

# The undesirable coach

Criminal background checks as a tool to prevent child sexual abuse and maltreatment in sports in the Nordic countries

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## Abstract

**Title:** The undesirable coach – Criminal background checks as a tool to prevent child sexual abuse and maltreatment in sports in the Nordic countries

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This thesis examines policy developments, laws and practices in the Nordic countries related to criminal background checks for people working with children in the sports environment. Additionally, it discusses their associated effects and potential consequences. The system of background checks, here called childcare record checks, aims to prevent abuse and maltreatment of children in sports by excluding individuals with certain crimes on their records from this sector. The characteristics of the Nordic systems and policy developments addressing childcare record checks in sports are mapped out by looking at the content of the policies and the operationalization of the systems. To the author's knowledge, this is the first systematic overview and analysis of the developmental tendencies of the childcare record check systems used in sports in the Nordic countries.

Previous research on criminal record checks points to an expansion and increase in the use of these preventative measures. Similarly, research on abuse and maltreatment of children in sports suggests a culture of fear and risk management where protection policies are increasingly used to protect the child athlete. There is, however, a lack of research on the policy developments addressing childcare record checks in sports in the Nordic countries, despite a significant political and societal focus on this subject. By examining these policy developments through the theoretical lens of “risk society” and “ban-opticon”, as well as “function creep” and “unforeseen consequences”, it is possible to improve the understanding of the development and expansion of the system and its implications. Further, increased Nordic information exchange and cooperation call for more knowledge about each country's system of childcare record checks in sports.

The method used in this study is document analysis, with case design as research design. The different Nordic systems of childcare record checks are understood as constituting cases in the bigger context of the risk society and the exclusion of specific individuals from certain

societal sectors. The data studied consists of legislation and policy documents from the Nordic countries addressing childcare record checks.

The findings show significant differences between the Nordic nations regarding systems for childcare record checks in sports. Norway seems to operate with the most extensive childcare record, with both sexual-, violent-, and drug-related crimes appearing on the record, as well as a lifelong limitation time for some offenses. Denmark seems to have the most limited childcare record, with primarily sexual violations against minors appearing on the record. Norway and Iceland operate with automatic exclusion when the childcare record is tainted, while Sweden, Denmark, and Finland have a system based on discretion.

The findings further suggest policy developments characterized by an expansion beyond the initial intention of the system, that is, a function creep. In the policy developments, this function creep can be observed as an expansion with regard to which offenses should appear on the records, automatization of the systems, systems for renewing childcare record checks, as well as more categories of individuals controlled through childcare record checks in sports. Overall, there is a tendency for the Nordic childcare record check systems to slowly expand their initial frames, portraying a function creep of control and surveillance. This is despite a lack of empirical findings related to whether the childcare record check system is preventing abuse in the sports environment. On the other hand, highly profiled cases of abuse in sports seem to lead to pressure for policy developments within criminal record checks and other preventative measures.

Findings related to potential consequences of the expanded system suggest that a more holistic approach to child sexual abuse and maltreatment in sports and its prevention is called for. This entails a shift from the micro-perspective focusing on the potential offender and their criminal record, towards a meso- and macro-perspective where the situational risk factors and the relationships between the child athlete and the coach is in focus. An expansion in the record check system might result in fewer recourses available for this sort of prevention. Further, the expansion of the systems, as well as a micro-perspective on prevention, seem to be continuing despite a lack of empirical research investigating the preventative effects of the childcare record check system. By conducting more empirical research on the effects of childcare record checks in sports a more knowledge-based and targeted prevention that is better able to protect the child athlete can be achieved.

## Sammendrag

**Tittel:** The undesirable coach – Criminal background checks as a tool to prevent child sexual abuse and maltreatment in sports in the Nordic countries

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Denne masteroppgaven undersøker de nordiske landenes politikkutvikling, lov og praksis knyttet til politiattestordningen i barneidretten, samt diskuterer virkninger og mulige konsekvenser av dagens ordning. I tillegg analyseres de ulike nordiske systemene som brukes i håndheving av politiattestordningen i idretten. Formålet med politiattestordningen i barneidretten er å forebygge overgrep gjennom å ekskludere individer med spesifikke lovbrudd på sin attest fra denne sektoren. Karakteristikk og egenskaper ved systemene i de nordiske landene samt deres politikkutvikling knyttet til politiattestordningen presenteres gjennom å se på innhold og praktisering. Til forfatterens kjennskap er dette den første systematiske oversikt og analyse av systemene rundt politiattestordningen i den nordiske barneidretten.

Tidligere forskning på politiattestordninger viser at det skjer en økning i omfang av denne typen forebygging. Forskning på overgrep av barn i idretten har pekt på en kultur preget av risikohåndtering hvor retningslinjer ment å beskytte utøveren blir brukt i stadig større grad. Derimot mangler det forskning på den politiske utviklingen som omhandler politiattestordningen i nordisk barneidrett, til tross for et betydelig politisk og sosialt fokus på dette området. Gjennom å undersøke den politiske utviklingen i det teoretiske lyset av konseptene «risikosamfunn» og «ban-opticon», samt forklare utviklingen med hjelp av «function creep» og «uforutsette konsekvenser», er det mulig å forbedre forståelsen for utvidelsen av disse ordningene og deres implikasjoner. Videre vil et eventuelt nordisk samarbeid innenfor idretten ha behov for mer kunnskap om enhver nasjons politiattestordning.

Metoden som brukes i oppgaven er dokumentanalyse, med «case design» som forskningsdesign. De ulike nordiske systemene rundt politiattestordningene forstås å utgjøre «tilfeller» (*cases*) i den større konteksten av et risikosamfunn preget av ekskludering av

utvalgte individer fra noen deler av samfunnet. Datamaterialet består i rettslige og politiske dokumenter fra de nordiske landene knyttet til politiattester (særlig barneomsorgsattester).

Funnene viser signifikante forskjeller mellom de nordiske nasjonene når det kommer til idrettens politiattestordninger. Norge virker å ha det mest omfattende systemet da seksual-, volds- og narkotikalovbrudd alle inkluderes på attesten, samtidig som det er livslange foreldelsesfrister på noen lovbrudd. Danmark ser ut til å ha en relativt begrenset ordning, da attesten først og fremst viser seksuallovbrudd mot mindreårige. Norge og Island har automatisk ekskludering av de som har plettet vandel, mens Sverige, Danmark og Finland praktiserer skjønn på dette punktet.

Videre viser funnene en politisk utvikling preget av en utvidelse utover den opprinnelige intensjonen bak politiattestordningen, det vil si «function creep». Dette kan observeres gjennom en utvidelse av hvilke lovbrudd som skal inkluderes på en barneomsorgsattest, automatisering av systemet, forslag til en bedre fornyelsesordning samt en utvidelse av kategoriene av individer som skal oppvise politiattest ved ansettelse i barneidretten. I det store og det hele kan man se et nordisk system som sakte ekspanderer sine opprinnelige rammer, noe som representerer en «function creep» av kontroll og overvåkning. Dette skjer til tross for mangel på empirisk forskning som undersøker hvorvidt politiattestordningen virkelig er effektiv i forebygging av overgrep i barneidretten. Samtidig virker høyt profilerte mediasaker om overgrep mot barn i idretten å føre til et press på politikere for å videreutvikle politiattestordningen og andre forebyggende tiltak.

På basis av disse funnene anbefales en mer helhetlig tilnærming til forebyggingen av overgrep mot barn i idretten. Dette innebærer en overgang fra et mikroperspektiv hvor den potensielle overgriperen og hans eller hennes politiattest er i fokus, til et mer meso- og makroorientert perspektiv som i tillegg ser på situasjonelle faktorer knyttet til relasjonen som oppstår mellom utøver og trener og risikofylte situasjoner rundt dette. Fokus på utvidelsen av politiattestordningen kan føre til at færre resurser er tilgjengelige for denne typen forebyggende arbeid. Til tross for manglende empirisk forskning på systemets forebyggende effekt i barneidretten virker ordningen å fortsette å ekspandere. Gjennom å rette mer forskning mot effektene av politiattestordningen i den nordiske barneidretten oppnås en mer målrettet og kunnskapsbasert forebygging som i større grad kan beskytte den unge utøveren.

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# 1 Introduction

Most of us exercised some form of sport when we were younger. We tried several different kinds of sports, in teams and individually, outdoors and indoors, endurance and strength. Organized sport is an extensive social phenomenon. In Sweden, for instance, 80-90% of the population have been member of a sports club at some time in their life (RF, 2011), with 72% of those aged 7-14 being an active member of a club in the period November 2011 to January 2012. Norwegian studies point to similar numbers, with Ingebrigtsen and Aspvik (2010) stating that almost every child has been a part of Norwegian sports. Organized youth sport is beneficial both with its physical activity, which is of ever greater importance for today's sitting and phone-scrolling society, but also with its social values. These include comradery with peers, a safe and stable environment, fellowship, a sense of belonging across generations, and an environment where the children can learn about respect, ethnicity, and culture. The list of the positive effects of youth sports seems to go on and on. Still, there are downsides to this seemingly unproblematic area of society, although they sometimes tend to be swept under the rug and not be dealt with properly. When it comes to child sexual abuse, for example, the sports environment is no exception:

Although the exact prevalence of sexual abuse is difficult to determine, it is clear that it occurs across all classes of society and in any context where there is the opportunity for exploitation and an individual with the will to exploit (Brackenridge *et al.*, 2008, p. 387)

The media have contributed to the awakening of a discussion regarding this, which must be considered one of the darkest sides of organized youth sports, child sexual abuse. In 2011, the Swedish high jumper Patrik Sjöberg, ranked third in the world to this day, revealed being sexually abused by his coach for many years (Sjöberg and Lutteman, 2011). Not surprisingly, this shocking revelation was covering tabloids and newspapers all over the world. Years later, in the end of 2020, the Norwegian newspaper VG published a series of articles under the name "*Idrettsovergrepene*" (roughly translated to "the cases of sports abuse"). Just a few months later, in the fall of 2021, media was covered in articles about the trial against Larry Nassar, a physician who had sexually abused many of the female youth athletes in the US Gymnastics Olympic Team. Earlier the same year, critique had been aimed at a Swedish football coach in Gothenburg who, despite having sexually violated children before, was able

to coach young boys again due to a lacking system for criminal background checks. Such media reports are of great importance in sparking a debate about the subject of child sexual abuse in sports and the preventative systems in place today. The article series “*Idrettsvergrepen*” put great focus on the system of criminal record checks for people working with children in sports, and the lack of collaboration and communication between the Nordic nations (i.e., Norway, Sweden, Denmark, Finland, and Iceland). Inspired by this, this thesis will examine the characterizations of the policy developments in the Nordic countries regarding criminal record checks for those working with children in sports. Additionally, the practices and consequences of these policy developments will be analyzed and discussed.

Criminal record checks aim to identify the previously convicted offender. The assumption is that the person with previous sex offences on their record is more likely to offend again and should thus be excluded from working with children in the sports environment. The exclusion of previous and potential abusers based on criminal record checks might seem justified when the aim is the protection of children. The President of the Norwegian Olympic and Paralympic Committee and Confederation of Sports (NIF), Berit Kjøll, was very clear on this when she stated that one case of abuse in sports is one too many (Kjøll, 2020). Each time a case of abuse gets reported, it increases our distrust in the systems that are supposed to prevent abuse and protect the children. They join the world of sports with enthusiasm and joy, often looking up to the coach as a role model and adult to trust. In fact, the definition of “childlike”, according to the Cambridge English Dictionary, is “showing the good qualities that children have, such as trusting people, being honest and enthusiastic”. The violation of this “childlike trust”, then, is seen as a moral abomination in society and the measures for dealing with the problem is continuously extended.

This expansion in prevention and protection applies to the system of criminal record checks in sports. During the past decade, changes and expansions have been made in the Nordic systems of criminal record checks, and the process seems to be continuing. In a society characterized by risk-thinking, worst-case-scenarios, and crime prevention strategies, it is important to fill any potential empirical gaps and get a sufficient overview, before moving on with increasing degree of control through criminal record checks. There seems to be a lack of research on the development of the systems of criminal record checks for people working with children in the Nordic countries. Research on the implications of the extended systems

when looking at the problem from a Nordic perspective seems to be lacking as well. This thesis will aim to widen the knowledge of the Nordic systems for criminal record checks for people working with children in sports.

## 1.1 Purpose of the thesis

The thesis aims to map out and analyze the characteristics of policy developments, laws, and practices in the Nordic countries regarding criminal record checks for people working with children in sports. A full overview and comparative analysis of the different systems and practices in the Nordics is not seen in previous research. These systems and practices will be explored through document analysis of different policy- and legal documents from all five Nordic nations addressing criminal record checks for people working with children in sports. Additionally, the potential effects and consequences of these developments seen from a criminological perspective will be discussed. The theories of risk society and ban-opticon will be used to shed light on the context in which the exclusion on ex-criminals is taking place. Further, the concepts of function creep and unforeseen consequences of a purposive action are used to better understand the development of these policies and their potential outcomes. The research design chosen for the thesis is a qualitative case design, where the systems of criminal background checks constitute cases in the broader societal function of ban-opticon and risk thinking.

### 1.1.1 Research questions

The research question is divided into two parts, which are as follows:

- What characterizes the systems and policy developments in the Nordic countries regarding criminal record checks for people working with children in sports?
- What are the consequences of these policy developments for preventing child abuse and maltreatment in sports?

To answer the two-folded research question, some analytical sub-questions are also investigated:

- What are the most significant similarities and differences between the systems in the Nordic countries?
- Which flaws/issues are pointed out in the current systems?

## 1.2 Disposition

The thesis starts by defining the two significant terms used in this research, namely "child sexual abuse" and "childcare record checks." Next comes a chapter mapping out previous research that has been conducted in the field of child sexual abuse and sports, followed by the theory chapter covering concepts of risk society and ban-opticon, as well as function creep and the unforeseen consequences of purposive actions. The method section explains the choice of document analysis as research method and describes the qualitative case design used throughout the study. The analysis starts with an overview of the systems of childcare record checks in the Nordic countries for the reader to better be able to grasp the content of the analysis. The analysis is done from the theoretical and criminological perspectives of risk society and ban-opticon, as well as function creep and unforeseen consequences, highlighting aspects of the data that can help in understanding the characteristics of the policy developments in the Nordic countries regarding criminal record checks for people working with children in sports. The thesis finishes with a discussion of the potential consequences of these policy developments, based on the findings presented in earlier chapters.

## 2 Definitions

Some of the key terms appearing in this thesis have a broad and somewhat unclear meaning, and it is therefore important to define the meaning of the terms as they are used in this paper. The first concept to be defined is “child sexual abuse”. Next, the term “childcare record” is defined.

### 2.1 Child Sexual Abuse (CSA)

This thesis takes on the Nordic policy developments regarding childcare records and the potential consequences of these policies. Before defining the term "childcare record," it is essential to establish the meaning behind "child sexual abuse," which is one of five types of child maltreatment recognized by the World Health Organization (WHO, 2006). As Smallbone et al. (2008, pp. 2-3) point out, each part of this concept is open to uncertainty in its definition. The word "child" might seem to be the most straightforward component of the phrase, but the age limit for being a child is, in fact, defined very differently by different researchers and depending on the country of interest. In the Nordic countries, this is less of a problem as the legal definition of a child is drawn at 18 years in all five countries and also in the EU. In Sweden, Denmark, and Iceland, the age of sexual consent is 15 (Brottsbalk, 1962, 6. kap § 4; Legaldesk, c. 2021; General Penal Code, 1940, kap. XXII), while the corresponding age is 16 in Norway and Finland (Barneombudet, c. 2015; Strafflag, 1889, kap. 20 § 6). All five Nordic countries have a specific paragraph in the penal code for sexual violations against a minor with whom the offender is in a relationship of trust and responsibility. The phrasing of the paragraphs varies somewhat, but the gist is the same. If a person misuses their position of trust and power to get sexual favors or exploit a child, it will result in stricter sentencing than if the offender had no relationship with the victim. In Norway, Denmark, and Iceland, this misuse of power concerning sexual crimes has its own paragraph (Straffeloven, 2005, §295; General Penal Code, 1940, Article 201). In Sweden, Denmark, and Finland, it is a criterium for a sexual crime to be classed as “aggravated” (Brottsbalk, 1962, §6; Bekendtgørelse af straffeloven, 2021, §222; Strafflag, 1889: §7).

Defining the word "sexual" can be problematic as well. Some cases might be more straightforward than others. Like Smallbone and his colleagues (2008, p. 3), much of society would probably agree that genital stimulation and sexual intercourse fall within this definition. There is, however, a wide spectrum of other actions that might be more of a grey

area, for example, showering with a child or massaging a child, both of which are situations that are likely to appear in a sports context. Again, in the Nordic countries, the definitions of what are considered illegal sexual actions toward children are established in law, and the definitions seem to be somewhat similar in the different countries. The main problem is that the boundary in real life is seldom as clear as on paper, and uncertainty regarding what can be seen as "sexual" actions is a problem in all nations and all areas.

Finally, we have the word "abuse." Should abuse be determined by how the victim perceived it or by the perpetrator's intention? Or is abuse about actual harm inflicted upon the victim or the potential harm? Should social norms and what is considered "okay" by the general public be taken into account (Smallbone et al., 2008, p. 3)? And is it the police or the sports organizations that investigate and concludes whether an abusive act has taken place? These questions are more than valid here in the Nordics. Toftegaard Nielsen (2001, p. 167) defines sexual harassment as actions consisting of "some degree of unwanted sexual attention that oversteps the critical boundary of the individual's personal space". Of course, harassment and abuse do not necessarily imply the same thing. Still, we can see several similar elements in the concepts, such as sexually loaded comments, intimate touching, and inappropriate sexual behavior in general. It is, however, pointed out that when it comes to sexual abuse or sexual harassment, especially involving children, a key dimension is *imbalance*. Whether this imbalance stems from gender, age difference, power positions, or experience, it is a major factor when an action can be defined as abuse or harassment (Toftegaard Nielsen, 2001, p. 167). It should also be noted that there might be cultural differences in language that need to be taken into consideration when defining and studying abuse. In Swedish, and most likely in other Scandinavian languages as well, it is more common to use words translated to harassment, assault, and offence/infringement, while the term abuse is more common in the English language (Johansson and Lundqvist, 2017, p. 119).

As we can tell, defining a concept like child sexual abuse is not an easy task. If the definition is too broad, we risk having the severe cases disappear amongst the many general findings with less severe cases. On the other hand, if the definition is too narrow it will fail to see the broader social problem (Smallbone et al., 2008, p. 3). Despite these difficulties, a general definition of child sexual abuse has been put forth by WHO and the International Society for the Prevention of Child Abuse and Neglect (IPSCAN):

the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared, or else that violates society's laws or social taboos. Children can be sexually abused by adults or other children who are – by virtue of their age or stage of development – in a position of responsibility, trust or power over the victim (WHO, 2006, p. 10).

The definition above has been under some critique in that it lacks specifying dimensions and does not put forth any clarifying boundaries (Smallbone et al., 2008, p. 4). Regardless, since this is considered to be an almost impossible task for such a diverse and complex phenomenon as child sexual abuse, the definition by WHO and IPSCAN is the one that will be used in this thesis. The definition is comparable to the authorities' and sports confederations' definitions of child sexual abuse in Norway (Straffeloven, 2005, kap. 26; NIF, 2010), Sweden (Swedish Police, 2021; RF, 2014), Denmark (Socialstyrelsen, 2020; DIF, 2010), Finland (Finnish Police, c. 2021; SFI, c. 2020) and Iceland (General Penal Code, 1940, kap XXII).

## 2.2 The childcare record

It is established in the western world that if a person applies for a job with frequent and close contact with children, a criminal background check on this person is conducted (Politiregisterloven, 2010; Registerkontrollagen<sup>1</sup>, 2013; Kriminalregisterbekendtgørelsen<sup>2</sup>, 2021; Straffregisterlag för barnomsorg<sup>3</sup>, 2002; Youth Act, 2007). This is done by the hand-in of a criminal record and applies to employees in schools, daycare centers, hospitals, sports organizations, etc. A central aim for surveillance and criminal background checks is social sorting, where information is drawn from databases to determine whether the individual has committed a crime that is deemed relevant for the job in question. It therefore would result in a lack of trust in the potential employee (Backman, 2012, p. 75). In the Nordics, specific criminal records for people who wish to work with children exists. There is no established English term for this particular kind of criminal record, but the Scandinavian terms (*barneomsorgsattest/børneattest*) is freely translated into "childcare record." Although this is

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<sup>1</sup> Author's short name for the law: Lag (2013:852) om registerkontroll av personer som ska arbeta med barn.

<sup>2</sup> Author's short name for the law: BEK nr 1860 af 23/09/2021 Bekendtgørelse om behandling af personoplysninger i Det Centrale Kriminalregister (Kriminalregisteret)

<sup>3</sup> Author's short name of the law: Lag 14.6.2002/504 om kontroll av brottslig bakgrund hos personer som arbetar med barn.



not an established term in the English language, it is used here for simplicity and convenience. It will be used when talking about the specific criminal records for those who wish to work with children.

Even though the control of a childcare record is an established and well-used system in the Nordic countries, there are some minor and some significant differences in the records and the legal regulations of them. These differences are mapped out in Chapter 6, but as of now, the definition of a childcare record mentioned above is used for all five Nordic countries. Additionally, the Nordic countries' Sports Federations will be mentioned by their local abbreviation<sup>4</sup> to make the text more reader friendly.

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<sup>4</sup> Norwegian Olympic and Paralympic Committee and the Confederation of Sports: **NIF**  
Swedish Sports Confederation: **RF**  
National Olympic Committee and Sports Confederation of Denmark: **DIF**  
Finlands Svenska Idrott [Finland's Swedish Sports Confederation], branch under the Finnish Olympic Committee for the Swedish speaking population: **FSI**  
National Olympic and Sports Association of Iceland: **ISI**

### 3 Previous research

Sexual abuse against children is a devastating phenomenon that sadly appears in all social settings and has drawn the attention of researchers from different fields for many years. The amount of research on sexual abuse against children is vast, and the area has been explored from many different angles, beginning with the notion of "battered child syndrome" in the 1960s (Kempe et al., 1962). However, the research regarding sexual abuse against children in sports is limited. Research on abuse against children in sports environments appeared for the first time in the 1980s, and began to grow around the 1990s. Since then, the patterns, circumstances, characteristics, and consequences of child sexual abuse in sports have been investigated by several researchers. This chapter divides the previous research into sections according to the research approach, theoretical point of view, and the topic of interest. It starts by presenting the research on child sexual abuse in sports in general before providing specific details on the prevention of child sexual abuse and criminal background checks in the sports environment.

#### 3.1 The prevalence, perception, and characteristics of child sexual abuse in sports

Sexual abuse against children is a complex phenomenon to study. Many factors may be relevant for the perception, characterization, and understanding of such a topic. Adding the context of sports further complicates the research as many additional sides of the sports environment might affect the different sides of child sexual abuse. Several researchers have contributed to the field of perception, characterization, and understanding of child sexual abuse in sports.

Celia H. Brackenridge is one of the pioneers in the field of sexual abuse in sports. Her work on different types of assault, misconduct, and abuse within the sports environment is comprehensive and widely cited. One of her first contributions to the field covers child sexual abuse in sports organizations and how organizational accountability sets the context for child sexual abuse (Brackenridge, 1994). She presents some of the major topics and problems in the field, for example, the power relations between coaches and athletes, grooming, the underreporting of child sexual abuse, and policy implementation to improve detection and intervention. The author concludes by raising issues for further research regarding the structural aspect of child sexual abuse in sports and the prevalence and incidence of abuse against children by sports coaches (Brackenridge, 1994).

The need for research on the prevalence and incidence of child sexual abuse in sports put forth by Brackenridge (1994) was picked up by Baker and Byon in 2014. They conducted a study to provide the research community in this field with a scale that could measure risk perceptions associated with pedophilic coaches in youth sports which, according to the authors, could give researchers a better understanding of the prevalence of sexual abuse in this area. In addition, the construction of an instrument like this would assist future researchers by giving them a starting point from which similar scales can be developed. The result of the study was the successful development of a multidimensional scale for measuring participants' perceptions concerning the prevalence of sexual abuse by coaches in youth sports (Baker and Byon, 2014).

If perception scores obtained are higher than existing prevalence study averages, it may identify specific dangers for youth sports organizations to address or, instead, identify misconceptions concerning the prevalence of the perceived threat of pedophilic coaches (...)  
Conversely, if perceptions concerning the threat of sexual abuse in youth sport are deemed inappropriately low, then organizations may determine that additional research is necessary (Baker and Byon, 2014, p. 49).

Besides studies on the prevalence and perception of child sexual abuse in sports, the characteristics of this phenomenon have also been examined. Brackenridge and her colleagues (2008) composed a multidimensional scaling analysis of events described in media reports, where the majority of the victim sample consisted of children or adolescents (Brackenridge et al., 2008, p. 397). The study's primary focus was to "identify the nature of sex offending in sport, focusing on the methods and locations of offenses." The results of the analysis showed different "modes of interaction" that could be divided into themes of, for example, "intimate," "aggressive," and "dominant" interaction modes (Brackenridge et al., 2008, p. 385). In addition, the authors found different facets of coach abuser repertoires: "intimate," "opportunistic," and "coercive/power." They could also see different patterns in the coaches' abusive behavior based on whether the victim was male or female (Brackenridge et al., 2008, p. 404).

### 3.2 Relationships of power and authority – the abusive coach

"Wherever there is a power imbalance, then there is the potential for abuse to occur" (Cense and Brackenridge, 2001, p. 68). The field of research relating to power imbalance and abuse is of the utmost importance in the sports environment, as coaches can exert even more power and authority over children due to a relationship of trust and the fact that they are often a person that children look up to and admire. The relationship between the coach and the athlete has been examined throughout the years, with the concepts of power and an unquestioned authority mentioned in several studies.

There are many ways for perpetrators to gain their community's trust and get direct access to children, and sports coaching is one of them (Gibbons and Campbell, 2003: 186). By stepping into this role of responsibility, the potential offender gets more power and authority over the children than they would have in other situations. According to the research of Gibbons and Campbell (2003, p. 213), these imbalances in power between coaches and athletes mean that "sports organizations should be held vicariously liable for the sexual assaults committed upon children in their organizations". They state that children are especially vulnerable to abuse in these power settings and that they might yield to instructions and actions they usually would not agree to do (Gibbons and Campbell, 2003, pp. 190, 219). Based on this research on power dynamics and authority, Gibbons and Campbell (2003) suggest preventative policies and thorough criminal record checks (which will be the topic later in this chapter).

Although power dynamics is known to be related to child sexual abuse, Hartill (2013) highlights the lack of focus on this specific topic and the general concealment of child sexual abuse in sports. He states that "conceptions of power are either absent or relatively one-dimensional as the narrative focuses on the conspiracy of silence between a few powerful elites at the cost of the victims' welfare" (Hartill, 2013, p. 242). Research by Sanderson and Weathers (2019) examines victims' narratives in online forums and explores the "culture of silence" regarding child sexual abuse from a sports perspective. Here, it is argued that the victim's lack of power combined with patriarchal principles and hegemonic masculine practices leaves the child with few other choices than to accept the dominant ideology and keep quiet (Sanderson and Weathers, 2019, p. 342). The power and authority that coaches exert over the child athlete can further reduce the likelihood of disclosure as the power

imbalance affects the victim's sense of security, being believed, and getting treated empathetically and appropriately (Sanderson and Weathers, 2019, p. 344). The study concludes by noting that "the challenge, then, is to change social systems in which the abuses of power arise and continue unchecked" (Sanderson and Weathers, 2019, p. 346).

The implications of power relations on child sexual abuse in the sports environment are even more ostentatious at the elite level of children's sports. The risk aspects at the elite level of sports were put forth already in 1997 by Brackenridge and Kirby, who examined data from different studies to investigate the correlation between sexual abuse in sports and what they call "sport age." However, they do not talk about power imbalance at the elite level, which other researchers later brought up. A narrative review conducted by Wilinsky and McCabe (2021) takes on the dynamics of abuse of elite child athletes. This group of child athletes is particularly vulnerable and at-risk for sexual abuse due to the amount of time spent in close contact with the coach and the high-performance level that makes them more dependent on the coach to succeed. In addition, the commitment and sacrifice that elite sports demand might isolate the child from their family and peers, creating an even more significant power gap between the coach and the young athlete, which makes him or her easier to exploit (Wilinsky and McCabe, 2021). This research highlighted several factors, including the power and control of coaches over athletes and the coaches' unquestioned authority, enabling the spread of abuse. The authors finish by underlining how these factors are especially harmful to children that are still developing, especially elite athletes who are doing so in a unique environment, and how "aspects of the coach-elite athlete relationship need to be changed" (Wilinsky and McCabe, 2021, p. 102).

### 3.3 The grooming processes

The concept of "grooming" is relatively new to criminology but is increasingly used in research on child sexual abuse. Grooming "involves slowly gaining the trust of a potential victim before systematically breaking down interpersonal barriers prior to committing actual sexual abuse" (Brackenridge and Fasting, 2005, p. 3). This concept is especially relevant when examining child sexual abuse in sports. The child that devotes their trust in the coach will be easier to manipulate, and interpersonal barriers are easily crossed in such an intimate environment. In addition, grooming is vital as it makes the abuse seem consensual and brings about the appearance of co-operation from the athlete (Brackenridge and Fasting, 2005, p. 3).

Brackenridge and Fasting (2005) examined the grooming process in the sports environment by drawing two interviews with elite female athletes, one from England and one from Norway, who had been groomed by their male coach when they were underage. Toftegaard Nielsen (2001) conducted a similar study in Denmark a few years earlier. The main aim of the first-mentioned study was to do an in-depth examination of the two athletes' narratives and thus get a better understanding of how the grooming process is experienced and what this tells us about risk behaviors and protective factors (Brackenridge and Fasting, 2005, p. 7). Their conclusion states that "even in the absence of genital sexual contact, grooming may lead to psychological abuse and associated trauma." The research also suggests that understanding grooming might be helpful in sport preventative measures, such as coaching practice and promoting self-protection and athletes' safety (Brackenridge and Fasting, 2005, p. 20). In Denmark, Toftegaard Nielsen (2001, p. 169) stated that "sexual abuse is neither accidental nor spontaneous", referring here to the process of grooming. He also points out that grooming does not always lead to sexual abuse, but like Brackenridge and Fasting (2005) pointed out, he claims that the process itself can be harmful to the athlete (Toftegaard Nielsen, 2001, p. 169).

In later years, Owton and Sparkes (2017) conducted a study about the grooming process in sports based on a narrative from a girl they called "Bella" (pseudonym). They define grooming as "any strategy used to convince or coerce a child or young person to engage in sexual behavior" (Owton and Sparkes, 2017, p. 733). The study's primary purpose was to better expose the multiple meanings of grooming as a part of the process of sexual abuse in sport. As Brackenridge and Fasting (2005) point out, narratives and biographical analysis are a great way to achieve this goal. Bella's story concludes that

(...) the structural conditions and power relationships embedded in competitive sporting environments, specifically the power invested in the coach, provide a unique sociocultural context that offers a number of potentialities for sexual abuse and exploitation to take place (Owton and Sparkes, 2017, p. 732).

The research maps out characteristics of the grooming process that, in many circumstances, might appear harmless, but eventually, the behavior might evolve into something more. For

many children and young athletes, it might be challenging to find the line between acceptable and unacceptable behavior from the coach.

### 3.4 The forbidden zone – a grey area

The concept of grooming in the sports environment brings us to what Toftegaard Nielsen (2001) calls "the forbidden zone", or the grey area between acceptable and unacceptable behavior for a coach towards an athlete. The question of where the line is drawn between normal coaching behavior and the forbidden zone is much discussed in the literature.

“Abusive coaches have been found to slowly push back the boundaries of acceptable behaviour, increasingly violating personal space, using verbal familiarity, emotional blackmail, and eventually physical contact” (Brackenridge et al., 2008, p. 388).

In his study of the forbidden zone, Toftegaard Nielsen (2001, p. 166) focused on interpersonal boundaries and the process and types of behavior leading to sexual abuse in the sports environment. His results showed a broad acceptance of interpersonal contact and bodily intimacy amongst coaches in Denmark. Many of them seemed to underestimate the consequences of their behavior and the effect it might have on the athletes (Toftegaard Nielsen, 2001: 178). Lastly, he notes that "inappropriate social behavior is quietly normalized in sport settings" (Toftegaard Nielsen, 2001, p. 180). In a later study, the same author examined 160 cases of convicted sexual assaults against youth athletes, mapping out when athlete-coach relationships turn into a sexual one and the width and patterns of violations in this context (Toftegaard Nielsen, 2004). According to Bjørnseth and Szabo (2018, p. 366), the fact that the sports arena generally accepts typically unacceptable behavior, as the coach can touch the children, is generating a gray area between proper and abusive behavior. This acceptance might be why there is limited disclosure of sexual violence against children in sports, and subsequently why the estimated prevalence of this type of violence in sports is lower than that of the general population (2–8% versus 8–18%) (Bjørnseth and Szabo, 2018, p. 366).

The trigger in this research area is to understand the type of behavior in sports that is interpreted as "okay" or "not okay." Bringer, Brackenridge, and Johnson (2006) contributed to the question of appropriateness regarding coach-athlete relationships by exploring male swimming coaches and their opinions on these types of relationships. The results showed that

the coaches unanimously answered that romantic relationships with athletes under sixteen were inappropriate. Still, the answers were more scattered for athletes over the age of consent.

While discussing forbidden zones and grey areas, the question of "touch" within sports should also be mentioned. In 1994, Brackenridge noted that coaching and instructing unavoidably involves some degree of touching. This type of behavior between coaches and athletes can be justified on technical or professional grounds. In more recent days, Piper and colleagues (2012, p. 342) produced an article about coaching in a risk society, where the context of no-touch coaching practice is discussed and problematized. The authors suggest that "the current practice of 'hands-off coaching' and the culture of mistrust associated with it will have negative implications for the continued recruitment of coaches, their effectiveness, and also for the development of healthy relationships between adults and children through participation in sport". Similar conclusions regarding coaching and touching have been put forth by Garrett, Piper, and Taylor (2013). Continuing the notion of risk regarding coaching and sexual abuse, Cameron and her colleagues (2017) examined "the risks associated with conceptualizing the child athlete's body primarily in aesthetic terms and as an instrument of sporting victory," developing the concept of "athletic objectification" (Cameron et al., 2017, p. 175). The authors wanted to fill the research gap regarding how children are objectified in sports and provide explanations for abuse, particularly between coaches and child athletes. Their findings showed how the demands for a perfect body, the invasion of personal space, sexual objectification, and self-objectification contributed to the athletic objectification in sport. This suggests that the children in this research were treated in terms of their capacity to contribute to sporting victory or perceived aesthetic value (Cameron et al., 2017).

### 3.5 Child sexual abuse in sports and the notion of gender

As in many other aspects of criminology, gender is an essential factor when discussing child sexual abuse in sports. Upon hearing the term "sexual abuse" people usually think of the "male perpetrator – female victim paradigm," which has been a common approach in previous research (Hartill, 2009, p. 227). Some scholars have questioned this belief, and gender is, in general, seen as an important aspect of conceptualizing and understanding the phenomenon. The prevalence of child sexual abuse when taking gender into account have been investigated, with several scholars finding that female athletes are at greater risk of



experiencing sexual abuse (Leahy, Pretty, and Tannenbaum, 2002; Brackenridge et al., 2008; Vertommen et al., 2016; Cameron et al., 2017). Leahy, Pretty, and Tannenbaum (2002, p. 16) presented numbers revealing that 31% of the female study participants and 21% of the male participants had experienced sexual abuse at some point in their life. Out of these victims, 41% of the females and 29% of the males reported being sexually abused in the sports environment. Bjørnseth and Szabo (2018, p. 376), on the other hand, suggest that sexual abuse in sport may be equally present in both genders, but boys may have different perspectives on both the act of abuse itself and the disclosure of the abuse.

Brackenridge (1998) also examined the concept of gender in situations where children are sexually abused in a sports setting. She claims that too little research has been done relating to why girls might be at greater risk for experiencing sexual abuse in sport. Her paper explores "the assumptions which parents make about their daughters' health and safety in sport coaching context" in relation to Hellestedt's Parental Involvement Continuum (Brackenridge, 1998, p. 59). Even though she is able to offer some essential findings on parental influence on girls' sport, Brackenridge (1998, P. 76) concludes by stating that "we do not yet know how far parent's involvement in their children's sport offers them protection against sexual abuse from authority figures, such as coaches".

Hartill (2005, 2009) wanted to move away from this "male perpetrator – female victim paradigm" and examine boys' experience with sexual abuse in the sports context. In his first paper, *Sport and the sexually abused male child*, he reviews literature from social work and therapeutic disciplines to underline the absence of sexually abused male children in empirical research and theoretical analyses of sport (Hartill, 2005, p. 287). Hartill's two major conclusions are:

- (1) Very little is known about the child sexual abuse of males, in comparison to females;
- and (2) what is known (as well as knowledge yet to be developed) about the child sexual abuse of females cannot be applied, in any simple manner, to the experience of males (Hartill, 2005, p. 291).

After establishing the lack of research on male children's experiences of sexual abuse in sports, Hartill (2009) examines this very phenomenon. His article explicitly addresses the sexual abuse of boys in organized male sports by using The SAM (Sexually Abused Male)

Model developed by Josef Spiegel. This model is one of the most comprehensive models of understanding the sexual abuse of male children and "represents a considerable piece of interdisciplinary scholarship" (Hartill, 2009, p. 234). In his conclusions, he states that the problem of child sexual abuse is rooted in the social constructions of human relations (the adult-child relation). Further, Hartill notes that the relatively closed environment of male sports, where masculinity, physique, and nakedness (amongst other factors) are normalized, seems to create an ideal platform for child sexual abuse (Hartill, 2009, p. 241).

Besides Hartill, researchers like Parent and Bannon (2012) try to move the empirical gaze toward boys when discussing sexual abuse in sports. Their paper seeks to present the current knowledge on male sexual abuse in sports and highlight the academic importance of this issue (Parent and Bannon, 2012, p. 354). Their conclusion underlines how the "male perpetrator – female victim paradigm" has enforced the silence of sexual abuse against boys, both in society and research (Parent and Bannon, 2012, p. 357).

### 3.6 Preventative efforts in the field of child sexual abuse in the sports environment

Preventative efforts and policies are mentioned by several scholars in the field of child sexual abuse in the sports environment. The anticipation and prevention of crime have been an active topic in criminology during the last decade. Research in this area is especially prominent when foreseeing and preventing crime related to terror. The focus on terror is related to "moral panics," where some criminal activities result in unproportioned amounts of fear in society. These fears are usually fueled by the media (Cohen, 2011). Child sexual abuse is one example of a moral panic. This might be the reason of a fast-growing number of "child protection policies" in the sports environment as well.

#### 3.6.1 Safeguarding the child athlete

Several studies in the field of child sexual abuse and sport have used the word "safeguarding" to refer to preventative measures enacted to protect the vulnerable child athletes from sexual abuse and other forms of maltreatment (Garratt, Piper, and Taylor, 2013; Rhind et al., 2015; Lamb et al., 2018). Safeguarding is a term used in The UK and Ireland to indicate measures taken to protect individuals' health, well-being, and human rights (Care Quality Commission, 2015). Children can be seen as extra vulnerable and therefore, a lot of focus within the safeguarding context is placed on minors. The aim of safeguarding children is to make sure

they grow up in safe and healthy circumstances with good and effective care and prevent abuse and other forms of maltreatment that can harm children's development (Care Quality Commission, 2015).

Garratt, Piper, and Taylor (2013) researched the genealogical account of safeguarding in sport. They examine the "politics of touch" using a Foucauldian approach, with swimming as the sport, to demonstrate safeguarding in practice. The conclusion emphasizes the paralyzing effect that the ratcheting-up of policies seems to have had on the practice of coaching and the concept of touch (Garratt, Piper, and Taylor, 2013, p. 627). Rhind and colleagues (2015) wrote a review of safeguarding cases in sports, where they investigated instances of safeguarding concerns within sports in the UK. They found that most cases of abuse in the sports environment can be classed as physical or sexual abuse and it is mostly boys who are the targets of this kind of abuse. They also call for a more standardized system for collecting case data regarding abuse within sports. Lamb et al. (2018) have done further research on this topic in their paper "Safeguarding the child and adolescent athlete." This paper gives an overview of the scope of abuse within sports, a definition of "abuse," and specific characteristics of abuse in a sports context. In addition, they look at preventative efforts (e.g., parents' role in their child's well-being), awareness about abuse and its characteristics, and risks in situations where the coach and athlete are left alone with no other adult supervision. In addition, Lamb and his colleagues (2018) bring attention to UNICEF's International Safeguards for Children (2016). These safeguards include:

1. Developing your policy
2. Procedures for responding to safeguarding concerns
3. Advice and support
4. Minimizing risks to children
5. Guidelines for behavior
6. Recruiting, training, and communicating
7. Working with partners
8. Monitoring and evaluating

Lamb and his colleagues (p. 423) highlight that these safeguarding measures might seem obvious standing alone, but that together they constitute "the strongest evidence-based

guidelines for preventing future instances of child sexual abuse and form a template for development of more specific policy".

### 3.6.2 Child protection policies

Policies intended to prevent child sexual abuse are usually quite intrusive and evolve fast, as it is a topic of penal populism with little room for critical debate. In 1996, Fried published a study addressing strategies for reducing sexual assaults in youth sports. He examines the laws in place in the US, civil liability examples, and specific prevention strategies currently in use by organizational sports. Finally, he proposes legislation that could assist youth sports in fighting the problem of sexual abuse (Fried, 1996, p. 156). Similarly, Deak (1999, p. 176) discusses the implementation of internal policies geared explicitly toward curbing the conduct of sexual abuse in sports organizations. An example of such a policy is the *Players First* report put together by the Canadian Hockey League, recommending mandatory screening procedures, formal education programs, available community advisors, formalization, counseling, and confidentiality as measures to prevent sexual abuse against their young players. Gibbons and Campbell (2003) surveyed different state and federal policies and legislation to protect children from sex offenders. They present the National Child Protection Act of 1993 which provided a method for individuals convicted for sexual offenses to end up in a national registry, a "national criminal history background check system" (Gibbons and Campbell, 2003, p. 191). He further examines the federal Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act of 1994 (the "Wetterling Act"), which mandates state registration of sex offenders (Gibbons and Campbell, 2003, p. 194). What these studies seem to have in common is a tendency to only analyze already existing child protection policies, and sometimes suggest further changes in these, without anchoring these analyses in data of how they affect the actual amount of abuse in sports.

Although not being concerned with results of protective policies, some studies have investigated their practical implementation in sports. A study conducted by Cense and Brackenridge (2001) identifies risk factors connected to sexual abuse and harassment in sports and analyzes risks that could be diminished by the implementation of prevention policies in sports organizations. The authors developed a model that integrates offender behavior with situational factors. This should make it possible for sports administrators to

make early diagnoses and preventative decisions for combating sexual abuse (Cense and Brackenridge, 2001, p. 74). The following year, Brackenridge (2002, p. 104) explored "the extent to which voluntary sport within one Midlands County in England has developed and implemented child protection initiatives". She found a highly varied pattern of awareness related to child protection issues and some expressions of concern about coaches' need for protection and support in dealing with allegations of abuse. Clarity of guidelines seemed to be a vital issue in most voluntary sports (Brackenridge, 2002, p. 120). Recently, Johansson (2022) published a study on the implementation of protective policies in Swedish Sports Organization, where she underlines a gap between policies and practice within sports clubs.

Policies have also been examined from the perspective of development processes by looking at causes for the implementation of such guidelines. Boocock (2002) composed an article reviewing the process leading to the implementation of the Child Protection in Sport Unit in England. The long-term goals for this Unit were, amongst others, to minimize incidents of abuse in sports, integrate children's safety into all aspects of sports, and inspire an open culture within sports, where children's interests are paramount (Boocock, 2002, p. 102). Kerr and Stirling (2008) reviewed the development in sport regarding child protection policies and education and research in this area. They proceed from an athlete-centered philosophy, where "not only the holistic development and well-being of the child be at the forefront of sporting initiatives, but the implementation of this sport model would assist in the prevention of child maltreatment in this domain" (Kerr and Stirling, 2008, pp. 315-316). They mention policies such as the Child Protection in Sport Unit from England, a similar policy developed in Australia as a response to the English one, Canada's Harassment and Abuse Policy as well as their policy regarding Coaching Code of Ethics Principles and Ethical Standards (Kerr and Stirling, 2008, p. 311). The authors further state that existing policies lack empirical support and a universal method of implementation and accountability. According to this study, the athlete-centered framework would guide future policy development concerning child protection (Kerr and Stirling, 2008, p. 321). These policies would address definitions of child maltreatment, appropriate and inappropriate practice, duties to report, mechanisms for reporting, processes of investigation, and standardized consequences (Kerr and Stirling, 2008, p. 316). One of the more recent policies for child protection in the sports environment is the "International Safeguards for Children in Sport" (UNICEF, 2016, p. 11), which states that "all children have the right to participate, enjoy and develop through sport in a safe, inclusive environment, free from all forms of abuse, violence, neglect, and exploitation.

### 3.6.3 The screening process – control and criminal record checks in sports

In 1992, the field of criminology was introduced to the term "new penology" by Malcolm Feeley and Jonathan Simon. This new orientation of crime and the criminal process steps away from the old notion of individuals and their guilt, responsibility, and obligation and moves towards a new era concerned with techniques for identifying, classifying, and managing specific categories of individuals based on their level of dangerousness (Simon, 1998). These techniques have been prominent in different screening processes, categorizing, and controlling groups of individuals based on their criminal records. Approaches like this are used in many societal settings to reduce the risks of criminality. Criminal record checks as a tool of prevention in other fields besides sports have been a research topic for many scholars (e.g., Kurlychek, Brame, and Bushway, 2007; Saliba, 2013; Rovira, 2020). There is, however, a lack of research regarding criminal background checks when it comes to the sports environment, although a few scholars have brought the topic to the surface.

Ethical codes have been introduced by some sports organizations as part of their efforts to professionalize and formalize organizational behavior (...). The objectives of such codes are twofold: first, to control, or at least constrain, the behaviors of those within the agency and secondly, to exclude from the agency those who are unable or unprepared to conform to such regulation (Brackenridge, 1994, p. 293).

As evident from the citation above, the usage of criminal record checks to control and exclude individuals from sports organizations has been around for nearly two decades. Brackenridge (1994, 2002) criticized the mechanisms of "vetting" individuals entering the work field of sports, as she claimed these controls were "notoriously unreliable" (1994, p. 293) and that too much focus was put on these systems instead of more informal background controls, creating a false sense of security (2002, p. 120). Even so, Brackenridge et al. (2008, pp. 402-403) goes on by stating that criminal background checks are one of the pillars in preventing child sexual abuse in sports. Although this is not a failsafe mechanism, introducing this vetting system for everyone who wishes to work with children is a primary goal for sports organizations.

The concept of "criminal history screening" was problematized by Peterson (2004), who claimed that this system might be effective for keeping already convicted offenders away

from the coaching role, but inefficient in preventing most child exploitation cases in sports. Therefore, the study puts forth some non-legal methods for prevention, such as enforcing programs, education for parents, and teaching child-athletes about the permissibility to say no (Peterson, 2004, p. 298). The same year, Gibbons and Campbell (2003, p. 186) released a study where they state that "state and federal governments have yet to provide easy and inexpensive access to information that would allow sport organizations to more comprehensively check the criminal backgrounds of volunteers". They continue by claiming that there is no consistent way in which sports organizations conduct their screening (Gibbons and Campbell, 2003, p. 209).

A more recent study regarding the phenomenon of criminal background checks in youth sports was conducted by Lang and Papaefstathiou (2020). They start by contextualizing the use and expansion of the criminal record check system into the environment of sports by situating this system within neoliberal forms of governance that focus on risk management. In addition, they offer a case study from Cyprus to demonstrate the usefulness and tensions in the operationalizations of criminal record checks in sports and highlight some strengths and limitations of criminal record check systems (Lang and Papaefstathiou, 2020, p. 365). The findings of the study suggest that "there is undoubtedly a balance to be struck between protecting the rights of (ex-)offenders to privacy and rehabilitation with the need for public and vulnerable people's protection" (Lang and Papaefstathiou, 2020, p. 372). Further, the authors claim that criminal record checks as a tool to prevent child sexual abuse in sports are beneficial but cannot work alone. On the contrary, these checks must be a part of a comprehensive, evidence-based, and independent strategy whose purpose is to transform the culture of sport and its practice (Lang and Papaefstathiou, 2020, p. 373).

A common topic within preventing child sexual abuse in sports is the lack of problematization connected to the results of safeguarding, protection policies, or background checks. Many scholars seem to take the effects of protection policies and criminal background checks for granted. Very few have presented data to establish this potential effect. Policies aimed to protect children are rarely criticized, as it is seen as a given collective interest in the community.

### 3.7 How can this thesis contribute to the field of research?

The research field relating to child sexual abuse in sports has grown during the last decade, and some significant contributions to understanding and preventing this phenomenon have been made. There are also examples of studies focusing on childcare record checks as a preventative tool in the sports environment. Regardless, the amount of research on this specific topic does not correspond with the rapid changes in the systems of childcare record checks (Lang and Papaefstathiou, 2020, p. 365). This is especially significant in a Nordic context, where the policies on background checks have been through substantial changes and discussions lately, with more of the same being visible on the horizon. Because of this, more contemporary research is needed to cover the topic of childcare record checks in the sports environment in Nordic countries.

At the present time, there is no research comparing the systems of childcare record checks in sports in the Nordic countries. The five Nordic countries are in many ways "bound together" by geographical closeness, loose control at the borders, and a collective cultural interest in youth sport. As demonstrated by the media (Folkvord et al., 2020a), there are severe flaws in today's childcare record check systems when it comes to communication and collaboration between the neighboring Nordic countries. These flaws result in convicted sex offenders being able to coach children by switching locations within the Nordic boundaries. The gaps in knowledge about our neighbors' systems must be corrected in order to prevent such cases in the future. This thesis will collectively summarize the Nordic countries' systems and policy developments of childcare record checks, as well as the potential consequences of these developments.

Lastly, a very limited number of studies have examined child sexual abuse in the sports environment from a criminological perspective (Stevens, 2019). The scholars that have contributed to this field have primarily done so from a psychological, sociological, or legal perspective. Therefore, this study will contribute to the area by examining child sexual abuse in sports from a criminologist's point of view, with theoretical and empirical input from this school of thought.



## 4 Theory

The following chapter will present the theoretical perspectives of risk society and ban-opticon. Placing the concept of criminal record checks within these theoretical frames it might help us understand the risk management and exclusion of ex-criminals that characterizes the use of such record checks. Additionally, the term “function creep” and Merton’s notion of unforeseen consequences of purposive social action will be explained for better understanding and analyzing potential consequences of criminal record checks in sports.

### 4.1 Risk society, moral panics, and the undesirable

In our contemporary society, a tremendous amount of focus is put on career and professional involvement and progress, meaning children spend a significant amount of time in the care of other adults, as both parents usually work long days. Therefore, determining whether the adults working at pre-schools, activity centers, or sports teams are suitable for taking care of our children is of the highest interest.

During the development of this society, the logic of productivity and effectivity was slowly replaced with insecurity characterized by risk consciousness and risk avoidance, a new age that Beck (1992) named “risk society.” He added that constructing security and control in this new era was becoming fictitious. Individuals and authorities “colonize the future with the aid of the category of risk,” resulting in a loss of control regarding risk regulation (Beck, 2006, p. 67). “Risk” was further conceptualized by Bauman (1993, p. 202), claiming that risks in society are pre-selected and pre-processed, leading to people becoming more aware of dangers and an intimation of the individual’s blame for continuing risk-exposure and individual responsibility for risk-avoidance. The awareness of dangers and a collective sense of fear of the unknown can be linked to Cohen’s notion of moral panics:

Societies appear to be subject, every now and then, to periods of moral panic. A condition, episode, person or groups of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media (Cohen 1972, p. 9).

Moral panics and the concept of a risk society have, according to Piper and associates (2012, p. 334), resulted in a considerable reconfiguration in the pattern of interaction between

different generations. This has occurred in a variety of different contexts, including in the sports environment. According to Ungar (2001) and Lang and Papaefstathiou (2020), children are a common focus for several moral panics, such as child sexual abuse. This explains the increased interest for vetting and background checks for people working in close context with minors. Ex-criminals are undoubtedly seen as “undesirable” for a caretaking role involving kids and are therefore excluded from this field. They are deemed “outsiders” due to being labeled as ex-criminals (Becker, 1963), and are often experiencing “othering” and exclusion from their communities (Pratt, 2016). The accreditation and vetting of coaches combined with more surveillance and regulations (Taylor and Garratt, 2010) also support risk-based thinking in the sports environment.

According to Bigo (2006, p. 57), control measures reinforce the advantages of some individuals and the disadvantages of others. There are also many cases where the control measures have contradictory and unpredictable effects. An increase in risk regulation and preventative governance can be seen as a result of the fear of sexual abuse of children, fueled by the media, popular discourses concerning the risk posed by sexual offenders over other criminals, and the emotive nature of child sexual offenses (McAlinden, 2010, p. 26). This is particularly prominent in the sports environment. To participate in sports is to participate in a physical activity where the body is a key element. According to Piper and colleagues (2012, p. 335), the body, and the professional practice around it, have been redefined in terms that focuses on risk, danger, and mistrust, particularly when it comes to children.

#### 4.2 Ban-opticon and exclusion

This thesis will try to fill the gap in knowledge on Nordic criminal record checks in the sports environment partly through the use of ban-opticon theory, developed by Didier Bigo (2006, 2008). Many newly developed surveillance technologies have expanded and the general attitude towards systems of constant monitoring have significantly shifted to become a part of the daily routines in society rather than exceptional practices (Bigo, 2006, p. 46). Ban-opticon is a concept deriving from an earlier well-known criminological and sociological theory, called panopticon, introduced by Jeremy Bentham (Bigo, 2008, p. 31). Ban-opticon is a theory opposed to panopticon’s surveillance of everyone. It is rather promoting the surveillance of a limited number of people (Bigo, 2008, p. 32). The term ban-opticon stems from “(...)the term ‘ban’ of Jean Luc Nancy, as refigured by Georgio Agamben, and the

term ‘opticon’ as used by Foucault” and is, according to the theorist, the central tendency of policing in the global age (Bigo, 2008, pp. 31-32).

Bigo understands the concept of ban-opticon as “the governmentality of unease” in a world forged by a global “(in)security” and the threats of mass destruction. The governmentality of unease, or “the ban,” has three criteria: practices of exceptionalism, acts of profiling and containing foreigners, and a normative imperative of mobility (Bigo, 2008, p. 10). This theory was developed with the movement of refugees and the threats of terrorist and criminal organizations in mind. Therefore, a lot of focus is on foreigners and the prioritization of threats by different actors (Bigo, 2008, pp. 10-11). It is, however, applicable to other fields of (in)security in our contemporary society, where the prioritization of the threats is constant and there is a tendency to ban or limit the movements of certain groups of individuals from parts of our community based on feelings of unease. As it relates to child sexual abuse in the sports environment, the three criteria of ban-opticon are the practice of exceptionalism specifically of ex-criminals, acts of profiling and containing ex-criminals based on the criminal record checks systems, and a normative imperative of mobility.

#### 4.2.1 Surveillance of the risk individual

Surveillance is performed on individuals seen as a threat to the public and normative order, for example previously convicted sex-offenders. Surveillance is being done at a distance through mechanisms of exclusion and technologies of control (Bigo, 2008, pp. 18, 22). The rise of these security-based risk management measures was further nuanced by Valverde (2011, p. 11) stating that “the logic of liberal legality can coexist with coercive measures as long as these (...) are justified not as the exercise of absolutist sovereign prerogative but rather as protective measures to further the health of the ‘population’”. One should also mention the “subjectification” of individuals, where they are seen as free subjects and citizens with a self-regulation capability. At the same time, the cultural representation of pedophiles and other criminals presents them as incapable of self-regulation and dehumanizes them into an excluded out-group (Backman, 2012, p. 54). The risk management technologies of contemporary society are reactive in their nature and directed towards a small number of known “high-risk” sex offenders, or “the critical few” (McAlinden, 2022, p. 393).

These excluded individuals, or the “undesirables,” are divided into categories. A re-fashioning of policing and surveillance, taking place far from the spotlight, is capable of surveilling numbers of people using intensive technologies of biometrics and shared databases (Bigo, 2008, p. 35). Such policing might be applicable to the environment of sports, where sports organizations control their employees and volunteers through the use of criminal records. These technologies of control are slowly and steadily becoming so common and banal that their legitimacy and efficiency is no longer questioned, and they are accepted as part of contemporary everyday life (Bigo, 2006, p. 49). When discussing the digitalization of the criminal record check systems and the promotion of an expansion and sharing of these records across national borders, ban-opticon is suitable to analyze this development in the field. The development of “management at a distance in space and time of the abnormal” (Bigo, 2008, p. 37) is steadily moving into the sports environment due to an eagerness to further develop the childcare record check systems.

#### 4.2.2 Transnationalization and the free movement of people

The purpose of the childcare record check systems is to prevent people with certain criminal violations on their record from entering societal spheres where they can get in close contact with “vulnerable” people, for example children. An increased use of shared databases of criminal records across borders as well as a request for better communication and collaboration between nations point to what Bigo (2008) calls “transnationalization”. Further, the exclusion from a number of social situations and arenas, including the sport environment, is interfering with the free movement of a certain group of people, discriminating them from the normalized majority.

According to Bigo (2008, p. 32), ban-opticon can be seen as (in)security at a transnational level. As the age of globalization makes the national boundaries more blurry, the police activity, accompanied by many other fields, is deterritorialized as surveillance and maintenance of public order stretches beyond our national borders (Bigo, 2008, p. 17). Connections between different institutions make up a network of policing, where privatized control is increasingly common (Bigo, 2008, pp. 17, 21). This privatized control is arguably entering the sports environment as well, where organizational managers are partly authorized to ban individuals from their sector. It has also been argued that centralized and globalized intelligence about individuals in movement is key to success in the battle against evil

generated by the freedom of movement, even if it comes at the cost of privacy (Bigo, 2006, p. 56). The “strategy to overstep national boundaries and form alliances” is a way for different actors to “reinforce the credibility of their assertions and to win the internal struggle in their respective national field” (Bigo, 2008, pp. 12-13). This strategy is what Bigo (2008, p. 13) calls transnationalization. Transnationalization, then, is affecting the movement of people. As mentioned earlier, this theory understands surveillance not as something that affects everyone, but rather, affecting only a small number of marginalized people, who are “trapped into the imperative of mobility while the majority is normalized” (Bigo, 2008, p. 32).

In order to understand the “free movement of people” as well as “immobilization”, Pratt (2016, p. 209) calls attention to the unbearable tension that exists in contemporary society between the increase in freedom of choice and the high levels of anxiety and insecurity. This risk-tinged society emerged from the disintegration of institutions (or landmarks) that previously had offered security and stability, such as employment tenure, marriage, trade union membership, church attendance, and so on. The more people are freed from these institutions and their restraints, the more mobile they become. However, this mobilization is far from positive for many individuals. Without these landmarks and institutions which were defining everyday life in the past, and with a state that is far more unwilling to “throw lifelines” to citizens who stumble upon difficulties in life, unsettling risks seem to intrude on every step taken (Pratt, 2016, p. 209). By looking at criminal record checks from this perspective, one will better be able to understand a societal unwillingness, also seen in sports, to reintegrate ex-criminals. Consequently, “what might be called ‘the age of mobility’ has, ironically and inevitably, also been accompanied by high levels of *immobilization*” (Pratt, 2016, pp. 209-210).

To put it differently, normalization in today’s society occurs primarily through the free movement of people, and by removing this freedom, we categorize people into the “abnormals,” those who are seen as threats and who require surveillance and restrictions to prevent criminality. Today’s information technologies make it more accessible to identify and extract the profiles that defy social norms or contain alarming content, such as electronic criminal records, for instance. Additionally, new technologies allow for easier control and banishment on this category of individuals (Bigo, 2008, pp. 36-37). Identifying these profiles are meant to protect against the “unknown outsiders,” anticipate their actions, and control the fear of others. However, these technologies of control are not the solution, according to Bigo

(2006, p. 55), but the solution lies in the capacity to trace the movement of people, recognize patterns of behavior, and prevent the suspected criminals from acting.

These technologies for tracing the movement of people can be seen as innovative or revitalized penal measures, where “those not in prison may have their movements in public space greatly restricted or confined, sometimes for indefinite periods” (Pratt, 2016, p. 210). The revitalized penal qualities of criminal record checks and the indefinite period of surveillance is thus an interesting topic for analysis to better be able to understand these developments in our contemporary “mobile” society. By the introduction and implementation of these technologies, for example, criminal record checks, previously sentenced offenders are routinely dehumanized in public discourse. The demand for an immobilization of any “risk individuals” or potential threats is a result from a longing for security in the age of mobility (Pratt, 2016, p. 210). By governmental authorities and state agencies assuring that they are doing everything in their power to contain the risk these potential perpetrators constitute to the public, they only seem to confirm and reinforce the legitimacy of anxiety and strengthen the exclusion of these individuals (Pratt, 2016, p. 213).

#### 4.3 Function creep

According to Koops (2021, p. 35) there is no commonly accepted definition of the term “function creep” in academic literature. However, Collins English Dictionary defines it as “the gradual widening of the use of a technology or system beyond the purpose for which it was originally intended, esp when this leads to potential invasion of privacy.” According to the analysis of Koops (2021), literature uses the term function creep especially when

(...) public-sector information systems are used for new functions, frequently in other contexts, most notably in surveillance, anti-terrorism, e-government, and e-health policies, often in connection to identification schemes or databases (Koops, 2021, p. 51).

These sorts of technologies are usually involving some form of (personal) data processing (Koops, 2021, p. 35). Thus, the concept of function creep is a helpful tool to explain the gradual expansion of childcare record checks and to analyze whether this is the case in the sports sector as well.

Despite a lack of a commonly accepted definition of function creep in academic work, it has been widely used to explain the expansion of a technology, a system, a law, a policy, etc. For the most part, it is used to address something going wrong, or at least not quite right, when a system acquires new uses, and many scholars are stressing that the expansion challenges the system's acceptability (Koops, 2021, pp. 30, 37).

#### 4.3.1 Characteristics of function creep

According to Koops (2021, p. 44) and his examination of the concept function creep, there are several characteristics that helps us distinguish function creep from merely innovative changes. First, in policy studies, the concept relates to something called *incrementalism*. By this, he refers to the “development of public policy in small increments”, where policies are moving forward step by small step. If these developments proceed over a significant period of time, it might lead to *policy stretching*, where policies are extended to cover areas, they were not intended to cover at the time of implementation of the policy.

In contemporary literature, the label of function creep usually points to lack of debate about the acceptability of the change (Koops, 2021, p. 53). It is further noted that

This is not to suggest that having a proper debate will usually suffice; often, of course, measures will be needed to resolve the public-policy issues triggered by the transformative change, and perhaps the change should be stopped or turned back altogether. But at least a proper debate should help identify problems and possible solutions (Koops, 2021, p. 54)

The lack of proper debate is, however, not the only reason for the usage of the term function creep. Sometimes it is used to highlight the negative consequences of the function expansion as such (Koops, 2021, p. 54). Also, it is argued that the over-usage of the term as to applicable to any sort of change or development in policies or technologies is to be avoided. In order to justify the use of the term function creep, one has to argue that the change or development is “wrong because it is imperceptible (through slowness, gradualness, or stealth) and therefore receives insufficient attention” (Koops, 2021, pp. 54-55). Whether this has been the case for the policy developments addressing criminal record checks in sports will be examined in this thesis.

#### 4.4 Unforeseen consequences of purposive social action

Function creep and its slow development of technologies and policies into unintended areas can in many ways be associated with the concept of unforeseen consequences of purposive social action. As Robert K. Merton (1936, p. 895) understands it, unforeseen consequences of a purposive social action are as common as the foreseen equivalents and do not necessarily entail something negative as seen from the actor's standpoint. They might actually be relatively desirable to the actor while at the same time appearing as negative to the outside observer. The action and its consequences are further affected by the objective situation and the conditions of the action, where consequences to other people is mediated through the social structure, the culture, and the civilization (Merton, 1936, p. 895).

Merton goes on by stating that “the most obvious limitation to a correct anticipation of consequences of action is provided by the existing state of knowledge” (Merton, 1936, p. 898). Despite this, the urgency of contemporary life will frequently compel the actors to act with confidence even though the information on which the action is based is not complete. Rather, they usually act not on scientific knowledge but on opinion and estimate. Public opinion and estimate may call for (or at least, appear to the actor to call for) immediate action of some sort. This will usually involve some degree of ignorance of certain aspects of the situation and will therefore bring about unexpected results (Merton, 1936, p. 900). This thesis will argue that there is a considerable lack of empirical knowledge in the field of childcare record checks in sports, and the public opinion about ex-offenders and control measures might be affecting the actors’ ability to clearly see all potential outcomes of the record checks.

Another quality of the concept of unforeseen consequences of purposive social action is “error”. There are many different ways to err in the assessment of a situation, for instance in the selection of a course of action or in the execution of the action chosen. In relation to this, one might wonder whether the expansion of childcare record checks in sports is the right course of action to prevent abuse and maltreatment of children, and if the execution of these record checks is done as expediently as possible. Error may also occur when the actor only attends to some of the aspects of the situation which will influence the outcome but ignores others (Merton, 1936, p. 901). Merton states that “this may range from the case of simple neglect (lack of systematic thoroughness in examining the situation) to pathological



obsession where there is a determined refusal or inability to consider certain elements of the problem” (p. 901). Further, emotional involvement might lead to a distortion of the objective situation, and action put upon these “imaginary” conditions will inevitably lead to unexpected consequences (Merton, 1936, p. 901). It is natural to wonder whether child sexual abuse is such an emotional phenomenon that it distorts the objective situation of the preventative ability of the childcare record checks and creates an “imaginary” condition where every coach is a potential abuser and every ex-criminal have an intention of reoffending.

Placing the concept of childcare record checks in sports within the theoretical frames of risk society and ban-opticon might help us understand the policy developments addressing expansions of the systems based on risk management and the purpose to prevent abuse by excluding “risk individuals” from the sports environment. Additionally, the term “function creep” and Merton’s notion of unforeseen consequences of purposive social action will contribute to the analysis of an expansion of childcare record checks and shed light on potential consequences emerging from this expansion.

## 5 Method

Qualitative methods are widely used within criminology as they are able to give a deeper understanding of a complex phenomenon such as delinquency and societal reactions to this. One category of qualitative methods is text studies (Brinkmann and Tanggaard, 2012) and as this study uses documents as data material, it will be classified as a qualitative document analysis. The documents used here will be legislation and other legal and policy documents related to these laws. This chapter will briefly overview document analysis as method and qualitative case design as research design. It presents the phases of collecting, coding, and reading the data before ending the chapter with an analytic framework for this study.

### 5.1 Document analysis

According to Asdal and Reinertsen (2020, p. 47), documents can be thought of as a sort of technology; they are used as tools to make something happen, realize a phenomenon, or get a new process started. Documents are essential not just by informing us of their content but also by playing a part in the actions and enablement that some of these documents can lead to (Asdal and Reinertsen, 2020, p. 50). In this thesis, the studied documents are the laws and policy documents in the Nordic countries addressing criminal record checks for people working with minors. They provide a lot of information just based on the content. However, we can get much more information by looking at the processes and actions put in motion by these documents. By writing and enacting a document like this, there could be immediate changes in the way coaches get hired by sports organizations, how ex-criminals get treated in different work settings, and how moral panics spread amongst athletes, parents, and society as a whole.

Analyzing criminal record check laws and documents by viewing them as specific cases in a chain of reactions in a risk society, where the world of criminality is all about prevention, surveillance, and controlling risk factors, can be helpful for studying their intended and unintended consequences. By using case studies and defining the policies surrounding criminal record checks as cases, we can use different sets of data in the study, such as the policy documents and preparatory work and responses to these. Since the focus in this thesis is on policy developments addressing criminal record checks for people working with minors, document analysis is chosen as method. The analysis of these provides a detailed and thorough overview of the policy developments in the Nordic counties. Document analysis

will also help us understand the origins and thoughts behind the laws by examining prework connected to these.

### 5.1.1 Ethical concerns

Document analysis as research method is ethically quite a "kind" method. However, there are a few things to note before moving on to the case design. It is important to remember that the documents now being used for research purposes were initially written with another specific aim. Whenever a document is used for something other than its intention, one should not interpret it as a research document but remember that it was written by certain actors and for a targeted population. In addition, it is of importance not to put your intentions and meanings into the text while reading it but to act as a researcher and be objective to the material. One has to be aware of one's values and that they do not impact the research process. Other than that, there are few ethical aspects to keep in mind when working with a method like this. Like Asdal and Reinertsen (2020, p. 212) say, if we are doing a "clean" document analysis using official, public documents, there are hardly a lot of ethical concerns to take into account.

This research can easily be replicated by doing a similar document analysis, which is relatively easily achieved as the data consists of publicly available documents. However, developments are constantly happening in the legal field. One needs to limit the data search to the dates of this study without adding newer policy documents and legislation to replicate the study thoroughly. When it comes to transferability, that is, to what degree the research applies to other social settings in different situations, a duality in transferability can be seen. On the one hand, the research is done with a very "Nordic-heavy" focus, with Nordic policy documents and legal work as a foundation, which might impair the transferability. On the other hand, the theoretical context of ban-opticon and risk-thinking might enhance the transferability to different situations where one can see an expansion in the amount of control resulting in the exclusion of categories of people. This theoretical phenomenon is not exclusive to the system of criminal record checks but can be seen in many contemporary social settings.

## 5.2 Qualitative case design

Knowing the data will consist of laws and policy documents and that they will be analyzed to answer the research question, a research design for the project was developed. The research design chosen is case design.

A qualitative case design explores a contemporary phenomenon in its natural context through several cases that constitute a part of a bigger picture in society. The case or cases can be seen as a part of a bigger picture consisting of many different actions that make up the phenomenon. The phenomenon and the actions it consists of should be of theoretical interest to the field of criminology (Bukve, 2016). The case design helps answer the research question of this thesis. The bigger theoretical picture that we're interested in is that of a risk society and ban-opticon, discussed in the theory section. The phenomenon studied is criminal background checks, as they constitute a part of this societal context and its exclusion tendencies. This is evident in the way ex-criminals, especially sexual offenders, are treated differently and banned from various social contexts that includes children. Criminal record checks are technical tools used to profile and sort out individuals deemed "unwanted" in some societal sectors. The cases in this study design are laws and policy documents in the Nordic countries that take on criminal background checks for people working with minors.

## 5.3 Data

The data collected to answer the research question is laws and policy documents from all the Nordic countries regarding childcare record checks in the sports environment. The policy documents included are laws, provisions, propositions, motions, committee reports, committee directives, proposals from representatives, and recommendations. A complete overview of the data can be found in Appendix 1.

### 5.3.1 Collecting data

Since the data for this paper are official legal documents and policy documents available to anyone online, collecting data provided few ethical or practical concerns. Each Nordic country has a website for the content of the law easily accessible to the public. Documents related to these laws, that is, policy documents, were retrieved from each country's parliament's website. In addition to policy documents and laws, a lot of information about the content and use of criminal/childcare record checks in the sports environment may be found

on the website of the national police, the national sports federation, and on specific websites meant to guide you through the process of applying for your criminal record. The last round of data collecting was done on the 28 of February 2022 to have time to code and analyze the material. Data published after this date is not included in the thesis.

Data material in the form of laws were collected from web pages for each country.

Norwegian laws were found on “lovdata.no”, Swedish laws on “riksdagen.se”, Danish laws on “retsinformasjon.dk”, Finish laws on “finlex.fi”, and Icelandic laws on “government.is”.

Additionally, policy documents related to these laws were used as data material. Norwegian policy documents were found on “regjeringen.no” and “stortinget.no”, Swedish documents on “riksdagen.se”, Danish documents on “ft.dk”, and Finish documents on “eduskunta.fi”.

Policy documents from Iceland have proven challenging to find due to language barriers, but the laws regarding childcare record checks in sports in Iceland are still included in the analysis. Additionally, information about the childcare record needed for sports-related work and the administrative process was extracted from the web pages of the national federations of sports for each country (respectively, “idrettsforbundet.no”, “rf.se”, “dif.dk”, “idrott.fi”, and “isi.is”). Data was collected from these web pages by using the term used for "childcare record" in each respective country and related phrases.<sup>5</sup>

### 5.3.2 Criteria for inclusion and exclusion

When collecting data for a research topic, there are some criteria for including certain types of data and excluding others. In this research, legal work concerning criminal record checks for working with minors is of interest, and all relevant legal documents from the Nordic countries that could be identified have been included in the data material. Policy documents are here understood to consist of laws, provisions, propositions, committee reports, motions, etc.

There are several reasons for including all the Nordic countries but excluding others. First, there is significant mobility of coaches and sports administrators within the Nordics, calling for a problematization of the lack of cooperation and communication as portrayed by VG

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<sup>5</sup> Norway: *Barneomsorgsattest*

Denmark: *Børneattest*

Sweden: *Registerkontroll av personer som ska arbeta med barn*

Finland: *Kontroll av brottslig bakgrund hos personer som ska arbeta med barn*

Iceland: *Criminal record*

(Folkvord et al., 2020a). Second, by looking at the Nordics as a unit and comparing the legal works within this unit, it is possible to get a broader and more detailed analysis of the background for these laws, the development they go through over time, and their intended and unintended consequences. Additionally, the Nordics are clustered on critical cultural aspects that differ from the other European countries, which may influence the systems of the childcare record checks and the patterns of child sexual abuse and maltreatment in sports (Kloppen et al., 2016, pp. 38-39). Third, there is a deep-rooted and intense culture of youth and child sports shared within the Nordics, which gives the topic of research more gist and relevance than if we were to examine the countries separately. Fourth is what scholars call "Nordic Exceptionalism" (Pratt, 2008; Barker, 2012; Pratt and Eriksson, 2013). Nordic exceptionalism is a phenomenon that is often discussed within the field of criminology, usually in the context of low imprisonment rates and humane prison conditions (Barker, 2012). The concept is not exclusive to criminology. As the World Happiness Report (2020) highlights:

No matter whether we look at the state of democracy and political rights, lack of corruption, trust between citizens, felt safety, social cohesion, gender equality, equal distribution of incomes, Human Development Index, or many other global comparisons, one tends to find the Nordic countries in the global top spots (Martela et al., 2020).

Scholars claim that this state of exception in the Nordic welfare states results from social cohesion, conformity, egalitarianism, and social structure (Pratt, 2008, p. 120; Barker, 2012, p. 7). Benign penal regimes and the concept of "open prisons" are some of the characteristics of this exceptionalism embedded in societies with high levels of trust and tolerance, in addition to largely self-regulating and norm-compliant members (Pratt, 2008, p. 129). The concept of Nordic exceptionalism makes it all the more interesting to examine the development and expansion of the childcare record check systems from a Nordic perspective.

In addition to collecting data from the abovementioned web pages in the Nordic countries, some material from the website of the European Commission is also included. This is because three of the Nordic countries, Sweden, Denmark, and Finland, are member states of the European Union (EU) and are therefore obligated to follow some of the guidelines put forth by this Commission. Even though Norway and Iceland are not a part of the EU, they are still a part of the European Economic Area (EEA) as a member state of the European Free

Trade Association (EFTA). Because both nations have similar regulations regarding childcare record checks as the recommendations of the EU directive from 2011, a thorough investigation of the differences between regulations for EU and EEA EFTA states is not included here.

### 5.3.3 Short presentation of data

The data in this study consists of different policy documents related to childcare record checks in Nordic countries. Each Nordic country has a law or multiple laws regulating the use of childcare record checks. These are important to include to understand and compare the regulations put upon each nation. Connected to each law, there are provisions with more detailed rules for each department or authority affected by the law. In this thesis, the provisions analyzed are the ones addressing voluntary organizations that work with children, including more specific regulations regarding childcare record checks for this particular sector. Further, each law is usually a result of several propositions from different governmental parties advocating new laws or changing existing laws. These are of relevance to this study as they say plenty about various parties' and nations' standpoints regarding childcare record checks, the direction of development for these regulations, and potential upsides and downsides of existing (or non-existing) laws. In addition, multiple reports and motions from governmental representatives or representatives from the Parliaments are included in the data material. Like the propositions, these documents provide information regarding potential policy changes, pros and cons of the current system, and additionally different perspectives on childcare record checks. A complete overview of the policy documents analyzed in this thesis can be found in Appendix 1.

### 5.3.4 Coding

When working with data, no matter the method, it is helpful to have a coding system to keep track of different information and topics. This applies to legal work and policy documents as well, especially when it includes material from different countries where it might be hard to get a good overview due to, for instance, differences in information and language barriers. As Johannessen, Rafoss, and Rasmussen (2018) define it, coding is a way to extract and describe essential points in our material. It is a way to get an overview of the data, generate more profound insights about the material, and organize the data for the upcoming analysis (Johannessen, Rafoss, and Rasmussen, 2018, p. 284). "A useful code effectively reflects an

issue in data and works well to retrieve relevant segments of text on that specific issue for focused analysis" (Hennink, Hutter, and, Bailey, 2020, p. 224). The following coding system was used in this research.

In the first round of coding, the information in the data was sorted into categories of practical information regarding childcare records in the Nordics. It was sorted out which people need to show a record, what kinds of offenses that are included and for how long after served sentence, as well as how often or in what type of situation the sports organization could ask for a new record.

The second round of coding had more focus on the development and implications of the system for criminal record checks for people working with minors. Two types of codes were sorted out; first, the weaknesses and limitations addressed in the current legal systems, and second, developmental suggestions brought up so far by the countries in question.

These two coding rounds contributed to getting a better overview and insight of the data (Johannessen, Rafoss, and Rasmussen, 2018) and to extracting the points that are relevant for the research question and the analysis. The following section presents the analytical framework for this research thesis.

#### 5.4 Analytical framework

The purpose of the thesis is to map out and analyze the characteristics of policy developments, laws, and practices in the Nordic countries regarding criminal record checks for people working with children in sports. Additionally, it discusses their associated effects and potential consequences. To fulfill the purpose of the thesis, the Nordic policy developments regarding criminal record checks for people working with children in sports will be analyzed. This is done through document analysis, where policy documents and related legal work are analyzed from a criminological perspective with risk society and ban-opticon as a theoretical basis. The concepts of function creep and unforeseen consequences are used to understand and analyze the development of these policies. The thesis aims to increase the knowledge about how the childcare record check systems in sports work in the Nordics, including major similarities and differences. Additionally, it is desired to create awareness regarding the potential consequences of policy developments that lead to extended



use of criminal background checks, focusing on the prevalence and prevention of child sexual abuse and maltreatment in sports.

## 6 Overview over the childcare record check systems in the Nordics

All five Nordic countries operate with systems of childcare record checks for people who wish to work in close and regular contact with children. There is, however, some differences in the systems between the countries. These differences will be analyzed and discussed in later chapters, and it is therefore important to have a thorough overview over the childcare record check systems for sport teams in the different Nordic countries to get a better grip on comparisons, flaws, and suggestions for development. This chapter will start by presenting a timeline for the development of the childcare record check systems in sport in the different countries. After this, there are two sections describing which individuals are being controlled and by whom, followed by a presentation of the crimes included on the childcare records in the Nordics and their statutes of limitations. The chapter is wrapped up with a note on the definition of a “clean” childcare record and the most apparent similarities and differences regarding childcare records in sport in the five Nordic countries.

### 6.1 Timeline

The timeline for when the laws regarding childcare record checks in general were implemented varies from one country to the other in the Nordics. The same goes for regulations regarding the childcare record checks for sports organizations. Iceland seems to have been first by implementing the Sports Act no. 64 already in 1998. The act states that both employees and volunteers who seek work within the field of sports are to show a clean childcare record. A few years later, in 2003, Finland implemented the law on mandatory childcare record checks for people who wish to work in regular and close contact with children (Straffregisterlag för barnomsorg, 2002). This law applied to the sports organizations as well, meaning that they too started with the mandatory background checks for employees in 2003. Note that this law only applied for people who were paid employees, while the law opening for background checks on volunteers was not put in action until 2014 (Straffregisterlag för frivilliga<sup>6</sup>, 2014). Denmark was not late to follow, and in 2005 the law on childcare record checks for employees was implemented (Børneattestloven, 2005). At the same time, a provision about mandatory checks within the sports environment was put in action (Børneattestbekendtgørelsen, 2005), applying to both employees and volunteers (DIF, n.d.a). In Norway, NIF started their mandatory childcare checks in 2009 (NIF, 2021), with

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<sup>6</sup> Author’s short name for the law: Lag 28.2.2014/148 om kontroll av brottslig bakgrund hos frivilliga som deltar i verksamhet bland barn.

the law regarding this not becoming effective until one year later, in 2010 (Politiregisterloven, 2010). Sweden is the Nordic country that was latest in implementing a law regarding childcare record checks in general. A law that made vetting of teachers and childcare workers mandatory in Sweden was implemented already in 2001 (Backman, 2012, p. 34), but the expansion to other areas involving work in close and regular contact with children did not happen until years later. The law allowing employers to ask for a criminal record for people working in close contact with minors was implemented in 2013 (Registerkontrollagen, 2013). Years later, in 2019, RF in Sweden made it mandatory for all their organizations to do childcare record checks before hiring people to work with children (RF, 2021).

## 6.2 Who are controlled?

Despite a legal framework that mainly *allows* instead of *mandates* a childcare record check within voluntary organizations, the nations' National Confederations of Sports has shown a united front. In all five countries, employers within sports organizations must check the childcare record of a person before they are hired to work in direct and regular contact with minors (NIF, c. 2017; RF, 2021; FSI, c. 2020; DIF, n.d.a; Sports Act, 1998). This only applies to employees or volunteers above 15 years of age, as this is the age limit for criminal responsibility in the Nordic countries (Store Norske Leksikon, 2017; RF, 2021; Strafflag, 1889; Kriminalregisterbekendtgørelsen, 2021; Icelandic Government, c. 2021). In Norway and Sweden, the laws regarding criminal background checks do not mandate controls like this within voluntary organizations. Still, NIF and RF have made this checks mandatory within their organizations. In Denmark, Finland, and Iceland, the legal work is stricter as it mandates all employers, including those in voluntary sports organizations, to conduct this type of background check when hiring people to work with children (Børneattestbekendtgørelsen, 2005; Straffregisterlag för barnomsorg, 2002; Sports Act, 1998). The Danish law regarding childcare record checks in the job market (Børneattestloven, 2005) is a so-called “frame-work law” that gives different authorities or ministries the mandate to establish provisions for their own domains, which for the sports organizations was published the same year (Børneattestbekendtgørelsen, 2005). The Norwegian *Politiregisterloven* (2010) works in the same way, giving multiple authorities and ministries the right to mandate childcare record checks for organizations in their own field.

A considerable part of the activity within sports organizations in the Nordic countries is run voluntarily, especially when it comes to children and youth. In Norway, Sweden, Denmark, and Iceland, the same rules apply for both employees and volunteers, whereas volunteers are treated a bit differently in Finland. Here, it is only mandatory to check the childcare record for those employed (and paid) by the sports organization, while they only have it as an option to do the same for volunteers. This was established by law in 2014 (Straffregisterlag för frivilliga, 2014). The argumentation in Finland regarding volunteers and whether their background checks should be mandatory or not, was primarily founded in the workload this would result in as volunteers make up a big part of the staff in sports organizations. For this reason, it was decided to make it possible to do a background check, but not mandatory (LaUB 16/2013 rd – RP 149/2013 rd).

It is not just volunteers that make up a big part of the sports community, but a considerable number of substitutes and temporary workers as well. The definition of substitutes and temporary workers varies a bit from one country to another. In Finland, it implies to those hired to do work for a maximum of three months during a one-year period (Prop. nr. 4 (2021)). In Denmark, they apply a similar definition with a limit for the employment time at three months, during which there must have been at least three moments or a continuous period of more than two weeks when the person acted as a coach, instructor, teacher, or similar (Børneattestbekendtgørelsen, 2005). So far, Norway, Sweden, and Iceland do not specify anywhere that different rules for those who only substitute or do temporary work.

### 6.3 Who are the controllers?

When it comes to the use of childcare record checks in the sports environment, the administration and upholding of the system is delegated to people within the organizations. These individuals, then, are responsible for the control and potential exclusion of job seekers. In Norway, each sports organization has a person in charge of maintaining this system. This person is obligated to ask for and check the register of each employee who enters a position that entails regular and close contact with children. In addition, he or she is keeping an overview of those who are supposed to submit a childcare record, who have done it so far, and who have yet to do so (NIF, c. 2017). Sweden and Finland operate with a similar system, where one or two individuals in each sports organization is chosen to have a superior responsibility for the administration of the system (RF, n.d.; Finlands Ungdomssamarbete –

Allians rf et al., 2014). In addition, Denmark work with an “Exclusion Committee” that takes charge in cases where the sports organizations have been handed a tainted childcare record, but still wishes to employ the person (DIF, c. 2022) (more on this in Section 6.6). In Iceland’s Sports Act (1998) it is stated that the supervisors of the parties covered by the Act have the right to information from the criminal registry (Sports Act no. 64/1998).

#### 6.4 What crimes are shown on the childcare record?

According to the EU-directive from 2011 addressing sexual assault against children, sexual exploitation of children, and child pornography<sup>7</sup>, some criminal actions are highly recommended to be included on the childcare record. These include sexual crimes against children and crimes related to child sexually abusive material (Directive 2011/93/EU). An analysis of the crimes included on a childcare record in the different Nordic countries (see Table 2) can tell us which types of crimes make the offender more prone to exclusion and which crimes are thought of as constituting a greater risk of recidivism.

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<sup>7</sup> Norwegian authorities have deemed “child pornography” to be an outdated term and a word that masks the fact that the material was produced through actual sexual assaults, and that the word “pornography” is associated with something legal. In Norway, they have proceeded to using the phrase “child sexually abusive material” (*overgrepsmateriale*) (Kripos, 2019: 14). This change has not been implemented in the other Nordic countries, and the general penal law in Sweden, Denmark, Finland, and Iceland still use the term “child pornography”. Noting this, the phrase “child sexually abusive material” will be used in this thesis, in line with Norwegian legislation.

**Table 2.** Crimes included on the childcare record in the Nordic countries.

Category of crimes	Countries				
	Norway	Sweden	Denmark	Finland	Iceland
Sexual crimes	All, except §§ 297, 298, 307, 313, 315, 316, 317, 318 *	All	Incest, coitus, or sexual relations with children (age <15), child pornography, and sexual harassment (age <15)	All	All
Violent crimes	Aggravated bodily harm, homicide, (aggravated) abuse in close relationships	Murder, homicide, aggravated physical assault	None	Murder, homicide, homicide in mitigating circumstances aggravated physical assault	None
Narcotic drug violations	All	None	None	All	All
Others	(Aggravated) human trafficking, (aggravated) robbery	Kidnapping, child pornography, aggravated robbery	Execution of terror, countenance of terror or treason, recruitment of foreign troops	(Aggravated) human trafficking, (aggravated) pornography crimes	None

\*§ 297 Sexual act performed without consent, § 298 Sexually offensive conduct in public or without consent, § 307 Due care requirement with regard to the age of the child, § 313 Sibling incest, § 315 Controlling and facilitating prostitution, § 316 Purchase of sexual services from adults, § 317 Pornography, § 318 Prohibition of exhibition (Straffeloven, 2005, Chapter 26. Sexual offences).

One category of crimes that all Nordic countries include on their childcare record is sexual violations. Sweden, Finland, and Iceland include all offenses listed under the headline "sexual crimes" in the penal code (Swedish Police, 2022; Straffregisterlag 1993; Sports Act no. 64/1998: Article 16 §1). Norway and Denmark choose to include only the more severe crimes (see Table 2) in this category and those deemed to be relevant for the childcare record. In Norway, they include all sexual violations except some that would result in a milder sentence, such as the paragraphs mentioned under table 2 (Politiregisterloven, 2010, §39). Denmark has a more limited list of the sexual crimes included on the childcare record. The following violations are included: incest, coitus, or sexual relations with children under the age of fifteen, crimes related to child sexually abusive material, and sexual harassment towards children under the age of fifteen (Kriminalregisterbekendtgørelsen, 2021, §32). As we can see, there are significantly fewer sexual crimes at the Danish childcare record than on the others, as they only include sexual violations where the victim is under the age of 15.

Other sexually related crimes like rape or incest where the victim is above the age of 15 will not be included on a Danish childcare record.

Apart from sexual crimes, the violations listed on the childcare record varies somewhat between the countries. Again, Denmark does not include that much on the record, and apart from the sexual crimes mentioned above, the only other crimes included are some of the violations of the terror law (execution of terror, countenance of terror or treason, recruitment of foreign forces) (Danish Police, c.2013; borger.dk, c.2012). This sets the country apart from the rest of the Nordics, as the register is significantly more limited in content. The other four countries include more or less the same sorts of violations of the criminal law, with some minor changes from one nation to the other. Iceland might be the country with the most straightforward approach to the crimes included on the childcare record; all violations of chapter twelve of the General Penal Code, no. 19/1940 (all sexual crimes) and violations of the Act on Addictive and Narcotic Drugs, no. 65/1974 (all crimes related to narcotics) (Sports Act no. 64/1998). Norway, Sweden, and Finland include a bit more on their records, first and foremost homicide, aggravated assault, and aggravated robbery. Sweden differs from the other two by not including crimes related to narcotics. In addition, the childcare record in Sweden will include kidnapping, but not trafficking, which is opposite from the other two (Politiregisterloven, 2010: §39; Swedish Police, 2022; Straffregisterlag, 1993: 6 § 2 mom.).

The motivation for the choice of crimes included on the childcare record is the same for all countries: crimes that are seen as an impediment for work with children. This is, of course, a statement that is open for different interpretations, something that is visible in the differences between the countries regarding crimes included on the childcare record. These differences as well as the notion of proportionality will be further discussed in Section 8.1.1.

## 6.5 Statute of limitations

The crimes appearing on a childcare record and other types of criminal records as well usually have statutes of limitations. In this context, this refers to how long the conviction will appear on a person's criminal record before it is deemed to be too long ago to be relevant. When the statute of limitations is reached, the violation will be deleted from the record. The timeframe for this varies from one Nordic country to the other, and an overview of the different statutes of limitations can be found in Table 3.

**Table 3.** Statute of limitations for the crimes included on the childcare record in the Nordic countries.

Statute of limitation	Countries				
	Norway	Sweden	Denmark	Finland	Iceland
2 years <6 months unconditional prison (minor offender)	-	-	-	-	-
3 years <6 months unconditional prison	-	-	-	-	-
5 years -	-	Fines, all sentences given to a minor (<18), except unconditional prison (10 years)	-	Conditional prison sentence + fines, community service, probation. Offender 15-18 years: Juvenile punishment or fines instead of juvenile punishment. Provision, community fines	All drug violations
10 years >6 months unconditional prison	-	Unconditional prison, institutionalization, restraining order	Minimum time for all violations except aggravated sexual crimes and crimes related to terror	<2 years unconditional prison, surveillance sentences, community service	-
20 years -	-	Convictions from another EU-nation transferred to the Swedish Criminal Records Act	Maximum time for all violations except aggravated sexual crimes and crimes related to terror	2-5 years unconditional prison, community service	-
Forever Murder and all sexual crimes	-	-	Violations of the law on terror, aggravated sexual crimes*	>5 years unconditional prison*	All sexual crimes

\*In Denmark, violations of the law on terror and aggravated sexual crimes will stay on the childcare record until the person turns 80 or until they die. In Finland, unconditional prison sentences over five years will stay on the childcare record until the person turns 90 or until they die.

In Norway and Iceland, the most severe crimes do not have a limitation period and will therefore stay on your childcare record for the rest of your life. In Norway, this includes all



sexual violations (except violations of § 309, Purchase of sexual services from minors, which is under the ordinary category) and homicide, while in Iceland, it only applies to sexual crimes (Politiregisterloven, 2010, § 39; Sports Act no. 64/1998). Here, the sentencing is not in focus but the crime you have committed. It is also possible to end up with a tainted childcare record for the rest of your life in Finland and Denmark, but the system works a bit differently. In Denmark, a violation of the terror law or a conviction for aggravated sexual crimes will stay on a person's record until he turns 80 or until he dies (Danish Police, c. 2013). In Finland, this applies to crimes where the reaction is more severe than a five-year unconditional prison sentence. The violation will then show on the childcare record until the person turns 90 or until he dies (Straffregisterlag, 1993, § 10). As we can see, there is a ten-year difference between the limit for when a person is too old for the crimes appearing on the record to be relevant, but the purpose is the same in both countries. Sweden is the country that stands out in this part of the analysis, as they do not have a "lifetime option" for their limitation periods. There, the longest time a crime can appear on your record is twenty years. This counting starts at the release from the prison or psychiatric facility (Lag om belastningsregister, 1998, §§ 16 and 17).

The statute of limitations for crimes not mentioned above varies somewhat, but the time frame for all countries is from about three years up to twenty years. In Norway, a sentence of six months in prison or more will remain on a person's record ten years after the release date. For all other cases, the time is three years. An exception is crimes resulting in conditional prison or a fine committed by a minor. These will only stay on the criminal record for two years (Holmboe and Myhrer, 2018, pp. 122-123). The Norwegian childcare record is a mix between an "ordinary" and an "exhaustive" criminal record. Crimes that go under ordinary category on the childcare record will only stay there for a limited amount of time (see above). On the other hand, crimes included on the exhaustive part of the record will stay there forever. On the childcare record in Norway, the exhaustive part of the record consists of all sexual violations (except violations of § 309, Purchase of sexual services from minors, which is under the ordinary category) and murder. The rest of the crimes are listed as ordinary and will disappear from the record when the statute of limitations is reached (Holmboe and Myhrer, 2018, p. 117).

The crimes appearing on the childcare record in Sweden have different periods of limitation depending on the sentence that has been given. Still, for most crimes resulting in a prison

sentence, the limitation is ten years. In general, if the offence was punishable by fine, the information is kept on the record for five years. Other sentences and sanctions call for a ten-year limitation period. If the offender was under 18 at the time of the criminal action, information is kept for three or five years depending on the type of punishment. A person with multiple convictions will get a limitation period based on the last conviction's date (Backman, 2012, p. 26). The longest possible time for a sentence to be visible in your register is 20 years (Belastningsregisterlagen, 1998, §§ 16 and 17). A suggestion for a prolonging of the statute of limitations have been put forth by a representant from the Center Party, wishing for a lifelong statute of limitations for sexual violations against children (Zander, 2020/21).

In Denmark, information about a committed crime will appear on the childcare for a minimum of ten years after the sentence, the release, or the payment of a fine. Some sexual violations will not be deleted until twenty years have passed since the sentencing or the release (Danish Police, c. 2013). The limitation period may vary between ten and 20 years depending on the type of crime and punitive reaction to it (Kulturministeriet, n.d.). The statute of limitations for sentences on a childcare record is usually longer but never shorter than the corresponding time on "regular" criminal records (Lovforslag, L 119 (2021-22)). Finland has a somewhat more complex system regarding the statute of limitations, but similarly to Sweden, they look at the sentence when deciding how long a crime should appear on the childcare record. If you get a conditional prison sentence and, in addition, are charged with fines, community service, or a monitoring sentence, it will be on your criminal record for five years. If you're between 15 and 18 years old and sentenced to juvenile punishment or fines instead of juvenile punishment, you will also have it on your record for five years. The same goes for the provision and community fines. However, if you get an unconditional prison sentence with a maximum of two years, it will stay on the criminal record for ten years. The ten-year limit also goes for monitoring sentences or community service. An unconditional prison sentence between two and five years will be shown on your criminal record for twenty years (Straffregisterlag, 1993, § 10). As mentioned before, Iceland only includes two sorts of crimes on their childcare record, and sexual crimes will stay on it forever. When it comes to violations against the Act on Addictive and Narcotic Drugs, they will only appear on a person's criminal record for five years after the sentencing (Sports Act no. 64/1998).

## 6.6 What is a “clean childcare record” in the Nordics?

Simply speaking, a clean childcare record in the Nordics is a record with no marks. As mentioned earlier, only certain crimes will appear on the childcare record, and if you are convicted of a crime not included within this framework, it will not be visible on the record either. Individuals whose violations have passed the statute of limitations will also be able to hand in a clean childcare record. For people convicted of particularly serious criminality in Norway, Denmark, Finland, and Iceland the childcare record will be tainted forever. In Norway and Iceland, a clean childcare record is mandatory to be able to work in regular and close contact with children in sports organizations under the National Sports Federations (NIF, c. 2017; Sports Act no. 64/1998). In Denmark, Sweden, and Finland, you might still pass the control even though you have marks on your record. In Denmark, it is up to the Exclusion Committee (Lovforslag L 119 (2021-22)) while in Sweden and Finland, it is up to the board members or the employers in that organization to decide whether they can entrust the individual with the caretaking of children (Bäck and Magnusson, 2019; Ministry of Employment and the Economy, 2013).

### 6.6.1 The tainted childcare records

As underlined by NIF, the role as a coach or an instructor for minors entails responsibility and a relationship of trust. Johannessen, Rafoss, and Rasmussen (2018, p. 127) argue that there are categories of people based on some sort of membership criteria that divide people into those who are included in the category and those who are not. Trust and responsibility are examples of such criteria, as they split people into two categories: those who are suited for work with children and those who are deemed not to be. In this context, a criminal record is seen as proof of lack of trust and capability of being responsible, as well as a threat to the children’s safety and well-being. Hence, the record is used as a tool to ban certain people who are seen as a risk from the sports environment. Another example of the importance of trust and responsibility when it comes to the caretaking of children is how the absence of a child's guardian or another adult is of importance when arguing in favor of the use of a childcare record check for people applying for these positions (Straffregisterlag för barnomsorg, 2002; Prop. nr 194 (2012/13), p. 27). This is but one of many examples of the worst-case scenario mindset that is present in society today. It is a statement of risk thinking resulting in a "reconfiguration in the pattern of intergenerational interaction" and in a variety

of contexts, including the sports environment, adults are seen as a risk and "likely to have ulterior, negative motives" (Piper, Taylor, and Garratt, 2012, p. 334).

A tainted childcare record is treated a bit differently from one country to the other in the Nordics. Norway and Iceland have the most straightforward approach regarding this; marks on the childcare record means that the person cannot work with children in sports organizations organized under NIF, and there are no exceptions to this rule (NIF, c. 2017; Sports Act no 64/1998). For private sports organization that are not a part of NIF, it is optional whether they want to conduct childcare record checks on their employees, but a suggestion has been put forth by Norwegian politicians that this should be mandatory for private actors as well (Innst. nr. 210S (2020-2021), p. 2).

In Denmark, they have an Exclusion Committee whose responsibility it is to make decisions about what to do with a tainted record in DIF. As of today, the sports organizations are supposed to notify the committee whenever they receive a tainted childcare record from a person wishing to work with children in their organization if the employer still wants to hire the individual regardless of the record. The problem with this system is that the committee has no way of controlling that the sports organizations notify them when they hire a person with marks on their record, as the committee does not receive these documents directly. Therefore, a proposition from the Ministry of Culture has been sent out to hearing regarding a new system where the committee would get the tainted records straight from the National Police, instead of them having to go through the organizations first. This would give the Exclusion Committee an overview over the tainted childcare records issued to Danish sports organizations, give them better opportunities to assist and guide in the process, and possibly intervene if they feel that organizations are making a wrong decision regarding inclusion or exclusion (Lovforslag nr. 119 L (2021-22)).

Sweden works with a similar, yet slightly less restrictive, system. In a pamphlet made for the sports organizations in Sweden it is written that the law doesn't specify what to do when a childcare record is tainted. The writers of the pamphlet do however recommend the organizations not to hire a person convicted of one or more of the offences included on the Swedish childcare record. It is further recommended to have a talk with the person in question about why he or she is not suited for work involving children. RF in Sweden offers guidance and assistance regarding this, similarly to the Danish system (Bäck and Magnusson,

2019). The Finnish law requires all employers to check the criminal background for employees working with children in the sports environment. However, like in Denmark and Sweden, a tainted record is in itself not an absolute hindrance for hiring a person. It is up to the employer or the board of the sports organization to decide how they want to proceed and whether they find the person to be suited for a job involving frequent and close contact with children (Ministry of Employment and the Economy, 2013). All these regulations do, however, remind us that “to conduct a criminal background check does not necessarily indicate unwillingness to hire people with a mark on their record” (Backman, 2012, p. 24).

### 6.7 The primary similarities and differences in the childcare record check systems in the Nordics

Even though the system of childcare record checks in the sports environment vary a bit from one country to the other in the Nordics, its purpose is the same everywhere; to exclude (or ban) individuals from a position, assignment, or role using criminal record checks. One similarity is that all countries anchor their childcare record checks in laws to avoid an uncontrolled usage of criminal records in order to ban “unwanted” people from the work environment. The regulation and practice of the systems are administrated and controlled by people within the sports organizations in all five countries. Additionally, excluding people with convictions of sexual crimes on their record is something that all the Nordic nations have in common.

There are, however, some major differences in the systems of childcare record checks in sports in the Nordics. One of the areas in which the nations differ the most is the content of the childcare records, the most prominent difference being crimes related to narcotics, which is included on the record in Norway, Finland, and Iceland but excluded in Sweden and Denmark. Finnish sources state that one of the aims of the childcare record checks is to prevent people from being allured/tempted to use narcotics (Prop. nr. 4 (2021), p. 4). Therefore, the Finnish authorities choose to include crimes related to narcotics on the childcare record. Explicit statements as to why Norway and Iceland do so as well have not been identified, but one can assume that it is for similar reasons. Also, besides drug related crimes, the countries have different priorities when it comes to crimes included on the childcare record (Table 2, p. 45). Norway, Sweden, and Finland include several violent crimes, for example murder, manslaughter, and physical assault, while Denmark and Iceland

do not include any crimes from this category. To sum up, Denmark and Iceland work with the “simplest” childcare records, as the former only include sexual crimes while the latter includes only sexual crimes and crimes related to narcotic drugs. The other three countries have more detailed childcare records including, for example, violent offences, robbery, human trafficking, and kidnapping.

In addition, the statute of limitations is something that varies a lot from one country to the other. As seen in Table 3 (p. 47), in some Nordic countries you must only tolerate couple of years of exclusion before getting a chance for a fresh start. However, in other countries, you might be haunted by your criminal record for your entire life. Another big difference regarding the statute of limitations is whether they choose to look at crime committed, or sentence given. In Denmark and Iceland, they look at the crime committed, while Sweden and Finland focus on the sentence given to the perpetrator. Norway chooses to work with a mixture of these two systems. The implications and consequences of these divided approaches will be further discussed in Chapter 8.

One last difference that should be mentioned is the treatment of volunteers. Finland is the only country in the Nordics that treat volunteers differently than other employees. Since 2014, it has been allowed by law to check the criminal history of people volunteering for with children in Finland. Unlike the law regarding paid employees, this does not obligate them to do a background check, but rather legitimize the option to do so. In the rest of Nordics, volunteers and employees are treated the same.

## 7 Policy developments – identified weaknesses and suggestions for expansion

This chapter analyses the first part of the research question (i.e., what characterizes the policy developments, laws, and practices in the Nordic countries regarding criminal record checks for people working with children in sports?) through theoretical perspectives. The chapter is divided into sections according to themes in the data. The first section looks at the question regarding mandatory or optional childcare record checks in the sports environment in the Nordic countries. After that, the lack of a system for getting a new record or renewed information after some time, hereafter referred to as a “renewal system”, and the implications and limitations of such a system are analyzed, followed by a problematization of the administrative burden and what this entails for the record check systems. Further, the Nordic cooperation regarding childcare record checks in sports is explored, followed by an investigation of the expansion of the types of crimes appearing on the record. The notion of false safety and how childcare record checks in sports are connected to this are then analyzed. The chapter finishes with a look at the phenomenon of "function creep" and how this can help us understand the characteristics of the policy developments surrounding childcare record checks in sports.

### 7.1 Mandatory or optional?

The debate about whether a childcare record check should be mandatory or optional is visible in data from three of the five countries: Norway, Sweden, and Finland. In some cases, this is specific to the sports environment, while in other cases, it is a general discussion about criminal record checks. In Finland, the record check is required by law for employees only, but the debate addresses the fact that background checks for volunteers are optional. In both Denmark and Finland, the background check in itself is mandatory but whether the sports organization wants to hire a person or not after having done the background check is optional.

Norway has a law regarding criminal record checks (Politiregisterloven, 2010) that mandates background check regulations to other special laws for different areas (for example, the school law or the law for healthcare workers). It is not mandatory for voluntary organizations, which many see as a weakness (Innst. nr. 210 S (2020-2021), p. 2). However, NIF has made it mandatory for all employers to do a childcare record check before hiring an

individual to work with children (NIF, c. 2017). Still, today, this does not cover all sports organizations, just the ones that operate under NIF. Private organizations can also check, but they are not obligated to do so. In 2021, VG posted several articles regarding child sexual assaults in the sports environment in Norway and how the current system of childcare record checks has significant flaws. One example is a man who worked at a horseback riding club in western Norway and was sentenced to two years in prison for sexual assault against four girls in the club. After release, he continued his work in a privately owned stable (Folkvord et al., 2020c). Further, VG revealed that 15% of the perpetrators exposed by the newspaper for sexual assault against minors in sports continued in roles in the private sector where they have frequent contact with children (Christiansen, Folkvord, and Syversen, 2021). This is something that the Norwegian Parliament will review to possibly make it an obligation for all sports organizations to collect childcare records, not just those that are under the jurisdiction of NIF (Innst. 210 S (2020-2020), p. 2). The working group reviewing the case disagrees with this suggestion and claims that the need for mandatory childcare record checks in the private section of the sports environment in Norway is not necessary (Christiansen, Folkvord, and Syversen, 2021). On the other hand, according to a consultation process put in motion by the Minister of Children, many of the involved parties disagree with the working group's suggestion and claim that background checks for private actors working with children are more than called for (Christiansen, Folkvord, and Syversen, 2021).

As mentioned earlier in Chapter 6, RF in Sweden obligates all their employers to do a childcare record check before hiring anyone to do work with children within the organization, even though this is only optional according to the law (RF, 2021). This obligation for sports organizations was implemented in 2020, but according to interviews conducted by Johansson (2022), Swedish sports organizations checked people's criminal records years before it became mandatory (p. 6). Though the record check is compulsory according to RF, it is still optional for the employer whether he wants to hire a person with a tainted childcare record. The same goes for Denmark and Finland. RF points out that being a children's coach is a privilege, not a right, and it should be up to the board of each sports organization to decide whether they want to entrust this person with a role involving contact with children or if they see it as too big of a risk (Bäck and Magnusson, 2019). Many motions have been sent to the Parliament in the last seven years, suggesting changes regarding the childcare record checks (Jomshof, 2015/16; 2016/17; 2017/18; 2018/19; 2019/20; 2020/21; 2021/22). Among these changes, it is suggested that it should be forbidden for employers to hire a person with a



record of serious sexual violations, crimes against children, or crimes involving child sexually abusive material if the work assignments involve direct and regular contact with children. This suggestion might sound reasonable considering an EU directive stating that the purpose of childcare record checks is to prevent child sexual abuse, sexual exploitation of children, and the creation and distribution of child sexually abusive material (Directive 2011/93/EU, 40). However, all these motions have been declined, and this continues to be a discussion within the Swedish Parliament (JuU. nr 8 (2013/14), p. 4). The opposite side of the argument states that it is a labor legislative right to be free to hire whomever the employer seems fit. The spread of information from the criminal register should be limited to the greatest possible extent (JuU. nr 8 (2013/14), p. 9). On the other hand, some politicians state that there is no need to forbid an employer from hiring a person with a tainted childcare record, as it is doubtful that they will do this regardless of whether it is mandated by law. A similar argument is that it is improbable that people with a criminal record will apply for a position where they know their criminal history might be controlled (JuU. nr 8 (2013/14), p. 10). Lang and Papaefstathiou (2021, p. 367) call this “the deterrent effect”. A counterargument is that when Denmark implemented the childcare record check system in 2005, 59 people with tainted records applied for jobs within the sports sector, even though it was "generally known" that their criminal records would be controlled (Haraldsen, 2008).

The system can be compared to the one in Finland regarding part-time workers. Even though a childcare record check is mandatory for employees, it is optional for volunteers and part-time workers, and it is up to the employer to assess whether an employee represents a risk for the children or not (Prop. nr. 4 (2021), p. 14). The responsibility of risk assessment is forwarded by the police and other security agents to basically "anybody" entrusted with hiring new employees. Whether this is enough to ensure children's safety and well-being will be further discussed in Chapter 8. In both Sweden and Finland, it is pointed out that there is little reason for a mandatory system for childcare record checks if there is no authority that controls and sanctions violations of a regulated system (JuU. nr 8 (2013/14), p. 9; LaUB nr. 16 (2013) – Prop. nr. 149 (2013), p. 8). According to the Finns Party, another flaw in the Finnish system is that the record check for volunteers is only optional, not mandatory, as volunteers do not constitute any less of a risk than the employees (LaUB nr. 16 (2013) – Prop. nr. 149 (2013), p. 8). Whether you get paid for your work does not have anything to do with your capability and motivation to commit a crime. On the other hand, the regulation is defended by stating that there needs to be a balance between what is mandatory for voluntary

work and what is not to keep the voluntary spirit alive and keep organized sports afloat (LaUB nr. 16 (2013) – Prop. nr. 149 (2013), p. 4).

To sum up, the obligation regarding childcare record checks differs from one Nordic country to another, and current debates seem to be struggling with finding a fair system for everyone involved. Denmark and Iceland have made childcare record checks for sports organizations mandatory by law, both for employees and volunteers. This check is only obligated for paid employees in Finland, not for volunteers or part-time workers. Norway and Sweden have laws that allow childcare record checks for voluntary organizations, but it is not mandatory. However, the National Sports Federations in these two countries mandate record checks for all their employees and volunteers. In addition to having different regulations for controlling childcare records, the five countries also differ in their reaction to the potentially tainted childcare record. In Norway and Iceland, sports organizations are not allowed to hire people with a tainted childcare record to work with children. In Sweden, Denmark, and Finland, on the other hand, you can have a tainted childcare record and still be hired to do work with children if the employers deem you "suitable" for the role and the mark on your record is not seen as an impediment to the work assignment. This can be described as privatized control which is, according to Bigo (2008), an increasingly common sight.

## 7.2 The lack of a well-functioning renewal system

In a risk society, the boundaries and definitions of "security" play a key role. The agents in the field of (in)security have different prioritizations, illustrations, and understandings of threats, creating struggles that involve the whole field of (in)security (Bigo, 2008, p. 24). In the context of childcare record checks in the sports environment, one can see the advocates of an expansion of the system, including renewal possibilities, as one agent and those speaking for more regulated criminal background checks as well as more focus on personal security, integrity, and GDPR, as another. These two actors can alter the field of (in)security and risk by producing "statements on unease and present solutions to facilitate the management of unease" (Bigo, 2008, p. 23). News articles regarding child sexual abuse in sports and letters of concern to Ministries send a clear statement of unease from the first-mentioned actor. This has led to a discussion in the Norwegian Parliament as to whether the childcare record checks system should be expanded to include a renewal system or if it should be seen as too big a

step toward risking citizen's integrity (Innst. nr. 210 S (2020-2021), p. 3; JuU. nr. 8 (2013/14), p.13; Prop. nr. 4 (2021), p. 4).

### 7.2.1 Norwegian problematizations

The system surrounding the renewal of the childcare record for sports organizations in Norway has for a long time been unclear as to what is allowed and what is not. In April 2018, NIF published information on their website (Tøien, 2018) regarding a change in the current renewal practice of childcare record checks. Before, the practice was that the Norwegian sports organizations operating under NIF did not have to ask for a new record for one of their employees or volunteers every time they changed assignments. However, this had to be done at least every third year to keep the records somewhat updated. NIF was satisfied with this system until it was altered by the Finnmark Police District (responsible for the criminal record system in Norway). They stated that they no longer want to issue childcare records for people for whom they have already issued a record. These differences in opinion about how the system should work were founded in different interpretations of the legal work that regulates the usage of childcare record checks by NIF and the Finnmark Police District. These two parties have agreed to ask the National Police Directorate for a clarification. However, as of now, they have still not gotten an answer from the Directorate. NIF points out that it would be a crucial flaw in the childcare record check system if they cannot regularly ask for a renewal of individuals' records to make sure people are still suitable for working with children in a sports setting. NIF is threatening to abolish the whole record check system if changes are not made (Innst. nr. 210 S (2020-2021), p. 3).

In a report from the Committee on Justice to the Parliament, NIF was quoted to underline the need for an update of the system regarding childcare record checks in Norway (Innst. nr. 210 S (2020-2021), p. 3). In the report, NIF starts by pointing out that the current system is not working according to its purpose. § 43 in the Norwegian *Politiregisterloven* (2010) allows an "update" of an already existing criminal record, as long as the warrant for issuing the record in the first place is still present. The updated record will also not include any information that would not have been included on the original record. However, neither the *Odelstingsproposisjon* nr. 108 (2008-2009), the *Politiregisterloven* (2010), or the *Politiregisterforskriften* (2013) does not clarify the types of situations that would permit an update of a person's record. Based on their website, it seems like the Norwegian police has

put the bar relatively high for retrieving such an update of the record. According to their website, a renewal of a person's childcare record can, firstly, only be issued if it is for the same purpose and for the same organization as when the record was originally issued. Additionally, the organization/employer has to have new information about this individual that would be relevant to their criminal record (Norwegian Police, c.2017). The situations NIF mentions in their letter to the political authorities refer to people changing assignments within the same organization or people being away for many years before returning to the same tasks (Innst. nr. 210 S (2020-2021), p. 3). In such a case, an update or renewal of the already existing record is not an option, but one could apply for a whole new record (Norwegian Police, c.2017). According to NIF's website, the police do not want to issue new criminal records for those who have already gotten one for the same purpose (Tøien, 2018). This statement does not correspond with what is stated on the website of the Norwegian police, where they claim that new assignments or a long absence allow for a new record check for that person (Norwegian Police, c.2017). In other words, there seems to be confusion regarding the renewal system and its intended functioning. NIF requests an update in the police's practice or a change to the *Politiregisterforskriften* (2013), making the system more welcoming for updates and new records.

Because of the lack of a well-functioning renewal system, NIF does not see the point in mandating their organizations to check the childcare records of employees and volunteers. Further, they see no reason for adding administrative duties to their employees' daily work if they do not see it having the intended effect. This is specified by an example stating that a person can be away from their duties in a sports team for many years but does not have to hand in a new childcare record upon return if they already delivered one the first time they were employed. Again, the website of the Norwegian police states otherwise, but there seems to be a disagreement in either the understanding of the regulations or the practice of them. In either case, NIF argues that this problem will significantly decrease the childcare record's intended effect (safety and protection). They go so far as to state that they will recommend the National Board of Sports (*Idrettsstyret*) to abolish the use of childcare record checks in the sports environment in Norway if something is not done to improve the system and specifically the improvement of the renewal possibilities (Innst. nr. 210 S (2020-2021), p. 3). Implementing a renewal system would most likely involve some digitalization and automatization. Therefore, it is pointed out that this potential renewal should not come at the expense of people's privacy or integrity (Innst. nr. 210 S (2020-2021), p. 4).

### 7.2.2 Renewal in the rest of the Nordics

Similar problems regarding renewal and updates have been experienced in Finland. Here, they have a rule stating that once you have handed in a childcare record to your employer, you will not have to do it again if you switch assignments, even if the new job also involves work with children (Prop. nr. 4 (2021), p. 4). The same regulations are present in Sweden and Denmark (JuU. nr. 8 (2013/14), p. 13; Børneattestbekendtgørelsen, 2018). This could be seen as a flaw in the system because a person's suitability should be evaluated for each new assignment. In Sweden, you can hand in a record up to a year old and still be approved (Registerkontrollagen, 2013, § 4). Say you apply to be a coach for children with a childcare record issued eleven months ago. You can then coach for many years without having to show a new record or an updated record, and in total, there might be many years "unaccounted for" where the coach could have done things that would have appeared on a renewal of the childcare record. The same goes for Norway, Denmark, and Finland, and it is seen as a considerable disadvantage for the people trying to control individuals entrusted to work with children. In Sweden, they implemented the law regarding childcare record checks in 2013 (Registerkontrollagen, 2013). They decided then that people who would have been affected by this law but were already employed would not have to show a childcare record but could continue in their assignments. One could ask if a system where you could request already employed people to prove that they have a clean record might have been in order (JuU. nr. 8 (2013/14), p. 7).

Another factor contributing to the renewal system discussion is the administrative burden. In Norway, around 400 000 criminal records are issued every year. If the National Police Directive approved the discussed renewal system, the administrative work for the police could get out of hand (Jutsis- og beredskapsdepartementets uttalelse, in Innst. nr. 210S (2020-2021), vedlegg). In addition, according to the Minister of Justice and Public security, the implementation of a renewal system would still not guarantee that the employer gets the relevant information in time to prevent a criminal act from taking place. In other words, the benefits of a renewal system would not be proportional to the costs, according to the Minister. The use of resources and the administrative burden for the police would cost more than what a renewal system could achieve in terms of prevention (Jutsis- og beredskapsdepartementets uttalelse, in Innst. nr. 210S, 2020-2021, vedlegg). The effect of

childcare record checks on the administrative workload has been mentioned as a problem in several of the policy documents analyzed, which brings us to the next section of this chapter.

### 7.3 The administrative burden

In May 2022, the Norwegian government-owned public broadcasting company NRK published an article in which they presented results from an investigation into the operationalization of childcare record checks in soccer clubs in Oslo. The numbers revealed over 600 new active youth coaches and leaders in soccer in Oslo, and only 260 issued childcare records. The number of coaches is based on reports from Oslo soccer clubs upon request, and since not all of them provided data, the actual number of new coaches is likely to be higher. Consequently, the gap between new soccer coaches for youth and issued childcare record checks is probably larger. It is suggested that this might be due to a lack of time and a deprioritizing of record checks for "smaller roles in the organization" (Tønset, 2022).

Gibbons and Campbell (2003, p. 220) stated that the definition of "reasonable screening" within an organization depends partly upon the nature of the organization and its administrative and financial resources. In her study of policy implementation in Swedish sports clubs, Johansson (2022, p. 9) underlines the typically limited human, financial, organizational, and educational resources that characterize many smaller clubs. Childcare record checks might not be a considerable administrative burden for bigger clubs, but it is a significant task added to the pile of work for smaller ones.

The administrative burden connected to regulations demanding childcare record checks has been brought up in policy documents from Norway, Sweden, and Finland. Denmark seems to have come a long way regarding this, as they already have an automatized system for criminal record checks (Innst. nr. 210 S (2020-2021), p. 4). Further, they are discussing a new approach in which a special committee, the Exclusion Committee, would automatically be notified if someone in a sports team under their jurisdiction hands in a tainted childcare record (Lovforslag nr. 119 L (2021-22)). Automatization and digitalization, which would ease the administrative burden, is also discussed in Norway and Finland. In Norway, a proposal has been sent to the Parliament requesting an investigation of digitalizing the current criminal record check system to make it more user-friendly and automatic. A suggestion has been put forth to use the national system *Altinn* with Bank-ID log-in to create a record check

system that would secure the individuals' integrity and be easy to operate. On the other hand, this would demand that people agree upon a system where an automatic renewal of their criminal record is sent to *Altinn* and can be inspected by potential employers (Innst. nr. 210 S (2020-2021), p. 3). In addition, NIF and the National Police Directorate have ongoing cooperation in trying to sort out the best way to digitalize the structures of childcare record checks. This would, according to NIF, repair some of the most significant flaws in the system mentioned by VG (Folkvord et al., 2020b). The corresponding system in Finland is thought to be hard to administrate and old-fashioned. Therefore, similar to Norway, they request a review of the system and suggestions for digitalizing and automatizing it (LaUB nr. 16 – Prop. nr. 149, p. 6).

The administrative aspect of childcare record checks becomes particularly prominent when discussing part-time or substitute work within sports organizations. It is pointed out in Finnish policy documents that there is usually a limit on how much time you have before providing a substitute worker, as they are needed almost all the time and in different settings. In these cases, there might not always be time to check the worker's criminal background before hiring them (Prop. nr. 4 (2021), p. 5). It is vital to make sure that the administrative workload does not hinder part-time workers and volunteers from helping in sports organizations within the Nordics, where they are an essential asset to the daily operation of youth sports. Administrative difficulties have been discussed not just in Norway and Finland. As mentioned before, Sweden does not mandate childcare record checks by law. Rather, it is optional for employers to conduct this check (Belastningsregisterlagen, 2013). They state that a system requiring these kinds of controls, at least in nonprofit organizations, would result in substantial administrative burdens as there are a lot of people coming and going to assignments that would be of the sort that demands a childcare record check (JuU. nr. 8 (2013/14), p. 9). For this reason, they have not made it obligatory by law.

### 7.3.1 The financial aspect

The financial side of criminal record checks should briefly be mentioned as well. This topic has received much attention and debate in the US, where private administrators for background checks and biometric databases are used to a greater extent, resulting in significant expenses for sports organizations (Deak, 1999; Gibbons and Campbell, 2003). Of the Nordic countries, individuals pay for their criminal record themselves only in Finland and

Iceland, whereas the employer or authorities pay in other countries. The record costs 12 euros in Finland (Oikeusrekisterikeskus, 2018), while in Iceland, the corresponding price is 17 euros (Icelandic Government, c. 2021). In some cases, nonprofit organizations pay for the volunteers' records, which results in a high cost for the organization. Suggestions have been put forth by the Finns Party stating that these kinds of records should be free of charge both for the organizations and for the individual (LaUB nr. 16 – Prop. nr. 149 (2013), p. 8).

#### 7.4 Flaws in the Nordic communication and cooperation

In December 2020, the Norwegian newspaper VG issued an article about a tennis coach convicted of sexual abuse towards a 15-year-old girl he had been coaching (Folkvord et al., 2020a). He was sentenced to eight months of unconditional prison but was released on probation after only five months. While on probation, the tennis coach moved to Denmark. He was looking for work there, and as all he knew was tennis, he applied for a coaching job in the region of Copenhagen. The job entailed coaching girls roughly the same age as the girl he had abused in Norway. The Danish tennis club asked him to hand in a childcare record. It was clean. His convictions only showed on the Norwegian childcare record, not the Danish one. The man on probation for a sexual violation in Norway went on coaching children in Denmark without the employer knowing about his earlier conviction (Folkvord et al., 2020b). Probably, there are many similar cases.

One of the policy developments for childcare record checks in the Nordics is addressing the information exchange between the Nordic nations and EU countries. This lack of cooperation and transnational information flow has been mentioned in the data. It has, for example, been brought up at a Parliament meeting in Norway, where they used media cases to point out the problem regarding information exchange within the Nordics (Stortingsmøte, 16.02.2021). A majority of the representatives from the Parliament agreed that a potential review of the childcare record check system should include an evaluation of the possibility of exchanging relevant information across the borders, especially with the closest neighbors (Innst. nr. 210 S (2020-2021), p. 4).

According to Bigo (2008, p. 17), we live in an age of globalization that blurs boundaries between nations. The police activity, surveillance, and maintenance of public order are deterritorialized and stretched beyond national borders. Despite this globalization, the



communication and cooperation within the Nordics are not meeting the expectations of parties involved in the process related to childcare record checks. It seems like the childcare record checks only cover the potential criminal convictions of a person in the country issuing the record. Convictions from another country will seldomly be included on the childcare record in the Nordics. In practice, a person can simply flee from the conviction's consequences by crossing the border to another country.

The European Union member states are all connected to the European Criminal Records Information System (ECRIS), established in 2012. It is a decentralized system that allows the EU member states to access and exchange information regarding an individual's criminal convictions. ECRIS helps prevent the concealment of a person's criminal record if they move to another country within the EU (European Commission, n.d.; Lang and Papaefstathiou, 2020, p. 367). The system does not currently provide information on non-EU citizens. One will have to contact the country directly to obtain information regarding criminal convictions from a non-EU state (European Commission, n.d.). The implementation of a system like ECRIS would, in theory, entail that the problems enlightened by the VG-article (Folkvord et al., 2020a) about coaches with tainted childcare records switching countries and continuing in their coaching role should not exist. A Framework Decision from 2009 addressed information exchange within the EU regarding criminal registers. In the decision, it is stated that:

Awareness of the existence of the conviction as well as, where imposed and entered in the criminal record, of a disqualification arising from it, is a prerequisite for giving them effect in accordance with the national law of the Member State in which the person intends to perform professional activity related to supervision of children. The mechanism established by this Framework Decision aims at inter alia ensuring that a person convicted of a sexual offence against children should no longer, where the criminal record of that person in the convicting Member State contains such conviction and, if imposed and entered in the criminal record, a disqualification arising from it, be able to conceal this conviction or disqualification with a view to performing professional activity related to supervision of children in another Member State (Council Framework Decision 2009/315/JHA, (12))

This means that the Nordic nations and any other EU-member state could request an individual's criminal record in another member country before hiring that person to work with children in a sports organization. Additionally, information exchange between the EEA/EFTA countries (Norway and Iceland) and the other EU countries is possible if the

request is sent straight to the nation in question (European Commission, n.d.). It should be noted that the information exchange across borders mainly applies to sexual violations, as this category of crime is the unifying factor between the childcare record checks in the EU (Council Framework Decision 2009/315/JHA, (12); Directive 2011/93/EU). The fact that there are systems in place for dealing with foreign criminal records makes the findings of Folkvord and his associates (2020a) even more concerning. The problem does not seem to be accessing information from other countries but an inconsistent practice where there are no routines for controlling foreign criminal registers. The Norwegian cabinet minister Monica Mæland commented on the issue by saying that she hopes that the sports organizations do their job and exchange information with other countries, something that they are allowed to do (Stortingsmøte, 16.2.2021). It is stated in a Danish guide for collecting childcare records in sports clubs that a person's criminal record cannot be cross-checked with any potential foreign records (DIF, n.d.b). Again, the problem does not seem to be the access to information but a crack in the system where sports organizations fail to control childcare records from other nations.

NIF addressed the issue of foreign coaches in a webinar about the childcare record check system in June 2021. They state that foreign coaches (or other people working with children in the sports organization) who have lived in Norway "long enough for a Norwegian childcare record to make sense" should hand one in like everyone else. A foreign record is approved if the coach comes from a country with a similar system to the Norwegian one. When it comes to coaches that, for different reasons, do not have the record from their home country available, or if their country of origin has a very different system than the Norwegian one, it is more complicated. NIF recommends that these coaches be followed up more carefully than others. They should be aware of Norwegian youth sports' ethical guidelines and expectations about safety, criminal record checks, and measures to prevent child sexual abuse and assault. Additionally, they recommend that there is always another coach at practice, at least initially (NIF, 2021). At the end of the webinar, NIF points to several challenges with foreign coaches and their childcare records. First, they mention the issue of access and how to receive a criminal record from another nation. As stated in the previous section, there are systems for exchanging this information between different countries. This should hypothetically be relatively easy within the Nordics and the EU. Still, it would not be too surprising if there were some bureaucratic difficulties in retrieving a person's criminal record from a non-EU nation, even though it is theoretically possible. Secondly, they mention

that different countries have different systems for childcare record checks and that it is not always clear how it works and how it differs from the Norwegian one. Consequently, this thesis might be a step towards a greater knowledge about the childcare record check systems in the neighboring countries of Norway, which can be seen as a step in the right direction. Lastly, they address the challenge of how to notify sports organizations in other nations if a coach or similar is convicted of a crime in Norway (NIF, 2021). As Norway is not a part of the EU, this information will not appear in the ECRIS-system. Therefore, it is up to the organizations in the other nation where the coach potentially wishes to work with children to ask Norway for access to the coach's Norwegian childcare record.

In the Nordic policy documents analyzed here, only Norway directly addresses the issue of lacking cooperation between the Nordic countries and the possibility of fleeing the consequences of a tainted childcare record. On the other hand, other Nordic nations have expressed interest in the issue, although more indirectly. In Denmark, they refer to the Framework Decision from 2009 ( Council Framework Decision, 2009/315/RIA) in their legal work surrounding criminal record checks, where it is pointed out that information exchange between Denmark and other nations is done according to the Decision (Kriminalregisterbekendtgørelsen, 2021, §§33-35). Additionally, Denmark approached the issue of sex offenders crossing borders from a different angle. A change in the Danish law was suggested in February 2022, proposing that the criminal courts would have the mandate to issue a travel ban for individuals convicted of sexual violations against children, as long as specific criteria are met. Examples of such criteria are the potential risk of reoffending and certain aspects of the person's criminal history. This would, in practice, mean that these people get their passports taken away for a limited amount of time to ensure they stay within Denmark's borders. By implementing a system like this, they eliminate the problem altogether. It is highlighted that this is a very intervening measure affecting people's integrity and freedom of movement. Still, the ban is only effective for a limited time. The change in law was simply to prevent previously convicted sex offenders from committing new crimes in another country (Lovforslag nr. L 78 (2021-22)).

In a Swedish policy document, it is stated that the criminal register should contain information on prison sentences, paroles, and probations for a person that has been issued by Denmark, Finland, Iceland, or Norway (Förordning om belastningsregister, 1999, § 9). In other words, the Swedish criminal register should cover serious convictions from all five of

the Nordic countries. The website of the Swedish police also states that individuals who are citizens in another EU country or Great Britain are to be controlled through the criminal register in that nation (Swedish Police, 2022). Additionally, information about a Swedish citizen from a member country of Interpol is also available to a certain degree (SOU 2019:19, p. 94). Therefore, it seems like the Swedish criminal register and the childcare record cover crimes at both Nordic and EU level. Interestingly, Norway is focusing on increasing the cooperation between the Nordic nations, while in Sweden, it is barely mentioned as a problem in the debates regarding childcare record checks in sports. Either the Swedish laws and regulations are working as intended, or they are unaware of the potential cracks in the system pointed out by VG and politicians in Norway, where the information is available but not retrieved.

However, the Swedish discussion regarding cross-national and EU-regulated cooperation has not been all quiet. One politician, Lena Olsson (V), expressed her frustration regarding the EU-directive addressing criminal background checks for people working with children. She sees criminal record controls as something concerning the labor legislation and the labor market, both of which are areas of national competence and nothing that should be regulated at the EU level. Additionally, she is opposed to the power transferred from elected national parliaments to EU institutions and the increase in influence that the EU has on national laws and politics (JuU. nr. 8 (2013/14), p. 16). On the other hand, the globalization of the world and the increase in border crossing by individuals can be seen as an argument for an increase in international legislation and more transnational systems for dealing with childcare record checks to better protect children from potential abusers.

### 7.5 An expansion of the types of crime appearing on the record

Since implementing the *Politiregisterloven* (2010) in Norway, some changes have occurred regarding the crimes appearing on the childcare record. Earlier, each area where this kind of record was needed (for example, schools, daycare centers, and hospitals) had the mandate to choose what sort of information they wanted to get from this record, as long as it was proportional to the assumed risk related to the work assignment. The purpose of the new police register law was to make the whole system of criminal record checks more unified and with more explicit restrictions. Before this, it was common for the childcare records only to show sexually related crimes, while the new law's implementation has led to more crimes

being included (Backman, 2012; Holmboe and Myhrer, 2018). This could be a sign of the involvement of the criminal record checks in a risk society and indicating people having less trust in ex-criminals in general and wanting to include more criminals in this category.

Further, there are discussions about including even more crimes on the childcare record. Both the Norwegian Labour Party and the Norwegian Progress Party have expressed interest in this, especially when it comes to paragraphs §§ 271, 272, and 273 (physical assault, aggravated physical assault, and bodily harm) where the victim is *underage* (Innst. nr. 210 S (2020-2021)). As of today, these crimes will not appear on the childcare record, but it is stated in a proposal from 2019-2020 that some representatives for the Parliament want them included (Representantforslag nr. 136 S (2019-2020)). They argue that there have been cases where a person has been charged with violating one of these paragraphs when the victim of the crime was the perpetrator's own child. Thus, instead of being charged with violating the Family Violence Provision, which is included in the record, they are sentenced with one of the paragraphs mentioned above, and the childcare record will stay clean. According to the representatives, this is a significant flaw in the system. They argue that it was agreed before the implementation of the *Politiregisterloven* (2010) that the childcare record should include crimes and criminal actions that in relation to minors must be seen as particularly serious and, therefore, also particularly relevant (Representantforslag nr. 136 S (2019-2020)) (more on this in Section 8.1.1). This "lack of information" on the record is defended by the Minister of Justice and Public Security in a letter where she explains that the representants want to include the paragraphs in the cases involving minors, but §§ 271, 272, and 273 are covering violent crimes in general, not just towards children. Because of this, it would be too big an administrative burden for the police as they would have to check each case to see whether the crime was committed against a minor. Therefore, the Minister states that if more crimes are to be included on the childcare record, the note on the register should not be dependent on the age of the victim where the paragraph in the penal code does not specify this (Justis- og beredskapsdepartementets uttalelse, in Innst. nr. 210S (2020-2021), vedlegg).

Likewise, changes in the crimes appearing on the childcare record have been discussed in Denmark. Until recently, the record would show sexually related crimes where the offender was a person in a trust and confidentiality position with the victim, if the victim was under the age of 15, even though this sort of sexual relationship is illegal if the victim is under 18 years old. Though the Danish age of consent is drawn at 15, there is an assumption that, at

least in the long run, professional sexual misconduct also carries a significant risk of harming the child in care, even when the sexual behavior is consensual (Levine and Risen, 2021, p. 449). In May 2021, a suggestion was put forth by the Danish Ministry of Justice stating that the childcare record also should include violations where a person in a trust and confidentiality position, for example, coaches or teachers, have had a sexual relationship with someone between the age 15 and 17 (Justitsministeriet, 2021, p. 8). The Parliament received this proposition positively, and the law regarding criminal registers was changed in September 2021 (Kriminalregisterbekendtgørelsen, 2021).

When it comes to the policy developments suggesting an expansion of the types of crime appearing on the childcare record, it is first and foremost Norway and Denmark who have taken action. In Norway, they wish to address a gap in the register where some violent crimes that could be directed toward children are missing from the register (Innst. nr. 210S (2020-2021), p. 2). Denmark, on the other hand, is expanding the content of the childcare record by increasing the age limit of the victim, resulting in that sexual crimes against a child under the age of 18 (not 15 as before) committed by a person in a trust and confidentiality position, will also be included (Kriminalregisterbekendtgørelsen, 2021). Today, the other Nordic nations have not put forth any suggestions of an expansion of the types of crime appearing on the childcare record. Finland has been more concerned with the people mandated to hand in a record (for example, volunteers and part-time workers), while Sweden has focused on the statute of limitations and potential consequences of a tainted childcare record.

## 7.6 False safety

In a Norwegian Parliament meeting on the 16<sup>th</sup> of February 2021, the Representant Proposal (Representantforslag nr. 136S (2019-2020)) regarding childcare record checks was discussed. Here, they discussed how a clean criminal record cannot be seen as a guarantee that a person has not or will not commit a crime. In addition, the record alone does not state how well a person is suited or equipped for a job involving children. The Standing Committee on Justice underlined that a significant amount of time might pass before an employer gets the information that one of their employees or volunteers has committed a crime that would exclude them from their current position or role (Innst. nr. 210 S (2020-2021)). What these statements tell us is that relying too much on the childcare record check alone might create a

false sense of safety. It might make employers, parents, coaches, and other adults naïve about the risk that may still be present in the sports environment.

It has been pointed out that a childcare record check is a valuable tool for preventing child sexual abuse in the sports environment, but that this cannot stand by itself if we want to ensure children's safety and well-being (Lang and Papaefstathiou, 2020, p. 373). There are plenty of other preventative measures that should be taken in the sports context to avoid false safety. These measures include making sure parents, coaches, and other adults have enough information on child sexual abuse and know what signs to look for. In addition, there needs to be a sound and secure notification system that ensures that any violations of the regulations within the sports organizations are received and dealt with by the right people (Brackenridge et al., 2008).

It should not be taken as a given that employers get information regarding changes in an employee's criminal record that might affect their current position. In the Nordics today, there is no automatized system for this, and the record the sports organization checked when hiring a person might be "out of date," which could contribute to a false safety connected to childcare record checks. Because of this, a system that allows employers to ask for an update or renewal of an individual's criminal record has been requested for a while, mainly in Norway but also in other countries. On the other hand, Lena Olsson (V) from Sweden believes that an extension of the childcare record checks would not be purposive. According to her, an increase in childcare record checks and the false safety it would lead to could interfere with other types of preventative work against child sexual abuse (JuU. nr. 8 (2013/14), p. 16). Representatives from Swedish sports organizations interviewed by Johansson (2022, p. 6) stressed that they are worried about an over-reliance on criminal record checks and are recommending a yearly review of references in addition to the mandatory childcare record checks in sports.

#### 7.6.1 The unrecorded abuse

There are multiple reasons why some children do not report the abuse they experience. One of the most obvious reasons is that some children are too young to realize what is going on and understand the line between acceptable and unacceptable behavior (Brackenridge et al., 2008). This is especially significant in sports, where actions that would be deemed wrongful

in other circumstances are normalized. Further, there are reasons to believe that boys who experience sexual abuse in sports are reluctant to tell professionals or other adults about the abuse, as the victims might see it as an inability to protect themselves and a threat to their sense of masculinity (Hartill, 2005, p. 296). The specific topic of the "culture of silence" will be discussed in Chapter 8.6.

Scholars have pointed out that all abusive behaviors are likely to be underreported and that "less serious" abuse might stay off the radar (Brackenridge et al., 2008, p. 397). Gibbons and Campbell (2003, p. 188) point out that "any decline in the reporting of sexual assaults on children should be looked at in the light of the fact that only a small percentage of children (10%) report abuse to professionals. This should indeed be a red flag for authorities and professionals promoting the use of childcare record checks in sports. The big questions are, namely, whether an expansion of this system would lead to fewer assaults and if it has done so thus far? One factor worth mentioning here is recidivism. The system of childcare record checks is built upon the assumption that a person (usually a sex offender) who has committed a crime before is more likely to do so again than a person with no criminality on their conscience. However, studies have shown that the recidivism rate for sex offenders in Nordic countries is very low (Graunbøl et al., 2010; Sandbukt et al., 2021). The combination of recidivism and childcare record checks is discussed in Section 8.2.

Further, there is a possibility for false positives or false negatives in any system. In the case of childcare record checks, the false positive would be a person with a mark on their record who has not done anything illegal (for example, falsely accused). Another false positive, more likely to occur, is when a previous ex-offender who has no intention of reoffending gets banned from sports on the assumption that he has an "ulterior motive" for joining the organization. The counterpart, which is connected to underreporting, is false negatives. This entails people who have committed a criminal act that would result in a mark on the childcare record but who have escaped any legal consequences and simply not been caught. Norwegian statistics show that half of the reported cases of child abuse or child sexual abuse are terminated by the legal system without a perpetrator being sentenced, usually due to a lack of evidence (Statistisk sentralbyrå, 2020). This would imply that many perpetrators end up with a clean childcare record despite having abused children before.



An expansion of the system of childcare record checks, for example, by adding more crimes to the record or checking the records more frequently, would not do anything regarding the problem of unrecorded abuse. As long as children and adolescents do not feel comfortable reporting the abuse or do not recognize such behavior, the childcare records will remain clean for those who have abused children in the past but not been caught. This problem calls for more education for children regarding sexual abuse and information about victims' rights in the legal system. Still, the childcare record does play an essential part in revealing abuse in sports. One female victim of child sexual abuse in sports wrote an e-mail to the Norwegian newspaper VG. Here, she states that it was crucial to her decision to press charges against the coach that he would never be allowed to work with children again (Folkvord et al., 2020b). Sadly, the system failed her at that time, and the man ended up in a coaching position for minors some later years. Still, for many victims, the childcare record check system may serve as a motivation for revealing the abuse and pressing charges, as it might protect other children from getting hurt in the future. Still, there are many potential dangers connected to false safety that comes with a system that puts a disproportionate focus on childcare record checks as a prevention tool. As Backman (2012) states:

(...) criminal record checks as a crime prevention technique are marred by several issues that undermine any such rationale for using them. Most crimes, for example, remain unsolved (resulting in no convictions entered on anyone's criminal record), and certain crimes... might even remain wholly undetected to begin with. Criminal records (...) contain too many false negatives (non-convicted offenders) (Backman, 2012, pp. 60-61).

All the factors mentioned above contribute to false safety in sports organizations that rely too much on criminal background checks for their employees and volunteers.

### 7.6.2 Lack of empirical research

Merton (1936, p. 898) suggests that the existing state of knowledge provides the most obvious limitation to a correct anticipation of consequences of action. Regarding policy developments addressing childcare record checks in sports, it is essential to embrace the learning from research, whether it is about sexual offending, criminal record checks, or possibilities of reintegration (McAlinden, 2022, p. 402). Johansson (2022, p. 2) points to several studies underlining a problematic gap between policy and practice due to a lack of evidence-based protective measures. The existing measures are rarely evaluated to determine

whether the intended outcomes have been achieved. One fundamental question for policymaking in criminal record checks in sports is how efficient the childcare record check systems in sports have been so far. The efficiency of the systems in this context is of course related to the central aim of preventing child sexual abuse by hindering those with certain crimes on their record from working with children. "Certain crimes" are those seen as especially harmful in relation to children. To answer the question of how well the system is working, one needs to investigate whether the number of abuse cases in the sports environment has gone down since the implementation of a mandatory vetting system for children's coaches. Such an inquiry has, to the author's knowledge, not yet been made in the Nordics. Additionally, the high percentage of unrecorded abuse makes it difficult to assess whether there is a decrease in abuse or not. Thus, the positive effects of the childcare record check system seem to be taken for granted without empirical data to support it.

The presumed high percentage of unreported abuse makes it difficult to answer how well the system works, but there are other problems related to this question as well. Today, Denmark seems to be the only country with statistics available on how many tainted records are received within sports organizations every year, that is, a number on how many "potential abusers" are banned yearly (see Section 8.4). None of the other countries have reported this kind of data. When the police district in charge of criminal record checks in Norway was contacted, Leif Sætrum, leader of the section of police certificates of conduct (*politiets enhet for vandelskontroll og politiattester*) at the time, answered that this sort of statistics from the sports environment is in the same category as all voluntary organizations (e-mail, 17. November 2021). This seems to be the case in Sweden as well when looking at statistics provided by Christel Backman, senior lecturer at University of Gothenburg (e-mail, 19.5.2022). In Finland, the only publicly available statistics are for childcare records in general (Prop. nr. 4 (2021), p. 12). Additionally, the author has not been able to find any Nordic studies reporting how the numbers of reported abuse of children in sports have evolved since the implementation of mandatory childcare record checks for sports organizations for each of the Nordic countries. Consequently, the system of childcare record checks used within sports is assumed to be an effective tool in preventing abuse amongst children, especially sexual abuse, but we are yet to investigate the actual effects of the system through empirical data and thorough research. Before that is done, a case of false safety cannot be ruled out with the existing system of childcare record checks.

## 7.7 Function creep and the childcare record check systems

In her dissertation, Backman (2012) defines "function creep" as

(...) an extended use, regulated or unregulated, of a database for purposes for which it was not initially planned, in ways that transgress the moral boundaries originally governing that database's establishment and utilization. This extension, which may take place gradually over a number of years, implies or results in new social functions (Backman, 2012, p. 18)

In many ways, the concept of function creep, as Backman (2012) defines it, can be used to understand the developments, identified weaknesses, and suggestions for expansion regarding childcare record checks in the sports environment.

Splitting up the definition, we start with "extended use." By slowly developing public policy in small increments, there might, over time, be a policy stretching where the policies cover areas that were not included in the initial implementation (Koops, 2021, p. 44). The use of criminal records, in general, seem to have expanded in several societal sectors (Backman, 2012; Pijoan, 2014; Rovira, 2020; Lang and Papaefstathiou, 2021). Finding specific statistics for sports organizations has proven to be challenging. Still, in Finland, there is an increase in the number of childcare records in general (Prop. nr. 4 (2021)). In addition, Finland has expanded the use to include volunteers, even though the system used to apply to employees only. The demand for a renewal system, which is especially dominant in Norway but also visible in Sweden, Denmark, and Finland, is another example of the extended use of childcare record checks within the sports environment in the Nordics.

Further, using the criminal records database "for purposes for which it was not initially planned" can also be recognized in childcare record checks in sports. The record was initially intended to include only sexual violations in order to protect children from sexual abuse. At least, this was the case in Norway and Sweden (Holmboe and Myhrer, 2018; Backman, 2012). Today, the record includes several other categories of crimes that, in one way or another, are deemed "harmful" in relation to children. Examples of these are the inclusion of crimes related to narcotics in Norway, Finland, and Iceland and the inclusion of aggravated robbery in Norway, Sweden, and Finland. In the Nordic justice system, a norm says one shall not be punished again for the same crime once the sentence has been served.

The transgression of the first norm was neutralization through an appeal to the higher goal of crime prevention, and by claiming that only certain crimes deemed as "relevant" were taken into consideration, which assured that no one was unfairly hurt (Backman, 2012, p. 53)

The question about how "relevant" crimes related to narcotic drugs and robbery are for child protection will be discussed in Section 8.1.1.

Further, the childcare record check was, at least in Sweden, initially established for teachers and childcare workers (Backman, 2012, p. 34). Backman (2012, p. 34) suggests that this can be narrowed down to the "starting point" of the function creep in this area. It has been broadened in later years by including other societal institutions where a person might have close contact with children, such as sports. In Denmark, they have even chosen to include people who regularly travel amongst children in their line of duty, even though they might not be working directly with them (Udvidelse af børneattestordningen, 2012). Recently, similar suggestions have been put forth in Finland (Prop. nr. 4 (2021)). Additionally, Norwegian politicians have suggested an expansion of the childcare record check system into the private sector, such as privately owned stables or dance schools (Innst. nr. 210 S (2020-2021), p. 2). One can argue that even though it deviates from the original intention of criminal background checks for people working with children, all these expansions make a lot of sense when the purpose is to keep the children safe from abuse. This function creep moving beyond the initially planned purpose can also be seen as a healthy and natural form of development where authorities and institutions are made aware of more aspects of our society, including the prevalence and conditions for child sexual abuse in sports. This evolution might, however, go beyond the moral boundaries initially governing the establishment and utilization of criminal record checks. The more the system is expanded, creeping into an increasing number of societal spheres, the more it affects individuals' integrity and right to privacy. This is comparable to Koops (2021, p. 30) notion that function creep is a term often used for "something going wrong, or at least not quite right, when a system requires new uses." Several scholars have criticized the increased extent of violating peoples' integrity (Kurlychek, Brame, and Bushway, 2007; Henley, 2014; Pijoan, 2014; Rovira, 2020).

Lastly, the notion that this extension would imply or result in new social functions is evident when looking at how the risk thinking has spread throughout the world of youth sports and how new ways of coaching are being adapted (Piper, Taylor, and Garratt, 2012; Garratt,

Piper, and Taylor, 2013). The extended use of childcare record checks that have reached the sports environment has made people more aware of potential risks and threats in this environment, which thought of as one of the most nurturing and safe environments for children. Suddenly, all adults are seen as potential perpetrators that need to be vetted and controlled before entering the sports scene, where they will have regular contact with vulnerable children. This way of risk thinking and increased anxiety in sports have resulted in new social functions like "no-touch coaching," "who is watching whom," and "never be alone with the athlete" (Piper, Taylor, and Garratt, 2012; Garratt, Piper, and Taylor, 2013). As Piper and her associates (2012, p. 342) stated, "the current practice of 'hands-off coaching' and the culture of mistrust associated with it will have negative implications for the continued recruitment of coaches, their effectiveness, and also for the development of healthy relationships between adults and children through participation in sport." These changes in social functions within the sports environment exemplify how function creep not only expands the systems of record checks but also affects other social spheres connected to the operationalization of a system like this.

Because of this "step by small step" expansion, such policies might receive insufficient attention and debate (Koops, 2021, pp. 53, 55). Although the expanded use of childcare record checks in the Nordics has been debated to a certain degree, an increased and more nuanced discussion would undoubtedly benefit the future development of these policies.

## 8 Discussion

The intended and anticipated outcomes of purposive action (...) are always, in the very nature of the case, relatively desirable to the actor, though they may seem axiologically negative to an outside observer. This is true even in the polar instance where the intended result is 'the lesser of two evils'... (Merton, 1936, p. 895)

As Robert K. Merton (1936, p. 895) understands, unforeseen consequences of a purposive action are as common as the foreseen consequences and do not necessarily entail something negative seen from the actor's standpoint. This chapter will discuss the potential consequences of the policy developments in the Nordics regarding childcare record checks in youth sports. Merton (1936, p. 895) defines these consequences to "result from the interplay of the action and the objective situation, the conditions of action." The results of the action of childcare record checks in sports and its policy developments will be discussed here to shed light on potential problems and paradoxes emerging from the systems. The purpose of implementing and expanding the systems of childcare record checks in the Nordic countries is to ensure children's well-being by preventing actions of abuse within the sports environment. These systems were put in motion knowing that they would expand the use of criminal record checks. Some argue that this is an intrusion on people's integrity, oppose the concept of "sentence served," and obstruct the reintegration process (Backman, 2012; Henley, 2014). This clash of interests, where the criminal justice system and other authorities want to access individuals' criminal records while convicted criminals (understandably) prefer to keep this information private and confidential, has been acknowledged for a while (Backman, 2012, p. 51). Even so, the purposive action of childcare record checks was put in motion all over the Nordics, hoping to prevent abusive behavior against children in sports while affecting people's integrity in the process. The system of childcare record checks is seen as "the lesser of two evils," the greater evil being child sexual abuse.

Chapter 8 will map out the potential consequences of the policy developments in the Nordics related to childcare record checks in the sports environment. The first section discusses the topic of proportionality and how different countries approach the content of the record and the statute of limitations differently. Following is the societal view of risk connected to sex offenders and recidivism. After this, there is a section problematizing peer athletes as potential abusers, which could be as common as abusive coaches, followed by a notion of "the culture of silence" in the sports environment and how this might affect childcare record

checks and policy developments. An investigation of the policing and controlling within the system of childcare record checks is included before ending the chapter with a discussion regarding “the ecological model” and how this can be used to interpret unforeseen consequences of the systems of childcare record checks in the Nordics.

## 8.1 The proportionality problem

There are significant differences between the countries when looking at the Nordic policy documents surrounding childcare record checks in the sports environment. The first difference is related to which crimes are included on the record and the proportionality between the crime and the aim of the record checks. The second difference relates to the statute of limitations and how the Nordic countries define it. A third difference is whether the countries are operating with an automatic system of exclusion or if it is based on informal discretion.

### 8.1.1 The proportionality between the purpose and the crimes included

The purpose of the childcare record in sports is to aid the prevention of child sexual abuse by excluding those with a tainted childcare record from the sports environment. The record is supposed to be limited so that “only certain crimes deemed as ‘relevant’” are considered to ensure no one is unfairly hurt (Backman, 2012, p. 53). In Section 7.7, “Function creep,” it is noted that more crimes have been added to the childcare record in Norway since the implementation of the system, and the inclusion of even more crimes is still suggested (Representantforslag nr. 136 S (2019-2020)). This calls for a discussion about where the line should be drawn for determining which offenses are deemed “relevant” for working with children.

One category of crimes that ought to be discussed in this context is crimes related to narcotics. As mentioned in Section 6.7, there are significant differences between the Nordic nations when it comes to the case of narcotics-related crimes. Norway, Finland, and Iceland include all crimes related to narcotics on their childcare record, while Sweden and Denmark include none. In Finland, it is stated that the purpose of the law regarding childcare record checks is to decrease the risk of children getting sexually abused, falling victim to a violent crime, or being lured into using narcotic drugs (Prop. nr. 4 (2021)). One can assume that

Norway and Iceland have similar intentions with their inclusion of crimes related to narcotics, even though no sources to support this statement have been identified.

Interestingly, Sweden and Denmark seem not to have the same view on this type of crime. They seem to deem crimes related to narcotics as “irrelevant” to their childcare record, and individuals with convictions related to this will thus be allowed to work with children in these two nations. Even more interesting is that charges of narcotics-related crimes are among the most common within the Nordics (Statistisk sentralbyrå, 2021; Brottsförebyggande rådet, 2021; Danmarks statistik, 2021; Tilastokeskus, 2020; Statistics Iceland, 2015). This entails that many people are banned from the youth sports sector in Norway, Finland, and Iceland due to previous drug-related convictions. One could wonder what arguments lie behind Norway, Finland, and Iceland’s choice to include this sort of violation. Is there actually an increased risk of children getting lured into trying drugs if their coach has a drug-related conviction? These are interesting topics for future research.

#### 8.1.2 Practical implications for the differences in statutes of limitations

In some nations, the statute of limitations related to the type of crimes you have committed, whereas in others, it depends on the sentence you receive. Table 3 (p. 47) shows that Denmark and Iceland only consider the criminal act when defining the statute of limitations. However, Sweden and Finland focus on the severity of the sentence in their definitions. Norway, on the other hand, chooses a mix between these two methods. For the most severe murder and sexual violation cases, Norwegian authorities have defined the statute of limitations such that the crime will forever be included on the childcare record. For other offenses, the limitation period is dependent upon the sentencing.

It should also be noted that the sentences for sexual delinquency might vary quite drastically from one nation to the other within the Nordics. For example, a “minor” sexual offense has a short minimum sentence in Finland (4 months). Although a stricter and longer sentence might be given, the minimum penalty is a possibility depending on the nature of the offense (Strafflag, 1889, 20 kap. 6§). A corresponding violation in Norway or Iceland could result in a penile reaction on the same level (Straffeloven, 2005, kap. 26; General Penal Code, kap. XXII). However, the consequences are still drastically different if we look at the statute of limitations for childcare records in the nations. In Finland, the unconditional prison sentence



for this crime might be less than two years, resulting in a ten-year limitation. This implies that a coach in his early twenties in Finland charged with sexual exploitation of one of his child athletes will have a clean record to show by his early thirties and can continue coaching children. However, if the same situation appears in Norway or Iceland, the offense will be visible on the coach's childcare record for the rest of his life, and he will never be allowed to work with children again. These are two very different approaches to the same violation.

Considering the example above, it should be mentioned that the coach's position of trust and the power imbalance between him and the athlete may affect the outcome of the criminal charges. The Finnish minimum sentence for sexual exploitation of a child might not be applicable if a coach exploits one of his child athletes. Considering the coach's power and position of trust, it is likely that he would get a much stricter punishment. If the unconditional prison sentence exceeds two years, it would be on his record for the next twenty years, and if it is longer than five years, the crime will stay on his record until his ninetieth birthday or his death (Straffregisterlag, 1993, § 10). All five Nordic countries have a specific paragraph in the penal code for sexual violations against a minor with whom the offender is in a relationship of trust/responsibility. The phrasing of the paragraphs varies somewhat, but the gist is the same. Suppose a person misuses their position of trust and power to get sexual favors or exploit a child. In that case, it will result in stricter sentencing than if the offender had no relationship with the victim. In Norway, Denmark, and Iceland, this misuse of power concerning sexual crimes has its own paragraph (Straffeloven, 2005, §295; General Penal Code, 1940, Article 201). In Sweden, Denmark, and Finland, it is submerged as a criterium for a sexual crime to be classed as "aggravated" (Brottsbalk, 1962, §6; Bekendtgørelse af straffeloven, 2021, §222; Strafflag, 1889, §7). The relationship between a coach and an athlete might affect the penal outcome in court. Even so, the proportionality problem considering the different nations' ways of defining the statute of limitations remains a topic of discussion in the field of childcare record checks in the Nordics.

### 8.1.3 An automatic system of exclusion or informal discretion

The exclusion of previous offenders from sports in the Nordics is partly done without anchoring it in rules or regulations but through informal discretion. In Sweden, Denmark, and Finland, it is up to the administrative authorities in sports to decide whether a person's criminal history will impede the work tasks (Bäck and Magnusson, 2019; Lovforslag nr. L

119 (2021); Ministry of Employment and the Economy, 2013). In Norway and Iceland, on the other hand, a tainted childcare record automatically leads to exclusion, and the person will be banned from sports with no possibility of being excused from this rule (NIF, c.2017; Sports Act no. 64, 1998). These differences in policing will be further discussed in Section 8.5.

## 8.2 Recidivism and the sexual offender

The second topic to be brought up when discussing potential unforeseen consequences regarding childcare record checks in sports is determining whether this system is indeed preventing abuse by preventing ex-offenders from reentering this environment. Seen from a criminological perspective, the concept of recidivism is of great importance when assessing a system like criminal record checks. In 2001, Cense and Brackenridge pointed out the importance of dealing carefully with ex-criminals, especially those with abuse offenses on their record, as “literature on treatment of criminals shows that the chance of recidivism is very high” (p.71). Further, Brackenridge and her associates (2008, p. 402) found that “a significant number of coaches” either had previous convictions of abuse or had been accused of abuse in the past. By contrast, Sandbukt and her associates (2021, p. 726) point to very different international numbers dating back to 1998 that show low recidivism rates, especially amongst sexual offenders. Contemporary empirical research on recidivism, primarily when focusing on the Nordics, show similar findings.

### 8.2.1 Sexual recidivism in the Nordic countries

One of the key similarities in the childcare record check systems for sports in the Nordics is that sexual offenses are included in all five countries. Kahn et al. (2017, p. 861) point out that “the nature of sexual crime evokes potent emotional responses from the public that exceed those of other forms of criminality.” This results in a penal populism evident in the development of a system of childcare record checks that put a tremendous amount of focus on sexual offenses. At the same time, other crimes receive much less focus. Both the EU directive (Directive 2011/93/EU) and Nordic policy documents clearly show that one of the highest priorities of these record checks in the sports environment is to prevent child sexual abuse in sports. This is evident through the original childcare record check, which was mainly intended for sexual violations (Backman, 2012; Holmboe and Myhrer, 2018), and the fact that it is the only crime category that all five Nordic nations have in common. This might

partially because the assumption that “once a sex offender, always a sex offender” is a common belief regarding previously convicted people in this category of crime. However, desistance from crimes like this appears to be the rule rather than the exception (Sandbukt, 2021, p. 5). The public concern regarding the rehabilitation of sex offenders is often “initiated by heavily exposed single cases involving reoffending” (Sandbukt et al., 2021, p. 726), while the media seldomly tells stories about ex-criminals who never commit a crime again (Sandbukt, 2021, p. 5). Although it is well documented that rates of sexual recidivism are lower than those for other crimes and that sexual reoffending generally declines with increased time spent free in the community (Hanson et al., 2018), the widespread assumption regarding recidivism is unaffected. Similar patterns regarding recidivism can be found in statistics from the Nordic countries. A report by Graunbøl et al. (2010) examined the recidivism rates for different categories of crimes in the Nordics. The number showed that sex offenders had the lowest recidivism rate in all five nations, ranging from 0% in Iceland to 11% in Finland (Table 4).

**Table 4.** Number of punishments completely served (N) for sex offenses and corresponding recidivism rates for these releases in the Nordic countries during 2005 (Graunbøl et al. 2010, p. 32).

Main crime	Number of punishments completely served (N) and recidivism (%)									
	Denmark		Finland		Iceland		Norway		Sweden	
	N	%	N	%	N	%	N	%	N	%
Sex offense	191	8	84	11	15	0	273	3	252	8

In the study from which the table above is retrieved, recidivism is defined as committing a new crime after serving a sentence for another crime, leading to a new sentence within the correctional service. A new offense is defined as the first sentence since the release from prison or the start of a sentence outside a prison (*friomsorgen*) during 2005. Reoffending a new type of offense than the original one is also included in the statistics. The individual follow-up period is two years, where the criminal act's timing and sentencing date must fall within this follow-up period (Graunbøl et al., 2010, p. 10). Similar measurements have been done in a Norwegian study by Sandbukt et al. (2021, p. 736), showing that only 3.4% of those released after a sexual offense conviction recidivated with a new sex offense conviction after a mean observation period of six years. Notably, the percentage stayed almost the same even though the follow-up period was increased by four years.

In practice, these numbers imply that many ex-offenders with sexual crimes on their record will not reoffend, which means they pose a very small threat to the sports society and its children. In addition, numbers from the report show that sex offenders who *do* reoffend tend to do so in another category of crime. Another and more alarming way to interpret these results is that several ex-criminals might actually reoffend, but they do not get caught and are therefore not included in the statistics. In Denmark and Sweden, over half the people previously convicted of sexual crimes reoffended through other sorts of delinquency (59% in Denmark and 77% in Sweden), while in Finland and Norway, all the recidivists were convicted of something other than sexual offenses (Graunbøl et al., 2010, p. 34). Bradford et al. (2021, pp. 152-153) also point out that recidivism varies for different subcategories of sexual criminals. Studies show that the extrafamilial child abuser has a higher recidivism rate than the intrafamilial abusers and rapists. Additionally, sexual perpetrators diagnosed as pedophiles are considered at a greater risk for reoffending than those who have abused children without getting such a diagnosis. It should, however, be pointed out that sexual offenses, in general, tend to be an underreported crime, and one can therefore assume that its recidivism rates are affected by this underreporting as well (Bradford et al., 2021, p. 139). Despite research showing low recidivism rates, actions are still taken as risk management is seen as one of the characteristic institutions of modern society (Garland, 2003, p. 71).

### 8.2.2 Risk regulation according to the nature of the threat

The practice of criminal record checks is, by many actors, justified by the “unspoken assumption that offenders are likely to reoffend, usually by committing the same crime again” (Backman, 2012, p. 53). As the statistics mentioned above imply, this might, in many cases, be a wrongful assumption without empirical support. Still, it is not always the actual risk that affects the preventative actions but the perceived seriousness of the potential threat and its consequences. As Backman (2012) states:

Sexual abuse of children is considered likely to cause serious lifelong trauma (...) a “worst imaginable” eventuality, making the low likelihood of the abuse actually happening insignificant for the perceptions of its risks (Backman, 2012, p. 62)

Considering the severe consequences of child sexual abuse, such as depression, posttraumatic stress disorder, sexual disorders, and suicidal ideation (Bjørnseth and Szabo, 2018, p. 365), and the fact that individual cases often involve multiple child victims (Hartill, 2009, p. 229),

the statistics regarding the likelihood of it happening might seem less relevant. The same goes for the actual capacity of childcare record checks to work in a preventative way, seeing as the recidivism rates are so low that the risk for a previous sex offender to commit a new crime within the same sort of criminality is slim. This is a sign of risk regulation having “extended beyond the statistical probability of individual (re)offending to encompass broader harm to classes of victims” (McAlinden, 2022, p. 392). The concept interferes with the understanding of offenders as individuals and human agencies and the contextual nature of sexual offending (McAlinden, 2022, p. 392). If there is even a slight chance of preventing a crime as serious as child sexual abuse, its probability becomes insignificant. It is not only the seriousness of the crime and its aftereffects that affect the policy developments regarding childcare record checks. In some cases, according to Backman’s (2012) study, the knowledge of having done everything in their power to prevent sexual abuse from happening and having shown responsibility tend to be of importance for employers:

What it all seemed to be about is, rather than any rational consideration of actual risk levels at the company or the prevention that criminal history checks would offer, having an ability to judge jobseekers’ character and provide customers and clients with clear proof that the company took risks seriously and engaged in crime prevention (Backman, 2012, p. 61)

“Customers and clients” in the case of sports refer to parents and other caregivers, who one can assume feel safer leaving their children with coaches and instructors that they know have been vetted before entering their position in the sports club. If a sports organization can prove all required controls and background checks were performed before hiring a new person, they seldom bear the responsibility if abuse does occur.

In determining whether the organization bears any responsibility in the case of abuse, one needs to ask whether the sexual assault on a child is reasonably foreseeable (Gibbons and Campbell, 2003, p. 217). It is not allowed for sports organizations to employ a person to work with children in Denmark and Finland and not do a background check. One can then be punished for negligence (Lovforslag nr. 119 L (2021); Ministry of Employment and the Economic, 2013). It all seems to be about taking precautionary actions. Haggerty (2003, p. 202) claims it is “taken to avoid the worst eventuality that can be imagined, not to reduce the likelihood that a probable event will occur.” Statistics might suggest that recidivism for sex offenders is an improbable turn of events. Still, as risk management rarely is rational or

calculated from statistics, the unknown threat and its magnitude become the core issue (Backman, 2012, pp. 61-62; Haggerty, 2003).

### 8.3 Child sexual abuse by peers in the sports environment

The childcare record checks are used to control the criminal background of individuals above the age of fifteen working with minors in the sports environment. Most assume that this is a helpful tool in preventing adults with “ulterior motives” from getting access to potential victims and thereby preventing assaults against children. This is done on the premise that the coaches and other adults in power positions exert the most significant threats. Surprisingly, some empirical studies report findings that peer athletes are the perpetrators of abuse more often than coaches (Alexander et al., 2011; Elendu and Umeakuka, 2011; Kloppen et al., 2016; Vertommen et al., 2017). It has been suggested that peer-to-peer abuse comprises between one-third and two-thirds of the overall child sexual abuse (McAlinden, 2018; Radford et al., 2011). In Kloppen and her associates’ (2016, p. 43) review of 26 Nordic studies, they found that peer abuse showed higher prevalence rates for all categories of sexual abuse and that 11.9% of the boys and 29.9% of the girls reported contact abuse when peers were included as perpetrators. In contrast, studies investigating abuse from an older person found that 5.7% of the males and 14.4% of the females reported contact abuse (Kloppen et al., 2016, p. 43). These findings support the hypothesis of a higher prevalence of sexual abuse amongst peers than between a child and an adult, suggesting that most sexual assaults in sports organizations are not prevented through childcare record checks. Consequently, one could wonder if too much focus is put on the record checks at the cost of other preventative measures.

According to Alexander et al. (2011), teammates are most commonly the perpetrators at lower levels of sports, while coaches are more likely to be the offender at higher levels of competition. Most children in the Nordics and elsewhere participate in sports at a grassroots level. If the conclusions by Alexander et al. (2011) are correct, this would mean that many of the children that the childcare record check systems aim to protect are abused in sports despite this system. Not by the coaches, as expected, but by their friends and peer athletes. A study conducted by Elendu and Umeakuka in Nigeria in 2011 showed that among the athletes who had experienced unwanted sexual attention, 86 % reported it as being from fellow athletes. The corresponding number for sexual coercion from peer athletes was 80 %. These

numbers are for adult male and female university athletes, but these high percentages might implicate a significant existence of peer athlete sexual abuse amongst youth as well.

Additionally, Kloppen and her colleagues (2016, pp. 44, 49) found that authority figures, such as coaches, teachers, and others, seem to represent quite a low percentage of child abusers in Nordic countries, with numbers ranging from 0.8 to 12%.

Even so, the focus of most preventative measures is on the abusive coach. This might not be too surprising as other empirical studies point at the coach being the most likely perpetrator of abuse. According to a systematic literature review (five victim surveys, one athlete survey, and one sentence-based study) done by Bjørnseth and Szabo (2018, pp. 377-378), the male coach was identified as the offender in six of the seven studies investigated. However, this might be caused by a narrow definition of what a sexual abuser should look like, both from the victims' and the researchers' perspectives. A distorted picture like this, with too much focus on the male coach, might lead to other categories of perpetrators being overlooked and jeopardizing the prevention strategies (Vertommen et al., 2017, p. 174).

Additionally, it should be highlighted that individuals might be victims and offenders simultaneously and might not realize this themselves, as this behavior has been “normalized” to them in sports. Child victims are usually perceived as the opposite of the offender as they are seen as the “innocent victim” as opposed to the “wicked” or “evil” offender (McAlinden, 2022, p. 394). In peer-based settings in sports, the children can both be a risk to others and at risk themselves, and one should therefore be aware of the language and terminology at use in this environment. As McAlinden (2022) puts it:

This also cautions us to be mindful of the use of the often pejorative and partisan terminology of “risk,” such as “victim,” “perpetrator” or indeed “vulnerability,” which is not always diametric, static, or even useful, in terms of identifying the “dangerous” of those in need of protection (McAlinden, 2022, p. 395).

Even though one might argue that sexual abuse from peer athletes is more common than expected, one should not jump to the conclusion that childcare record checks are a useless preventative tool. Some factors can be highlighted that contradict the claims that focus is put in the wrong place. First, the power dynamics between peer athletes are not the same as between the adult coach and the child athlete. Therefore, abuse by coaches tends to be more

severe than that of teammates (Vertommen et al., 2017). This does not mean that abuse by peer athletes should be ignored, but it highlights the need to maintain the prevention of sexual and other forms of abuse by coaches. Simultaneously, as abuse by peer athletes seems to be commonplace within the sports environment, one needs to take a second look at other preventative measures that can help with the current situation. These measures include ensuring parents, coaches, and other adults have enough information on child sexual abuse and know what signs to look for. In addition, there needs to be a sound and secure notification system ensuring that any violations of the regulations within the sports organizations are received and dealt with by the right people (Brackenridge et al., 2008). It is of the uttermost importance that these alternative ways of prevention do not get drowned in all the focus on childcare record checks.

#### 8.4 Childcare record checks in a culture of silence

I'm quite sure abuse has occurred, but our sport gets away [with it] because the culture of silence doesn't leak (Representative from a Swedish sports organization, in Johansson, 2022, p. 9)

The specific structure of sports, the power dynamics at play, and the child's role in this context might make it less likely for children to report when they experience abuse in this environment (Parent and Bannon, 2012). Sanderson and Weathers (2019) refer to this as "the culture of silence." This aspect of youth sports is also relevant when discussing the potential consequences of expanding the system of childcare record checks. It underlines that a large number of cases never revealed and the risk of false negatives and false safety that is present when too much focus is put on these background checks.

According to Sanderson and Weathers (2019, pp. 335-336), there are many reasons why children would choose not to report sexual or other forms of abuse experienced in sports. Examples include embarrassment, lack of awareness about the victim's rights, wanting to avoid the legal system, concerns about not being believed, and desiring to conceal the incident from family members and the community. Additionally, the appraisal of right- or wrongdoing, fear of the consequences, guilt or shame, and effects on the sporting career have been mentioned as potential factors for the culture of silence (Bjørnseth and Szabo, 2018, p. 380). Authorities could further contribute the culture of silence by operating in a grey zone



between addressing severe issues in sports and the wish to keep up the good reputation of sports (Johansson, 2021). It must be beyond every reasonable doubt that the accused acted unlawfully before one can impose criminal liability on individuals accused of sexually abusing children in the Nordic legal systems (Oslo Advokat RUV, 2022). In cases related to child sexual abuse, it might take years for the child to find the courage to speak up (17 years on average, according to Steine et al. (2017)), which often leads to a lack of evidence and a statute of limitations that has already been reached (Deak, 1999, p. 181). A potential consequence of focusing too much on the expansion of the childcare record check system would be many perpetrators slipping through a system that is only there to hinder those convicted of abuse from entering the world of sports. Considering the significant number of cases never disclosed to authorities or professionals, one might argue that the system is even less waterproof than first thought. Consequently, resources should be put into preventing the culture of silence from being well established in Nordic youth sports. Another potential solution to the problem of and conviction might be to include suspects and arrests on the childcare record. However, this would be more intrusive, risk increasing the number of false positives, and be less respectful of people's integrity, criminal history, and privacy.

#### 8.4.1 The silent male victims

Findings show that girls are more likely to be abused by family members, such as parents, grandparents, or siblings. At the same time, boys run a higher risk of being abused by an individual outside the family but known to them, for instance, a coach (Hartill, 2005, p. 294).

Confronting and acknowledging sexual abuse poses a major threat to a male's sense of masculinity. A male victim may assume that he is "less of a man" due to his inability to protect himself and to his experience in a helpless, victimized role (Mendel, 1995 in Hartill, 2005, p. 296).

A popular understanding is that girls are more likely to be victims of abuse than boys. Still, studies suggest that the actual number of sexual abuses against boys is three to four times higher than the number reported to authorities (Parent and Bannon, 2012, p. 365). Again, this signals a significant gap in a system primarily focusing on reported and convicted cases and the risk the offenders constitute for the sports environment. One suggestion for helping abused boys and other abused children to step forward would be to start using the phrase "sexual subjection" instead of sexual abuse. This lets the victims choose their definitions

based on experiences and thereby avoid the suggestion of trauma through the negative connotation of “abuse” (Hartill, 2014). There have also been investigations revealing cases where others within the organization or community knew about the abuse before it was reported (Hartill, 2014, p. 241). An interviewee in Johansson’s (2022, p. 9) study addresses this as “the macho culture in our sports,” running from coach to athlete, making them “less receptive to new knowledge, and depict these questions as unimportant.” To move away from this culture of silence and get the children to report abuse, it is of the utmost importance that all disclosures of abuse are handled thoroughly and thoughtfully.

### 8.5 Policing and the childcare record checks in sports

Bigo (2008, p. 17) argues that people outside law enforcement enforce surveillance, control, and exclusion in contemporary society, and police activities are deterritorialized and formed by connections between different institutions beyond the national police. This adds up when discussing childcare record checks in the sports context, where employers, board members, or people in charge of the background checks within organizations are given the right to ban individuals from this environment. This is a sort of formal control unformalized by giving "anyone" the authority to decide who is deemed undesirable and, therefore, who should be banned.

The exclusion is (in three of the five countries) being done without anchoring it in rules or regulations but through informal discretion. In Sweden, for example, it is up to the employer, the board, or the person in charge of the record checks to decide whether an "unclean" record should result in a ban or if they still want to hire the person for work involving children (Bäck and Magnusson, 2019). The same goes for Denmark and Finland, where there is no rule against hiring a person with marks on their record. It is simply up to these chosen people within the sports organizations (or the Exclusion Committee in Denmark) to choose whether the crime(s) will impede the person’s role (DIF, c. 2022, Ministry of Employment and the Economy, 2013). This is not necessarily something negative, but one can recognize the different dimensions of risk management and reintegration by affording the wider community (herein, individuals within sports organizations) a greater role in sex offender risk management and reintegration (McAlinden, 2022, p. 401). This discretion seems like a paradox to the wishes for a more automatized system discussed in Chapter 7.3. On the one hand, authorities and managers within the sports environment want a more easily operated

system with a certain degree of automatization. On the other hand, many countries still stick to informal discretion when deciding who should be banned from youth sports based on certain marks on their childcare record.

In opposite to informal discretion, the exclusion process is more straightforward in Norway and Iceland, where an unclean record means that a person cannot be hired to work with children, with no exceptions to this rule (NIF, c. 2017; Sports Act no. 64/1998). As Bigo (2008, pp. 21, 35) points out, controlling and banning in the risk society is being done far from the spotlight, targeting the "abnormals" and constituting a re-fashioning of policing and surveillance privatized to a greater degree than before. This statement can be underlined by looking at how members of society and sports organizations are given the mandate to categorize, control, and ban to a greater extent than before. Further, they propose stricter regulations, such as more automatic and digital systems, suggesting an escalation of ban-opticon and risk thinking in the sports environment (Innst. nr. 210S (2020-2021); LaUB nr. 16 – Prop. nr. 149 (2013); Lovforslag nr. L 119 (2021)). The whole system of letting sports organizations make the final call regarding whether they see it as appropriate to hire a person with a tainted record to work with children points to the responsibility for crime prevention being transferred from the state and the authorities to the individuals and the voluntary organizations (Backman, 2012, p. 60). Backman (2012, pp. 59-60) sees this process as a shift toward "advance liberalism." She goes on to state that

In this new constellation, the state is no longer "the ultimate provider of security," and the focus has turned to the individual who is positioned as responsible, self-steering, and capable of managing her or his own risks (Backman, 2012, p. 60).

Again, there are laws and regulations to protect both the children's right to safety as well as the employees' and the volunteers' right to privacy. Still, the final decision of what to do with a tainted record is up to the "responsible and self-steering" individual that evaluates the risk factors when hiring people to the sports organization. In Denmark, however, according to recent legal proposals, this exclusion process moves towards a more formalized and unified system.

It has been stated by the Norwegian Ministry of Justice and Public Security that the police must cooperate with both official and private organizations to benefit crime prevention work,

especially when it comes to young people (Prop. 114L (2012-2013), p. 3). The Danish Ministry of Culture has recently put forth a proposal that, to a greater degree, would centralize the mandate to ban and create a more formal exclusion process. Additionally, it would entail closer cooperation between the national police and sports organizations. The submission implies that childcare records applied for a sports-related purpose would be sent straight from the federal police to the "Exclusion Commission" (*Udelukkelsesnævn*) for child sexual assault *if* the record is tainted (*pletet vandel*) and *if* the organization still wishes to employ the individual (Lovforslag nr. 119 L (2021)). Today, each sports team is responsible for sending tainted childcare records to the exclusion commission for child sexual abuse so that the committee can help the employers make an informed decision about whether to exclude the individual. According to the statistics from 2020, 340 000 childcare records are issued every year in Denmark. Out of these, 149 are tainted/marked, and 24 of the tainted ones are issued for work within the sports environment. Of these 24 marked childcare records, only 4-7 are presented to the exclusion commission. (Lovforslag nr. 119 L (2021)). On the one hand, the current rules state that the sports organizations only have to notify the commission if they consider hiring a person to work with children despite a tainted record. On the other hand, the Exclusion Commission would prefer getting these notifications straight from the national police. Implementing this proposal would give them a better overview and control over the childcare records situation in Denmark's sports arena. According to the Ministry of Culture, this change in the law can be a big step towards even better protection against child sexual abuse for minors in the sports environment and create a more unified and fair treatment of cases regarding tainted childcare records (Lovforslag nr. 119 L (2021)).

Even though a more unified system and fair treatment of cases might sound like a positive development, there are also potential downsides. In Backman's dissertation (2012), both employers who used criminal record checks when hiring and those who did not were interviewed. Those with a negative standpoint towards implementing this formal control technique thought of it as destroying the trust between the employer and the employee, a trust they saw as crucial to the process. According to these people, vetting should be left to informal controls such as telephone calls to references, one-on-one interviews, and direct questions (Backman, 2012, p. 76). A system using an Exclusion Committee, like in Denmark, might lean too much on these formal devices of control and put less focus on informal

information that might provide just as much, if not more, relevant background stories than the childcare record checks.

Despite comprehensive legal work regulating the use of childcare records, vague words and phrases in these documents make deciding who to control and on what grounds even more difficult for the people mandated to do so. An example of this can be seen in the Norwegian law on criminal registers (Politiregisterloven, 2010). Here, it is stated that exclusion can be done on the grounds that it will prevent a person from committing assaults or having a "harmful influence" (*skadelig innflytelse*) on minors. Additionally, it enforces the belief that "capable people" (*skikkede personer*) are taking care of children (§37 første ledd nr. 4). In some cases, the phrasing might make perfect sense, for example, if a sports organization decides to exclude a person that has been convicted of a sexual violation to prevent assaults as this is not seen as a "capable person." But there might be other situations where the decision does not appear to be clear, and phrases like "harmful influence" and "capable person" might add to this confusion. It might, for example, be more unclear as to whether a person convicted of a minor drug-related conviction is "capable" or not of working with children. This vague wording will, however, not affect how Norwegian sports organizations hire people, as they are obligated to ban anyone with marks on their childcare record (NIF, c.2017). In Denmark, the wording in the childcare records themselves is thought to be vague and hard to fully understand. This is especially true regarding convictions that is new to our modern society, like sharing pictures on social media. The question is how to interpret the wording of the regulations and the potential consequences of a record with such violations (Lovforslag nr. 119 L (2021)). To get the full preventative benefit from childcare record checks, the wording used in the policy documents needs to be carefully considered, especially as many of the people executing the control do not have a background within the police or the legal sector.

#### 8.5.1 The "stranger-danger" narrative

In "The Psychology of Punitive Justice," Mead (1918, p. 587) argues that the criminal justice system's ability to label someone a criminal sends a message to society that this person is to be cut off from the world of legitimate people. This label results in people being separated into groups of "acceptables" and "unacceptables." Kurlychek, Brame, and Bushway (2007, p. 67) further point out that some of these practices of social shunning have been formalized

into laws in our society. The criminal record check is such a practice. According to Merton (1936, p. 900), there are instances of purposive social action, such as the implementation of criminal record checks in sports, that are urgently put into motion, not because of an empirical knowledge justifying it but because of public opinion and estimate calling for immediate action due to an emotional investment in the problem.

Childcare record checks were implemented in the Nordics to prevent abuse against children in sports. Even so, it should be noted that this system may contribute to a situation where policing is done in other ways as well. While the system of criminal record checks might seem to uphold its end of the deal, it also generates recognition of the potential dangers and risks within sports organizations. This fear of possible sexual abuse in sports has been slowly increasing in contemporary society, often leading to new forms of self-imposed regulation and control. Paradoxically, “addressing sexual abuse is not necessarily associated with solving problems and promoting safe sport, but to potentially cause problems and inflict fear and a sense of unsafety” (Johansson, 2022, p. 11). Even with a system operating with background controls on all coaches working with children, the realization of the risk and the fear can feed the so-called “parental gaze,” where coaches will need protection from the threat of unfounded accusations (Garratt, Piper, and Taylor, 2013, p. 626). A swim coach interviewed in a study conducted by Garratt, Piper, and Taylor (2013, p. 626) explained the situation surrounding who is safeguarding whom in the context of sports: “You wouldn’t dare put your hand in the water because the parents obviously can’t see what you’re doing with your hands.” This exemplifies what Garratt, Piper, and Taylor (2013, p. 627) call the “retching-up of policy” that appears to have had a somewhat of a paralyzing effect on the coaching practice.

The art of coaching and the optimization of performance now become secondary to the primary goal of safeguarding. This safeguarding policy underlines that policing, controlling, and banning through childcare record checks does not necessarily lead to parents and other caregivers feeling safer sending their children to organized sports events. The realization that abuse is a potential threat in this environment will most likely make parents extra vigilant towards coaches and their behaviors, despite knowing they have been through a vetting process. This is a form of informal control that focuses only on the potential perpetrator rather than the context of the abuse risk. As Hartill (2013, p. 242) sees it, “it is the anomalous individual (and his/her psychological distinctiveness) who is drawn to the heart of the issue,

rather than wider social norms or commonplace features of particular contexts.” This prominence to a picture of the “monster pedophile” emphasizes the “stranger-danger” narrative and reduce the focus on the situational factors involved. By labeling sexual offenders as “monsters,” one risks camouflaging the actual abusers, who are typically perceived as someone far from this description (Johansson, 2021). Prevention against sexual abuse would benefit from a “more contextual, humanistic lens on sex offender risk management” where the social construct is put in focus rather than “a personality characteristic of individuals” (McAlinden, 2022, p. 402).

In other words, the sports environment is suffering from an all too narrow micro-perspective on the issue of child sexual abuse and its prevention. Sexual abuse is seen as an individualistic problem, and subsequently, it is dealt with by identifying and banning singular scapegoats. Instead, the problem should be put in a more meso- and macro-like context, focusing on the normality of sexual abuse rather than its deviation. This entails a greater collective responsibility and structural prevention within the sports environment, aiming to prevent the types of processes where a certain kind of behavior gradually is normalized, creating risk-filled situations in the cultures and relations of sports (Johansson, 2021).

The current micro-perspective and the focus on the “monstrous abuser” can be traced back to the expansion in the use of childcare record checks, where the focus is to locate the potential individual abuser and ban this person from the sports environment. We might call this an unforeseen consequence of the childcare record check systems, recalling Merton’s (1936, p. 901) notion of “error” occurring when the actor only attends to some of the aspects of the situation that will influence the outcome but ignores others. Other preventative measures receive less attention by focusing so much on the operationalization and expansion of childcare record checks. This would further imply that one consequence of the childcare record check systems and their function creep is less focus on the broader social construct of abuse (the situational factors of abuse, the relationships of abuse, and the culture of silence) and increased focus on the individual. As mentioned by scholars, a micro-perspective where the focus is on the monstrous abuser is unlikely to be the most efficient way to prevent sexual abuse against children in the sports environment (e.g., Hartill, 2013; Johansson, 2021). The situational factors of abuse in sports will be further discussed through the perspective of an ecological model in the next section.

## 8.6 The ecological model

...child abuse is understood to be a product of the characteristics of the environments in which it occurs rather than simply being the result of the actions of certain individuals (Jack, 2001, p. 185 in Hartill, 2009, p. 234).

By looking at this theoretical statement, a fair question would be whether the childcare record check system can fill its intended purpose by only focusing its preventative mechanisms on certain individuals. An ecological model factors in multiple strategies at multiple levels of analysis, looking at the social ecology contributing to a phenomenon (Campbell, Dworkin, and Cabral, 2009, p. 226). In adopting such a model, it would be reasonable to assume that abuse against children will take place anyway if we do not first analyze and study the characteristics of the sports environment, followed by situational preventative measures designed for this specific environment. Suppose we characterize sexual offending as mostly opportunistic and situational by nature. In that case, as Farmer, McAlinden, and Maruna (2016) and McAlinden (2012) have realized, it becomes obvious that there are multiple perspectives on the same phenomenon. Gibbons and Campbell (2003, p. 186) portray the perpetrator as a rational actor seeking access to potential victims through sports. On the other hand, according to the ecological model, the individual within this environment is a relevant factor for abuse but far from the only one. A consequence of using and expanding the childcare record checks system could be ignoring situational factors. This, in turn, could lead to more cases of child sexual abuse and maltreatment in sports.

### 8.6.1 A Western and Nordic attitude towards youth sports

In Western countries and specifically in the Nordics, cultural importance is connected to youth sports. It can be described almost as an “evangelistic” part of the culture, believed to lead to improved health, self-confidence, and character in the form of “discipline, teamwork, and responsibility” (Coakley, 2011, p. 308). Some scholars have pointed out the risks these deeply rooted cultural beliefs may lead to, referring to the acceptance of behavior (for example, touch) that would normally be unacceptable (East, 2012, p. 21), as well as parents and club administrators being less observant to potential negative occurrences. Even worse, “it may encourage the idea that any positive experiences a child athlete has are worth the risks associated with strong criticism of, or high emotional or physical pressure placed on, them (Cameron et al., 2017, p. 184). According to Cameron et al. (2017, p. 182), some clubs



were guilty of sacrificing athletes' sense of comfort and safety and used them as instruments for the club's broader success. These are, of course, the worst-case-scenarios examples of the culture of youth sports taken to a level that is more damaging than health-improving for the children. One might question whether these factors create an environment where Nordic sports organizations are more prone to abuse than others. Kloppen and her associates (2016) explored the prevalence of child sexual abuse in the Nordics in general (not specific to sports). They pointed out that the clustered cultural aspects of the Nordics might influence the patterns and prevalence of child sexual abuse in a way that differs from the rest of the continent (Kloppen et al., 2016, pp. 38-39). However, due to "methodological dissimilarities between the studies, limited investigation of changes over time in the prevalence rates, and the few studies in which such changes could be explored were inconclusive and contradictory," that is, the authors found it difficult to make comparisons between countries and continents (Kloppen et al., 2016, p. 48). Despite this, in the Nordic youth sports culture, it becomes essential not to put all the resources and energy into the childcare record checks but to consider the potential consequences of not seeing the environmental factors that create the perfect circumstances for abuse.

#### 8.6.2 The child athlete in the structure of sports

Another situational factor creating the potential for abuse is the structurally dependent status of the child athlete (Brackenridge, 1994, p. 192). A well-respected and professional coach is believed to be the key to a successful athletic career. Relationships of this kind can be defined as a "critical relationship," where a young person (the athlete) is dependent upon an adult (the coach) both to fulfill their human needs and to successfully be able to exercise their sport and achieve their goals. This puts the athlete in a dependent and, therefore, more vulnerable position (Wilinsky and McCabe, 2020). A critical relationship like this can foster an environment characterized by opportunities for an ill-meaning coach to exploit his position of trust (Deak, 1999, p. 174).

Additionally, the sports context offers multiple opportunities for grooming where sexual attention and advantages from the coach are camouflaged and perceived as favorable in a particular context (Cense and Brackenridge, 2001; Toftegaard-Nielsen, 2001). Although most of the coaches in the Nordics probably show a clean childcare record before entering the position, it is worth noting that the situations emerging from the sports environment might

make even well-intending coaches cross the boundaries because it might be hard to draw a line between private spheres and regular coaching practice. According to the data gathered by Cense and Brackenridge (2001, p. 69), four situations within sports appear particularly risky: national and international tournaments, massage by the coach, being at the coach's home, and being in the coach's car. Such examples where the coach and the young athlete are in very close and intimate situations are normalized in sports, leading to the athlete not knowing when the boundaries are crossed and when the actions toward them are wrong (Brackenridge et al., 2008, p. 392). These structural conditions and power dynamics embedded in competitive sports have created multiple situations with possibility for abuse (Owton and Sparkes, 2017, p. 742). Risky situations like these, which emerge in the day-to-day activities in the sports environment, might also signal that it is the organizations and individuals within it that hold "local knowledge" about the problems of risk and security within sports and, hopefully, the solutions as well (McAlinden, 2022, p. 401). From this perspective, the authorities and politicians must listen to the "experts" familiar with the contexts of sports and the situations where abuse potentially occurs.

It has been claimed that many young athletes who have faced sexual abuse in their sports do not see themselves as victims, as they consider this type of behavior to be expected in the context of sports (Parent and Bannon, 2012, p. 356). Additionally, successful young athletes invest enormous time, money, and energy into their sport. Thus, they also have a lot to lose and are more vulnerable to abuse (Vertommen et al., 2016, p. 224). It is, therefore, crucial to consider how the institution of sports contributes to the "construction and the maintenance of a social system in which sexual abuse is a widespread and persistent feature" (Hartill, 2009, pp. 232-233). Due to the sports sector's historical roots as a voluntary part of society, it is still common for organizations to see themselves as existing "outside the regulatory and moral frameworks that operate in other spheres of institutional life (Brackenridge, 1994, p. 288). Consequently, one needs to reflect on how the formal control of childcare record checks operated within this institution might be limited in the capacity of prevention considering the specificity of the situations appearing in the world of sports. False negatives might appear, such as offenders who never got caught and the first-time offenders providing a clean childcare record. These individuals will have unique opportunities in sports to exploit a child, as evident from the ecological model. Still, it should be noted that the unique and close relationship forged between a coach and their athlete means that coaches are in a special position to play a part in the protection of children who are being harmed at home or children

who need a safe and trusting adult to confide in (NSPCC, 2002 in Garratt, Piper, and Taylor, 2013, p. 624). Some might argue that a well-respected coach is a key to a successful athletic career. Also, it is fair to assume that “a safe sports environment is key to becoming a good athlete” (Johansson, 2022, p. 9).

### 8.6.3 Risk versus protection

To have a trusting adult to confide in is not the only positive aspect when discussing the impacts of the sports environment on sexual abuse. One also needs to consider “the complex interplay between the individual and structural correlates of desistance and the need to take account of the situational and relational context in which sexual offending typically occurs” (McAlinden, 2022, p. 399). The sports environment offers social impact and positive reinforcement in peer support, community belonging, and professional relationships, which can be of great importance in pivoting and shaping behavior and positively influencing desistance (McAlinden, 2022, p. 399). This social sphere becomes something of a second family for individuals involved in the sports environment through participation, coaching, or both. It might, in many cases, be a crucial factor in the reintegration process, providing support and familiarity that facilitates the desistance process. However, upon reentry to society, previously delinquent individuals often inherit a stigmatized position that might be intensified through an experience of “othering” and exclusion from their former communities (Pratt, 2016). This social exclusion and the fear and shame stemming from it will negatively affect the individual’s psychological well-being, which in turn may increase their risk of reoffending (Harris and Levenson, 2021).

In abuse cases where the delinquent actions took place in the sports arena, it might seem like a bad idea to return to “the scene of the act” for the reintegration phase. According to a news article by Welhaven (2020), the protection of children must be prioritized over the offender’s wish to return to the sporting community. However, offenders might not be interested in returning to this community upon release. According to Rolfe and Tewksbury (2018), there is a modified labeling theory stating that people will constrain themselves due to a fear of stigmatization which will reduce their opportunities for reintegration. Sandbukt (2021) interviewed Norwegian males released from prison after serving convictions for sex offenses. In these interviews, one man addressed the feeling of always being prone to suspicion or allegations because of a conviction of a sexual offense against a child. He stated that behavior

that would normally be considered unsuspecting was easily misinterpreted if people knew that *he* specifically had engaged in the behavior (Sandbukt, 2021, p. 11). In agreement with the above-mentioned modified labeling theory, these men chose to avoid situations where they anticipated the detection of negative reprisals (Sandbukt, 2021, p. 13). They would not put themselves in situations that could throw suspicion on them as they experienced losing their credibility and felt they “had no real chance of proving that they would not offend again” (Sandbukt, 2021, pp. 12, 14). This would entail that the ex-offenders of sexual violations would not seek out the kids in the sports environment once back in society, as it would put them in a situation prone to misinterpretation, suspicion, and stigmatization.

The support that could potentially be given to these individuals by the sporting community is undermined by the willingness to protect the children from abuse. The protection of the convicted coach will always come second. Studies show that those released from prison need community support networks provided by local social capital since their stigma is so pronounced that they cannot rehabilitate and reintegrate into other societal sectors (Burchfield and Mingus, 2014). The social stigma, where interpersonal interactions and experiences are reinforced through social exclusion and “othering” (Pratt, 2016), is apparent when it comes to previously convicted sex offenders, including in the sports sector. Further, the structural stigma, meaning discrimination by institutions, the criminal justice system, control, etc., will likely worsen or amplify the social stigma (Sandbukt, 2021, p. 3). The systems of criminal record checks intertwined with the structural stigma will, when seen from this angle, boost the social stigma within the sports environment. Thus,

An important task for the Norwegian authorities and Norwegian society at large is to avoid the obvious mistake of adopting restrictive registration and notification laws and enhancing structural stigma, and rather facilitate successful reentry in practice, not just on paper (Sandbukt, 2021, p. 16).

## 9 Conclusions

The conclusion will start by presenting the major findings of this study. This is followed by a section on how these findings correspond with previous research and theories and how the results of the thesis may impact the field. The conclusion finishes by addressing some limitations of the study while suggesting further research on childcare record checks in sports.

### 9.1 A system tinged by function creep

This thesis aimed to analyze the characterizations of the Nordic policy developments, laws, and practices in the Nordic countries regarding criminal record checks for people working with children in sports and to map out their potential consequences. The findings point to policy developments tinged by an expansion beyond the initial intention of the system, that is, a function creep. This function creep can be seen in policy documents that involves an ongoing expansion in the type of crimes appearing on the record, automatizing the systems, and potential renewal systems.

The study of policy developments, laws, and practices regarding childcare records in sports show a significant focus on sexual deviation and previously convicted sex offenders. The category of sexual violations is the only category of crimes included on a childcare record in all five Nordic nations. This focus is accompanied by longer statutes of limitations for sexual violations, with Norway and Iceland having lifelong limitation periods defining that such crimes will forever occur on the childcare record. However, when looking at other types of delinquencies, the development of policies and laws addressing systems of childcare record checks in the Nordics is characterized by major inconsistencies between the countries.

Sweden and Norway started with childcare records that mainly included sexual violations (Backman, 2012; Holmboe and Myhrer, 2018). However, developments over the years have shown a tendency to include more crimes on the record, such as violent crimes and crimes related to narcotics. The nations have had different strategies for this. Norway, Finland, and Iceland have chosen to include crimes related to narcotics, presumably to prevent children from getting lured to try narcotic drugs (Prop. nr. 4 (2021)). On the other hand, Sweden and Denmark have not shown any interest in adding drug-related crimes to their childcare record. Further, Norway, Sweden, and Finland include some of the more serious violent crimes, such as murder, homicide, and physical assault. In contrast, Denmark and Iceland do not have any

violent crimes on their childcare record. These findings point to significant differences between the countries and an increase in the number of offenses included in the childcare records in the Nordic nations, with Norwegian Parliament members suggesting further additions (Representantforslag nr. 136 S (2019-2020)).

Further, a function creep can be seen in the Norwegian focus on a renewal system, meaning that they want a more well-functioning system related to the renewed background check when a person switches assignments or comes back after a longer break (Innst. nr. 210 S (2020-2021)). Additionally, Norway has expressed wishes for better communication and information exchange between the Nordic countries regarding childcare records in youth sports (Stortingsmøte, 2021). Lastly, automatization of the system has been suggested in Norway and Denmark (Innst. nr. 210 S (2020-2021); Lovforslag nr. 119 L (2021)), while Finland has extended the record checks to involve volunteers and part-time workers (Straffregisterlag för frivilliga, 2014; Ändring i straffregisterlag<sup>8</sup>, 2021). All these developments further underline the function creep in this sector.

The big picture shows a Nordic childcare record system slowly expanding its initial frame and purpose, portraying a function creep of control and surveillance. On the one side, there do not appear to be any empirical findings revealing if the childcare record checks decrease abuse in the sports environment. On the other side, highly profiled cases of abuse in sports, such as the cases involving Larry Nassar and Patrik Sjöberg, as well as the many cases revealed by VG (Christiansen, Folkvord, and Syversen, 2021), seem to lead to a pressure for policy developments within criminal record checks and other preventative measures.

## 9.2 The findings in relation to previous research and theories

The function creep of the childcare record system fits well into previous research on criminal background checks in general. Scholars point out that these background checks are expanding into more sections of contemporary society and are excluding to a greater extent than before (i.e., Backman, 2012; Pijoan, 2014; Rovira, 2020; Lang and Papaefstathiou, 2021). The fact that the Nordic countries have focused on the prevalence and prevention of cases of child

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<sup>8</sup> Author's short name for the law: Lag 547/2021 om ändring av lagen om kontroll av brottslig bakgrund hos personer som arbetar med barn.

sexual abuse in sports can be seen in previous research (i.e., Toftegaard-Nielsen, 2001; Brackenridge and Fasting, 2005; Johansson and Lundqvist, 2017).

Besides showing signs of function creep, the findings can also be explained using the theory of ban-opticon. Excluding certain individuals from societal spheres based on aspects of their profiles is a characteristic of both the theory of ban-opticon and the system of childcare record checks. Further, the suggestions of an increase in communication and collaboration across the Nordic borders and joint systems of childcare records are examples of the transnationalization highlighted by Bigo (2006, 2008). Additionally, ban-opticon's traits of policing far from the spotlight with an increase in policing by private actors seems to accurately explain the policy developments related to childcare record checks in sports. The control of criminal records and "risk management" is shifting from state agencies toward ordinary citizens within sports organizations. Further, there seems to be a particular urgency in developing these childcare record check policies, stemming not from empirical knowledge but public opinion, fitting well into Merton's (1936) description of unforeseen consequences of purposive social action.

### 9.3 The impact of the findings

The thesis provides a detailed overview and explanation of the systems of childcare record checks in sports in the Nordics. If the countries are aiming for improved cooperation and information exchange, sufficient knowledge about the neighboring countries' systems and their policy developments is crucial. An analysis such as this one has not been done before. It will therefore contribute by filling some of the knowledge gaps about the differences in Nordic childcare record check systems and potential consequences of the current policy developments in this field.

Additionally, the thesis' findings may impact the field of childcare record checks in sports by enlightening the expansion of a system that might not have the intended effect despite a great focus on its implementation and development. Findings related to the potential consequences of the expanded system suggest that a more holistic approach to child sexual abuse and maltreatment in sports and its prevention is needed. This implies a shift from a micro-perspective where the potential offender and their criminal record is the main focus toward a meso- and macro-perspective where the situational risk factors and the critical relationships

between the child athlete and the coach are in focus. Additionally, more emphasis should be put on the potential victims, the athletes. For example, there should be discussions with, and information aimed at children regarding consent and touch already at an early age, making them aware of the boundaries and thus fighting the culture of silence within sports. Further, young athletes should be made aware of the protective policies within their organizations. Swedish research shows that athletes are not informed about policies addressing sexual harassment and abuse (Johansson and Lundqvist, 2017). This victim focus does not entail a complete ignorance of the offender but rather what O'Malley (2004, p. 326) calls a "unifying approach to risk," where a balance exists between the victim and offender perspectives. This entails "adopting a panoptic approach which encompasses the protection of victims as well as the management of offenders" (McAlinden, 2022, p. 398). Today, these are seen as taking place alongside each other rather than being assimilated (McAlinden, 2022, p. 398). An awareness of the function creep within childcare record check systems and their potential to undermine other critical preventative factors is of great importance for further developments in the field.

#### 9.4 Limitations of the thesis and suggestions for future research

First, the most significant limitation of this thesis is that it does not present any empirical data on how the developments within the systems of childcare record checks might have affected the amount of abuse and maltreatment of children in sports. An analysis of the policy developments will tell us the direction of this prevention strategy in the Nordics, but nothing about its actual impact. As far as the author knows, no such statistics exist. Therefore, future research should investigate the potential changes in child sexual abuse and maltreatment in sports since implementing the childcare record check systems. Statistics like this will be helpful when examining the effects of policy developments, and as Johansson (2022, p. 2) puts it, "evaluation is an important step in the development of evidence-based policy and practice."

Secondly, childcare record checks in sports in Nordic countries are relatively new. Therefore, the policies addressing these systems are still developing at a relatively fast rate. Thus, future research on these policy changes over time will better grasp the direction of the systems' development and their potential preventative effects. A thorough investigation of how the



different Nordic sports organizations enforce the childcare record checks would improve the understanding and, therefore, the future developments of these systems.

## 9.5 Final remarks

Children have become one of the major focuses of protection in contemporary society, with many current prevention policies being aimed at this target group. The systems of childcare record checks in sports were implemented to exclude certain individuals with a criminal history from entering this environment and, thus, preventing abuse from occurring. As noble as the intentions of this system might be, both Hartill (2009) and McAlinden (2022) state glooming facts:

(...) it is unlikely that child protection/safeguarding policy in sports (where it exists) will make a significant impact on the activity of adults who are determined to engage in sexual activity with children in sports, even when/if the policy is fully and rigorously implemented (Hartill, 2009, p. 243)

(...) there are broader societal imperatives (...) to managing the risk of sexual offending. The first of these requires recognition of the inherent limitations of current technocratic and algorithmic approaches to risk governance – that no system can ever guarantee safety or eliminate risk entirely (McAlinden, 2022, p. 403)

Despite these remarks, there is an ever-strong agreement that child protection policies, such as the system of childcare record checks in sports, are necessary to do everything in our power to prevent abuse and maltreatment of children. Like in any other societal debate, the system has upsides and downsides. Empirical findings suggest that more focus ought to be put on situational factors contributing to abuse in sports instead of focusing solely on the individual and their criminal record. Additionally, more empirical research on childcare record checks in sports and their effects will result in a knowledge-based and targeted prevention, better able to protect the child athlete.

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## 10 References

- Act on Addictive and Narcotic drugs, no. 65/1974. *Acts of Law Collection (Volume 139b) – Icelandic Acts of Law 10. October 2011 No. 65/1974*. Available at: [https://sherloc.unodc.org/cld/uploads/res/document/iceland-narcotics-act\\_html/Iceland\\_Narcotics\\_act\\_65-1974.pdf](https://sherloc.unodc.org/cld/uploads/res/document/iceland-narcotics-act_html/Iceland_Narcotics_act_65-1974.pdf) (Retrieved: 29.4.2022).
- Alexander, K. Stafford, A. Lewis, R. (2011) *The experiences of children participating in organized sport in the UK*. SC005336. Edinburgh: Dunedin Academic Press. Available at: [https://www.researchgate.net/publication/266588010\\_The\\_Experiences\\_of\\_Children\\_Participating\\_in\\_Organized\\_Sport\\_in\\_the\\_UK](https://www.researchgate.net/publication/266588010_The_Experiences_of_Children_Participating_in_Organized_Sport_in_the_UK) (Retrieved: 27.4.2022).
- Asdal, K. Reinertsen, H. (2020) *Hvordan gjøre dokumentanalyse: En praksisorientert metode*. 1. utg, 2. opplag. Cappelen Damm Akademisk.
- Backman, C. (2012) *Criminal Records in Sweden: Regulation of Access to Criminal Records and the Use of Criminal Background Checks by Employers*. Doktoravhandling. Gothenburg: University of Gothenburg. Available at: [https://gupea.ub.gu.se/bitstream/handle/2077/28834/gupea\\_2077\\_28834\\_1.pdf;jsessionid=9B7D5E30F7A8CFC40FB43000B377F407?sequence=1](https://gupea.ub.gu.se/bitstream/handle/2077/28834/gupea_2077_28834_1.pdf;jsessionid=9B7D5E30F7A8CFC40FB43000B377F407?sequence=1) (Retrieved: 20.4.2022).
- Baker III, T.A. Byon, K.K. (2014) Developing a Scale of Perception of Sexual Abuse in Youth Sports (SPSAYS), *Measurement in Physical Education and Exercise Science*, 18(1), pp. 31-52. DOI: 10.1080/1091367X.2013.841700.
- Barker, V. (2012) Nordic exceptionalism revisited: Explaining the paradox of a Janus-faced penal regime, *Theoretical Criminology*, 17(1), pp. 5-25. DOI: 10.1177/1362480612468935.
- Barneombudet (c. 2015) *Seksuell lavalder*. Available at: <https://www.barneombudet.no/for-barn-og-unge/dine-rettigheter/seksualitet> (Retrieved: 7.5.2022).
- Bauman, Z. (1993) *Postmodern Ethics*. Oxford: Blackwell.
- Beck, U. (1992) From Industrial Society to the Risk Society: Questions of Survival, Social Structure and Ecological Enlightenment, *Theory, Culture and Society*, 9, pp. 97-123. Available at: [https://journals.sagepub.com/doi/pdf/10.1177/026327692009001006?casa\\_token=s5pyWH5noyMAAAAA;jBS3F02I\\_ssVGSJr\\_pUXs1\\_eYMdaestRvq-n5faLY3cs4FS42NgiFuN7MGsQ9xeERk2WdM91YT5L9g](https://journals.sagepub.com/doi/pdf/10.1177/026327692009001006?casa_token=s5pyWH5noyMAAAAA;jBS3F02I_ssVGSJr_pUXs1_eYMdaestRvq-n5faLY3cs4FS42NgiFuN7MGsQ9xeERk2WdM91YT5L9g) (Retrieved: 20.4.2022).

- Beck, U. (2006) Risk Society Revisited: Theory, Politics and Research Programmes. In Cosgrave, J.F. (ed.) *The Sociology of Risk and Gambling Reader*. New York and London: Routledge, pp. 61-84.
- Becker, H. (1963) *Outsiders*. Vol. 1973. New York: Free Press.
- Bekendtgørelse af straffeloven. *LBK nr 1851 af 20/09/2021 Bekendtgørelse af straffeloven*. Available at: <https://www.retsinformation.dk/eli/lt/2021/1851> (Retrieved: 29.4.2022).
- Bigo, D. (2006) Security, exception, ban and surveillance, i Lyon, D. (ed.) *Theorizing surveillance: the panopticon and beyond*. London and New York: Routledge, pp. 46-68.
- Bigo, D. (2008) Globalized (in)security: the field and the ban-opticon. In Bigo, D. Tsoukala, A. (ed.) *Terror, insecurity and liberty: illiberal practices of liberal regimes after 9/11*. London: Routledge, pp. 20-58. DOI: 10.4324/9780203926765.
- Bjørnseth, I. Szabo, A. (2018) Sexual Violence Against Children in Sports and Exercise: A Systematic Literature Review, *Journal of Child Sexual Abuse*, 27(4), pp. 365-385. DOI: 10.1080/10538712.2018.1477222.
- Boocock, S. (2002) The Child Protection in Sport Unit, *Journal of Sexual Aggression*, 8(2), pp. 99-106. DOI: 10.1080/13552600208413342.
- borger.dk (c. 2012) *Børneattester*. Available at: <https://www.borger.dk/politi-retsvaesen-forsvar/politi/boerneattester> (Retrieved: 7.5.2022).
- Brackenridge, C. (1994) Fair Play or Fair Game? Child Sexual Abuse in Sport Organisations, *International review for the Sociology of Sport*, 29(3), pp. 287-298. DOI: 10.1177/101269029402900304.
- Brackenridge, C. (1998) Healthy Sport for Healthy Girls? The Role of Parents in Preventing Sexual Abuse in Sport, *Sport, Education and Society*, 3(1), pp. 59-78. DOI: 10.1080/1357332980030104.
- Brackenridge, C. (2002) ‘...so what?’ Attitudes of the voluntary sector towards child protection in sports clubs, *Managing Leisure*, 7(2), pp. 103-123. DOI: 10.1080/13606710210139857.
- Brackenridge, C. Kirby, S. (1997) Playing Safe: Assessing the Risk of Sexual Abuse to Elite Child Athletes, *International Review for the Sociology of Sport*, 32(4), pp. 407-418. DOI: 10.1177/101269097032004005.
- Brackenridge, C. Fasting, K. (2005) The Grooming Process in Sport: Narratives of sexual harassment and abuse, *Auto/Biography*, 13(1), pp. 33-52. Available at: [https://horse-angels.it/images/dispense/The\\_Grooming\\_Process\\_in\\_Sport\\_Narratives.pdf](https://horse-angels.it/images/dispense/The_Grooming_Process_in_Sport_Narratives.pdf) (Retrieved: 20.4.2022).

- Brackenridge, C. et al. (2008) The characteristics of sexual abuse in sport: A multidimensional scaling analysis of events described in media reports, *International Journal of Sport and Exercise Psychology*, 6:4, pp. 385-406. DOI: 10.1080/1612197X.2008.967.1881.
- Bradford, J.M. et al. (2021) Sexual Offender Recidivism, in Saleh, F.M. Bradford, J.M. Brodsky, D.J. (ed.) *Sex offenders: identification, risk assessment, treatment, and legal issues*, 2<sup>nd</sup> edition. New York: Oxford University Press, pp. 139-158.
- Bringer, J.D. Brackenridge, C. Johnston, L.H. (2006) Swimming coaches' perceptions of sexual exploitation in sport: A preliminary model of role conflict and role ambiguity, *The Sport Psychologist*, 20(4), pp. 465-479. DOI: 10.1123/tsp.20.4.465.
- Brinkmann, S. Tanggaard, L. (2012) *Kvalitative metoder: Datainnsamling og analyse*. Oslo: Gyldendal Akademisk.
- Brottsbalk (1962:700). Svensk författningssamling 1962. Available at: [https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/brottsbalk-1962700\\_sfs-1962-700](https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/brottsbalk-1962700_sfs-1962-700) (Retrieved: 29.4.2022).
- Brottsförebyggande rådet (2021) Kriminalstatistik 2020 – Personer lagförda för brott, slutgiltig statistik. Available at: [https://bra.se/download/18.1f8c9903175f8b2aa7011063/1633589880963/Sammanfattning\\_lagforda\\_2020.pdf](https://bra.se/download/18.1f8c9903175f8b2aa7011063/1633589880963/Sammanfattning_lagforda_2020.pdf) (Retrieved: 7.5.2022).
- Bukve, O. (2016) *Forstå, forklare, forandre: Om design av samfunnsvitenskaplige forskningsprosjekt*. Oslo: Universitetsforlaget.
- Burchfield, K.B. Mingus, W. (2014) Sex offender reintegration: Consequences of the local neighborhood context, *American Journal of Criminal Justice*, 39(1), pp. 109-124. DOI: 10.1007/s12103-012-9195-x.
- Bäck, C. Magnusson, L. (2019) Skapa trygga idrottsmiljöer, *Riksidrottsförbundet*, Normy AB.
- Børneattestloven. *LOV nr 520 af 21/06/2005 Lov om indhentelse af børneattest i forbindelse med ansættelse af personale m.v.* Available at: <https://www.retsinformation.dk/eli/lt/2005/520> (Retrieved: 29.4.2022).
- Børneattestloven. *LBK nr 362 af 02/04/2014 Bekendtgørelse af lov om indhentelse af børneattest i forbindelse med ansættelse af personale m.v.* Available at: <https://www.retsinformation.dk/eli/lt/2014/362> (Retrieved: 29.4.2022).
- Børneattestbekendtgørelsen. *BEK nr 645 af 24/06/2005 Bekendtgørelse om indhentelse af børneattest ved ansættelse og beskæftigelse af personer i ifrætsforeninger, på musik-*

- ballet-, danse- og rideskoler samt ridecentre og motions- og fitnesscentre. Available at: <https://www.retsinformation.dk/eli/lta/2005/645> (Retrieved: 29.4.2022).
- Børneattestbekendtgørelsen. BEK nr 289 af 18/03/2015 Bekendtgørelse om indhentelse af børneattest ved ansættelse og beskæftigelse af personer i myndigheder, institutioner, foreninger m.v. inden for Kulturministeriets ressortområde. Available at: <https://www.retsinformation.dk/eli/lta/2015/289> (Retrieved: 29.4.2022).
- Børneattestbekendtgørelsen. BEK nr 1416 af 03/12/2018 Bekendtgørelse om indhentelse af børneattest ved ansættelse og beskæftigelse af personer i myndigheder, institutioner, foreninger m.v. inden for Kulturministeriets ressortområde. Available at: <https://www.retsinformation.dk/eli/lta/2018/1416> (Retrieved: 29.4.2022).
- Cameron, N. et al. (2017) Child Athletes and Athletic Objectification, *Journal of Sport and Social Issues*, 41(3), pp. 175-190. DOI: 10.1177/0193723517705544.
- Campbell, R. Dworkin, E. Cabral, G. (2009) An Ecological Model of the Impact of Sexual Assault on Women's Mental Health, *Trauma, Violence & Abuse*, 10(3), pp. 225-246. DOI: 10.1177/1524838009334456.
- Care Quality Commission (2015) *Statement on CQC's role and responsibilities for safeguarding children and adults*. Available at: [https://www.cqc.org.uk/sites/default/files/20150710\\_CQC\\_New\\_Safeguarding\\_Statement.pdf](https://www.cqc.org.uk/sites/default/files/20150710_CQC_New_Safeguarding_Statement.pdf) (Retrieved: 29.4.2022).
- Cense, M. Brackenridge, C. (2001) Temporal and developmental risk factors for sexual harassment and abuse in sport, *European Physical Education Review*, 7(1), pp. 61-79. DOI: 10.1177/1356336X010071006.
- Christiansen, A.K. et al. (2020) – Det var ingen som spurte hvordan jeg hadde det, *VG*, 23.12.2020. Available at: <https://www.vg.no/sport/i/PRvkW5/det-var-ingen-som-spurte-hvordan-jeg-hadde-det> (Retrieved: 27.4.2022).
- Christiansen, A.K. Folkvord, M.S. Syversen, C.P. (2021) Trener overgrepdomt i 2014: Eier lekeland i dag, *VG*, 9.1.2021. Available at: <https://www.vg.no/sport/i/pAdOGj/trener-overgrepdoemt-i-2014-eier-lekeland-i-dag> (Retrieved: 27.4.2022).
- Coakley, J. (2011) Youth sports: What counts as positive development, *Journal of Sport & Social Issues*, 35, pp. 306-324. DOI: 10.1177/0193723511417311.
- Collins English Dictionary. Available at: <https://www.collinsdictionary.com/dictionary/english/function-creep> (Retrieved: 6.5.2022).

- Council Framework Decision 2009/315/JHA. Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member States. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32009F0315> (Retrieved: 27.4.2022).
- Cohen, S. (1972) *Folk Devils and Moral Panics: The Creation of the Mods and Rockers*. Oxon: Routledge.
- Cohen, S. (2011) Whose side are we on? The undeclared politics of moral panic theory, *Crime, Media, Culture: An International Journal*, 7(3), pp. 237-243. DOI: 10.1177/1741659011417603.
- Danish Police (c. 2013) *Bestil børneattest*. Available at: <https://politi.dk/straffeattest/bestil-boerneattest> (Retrieved: 7.5.2022).
- Danmarks statistik (2021) *Kriminalitet 2020*. Available at: <https://www.dst.dk/Site/Dst/Udgivelser/GetPubFile.aspx?id=36058&sid=krim2020> (Retrieved: 7.5.2022).
- Deak, D. (1999) Out of Bounds: How Sexual Abuse of Athletes at the Hands of their Coaches is Costing the World of Sports Millions, *Seton Hall Journal of Sport Law*, 9(1), pp. 171-195. Available at: [https://heinonline.org/HOL/Page?handle=hein.journals/shjls19&div=8&g\\_sent=1&casa\\_to ken=&collection=journals](https://heinonline.org/HOL/Page?handle=hein.journals/shjls19&div=8&g_sent=1&casa_to ken=&collection=journals) (Retrieved: 20.4.2022).
- DIF (2010) *Det uhørte overgreb – om at forebygge seksuelle krænkelser af børn og unge i idrætten*. 3rd edition. Copenhagen: National Olympic Committee and Sports Confederation of Denmark. Available at: [https://www.dbu.dk/media/1243/det\\_uhoerte\\_overgreb.pdf](https://www.dbu.dk/media/1243/det_uhoerte_overgreb.pdf) (Retrieved: 3.5.2022).
- DIF (c. 2022) *Jura i foreningsdriften*. Available at: <https://www.dif.dk/radgivning-og-stotte/foreningsledelse/jura-i-foreningsdriften> (Retrieved: 7.5.2022).
- DIF (n.d.a) *Seksuelle krænkelser*. Available at: <https://www.dif.dk/radgivning-og-stotte/trivsel-og-sundhed/seksuelle-krænkelser> (Retrieved: 7.5.2022).
- DIF (n.d.b) *Guide til indhentning af børneattest*. Available at: <https://www.dif.dk/media/0btrnr3n0/guide-til-indhentning-af-brneattest.pdf?la=da> (Retrieved: 10.5.2022).
- Directive 2011/93/EU. *Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA*. Document 32011L0093. Available at: [109](https://eur-lex.europa.eu/legal-</a></p></div><div data-bbox=)

- content/EN/TXT/?uri=CELEX:32011L0093#:~:text=Directive%202011%2F93%2FEU%20of%20the%20European%20Parliament%20and%20of,child%20pornography%2C%20and%20replacing%20Council%20Framework%20Decision%202004%2F68%2FJHA (Retrieved: 29.4.2022).
- East, J. (2012) The causes of violence in sport: Who is to blame? In Brackenridge, C. Kay, T. Rhind, D. (ed.) *Sport, children's rights and violence prevention: A Sourcebook on global issues and local programs*, pp. 18-24. London: Brunel University Press. Available at: <https://bura.brunel.ac.uk/handle/2438/7072> (Retrieved: 27.4.2022).
- Elendu, I.C. Umeakuka, O.A. (2011) Perpetrators of sexual harassment experiences by athletes in southern Nigerian universities, *South African Journal for Research in Sport Physical Education and Recreation*, 33(1), pp. 53-63. DOI: 10.4314/sajrs.v33i1.65486.
- European Commission (n.d.) *European Criminal Records Information System (ECRIS) – Connecting national criminal databases centralised and decentralised information exchange*. Available at: [https://ec.europa.eu/info/law/cross-border-cases/judicial-cooperation/tools-judicial-cooperation/european-criminal-records-information-system-ecri\\_en](https://ec.europa.eu/info/law/cross-border-cases/judicial-cooperation/tools-judicial-cooperation/european-criminal-records-information-system-ecri_en) (Retrieved: 7.5.2022).
- Farmer, M. McAlinden, A-M. Maruna, S. (2016) Sex offending and situational motivation: Findings from a qualitative analysis of desistance from sexual offending, *International Journal of Offender Therapy and Comparative Criminology*, 60(15), pp. 1756-1775. DOI: 10.1177/0306624X16668175.
- Feeley, M. Simon, J. (1992) The new penology: Notes on the emerging strategy of corrections and its implications, *Criminology*, 30(4), pp. 449-474. DOI: 10.1111/j.1745-9125.1992.tb01112.x.
- Finlands Ungdomssamarbete – Allians rf, SOSTE Finlands social- och hälsa rf, Centret för konstfrämjande, Valo Finlands Idrott rf (2014) Instruktion: Åtgärder för att öka barns säkerhet och kontroll av brottslig bakgrund hos frivilliga. Available at: [https://www.olympiakomitea.fi/uploads/2021/05/21300ad4-rikostausta-toimintaohje2021\\_ruotsi.pdf](https://www.olympiakomitea.fi/uploads/2021/05/21300ad4-rikostausta-toimintaohje2021_ruotsi.pdf) (Retrieved: 3.5.2022).
- Finnish Police (c. 2021) Sexualbrott. Available at: <https://poliisi.fi/sv/sexualbrott> (Retrieved: 7.5.2022).
- Folkvord, M.S. et al. (2020a) Over grensen, *VG*, 29.11.2020. Available at: <https://www.vg.no/sport/i/3913WL/over-grensen> (Retrieved: 6.5.2022).
- Folkvord, M.S. et al. (2020b) Sjokkert over svikt, *VG*, 12.12.2020. Available at: <https://www.vg.no/sport/i/41EWIE/sjokkert-over-svikt> (Retrieved: 27.4.2022).

- Folkvord, M.S. et al. (2020c) Isabelles kamp, VG, 19.12.2020. Available at: <https://www.vg.no/sport/i/x3J26G/isabelles-kamp> (Retrieved: 27.4.2022).
- Fried, G.B. (1996) Unsportsmanlike Contact: Strategies for Reducing Sexual Assaults in Youth Sports, *The Society for the Study of the Legal Aspects of Sport and Physical Activity*, 6(3), pp. 155-168. Available at: <https://heinonline.org/HOL/Page?handle=hein.journals/jlas6&id=163&collection=journals&index=> (Retrieved: 20.4.2022).
- FSI (c. 2020) *Vad innebär sexuella trakasserier, trakasserier på grund av kön och sexualbrott*. Available at: <https://idrott.fi/vad-innebar-sexuella-trakasserier-trakasserier-pa-grund-av-kon-och-sexualbrott/> (Retrieved: 7.5.2022).
- Förordning om belastningsregister. *Förordning (1999:1134) om belastningsregister*. Available at: [https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/forordning-19991134-om-belastningsregister\\_sfs-1999-1134](https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/forordning-19991134-om-belastningsregister_sfs-1999-1134) (Retrieved: 29.4.2022).
- Garland, D. (2003) The Rise of Risk. In Ericson, R.V. Doyle, A. (ed.) *Risk and Morality*. Toronto: University of Toronto Press, pp. 48-86. DOI: 10.3138/9781442679382.7.
- Garratt, D. Piper, H. Taylor, B. (2013) 'Safeguarding' in sports coaching: Foucault, genealogy and critique, *Sport, Education and Society*, 18(5), pp. 615-629. DOI: 10.1080/13573322.2012.736861.
- General Penal Code, no. 19/1940. Reykjavik: Cabinet of Iceland. Available at: [https://www.government.is/library/Files/General\\_Penal\\_Code\\_sept.-2015.pdf](https://www.government.is/library/Files/General_Penal_Code_sept.-2015.pdf) (Retrieved: 29.4.2022).
- Gibbons, M. Campbell, D. (2003) Liability of recreation and competitive sport organizations for sexual assaults on children by administrators, coaches and volunteers, *Journal of Legal Aspects of Sport*, 13(3), pp. 185-230. Available at: [https://heinonline.org/HOL/Page?collection=journals&handle=hein.journals/jlas13&id=190&men\\_tab=srchresults](https://heinonline.org/HOL/Page?collection=journals&handle=hein.journals/jlas13&id=190&men_tab=srchresults) (Retrieved: 23.4.2021).
- Graunbøl, H.M. (2010) RETUR: En nordisk undersøgelse av recidiv blandt klienter i kriminalforsorgen. Available at: <https://krus.brage.unit.no/krus-xmlui/handle/11250/160672> (Retrieved: 27.4.2022).
- Haggerty, K.D. (2003) From Risk to Precaution: The Rationalities of Personal Crime Prevention. In Ericson, R.V. Doyle, A. (ed.) *Risk and Morality*. Toronto: University of Toronto Press, pp.193-214. DOI: 10.3138/9781442679382.13.



- Hanson, R.K. et al. (2018) Reductions in risk base on time offense-free in the community: Once a sexual offender, Not always a sexual offender, *Psychology, Public Policy, and Law*, 24(1), pp. 48-63. DOI: 10.1037/law0000135.
- Haraldsen, S. (2008) 59 overgripere stoppet i dansk barneidrett, *Dagbladet*, 10.3.2008. Available at: <https://www.dagbladet.no/sport/59-overgripere-stoppet-i-dansk-barneidrett/66449570> (Retrieved: 27.4.2022).
- Harris, D. A. Levenson, J. (2021) Life on “the list” is a life lived in fear: Post-conviction traumatic stress in men convicted of sexual offenses, *International Journal of Offender Therapy and Comparative Criminology*, 65(6-7), pp. 763-789. DOI: 10.1177/0306624X20952397.
- Hartill, M. (2005) Sport and the sexually abused male child, *Sport, Education and Society*, 10(3), pp. 287-304. DOI: 10.1080/13573320500254869.
- Hartill, M. (2009) The Sexual Abuse of Boys in Organized Male Sports, *Men and Masculinities*, 12(2), pp. 225-249. DOI: 10.1177/1097184X07313361.
- Hartill, M. (2013) Concealment of Child Sexual Abuse in Sports, *Quest*, 65(2), pp. 241-254. DOI: 10.1080/0036297.2013.773532.
- Henley, A. (2014) Abolishing the stigma of punishments served, *Criminal Justice Matters*, 97(1), pp. 22-23. DOI: 10.1080/09627251.2014.950521.
- Hennink, M. Hutter, I. Bailey, A. (2020) *Qualitative Research Methods*. London: Sage.
- Holmboe, M. Myhrer, T-G. (2018) *Vandel: Om politiattester og vurdering av sikkerhet*. Oslo: Universitetsforlaget.
- Icelandic Government (c. 2021) *Criminal records for individuals*. Available at: <https://island.is/en/criminal-record> (Retrieved: 7.5.2022).
- Ingebrigtsen, J.E. Aspvik, N.P. (2010) *Barns idrettsdeltakelse i Norge – Litteraturstudie av barn i idretten*. Rapport 02/2010. Trondheim: NTNU Samfunnsforskning AS Senter for idrettsforskning. Available at: <https://www.idrettsforbundet.no/contentassets/06b5e95d01ac40dc9a5cd12e4042d274/barns-idrettsdeltakelse-i-norge.pdf> (Retrieved: 2.5.2022).
- Innst. nr. 210 S. *Innst. 210 S (2020-2021) Innstilling til Stortinget fra justiskomiteen, Dokument 8:136 S (2019-2020)*. Available at: <https://www.stortinget.no/globalassets/pdf/innstillinger/stortinget/2020-2021/inns-202021-210s.pdf> (Retrieved: 29.4.2022).
- Johannessen, L.E.F, Rafoss, T.W. Rasmussen, E.B. (2018) *Hvordan bruke teori?: nyttige verktøy i kvalitativ analyse*. Oslo: Universitetsforlaget.

- Johansson, S. Lundqvist, C. (2017) Sexual harassment and abuse in coach-athlete relationships in Sweden, *European Journal for Sport and Society*, 14(2), pp. 117-137. DOI: 10.1080/16138171.2017.1318106.
- Johansson, S. (2021) *Problemet är större och mer komplext än enstaka rötägg och pedofiler*. Available at: <https://www.idrottsforskning.se/problemet-storre-och-mer-komplext-an-enstaka-rotagg-och-pedofiler/> (Retrieved: 22.4.2022).
- Johansson, J. (2022) From Policy to Practice: Measures Against Sexual Abuse by Swedish Sports Federations, *Frontiers in Sports and Active Living*, 4(841653), pp. 1-13. DOI: 10.3389/fspor.2022.841653.
- Jomshof, R. et al. (2015/16) *Motion till riksdagen 2015/16:2017 av Richard Jomshof m.fl. (SD) Registerkontroll vid arbete med barn*. Stockholm: Sveriges riksdag. Available at: <https://data.riksdagen.se/fil/DCB3B181-577F-4A25-B69D-5A9B846BDF40> (Retrieved: 29.4.2022).
- Jomshof, R. et al. (2016/17) *Motion till riksdagen 2016/17:917 av Richard Jomshof m.fl. (SD) Registerkontroll vid arbete med barn*. Stockholm: Sveriges riksdag. Available at: <https://data.riksdagen.se/fil/308F5003-75EB-415F-8EAE-A81F948DBE75> (Retrieved: 29.4.2022).
- Jomshof, R. et al. (2017/18) *Motion till riksdagen 2017/18:2386 av Richard Jomshof m.fl. (SD) Registerkontroll vid arbete med barn*. Stockholm: Sveriges riksdag. Available at: <https://data.riksdagen.se/fil/308F5003-75EB-415F-8EAE-A81F948DBE75> (Retrieved: 29.4.2022).
- Jomshof, R. et al. (2018/19) *Motion till riksdagen 2018/19:2844 av Richard Jomshof m.fl. (SD) Registerkontroll vid arbete med barn*. Stockholm: Sveriges riksdag. Available at: <https://data.riksdagen.se/fil/3889C117-3DA5-4C18-BA53-297ACB4B2354> (Retrieved: 29.4.2022).
- Jomshof, R. et al. (2019/20) *Motion till riksdagen 2019/20:2689 av Richard Jomshof m.fl. (SD) Registerkontroll vid arbete med barn*. Stockholm: Sveriges riksdag. Available at: <https://data.riksdagen.se/fil/24BEA33F-59E9-43ED-B866-E8DDD4B6AEBC> (Retrieved: 29.4.2022).
- Jomshof, R. et al. (2020/21) *Motion till riksdagen 2020/21:286 av Richard Jomshof m.fl. (SD) Registerkontroll av person som ska arbeta med barn*. Stockholm: Sveriges riksdag. Available at: <https://data.riksdagen.se/fil/4C6D2502-4592-42CD-B77C-01213359A0C4> (Retrieved: 29.4.2022).

- Jomshof, R. et al. (2021/22) *Motion till riksdagen 2021/22:390 av Richard Jomshof m.fl. (SD) Registerkontroll av person som ska arbeta med barn*. Stockholm: Sveriges riksdag. Available at: <https://data.riksdagen.se/fil/C30718B4-F572-45D7-AFE6-CE4E137D7CB2> (Retrieved: 29.4.2022).
- Justisministeriet (2021) *Værn mot voksne der krænker børn – Tiltag til bekæmpelse af seksuelle krænkelser mot børn*. Available at: <https://www.justitsministeriet.dk/wp-content/uploads/2021/05/Udspil.-Vaern-mod-voksne-der-kraenker-boern.pdf> (Retrieved: 29.4.2022).
- JuU. nr. 8 (2013/14) *Justitiekommittés betänkande 2013/14:juU8 (2013-14) Stärkt skydd för barn mot sexuella övergrepp*. Available at: <https://data.riksdagen.se/fil/72F06DBE-9A50-4F2E-87FE-D44A9F93D082> (Retrieved: 29.4.2022).
- Kahn, R.E. et al. (2017) Release from the sex offender label, *Archives of Sexual Behavior*, 46(4), pp. 861-864. DOI: 10.1007/s10508-017-0972-y.
- Kempe, H.C. et al. (1962) The Battered-Child Syndrome, *Jama*, 181(1), pp. 17-24. DOI: 10.1001/jama.1962.03050270019004.
- Kerr, G.A. Stirling, A.E. (2008) Child Protection in Sport: Implication of an Athlete-Centered Philosophy, *Quest*, 60(2), pp. 307-323. DOI: 10.1080/00336297.2008.10483583.
- Kjøll, B. (2020) Idrettspresidentens melding: Ett overgrep i idretten er ett for mye! Available at: <https://www.idrettsforbundet.no/tema/seksuell-trakassering-og-overgrep/artikler/idrettspresidentens-melding-ett-overgrep-i-idretten-er-ett-for-mye/> (Retrieved: 28.4.2022).
- Kloppen, K. et al. (2016) Prevalence of Child Sexual Abuse in the Nordic Countries: A Literature Review, *Journal of Child Sexual Abuse*, 25(1), pp. 37-55. DOI: 10.1080/10538712.2015.1108944.
- Kommittédirektiv (2018). *Kommittédirektiv Dir. 2018:12 Behovet av et utökat författningsstöd för registerkontroller i arbetslivet*. Stockholm: Regeringskansliet. Available at: <https://www.regeringen.se/492bb8/contentassets/6a82f363880f4a6296a7d64b493aae08/behovet-av-ett-utokat-forfattningsstod-for-registerkontroller-i-arbetslivet-dir.-201812> (Retrieved: 29.4.2022).
- Koops, B.-J. (2021) The concept of function creep, *Law, Innovation and Technology*, 13(1), pp. 29-56. DOI: 10.1080/17579961.2021.1898299.

- Kriminalregisterbekendtgørelsen. *BEK nr 1860 af 23/09/2021 Bekendtgørelse om behandling af personoplysninger i Det Centrale Kriminalregister (Kriminalregisteret)*. Available at: <https://www.retsinformation.dk/eli/lta/2021/1860> (Retrieved: 29.4.2022).
- Kripos (2019) *Seksuell utnyttelse av barn og unge over internett*. Available at: <https://www.politiet.no/globalassets/04-aktuelt-tall-og-fakta/seksuelle-overgrep-mot-barn/seksuell-utnyttelse-av-barn-over-internett.pdf> (Retrieved: 29.4.2022).
- Kulturministeriet (n.d.) *Vejledning om indhentelse af børneattest på Kulturministeriets område*. Available at: [https://kum.dk/fileadmin/\\_kum/2\\_Kulturomraader/Boerneattest/Opdateret\\_vejledning\\_om\\_indhentelse\\_af\\_boerneattest\\_paa\\_Kulturministeriets\\_omraade.pdf](https://kum.dk/fileadmin/_kum/2_Kulturomraader/Boerneattest/Opdateret_vejledning_om_indhentelse_af_boerneattest_paa_Kulturministeriets_omraade.pdf) (Retrieved: 7.5.2022).
- Kurlychek, M.C. Brame, R. Bushway, S.D. (2007) Enduring Risk? Old Criminal Records and Predictions of Future Criminal Involvement, *Crime & Delinquency*, 53(1), pp. 64-83. DOI: 10.1177/0011128706294439.
- Lag om belastningsregister. *Lag (1998:620) om belastningsregister*. Available at: [https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-1998620-om-belastningsregister\\_sfs-1998-620](https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-1998620-om-belastningsregister_sfs-1998-620) (Retrieved: 29.4.2022).
- Lamb, M. et al. (2018) Safeguarding the Child and Adolescent Athlete, *Current Sports Medicine Reports*, 17(12), pp. 419-424. DOI: 10.1249/JSR.0000000000000538.
- Lang, M. Papaefstathiou, M. (2020) Criminal record checks as a tool to prevent child abuse in sport. In Lang, M. (ed.) *Routledge Handbook of Athlete Welfare*. Oxon and New York: Routledge, pp. 365-375.
- LaUB nr. 16 – Prop. nr. 149 (2013) *Lagutskottets betänkande 16/2013 rd Regeringen proposition till riksdagen med förslag till lag om kontroll av brottslig bakgrund hos frivilliga som deltar i verksamhet bland barn, lag om ändring av lagen om lagring av straffregisteruppgifter och om utlämnande av sådana uppgifter mellan Finland och de övriga medlemsstaterna i Europeiska unionen*. Available at: [https://www.eduskunta.fi/SV/vaski/Documents/laub\\_16+2013\\_rd.pdf](https://www.eduskunta.fi/SV/vaski/Documents/laub_16+2013_rd.pdf) (Retrieved: 29.4.2022).
- Leahy, T. Pretty, G. Tanenbaum, G. (2002) Prevalence of child sexual abuse in organized competitive sport in Australia, *The Journal of Sexual Aggression*, 8(2), pp. 16-36. DOI: 10.1080/13552600208413337.
- Legaldesk (c. 2021) *Seksuel lavalder*. Available at: <https://www.legaldesk.dk/artikler/seksuel-lavalder> (Retrieved: 7.5.2022).

- Levine, S. B. Risen, C.B. (2021) Professionals Who Are Accused of Sexual Boundary Violations, in Saleh, F.M. Bradford, J.M. Brodsky, D.J. (ed.) *Sex offenders: identification, risk assessment, treatment, and legal issues*, 2<sup>nd</sup> edition. New York: Oxford University Press, pp. 449-460.
- Lovforslag nr. L 78 (2021-22) *Forslag til lov om ændring af straffeloven, retsplejeloven og lov om pass til danske statsborgere m.v.* Available at: <https://www.ft.dk/samling/20211/lovforslag/178/index.htm> (Retrieved: 11.5.2022).
- Lovforslag nr. L 119 (2021-22) *Forslag til lov om ændring af lov om indhentelse af børneattest i forbindelse med ansættelse af personale m.v.* Available at: <https://www.ft.dk/samling/20211/lovforslag/L119/bilag/1/2526194.pdf> (Retrieved: 29.4.2022).
- Martela, F. et al. (2020) The Nordic Exceptionalism: What Explains Why the Nordic Countries Are Constantly Among the Happiest in the World, World Happiness Report. Available at: <https://worldhappiness.report/ed/2020/the-nordic-exceptionalism-what-explains-why-the-nordic-countries-are-constantly-among-the-happiest-in-the-world/> (Retrieved: 20.4.2022).
- McAlinden, A-M. (2010) Vetting sexual offenders: State over-extension, the punishment deficit and the failure to manage risk, *Social and Legal Studies*, 19(1), pp. 25-48. DOI: 10.1177/0964663909346197.
- McAlinden, A-M. (2018) *Children as 'Risk': Sexual Exploitation and Abuse by Children and Young People*. Cambridge: Cambridge University Press. DOI: 10.1017/9781316534847.
- McAlinden, A-M. (2022) Reconceptualising 'risk': Towards a humanistic paradigm of sexual offending, *Social & Legal Studies*, 31(3), pp. 389-408. DOI: 10.1177/09646639211032957.
- Mead, G.H. (1918) The Psychology of Punitive Justice, *The American Journal of Sociology*, 23(5), pp. 577-602. DOI: 10.1086/212795.
- Merton, R.K. (1936) The Unanticipated Consequences of Purposive Social Action, *American Sociology Review*, 1(6), pp. 894-904. Available at: <https://www.jstor.org/stable/2084615> . (Retrieved: 27.4.2022).
- Ministry of Employment and the Economy (2013) *Lagen om kontroll av brottslig bakgrund hos personer som arbetar med barn (504/2002) och lag om ändring av 6 och 7 § straffregisterlagen (505/2002)*. Available at: <https://www.yumpu.com/sv/document/view/19757784/lagen-om-kontroll-av-brottslig-bakgrund-hos-personer-som-arbetar-/22> (Retrieved: 27.4.2022).

- NIF (2010) *Informasjon om og retningslinjer mot seksuell trakassering og overgrep i idretten*. Available at:  
[https://www.idrettsforbundet.no/siteassets/idrettsforbundet/tema/retningslinjer/brosjyre\\_seksuell-trakassering\\_norsk\\_web.pdf](https://www.idrettsforbundet.no/siteassets/idrettsforbundet/tema/retningslinjer/brosjyre_seksuell-trakassering_norsk_web.pdf) (Retrieved: 3.5.2022).
- NIF (c. 2017) *Politiattest*. <https://www.idrettsforbundet.no/klubbguiden/drifte-et-idrettslag/organisering/politiattest/> (Retrieved: 7.5.2022).
- NIF (2021) Se webinar om politiattestordningen i opptak. [webinar]. Available at:  
<https://www.idrettsforbundet.no/nyheter/2021/se-webinar-om-politiattestordningen-i-opptak/> (Retrieved: 10.5.2022).
- Nordin, R. (2017/18) *Motion till riksdagen 2017/18:2855 av Rickard Nordin (C) Säkrare regler för registerutdrag*. Stockholm: Sveriges riksdag. Available at:  
<https://data.riksdagen.se/fil/D47D7EEE-C1F1-4CA9-A15C-1362E8CEA2A1> (Retrieved: 29.4.2022).
- Norwegian Police (c. 2017) *Kreve politiattest eller fornyet vandelskontroll*. Available at:  
<https://www.politiet.no/tjenester/politiattest/kreve-politiattest-fornyet-vandelskontroll/> (Retrieved: 4.5.2022).
- Odelstingsproposisjon nr. 108 (2008-2009) *Om lov om behandling av opplysninger i politiet og påtalemyndigheten (politiregisterloven)*.
- Oikeusrekisterikeskus (2018) *Utdrag om brottslig bakgrund*. Available at:  
<https://oikeusrekisterikeskus.fi/sv/index/tjanster/rikosrekisteri/utdragombrottsligbakgrund.html> (Retrieved: 7.5.2022).
- O'Malley, P. (2004) *Risk, Uncertainty and Government*. London: Routledge-Cavendish.  
DOI: 10.4324/9781843146025.
- Oslo Advokat RUV (2022) *Krav om skyld*. Available at:  
<https://jusinfo.no/strafferett/skyldkravet-og-rimelig-tvil/krav-om-skyld/> (Retrieved: 10.5.2022)
- Owton, H. Sparkes, A.C. (2017) Sexual abuse and the grooming process in sport: Learning from Bella's story, *Sport, Education and Society*, 22(6), pp. 732-743. DOI: 10.1080/13573322.2015.1063484.
- Parent, S. Bannon, J. (2012) Sexual abuse in sport: What about boys?, *Children and Youth Services Review*, 34, pp. 354-359. DOI: 10.1016/j.childyouth.2011.11.004.
- Peterson, J. (2004) Don't Trust Me with Your Child: Non-Legal Precautions When the Law Cannot Prevent Sexual Exploitation in Youth Sports, *Texas Review of Entertainment & Sports Law*, 5(2), pp. 297-324. Available at:

- [https://heinonline.org/HOL/Page?handle=hein.journals/tresl5&div=15&g\\_sent=1&casa\\_to ken=rkXYemI3u0kAAAAA:cotIFv3oW0L4NYyNNDQ8tie3mE0aQ7nfjgJEjdXwpG3QN jWuL-tla4pmqoxpu\\_aY-DCqQ0XZ3A&collection=journals](https://heinonline.org/HOL/Page?handle=hein.journals/tresl5&div=15&g_sent=1&casa_to ken=rkXYemI3u0kAAAAA:cotIFv3oW0L4NYyNNDQ8tie3mE0aQ7nfjgJEjdXwpG3QN jWuL-tla4pmqoxpu_aY-DCqQ0XZ3A&collection=journals) (Retrieved: 20.4.2022).
- Pijoan, E.L. (2014) Legal protections against criminal background checks in Europe, *Punishment & Society*, 16(1), pp. 50-73. DOI: 10.1177/1462474513506031.
- Piper, H. Taylor, B. Garratt, D. (2012) Sports coaching in risk society: No touch! No trust!, *Sport, Education and Society*, 17(3), pp. 331-345. DOI: 10.1080/13573322.2011.608937.
- Politiregisterforskriften. *Forskrift 20. september 2013 om behandling av opplysninger i politiet og påtalemyndigheten*. Available at: <https://lovdata.no/dokument/SF/forskrift/2013-09-20-1097/> (Retrieved: 29.4.2022).
- Politiregisterloven. *Lov 28. mai 2010 nr. 16 om behandling av opplysninger i politiet og påtalemyndigheten*. Available at: <https://lovdata.no/dokument/NL/lov/2010-05-28-16> (Retrieved: 29.4.2022).
- Pratt, J. (2008) Scandinavian exceptionalism in an era of penal excess, *British Journal of Criminology*, 48, pp. 119-137. DOI: 10.1093/bjc/azm072.
- Pratt, J. Eriksson, A. (2013) *Contrasts in Punishment: An Explanation of Anglophone Excess and Nordic Exceptionalism*. London: Routledge.
- Pratt, J. (2016) Immobilization in the age of mobility: Sex offenders, security and the regulation of risk. In Eriksson, A. (Ed.) *Punishing the other: The social production of immortality*. Oxon and New York: Routledge, pp. 208-299. Available at: <https://www-taylorfrancis-com.ezproxy.uio.no/chapters/edit/10.4324/9781315772912-11/immobilization-age-mobility-1-john-pratt> (Retrieved: 26.4.2022).
- Prop. nr. 4 (2021). *Regeringens proposition till riksdagen med förslag till lag om ändring av lagen om kontroll av brottslig bakgrund hos personer som arbetar med barn*. Available at: [https://www.eduskunta.fi/SV/vaski/HallituksenEsitys/Documents/RP\\_20+2021.pdf](https://www.eduskunta.fi/SV/vaski/HallituksenEsitys/Documents/RP_20+2021.pdf) (Retrieved: 29.4.2022).
- Prop. nr. 12 L (2009-2010). *Proposisjon til Stortinget (forslag til lovvedtak) Lov om behandling av opplysninger i politiet og påtalemyndigheten (politiregisterloven)*. Available at: <https://www.regjeringen.no/contentassets/5413e30ba3c44295950a5801a14850c3/no/pdfs/prp200920100012000dddpdfs.pdf> (Retrieved: 29.4.2022).
- Prop. nr. 114 L (2012-2013). *Proposisjon til Stortinget (forslag til lovvedtak) Endringer i politiregisterloven m.v.* Available at: <https://lovdata.no/static/PROP/prop-201213-114.pdf#:~:text=Prop.%20114%20L%20%282012->

- 2013%29%20Proposisjon%20til%20Stortinget%20%28forslag,12.%20april%202013%2C%20godkjent%20i%20statsråd%20samme%20dag. (Retrieved: 29.4.2022).
- Prop. nr. 194 (2012/13) Regeringens proposition. *Regeringens proposition 2012/13:194 Stärkt skydd för barn mot sexuella övergrepp*. Available at:  
<https://data.riksdagen.se/fil/90B754B3-DA28-4CCC-AD1F-78F306803CCF> (Retrieved: 29.4.2022).
- Radford, L. et al. (2011) *Child Abuse and Neglect in the UK Today*. London: NSPCC.  
Available at: <http://www.nspcc.org.uk/childstudy>.
- Registerkontrollagen. *Lag (2013:852) om registerkontroll av personer som ska arbeta med barn*. Available at: [https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-2013852-om-registerkontroll-av-personer\\_sfs-2013-852](https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-2013852-om-registerkontroll-av-personer_sfs-2013-852) (Retrieved: 29.4.2022).
- Representantforslag nr. 136S (2019-2020) fra stortingsrepresentantene Freddy André Øvstegård, Karin Andersen, Petter Eide, Nicholas Wilkinson, Katrine Boel Gregussen og Mona Fagerås. Dokument 8:136 S (2019-2020). Available at:  
<https://www.stortinget.no/globalassets/pdf/representantforslag/2019-2020/dok8-201920-136s.pdf> (Retrieved: 29.4.2022).
- RF (2011) *Svenskarnas idrottsvanor*, FoU 2004: 5. Stockholm: The Swedish Sports Confederation. Available at: <https://www.rf.se/globalassets/varmlands-idrottsforbund2/dokument/forskning-och-statistik/svenskarnasidrottsvanor.pdf> (Retrieved: 2.5.2022).
- RF (2014) *Riksidrottsförbundets policy mot sexuella övergrepp inom idrotten med vägledning*. Stockholm: Riksidrottsförbundet. Available at:  
<https://www.rf.se/globalassets/riksidrottsforbundet/nya-dokument/nya-dokumentbanken/policies/policy-mot-sexuella-overgrepp-inom-idrotten.pdf?w=900&h=900> (Retrieved: 10.5.2022).
- RF (2021) *Trygg idrott*. Available at: <https://www.rf.se/RFarbetarmed/Tryggidrott/> (Retrieved: 7.5.2022).
- RF (n.d.) *Lathund registerutdrag. Guide: Utdrag ur belastningsregistret i idrottsföreningar*. Available at:  
<https://www.rf.se/contentassets/235dcf2eb2c04819b625c4f2511b877e/lathund-registerutdrag-if.pdf> (Retrieved: 7.5.2022).
- Rhind, D. et al. (2015) A Review of Safeguarding Cases in Sport, *Child Abuse Review*, 24, pp. 418-426. DOI: 10.1002/car.2306.



- Rolfe, S.M. Tewksbury, R. (2018) Criminal justice policies: The intended and unintended consequences of monitoring individuals convicted of sex crimes. In Lussier, P. Beauregard, E. (Ed.) *Sexual offending: A criminological perspective*. London: Routledge, pp. 63-83. DOI: 10.4324/9781315522692.
- Rovira, M. (2020) The next Pandora's Box of criminal background checks, *European Journal of Criminology*, 00(0), pp. 1-17. DOI: 10.1177/1477370820977880.
- RP 3/2002 rd (2002) *Regeringens proposition till riksdagen med förslag till lagar om kontroll av brottslig bakgrund hos personer som arbetar med barn och om ändring av 6 och 7 § straffregisterlagen*. Available at: <https://www.finlex.fi/sv/esitykset/he/2002/20020003.pdf> (Retrieved: 29.4.2022).
- Saliba, A.M. (2013) The National Police Certificate is a significant barrier to employment for ex-offenders, *European Journal of Probation*, 5(1), pp. 25-43. DOI: 10.1177/206622031300500103.
- Sandbukt, I.J. (2021) Reentry in Practice: Sexual Offending, Self-Narratives, and the Implications of Stigma in Norway, *International Journal of Offender Therapy and Comparative Criminology*, 00(0), pp. 1-22. DOI: 10.1177/0306624X211049184.
- Sandbukt, I.J. et al. (2021) Testing the Static-99R as a Global Screen for Risk of Sex Crime Recidivism in a Norwegian Routine Sample, *Sexual Abuse*, 33(6), pp. 725-742. DOI: 10.1177/1079063220951194.
- Sanderson, J. Weathers, M.R. (2019) "Every time someone comes forward, it makes it easier for the next survivor to be heard": Sport as a triggering agent to break the silence of child sexual abuse, *Communication Quarterly*, 67(3), pp. 333-353. DOI: 10.1080/01463373.2019.1596141.
- Simon, J. (2013) Actuarial Justice: the Emerging New Criminal Law, in Feeley, M. (ed.) *Crime, Law and Society*. London: Routledge, pp. 353-382. DOI: 10/4324/9781315095288.
- Sjöberg, P. Lutteman, M. (2011) *Det du inte såg*. Stockholm: Norstedts.
- Smallbone, S. Marshall, W.L. Wortley, R. (2008) *Preventing Child Sexual Abuse: Evidence, policy and practice*. London: Willan Publishing.
- Socialstyrelsen (2020) Definition og lovgivning om seksuelle overgreb mod børn og unge. Available at: <https://socialstyrelsen.dk/born/overgreb/seksuelle-og-voldelige-overgreb/seksuelle-overgreb/definition-og-lovgivning-om-seksuelle-overgreb> (Retrieved: 10.5.2022).
- SOU 2019: 19. *Belastningsregisterkontroll i arbetslivet – behovet av utökat författningsstöd*.

Sports Act (1998) no. 64, Legislation in force, Icelandic legislation 1 January 2015 – Edition No 144a. Available at: <https://www.althingi.is/lagas/151c/1998064.html> (Retrieved: 21.4.2022).

Statistics Iceland (2015) *Number of offences registered by the police 1999-2015*. Available at: [https://px.hagstofa.is/pxen/pxweb/en/Samfelag/Samfelag\\_\\_domsmal\\_\\_afbrot/DOM0501.px/table/tableViewLayout1/?rxid=a3b1e7d2-b398-4776-ae68-5853345c9573](https://px.hagstofa.is/pxen/pxweb/en/Samfelag/Samfelag__domsmal__afbrot/DOM0501.px/table/tableViewLayout1/?rxid=a3b1e7d2-b398-4776-ae68-5853345c9573) (Retrieved: 7.5.2022).

Statistisk sentralbyrå (2020) *Fra overgrep til straff*. Available at: <https://www.ssb.no/sosiale-forhold-og-kriminalitet/artikler-og-publikasjoner/fra-overgrep-til-straff> (Retrieved: 4.5.2022).

Statistisk sentralbyrå (2021) *Anmeldte lovbrudd og ofre*. Available at: <https://www.ssb.no/sosiale-forhold-og-kriminalitet/kriminalitet-og-rettsvesen/statistikk/anmeldte-lovbrudd-og-ofre> (Retrieved: 7.5.2022).

Steine, I.M. et al. (2017) *Hvorfor ta det så lang tid å fortelle om seksuelle overgrep?* Available at: <https://psykologtidsskriftet.no/fra-praksis/2017/01/hvorfor-tar-det-sa-lang-tid-fortelle-om-seksuelle-overgrep> (Retrieved: 7.5.2022).

Stevens, V. (2019) *The Silent Topic of Sexual Child Abuse in Sports in the Academic Literature: How Network Governance, Public Branding, and Design-Oriented Public Administration Provide Avenues for Future Research*, *Journal of Public Administration and Governance*, 9(3), pp. 179-199. DOI: 10.5296/jpag.v9i3.15219.

Store Norske Leksikon (2017) *kriminell lavalder*. Available at: [https://snl.no/kriminell\\_lavalder](https://snl.no/kriminell_lavalder) (Retrieved: 7.5.2022).

Stortingsmøte, 16.2.2021. Available at: <https://www.stortinget.no/no/Saker-og-publikasjoner/Publikasjoner/Referater/Stortinget/2020-2021/refs-202021-02-16?all=true> (Retrieved: 27.4.2022).

Straffeloven. *Lov 20. mai 2005 nr. 28 om straff*. Available at: <https://lovdata.no/dokument/NL/lov/2005-05-20-28> (Retrieved: 29.4.2022).

Strafflag. *19.12.1889/39 Strafflag*. Available at: <https://www.finlex.fi/sv/laki/ajantasa/1889/18890039001> (Retrieved: 29.4.2022).

Straffregisterlag. *20.8.1993/770 Straffregisterlag*. Available at: <https://www.finlex.fi/sv/laki/ajantasa/1993/19930770> (Retrieved: 29.4.2022).

- Straffregisterlag för barnomsorg. *Lag 14.6.2002/504 om kontroll av brottslig bakgrund hos personer som arbetar med barn*. Available at:  
<https://www.finlex.fi/sv/laki/ajantasa/2002/20020504> (Retrieved: 29.4.2022).
- Straffregisterlag för frivilliga. *Lag 28.2.2014/148 om kontroll av brottslig bakgrund hos frivilliga som deltar i verksamhet bland barn*. Available at:  
<https://www.finlex.fi/sv/laki/ajantasa/2014/20140148> (Retrieved: 29.4.2022).
- Swedish Police (2021) *Sexualbrott – lagar och fakta*. Available at: <https://polisen.se/lagar-och-regler/lagar-och-fakta-om-brott/sexualbrott/> (Retrieved: 7.5.2022).
- Swedish Police (2022) *Utdrag för arbete med barn i annan verksamhet än skola och barnomsorg*. Available: <https://polisen.se/tjanster-tillstand/belastningsregistret/ovrigt-arbete-och-kontakt-med-barn/> (Retrieved: 7.5.2022).
- Taylor, B. Garratt, D. (2010) The professionalization of sports coaching: relations of power resistance and compliance, *Sport, Education and Society*, 15(1), pp. 121-139. DOI: 10.1080/13573320903461103.
- Tilastokeskus (2020) *Brott och deras uppkläring efter År, Brott och Uppgifter*. Available at: [https://pxweb2.stat.fi/PxWeb/pxweb/sv/StatFin/StatFin\\_\\_rpk/statfin\\_rpk\\_pxt\\_11cg.px/table/tableViewLayout1/](https://pxweb2.stat.fi/PxWeb/pxweb/sv/StatFin/StatFin__rpk/statfin_rpk_pxt_11cg.px/table/tableViewLayout1/) (Retrieved: 7.5.2022).
- Toftgaard Nielsen, J. (2001) The Forbidden Zone: Intimacy, Sexual Relations and Misconduct on the Relationship between Coaches and Athletes, *International Review for the Sociology of Sport*, 36/2, pp. 165-182. DOI: 10.1177/101269001036002003.
- Tøien, P. (2018) *Viktig: Endring i politiattestordningen*. Available at:  
<https://www.idrettsforbundet.no/nyheter/arkiv/viktig-endring-i-politiattestordningen/> (Retrieved: 4.5.2022).
- Tønset, T.S. (2022) Hull i forsvaret, *NRK*, 8.5.2022. Available at:  
<https://www.nrk.no/osloogviken/xl/mange-nye-fotballtrenere-mangler-politiattest--klubbene-vet-ikke-om-noen-av-disse-er-overgripere-1.15888594> (Retrieved: 8.5.2022).
- Udvidelse af børneattestordningen. *LOV nr 444 af 23/05/2012 Lov om ændring af lov om indhentelse af børneattest i forbindelse med ansættelse af personer m.v. og folkeoplysningsloven*. Available at: <https://www.retsinformation.dk/eli/lt/2012/444> (Retrieved: 29.4.2022).
- Ungar, S. (2001) Moral panic versus the risk society: The implications of the changing sites of social anxiety, *The British Journal of Sociology*, 52(2), pp. 271-291. DOI: 10.1080/00071310120044980.

- UNICEF (2016) *International Safeguards for Children in Sport*, International safeguarding children in sport working group. Available at: <https://www.unicef.org/uk/wp-content/uploads/2014/10/International-Safeguards-for-Children-in-Sport-version-to-view-online.pdf> (Retrieved: 29.4.2022).
- Valverde, M. (2011) Questions of security: a framework of research, *Theoretical Criminology*, 15(1), pp. 3-22. DOI: 10.1177/1362480610382569.
- Vertommen, T. et al. (2016) Interpersonal violence against children in sport in the Netherlands and Belgium, *Child Abuse & Neglect*, 51, pp. 223-236. DOI: 10.1016/j.chiabu.2015.10.006.
- Vertommen, T. et al. (2017) Profiling perpetrators of interpersonal violence against children in sport based on a victim survey, *Child Abuse & Neglect*, 63, pp. 172-182. DOI: 10.1016/j.chiabu.2016.11.029.
- Welhaven, L. (2020) Idrettsovergrepene: Ingen menneskerett å trene barn, *VG*, 16.12.2020. Available at: <https://www.vg.no/sport/i/Blr9E0/idrettsovergrepene-ingen-menneskerett-aa-trene-barn> (Retrieved: 27.4.2022).
- WHO (2006) *Preventing Child Maltreatment: A Guide to Taking Action and Generating Evidence*. Geneva: World Health Organization.  
[https://apps.who.int/iris/bitstream/handle/10665/43499/9241594365\\_eng.pdf;sequence=1](https://apps.who.int/iris/bitstream/handle/10665/43499/9241594365_eng.pdf;sequence=1) (Retrieved: 27.4.2022)
- Wilinsky, C.L. McCabe, A. (2021) A review of emotional and sexual abuse of elite child athletes by their coaches, *Sports Coaching Review*, 10(1), pp. 84-109. DOI: 10.1080/21640629.2020.1775378.
- Youth Act (2007) No. 70/2007. Available at: [https://www.youthpolicy.org/national/2007\\_Iceland\\_Youth\\_Act.pdf](https://www.youthpolicy.org/national/2007_Iceland_Youth_Act.pdf) (Retrieved: 3.5.2022).
- Zander, S. (2020/21) *Motion till riksdagen 2020/21:364 av Solveig Zander (C) Förlängning av registerkontroll av personer som ska arbeta med barn och unga*. Stockholm: Sveriges riksdag. Available at: <https://data.riksdagen.se/fil/8911C103-04E8-48FD-8D38-740096FAC657> (Retrieved 29.4.2022).
- Ändring av straffregisterlag. *Lag 547/2021 om ändring av lagen om kontroll av brottslig bakgrund hos personer som arbetar med barn*. Available at: <https://www.finlex.fi/sv/laki/alkup/2021/20210547> (Retrieved: 29.4.2022).



## 11 Appendix

**Table 5.** Overview over the policy documents used as data material in the paper, listed in chronological order according to publication year.

Document	Year	Country of origin	Document nr.	Document type
Sports Act	1998	Iceland	64/1998	Act/Law
Regeringens proposition till riksdagen	2002	Finland	RP 3/2002 rd	Proposition
Lag om kontroll av brottslig bakgrund hos personer som arbetar med barn	2002	Finland	14.6.2002/504	Law
Børneattestloven	2005	Denmark	520 af 21/06/2005	Law
Børneattestbekendtgørelsen	2005	Denmark	645 af 24/06/2005	Provision
Proposisjon til Stortinget (forslag til lovvedtak)	2009-2010	Norway	12L (2009-2010)	Proposition
Politiregisterloven	2010	Norway	2010-05-28-16	Law
Udvidelse af børneattestordningen. Lov om ændring af lov om indhentelse af børneattest i forbindelse med ansættelse af personer m.v. og folkeopplysningsloven	2012	Denmark	444 af 23/05/2012	Law
Proposisjon til Stortinget (forslag til lovvedtak)	2012-2013	Norway	114L (2012-2013)	Proposition
Regeringens proposition – stärkt skydd för barn mot sexuella övergrepp	2012-2013	Sweden	2012/13:194	Proposition
Lagutskottets betänkande	2013	Finland	16/2013 rd	Committee report
Politiregisterforskriften	2013	Norway	FOR-2013-09-20-1097	Provision
Justitiekommitténs betänkande – stärkt skydd för barn mot sexuella övergrepp	2013-2014	Sweden	2013/14:JuU8	Committee report
Lag om registerkontroll av personer som ska arbeta med barn	2013	Sweden	2013:852	Law
Børneattestloven – Bekendtgørelse af lov om indhentelse af børneattest i forbindelse med ansættelse af personale m.v.	2014	Denmark	362 af 02/04/2014	Provision
Lag om kontroll av brottslig bakgrund hos frivilliga som deltar i verksamhet bland barn	2014	Finland	28.2.2014/148	Law

Bekendtgørelse om indhentelse af børneattest ved ansættelse og beskæftigelse af personer i myndigheder, institutioner, foreninger m.v. inden for Kulturministeriets ressortområde	2015	Denmark	289 af 18/03/2015	Provision
Richard Nordin- Motion till riksdagen: Säkrare regler för registerutdrag	2017-2018	Sweden	2017/18:2855	Motion
Bekendtgørelse om indhentelse af børneattest ved ansættelse og beskæftigelse af personer i myndigheder, institutioner, foreninger m.v. inden for Kulturministeriets ressortområde	2018	Denmark	1416 af 03/12/2018	Provision
Kommittédirektiv: Behovet av ett utökat författningsstöd för registerkontroller i arbetslivet	2018	Sweden	2018:12	Committee directive
Representantförslag fra stortingsrepresentanterna F.A. Øvstegård, K. Andersen, P. Eide, N. Wilkinson, K.B. Gregussen, M. Fagerås	2019-2020	Norway	136S (2019-2020)	Proposal from representants
Innstilling til Stortinget fra justiskomiteen	2020-2021	Norway	210S (2020-2021)	Recommendation
Solveig Zander - Motion till riksdagen: Förlängning av registerkontroll av personer som ska arbeta med barn och unga	2020-2021	Sweden	2020/21:364	Motion
Regeringens proposition till riksdagen	2021	Finland	4/2021 rd	Proposition
Lag om ändring av lagen om kontroll av brottslig bakgrund hos personer som arbetar med barn	2021	Finland	547/2021	Law
Værn mot voksne der krænker børn – tiltag til bekæmpelse af seksuelle krænkelser mod børn	2021	Denmark		Report from the Ministry of Justice
Forslag til lovændring	2021-2022	Denmark	L 119	Proposition
Motion till riksdagen: Registerkontroll av personer som ska arbeta med barn	2021-2022	Sweden	2021/22:390	Motion
Forslag til lovændring	2021-2022	Denmark	L 78	Proposition

