

Urgent appeal: To eradicate violence and human rights violations from sports

Statement by the Board of Directors of the Japan Sports Law Association

Urgent Appeal: To eradicate violence and human rights violations from sports

February 14, 2013

Board of Directors of the Japan Sports Law Association (“JSLA”)

A tragic incident occurred in which a student took his own life in protest against the coach's violence in a high school club activity. Our thoughts and prayers are with the students who have passed away, and we express our condolences to the bereaved families.

1. Apart from violence and human rights violations

As a member of the sports community, we are deeply outraged by the spilling series of incidents, including violence in high school clubs, and acts of violence in sport organizations. This is because these acts of violence, which can take a person's life, are a violation of a person's dignity, and also trample on the feelings of many people who love sports and have worked hard for many years.

Acts that constitute human rights violations include not only physical violence but also acts of sexual harassment, power harassment and verbal violence. These acts tend to occur in combination, resulting in a bad sense of paralysis, and many of them occur in a one-sided power relationship that does not allow the other party to argue. In other words, acts such as violence are the most despicable acts in the same structure where bullying is directed at the weak.

In addition, the things that are caused by the false coaching that is only concerned with the results of sports are undoubtedly acts of violence and human rights violations, not corporal punishment. Corporal punishment is a term used in relation to schooling and disciplinary actions of parents, and leaders do not have disciplinary authority in sports.

What grows out of violence is nothing but great hatred. Even in the United States, it was in the 1970s that the backwardness of the sports leader was criticized. In the international high-performance sports that followed, the days of thinking about becoming stronger through violence are long gone. A series of violence problems cannot be recognized by the current global standards and are immediately subject to dismissal and punishment.

The JSLA has argued in the past that "from the rule of person, to the rule of law," but this case is a typical example of direct “rule of person” and such acts of violence and human rights violations can never be tolerated for any reason.

One of the important pillars of sport-coaching is to encourage those who play sports to develop as independent and autonomous person. There is absolutely no growth born of violence.

2. Good governance and compliance

In its preamble, the Sport Basic Act, which was passed in 2011, recognizes sports as a universal human culture, and states that it is the right of all people to live a happy and prosperous life through sports. Article 2 (8) of the Act also requires appropriate measures, as "*unfair discrimination against persons who engage in sports shall not be conducted, and the fair and appropriate conduct of all sports related activities shall be implemented...*". Of course, even in school education, Article 11 of the School Education Act explicitly denies physical violence, even in disciplinary actions, as "*President and teachers may take disciplinary action against pupils and students as determined by the Minister of Education, Culture, Sports, Science and Technology, when deemed necessary for education. However, Corporal punishment is not allowed.*"

Moreover, modern sports, which started out with the elimination of violence, have progressed, and today's Olympic Charter explicitly envisions the spirit of nonviolence as the "*to encourage and support the promotion of ethics and good governance in sport as well as education of youth through sport and to dedicate its efforts to ensuring that, in sport, the spirit of fair play prevails and violence is banned*" in the first paragraph of the Mission and role of the International Olympic Committee. It is this spirit of nonviolence, nondiscrimination and fair play that underpins the universal human culture. To return to this spirit, all those involved in sports shall comply with laws and regulations, and to protect the dignity of children, students, athletes and others involved in sports, now is the time for change, and we must take steps to eradicate violence and human rights violations.

3. Recommendations

Some of these issues are urgent, while others should be discussed and designed over time. In order to eradicate human rights violations associated with sports, it is urgent to first declare to eliminate acts of violence and human rights violations by sport organizations, and to establish reporting-lines. In addition, while there are various points of contention, such as where to place the entities, consideration of privacy, and their authority, the specific creation of a third-party investigation institution is also urgent. Furthermore, it is inevitable to have careful discussion needed to develop a code of ethics, to revise the Sport Basic Act, to develop individual legislation in the future, and to clarify and improve the structural issues behind it.

Based on those above, the JSLA makes the following recommendations.

- (1) To declare in all organizations involved in sports to eliminate violence and human rights violations;
- (2) To strengthen the governance of sports organizations, and ensure legal compliance by all stakeholders;
- (3) To establish reporting systems for those seeking relief can consult to protect children and students

who play sports, and athletes;

(4)To create a third-party institution as a fair and neutral investigation body;

(5)To create a code of ethics and amend the Sport Basic Act by adding provisions such as elimination of violence; and

(6)To establish a method of coaching and a system to foster coaches.

It is time to pursue the direction of Japanese sports in 21th century. We cannot frame an assertion that even in part has room to admit violence.

The JSLA will continue to advocate for the eradication of acts that lead to violence and human rights violations related to sports.