

DEFINITIONS

The concepts set out in this Section apply to all participants involved in sports or leisure activities, including vulnerable clientele (participants with physical or intellectual impairment) and athletes enrolled in an excellence program.

Physical abuse:

1° When a person suffers physical injuries or **bodily harm** leaving or not visible marks, or when a person is subject to unreasonable educational methods from one or both parents, or from any person involved in the (federated) community.

2° When a person runs a serious risk of suffering physical injuries or **bodily harm** leaving or not visible marks, or of being subject to unreasonable educational methods from one or both parents, or from any person involved in the (federated) community.

Sexual abuse:

1° A gesture or any act of sexual nature, with or without physical contact, including any form of sexual exploitation, taken by any person against any other person.

2° The serious risk that a gesture or any act of a sexual nature, with or without physical contact, including any form of sexual exploitation, be taken by any person against any other person.

Shall be regarded as sexual abuse, any **sexual harassment** or any unwanted or unwelcomed conduct of a sexual nature.

Sexual assault:

Act of a sexual nature, with or without physical contact, committed by an individual against any other person, without his/her consent or, in some cases, particularly in the case of children, by emotional manipulation or blackmail. It is an act aimed at subjugating another person at one's own desires by using his/her authority or power, by using force or constraint, or under implicit or explicit threat. A sexual assault is a violation of an individual's fundamental rights, including a person's physical and psychological integrity and security.

The present definition applies, regardless of the age, sex, culture, religion or sexual orientation of the victim or of the sexual abuser, and regardless of the type of act of a sexual nature committed, the place or life environment in which it took place and regardless of the nature of the relationship between the victim and the sexual abuser.

Psychological harassment:

Any vexatious conduct in the form of repeated and hostile or unwanted behaviors, words, actions or gestures that affect a person's dignity or psychological or physical integrity and that result in a harmful life environment.

A single serious incidence of such behavior may constitute psychological harassment if it has the same lasting harmful effect on a person.

Examples of behaviors that may be considered as psychological harassment:

Bullying, cyber bullying, threats, isolation; offending or defamatory words or gestures towards a person or his/her work; verbal violence; belittling.

Sexual harassment:

An abusive, offensive and unwelcome conduct of a sexual nature that has direct consequences on the person who is subjected to said conduct, and on the preservation or the improvement of his/her life environment, and/or creates a climate of bullying, humiliation or hostility towards him/her.

Examples of behaviors that may be considered as sexual harassment:

Any form of attention or unwanted sexual proposal, for example: insistent solicitation, looks, kisses, unwanted touching, sexist insults, vulgar language; remarks, jokes or images of a sexual nature by any technological or other means.

Negligence:

- 1° When a child's parents, or the person holding legal custody, do not respond to the child's basic needs, either on a physical level, or on the child's physical or mental health, or do not provide the child with the appropriate mentoring and monitoring;
2. When a person does not act with the level of care any other reasonable person would exercise in similar circumstances.

It may consist either of an action or an omission, or both.

Examples of negligence in the context of sport or leisure: to ask a participant, or a person involved in the field, to abandon or take a break from school, to train instead of going to school (during competitions, sport-études); knowing that a participant or a person involved in the field does not receive the appropriate care required by his/her state of mental or physical health and not intervene; knowing that a youth has an unsafe behavior towards himself/herself (ex: eating disorder or use of a doping substance) and not intervene; knowing that a participant or a person involved in the field is or has been a victim of physical, psychological or sexual violence and not do anything to protect him/her.

Bodily harm:

Corporal ill-treatments on a person one has under his/her authority or is the guardian of.

Violence:

Violence means any demonstration of force, either verbal, written, physical, psychological or sexual, exercised against a person, which causes said person to feel distressed, to be harmed, hurt, or oppressed by attacking his/her integrity or his/her psychological or physical well-being, his/her rights or his/her assets.

In the context of sport and leisure, this violence can be shown by a person in authority (ex: a coach), peers (teammates, opponents), parents, team managers, team representatives, spectators, a member of the medical team or the support team (fitness trainer, massage therapist etc.). Violence can occur in the locker rooms or in the showers, on the field during a game or training, at the trainer's house or, during competitions, initiations or trips.

Physical violence:

Any action of a physical nature by a parent or any person involved in the field, in a situation of conflict with another parent or person, which risks to compromise that parent or person's integrity, or his/her psychological or physical well-being, however intended.

Psychological violence:

Psychological violence is when a person, on a seriously and continued basis, is subjected to behaviors that could cause him/her harm, from a parent or a person involved in the field. Examples of such behaviors include indifference, belittling, emotional rejection, excessive control, isolation, threats, exploitation, especially if the child is forced to do a job or an activity that is disproportioned compared to that child's capacities.

Examples of psychological violence in the context of sport or leisure: Shouting insults (swear words), say mean things or make humiliating remarks to a participant, threaten a participant of physical injuries or pretend to throw something at him/her, systematically expel or exclude the participant from a training session, voluntarily reject or ignore a participant (or systematically ignore the participant's presence), force a participant to train despite an injury known to the training staff, inflict additional training that leads to exhaustion or make the participant sick, ask the participant to make moves that are too difficult for his/her abilities, any other request that could have negative impacts on the health of a participant (ex: use of dangerous techniques, doping substances etc.).

Sexual violence :

A sexual act committed or attempted by a person without it being freely consented, or against a person unable to consent or refuse. Sexual violence includes **sexual assault, sexual abuse** and **sexual harassment**.

Examples of sexual violence in the context of sport or leisure: touching any private part of a participant or of a person involved in the field, making offensive sexual jokes, making suggestive gestures, showing off your private parts, touching someone's private parts, forcing a participant or any person involved in the field to perform sexual acts in exchange for favors, privileges, or under peer manipulation, having a written or verbal conversation of a sexual nature, exposing a participant or any person involved in the field to sexual images.

Precision

Bullying:

Any behavior, word, act, repetitive gesture, deliberate or not, expressed directly or indirectly, including in the cyberspace, in a context characterized by unequal power relations between the persons involved, having the effect of generating feelings of distress, to injure, hurt, oppress or ostracize.

Bullying as understood in the present annex, is one of three types of violence defined above: physical violence, psychological violence and sexual violence.