Commitment of the POC EB and NSAs
<b>Priority 5</b>	
Recommendation	Monitoring and evaluation system
Action	Create a system for monitoring and evaluating the effectiveness and impact of the reporting mechanism
Lead	POC Safe Sport Commission
Resources	Time
Timescales	January 2024

Critical Success Factors	Commitment of the POC Safe Sport Commission in the assessment and making the necessary improvements coming from feedback
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The proposed safeguarding policy will serve as a deterrent and may prevent harassment and abuse. It is the ethical and legal responsibilities of the sports organizing bodies to ensure a safe environment free from harassment and abuse. A safeguarding policy that is in effect will also allow for the constituents to take appropriate action in cases of prohibited conduct or non-compliance.



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## FOOTNOTES

<sup>1</sup> Taken from the POC Constitution and By Laws (2011), these are three (3) out of the fifteen (15) listed aims of the POC.

<sup>2</sup> The Safe Sport Policy adopts definitions taken from the SafeSport Code for the U.S. Olympic and Paralympic Movement of the U.S. Center for SafeSport, Safe Sport Unified Code and Safe Sport Programme Handbook of the Safe Sport Commission Singapore, and the Universal Code of Conduct to Prevent and Address Maltreatment in Sport of the Sport Dispute Resolution Centre of Canada. It also includes examples in sport in some of the definitions taken from Sterling (2009).

<sup>3</sup> The Philippine Olympic Committee Safe Sport Commission was established through POC Executive Board Resolution No. P-2022-019 on 20 June 2022.

<sup>4</sup> The domain rights of [www.safesport.ph](http://www.safesport.ph) for one (1) year was purchased on 25 June 2023 to preserve the domain for later use.

## APPENDIX

### Semi-Structured Interview Questions

1. What is the perception of safe sport across the Philippine national sporting community?
2. Does your organization have any reporting mechanisms for harassment and abuse in place for national athletes?
3. Have you been made aware of any harassment or abuse case with a national athlete
  - a. If yes, how was it handled by the organization?
4. In your opinion, what is the best way to handle such cases? (I.e., your organization, the National Federations, or an independent body)
5. What do you find lacking when it comes to available reporting mechanisms for national athletes in the Philippines?
6. What would you measure the success of reporting mechanisms in the Philippines? How do you determine the appropriate approach? (Compulsory, voluntary)
7. Where are the gaps in knowledge? What information about harassment and abuse would be valuable to the national sporting community?

### Example Transcript

De-identified to protect the confidentiality of the interviewee

Interviewer: Thank you for agreeing to be interviewed for my MEMOS project. Do you agree to be recorded?

Interviewee: Yes, I do.

Interviewer: Okay, thank you. All right so first question is what is the perception of safe sport across the Philippines national sporting community?

Interviewee: Definitely it's a... actually you know most people probably don't even have a clue what it is and obviously it's pretty new. And, again, unfortunately, there has not been a lot of education about it in the Philippines. So the problem with that is when people hear about it, they're obviously... You know it's something new so there is fear involved and there is misunderstanding and wrong assumptions obviously. So unfortunately, that's where we are now.

Interviewer: What do you find lacking when it comes to available reporting mechanisms or safeguarding policies for national athletes in the Philippines?

Interviewee: Good question. Definitely right now, athletes will always just automatically revert to the Athletes' Commission. Now whether they, the athletes or any other stakeholders are aware of the process or not... probably not, there is no... there's

actually, well, obviously Athletes' Commission is always open to receiving. But there are no follow ups. There's no clear cut next steps. So there's definitely... I wouldn't even call it a gap, but it's a void. Right, so that's the unfortunate state we're in right now. Which is probably why we need this.

Interviewer: Okay, so in your opinion, what is the best way to handle, safeguarding cases or issues?

Interviewee: Number one is clear cut policies on it. Number one. Number two is education on it. And, establishing them rather. And adhering to them. Definitely, because, once they're established, then there should be wall to wall acceptance, right? And adherence to it. And when those things are in place then offences would be down to a minimum if not zero, right. So it's definitely first the establishment of it, adherence to it, and that would be the biggest, to my mind, would be the biggest deterrent for any offences.

Interviewer: Okay, so follow up question to what you said earlier about there being fear about safe sport and the policies regarding that – what do you think the sporting community accept? First like, would they take well to a mandated or... a mandated policy or a voluntary one?

Interviewee: It depends if you're part of the offending party then you would fear it right. Now you would fear anything mandated, definitely. You know crooks always don't like the law, crooks don't like the cops, crooks don't like any enforcement. But if you're there to do things correctly, there to do things right, then you would welcome it, definitely because it would be the biggest assistance to your cause, right? If you're there to do well, if you are there for everyone's benefit, and if you're there for everyone's protection, then you would definitely welcome something mandated. It would help you.