

Proposal for the establishment of Children's Rights in Sports

December 19, 2020

Publication of Proposal for the Establishment of the Children's Rights in Sports

Japan Sports Law Association

The Japan Sports Law Association (the "Association") has dedicated considerable effort to establish sports rights. The draft of the Sports Basic Act, 1 dated December 20, 1997 states that "All people have rights concerning equally in sports" and "All participants in sports must be free, fair and secure at all times". In a call to the 17th Congress of the Association, 2 dated September 18, 2009, "Call for the establishment of the Sports Basic Act and sports rights!", proposing the need for a concrete system of the Sports Basic Act to guarantee sports rights through legislation.

In response to the tragic suicide of the captain of the male basketball team at Sakuranomiya High School, the Association also issued a Statement³, titled "Urgent Appeal: To Eliminate Violence and Human Rights Violations from Sports," on February 14, 2013, and made a six-point proposal. This proposal was followed by the Declaration to Eradicate Violence in Sports, which was made on April 25 of the same year by five organizations: the Japan Sport Association, the Japanese Olympic Committee, the Japan Sports Association for the Disabled, the All Japan High School Athletic Federation and the Nippon Junior High School Physical Culture Association.

In Japan, with the successful hosting of the Rugby World Cup in 2019 and the Tokyo Olympic and Paralympic Games coming up in 2021, public interest in sports is showing an unprecedented surge. However, issues such as corporal punishment, violence, harassment, excessive coaching and overuse still show no sign of ending. In particular, the development of an environment for children's sports, which should play a major role in the future of sports, is far from satisfactory, and cannot be overlooked. The situation of abuse of children by coaches in Japan was also pointed out in a report⁴ released by Human Rights Watch in July 2020, and there is an international call for an honest response to this issue.

The "Convention on the Rights of the Child"(the "Convention") is a comprehensive Bill of Rights that guarantees the basic human rights of children, positioning children as a separate and independent body of rights from adults, including the rights of a single person who needs special protection and consideration during the growth process⁵. The Convention consists of a preamble and 54 articles, and it provides for specific matters to ensure the realization of children's rights to life, to grow up, to be protected and to participate. However, in light of these children's rights stipulated in the Convention,

the actual situation in our country is that such rights are not fully realized for children who participate in sports⁶.

In November, 2018, the Japan Committee for UNICEF and UNICEF (United Nations Children's Fund) released "Children's Rights in Sport Principles" (CRSP), a document created with domestic and international experts and dedicated to addressing children's rights issues in sports. The CRSP reaffirms the inherent power of play and sports that promotes the healthy growth and development of children's mind and body in the face of incessant violent coaching in sports and excessive training that does not give consideration to the healthy physical and mental development of children in various parts of the world, and establishes action guidelines for sport organizations, coaches, companies, schools, families, parents and others involved in sports. The CRSP can be considered to represent the children's rights as set out in the Convention on the Rights of the Child in the form of action guidelines for those involved in children's sports.

In Japan, the guarantee of children's rights is still insufficient according to international standards, and children's rights in sports and a comfortable sports environment for children have not been secured and realized. To address this, we have established a Special Committee on the Project for the Establishment of Children's Sports Rights (the "**Committee**") to create proposals for the establishment of children's rights in sports (children's sports rights). This time, the Committee's proposal on the establishment of children's rights in sports was approved as a consensus of the members at our general meeting held on December 19, 2020, and is published as follows.

1 "Draft of the Sports Basic Act" by the Japan Sports Law Association (<http://jsla.gr.jp/archives/836>)

2 "Call for the establishment of the Sports Basic Act and sports rights!" by the Japan Sports Law Association (Appeal of the 17 Session of the Japanese Sports Law Association) (<http://jsla.gr.jp/archives/744>)

3 "Urgent Appeal of the Japan Sports Law Association: For the Elimination of Violence and Human Rights Violations from Sports" (<http://jsla.gr.jp/archives/885>)

4 A report by Human Rights Watch titled "I was hit so many times that I can't count on—Abuse of Child Athletes in Japan" published the situation of abuse of children by coaches in Japan and made specific proposals, including the establishment of a professional organization such as the U.S. Center for SafeSport.

5 The United Nations General Assembly unanimously adopted the Convention at its 44 plenary sessions in November, 1989, and Japan ratified it in April 1994. As of 10, 2020, 196 countries and

regions around the world are members of the Convention, 30 years after its adoption by the United Nations and 25 years after its ratification by Japan.

6 In February 2019, the UN Committee on the Rights of the Child published its concluding observations, a review report of the Fourth and Fifth Periods Reports submitted by the Japanese government, and expressed concern and made strong recommendations regarding the enactment of a comprehensive anti-discrimination law, the prohibition of corporal punishment, and respect for the views of children, while giving a certain level of appreciation to amendments to the Civil Code of marriageable age and measures against child poverty.