

# SAFEGUARDING CHILDREN'S RIGHTS IN SPORT: FROM LEGAL STANDARDS TO EVERYDAY PRACTICE

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Safeguarding children's rights in sport has become an increasingly important legal issue. While sporting environments offer significant developmental benefits, they may also expose children to risks such as abuse (e.g., sexual, physical, neglect). Today, international legal standards and national legal frameworks impose clear obligations on states and sports organizations to protect children and their rights. This article examines the gap between formal legal requirements in sports and how they are implemented in practice. It also explores the selected international cases and the Slovenian criminal law framework, and relevant Slovenian case-law relevant to the abuse of children in sports.

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## 1 Introduction

Sport today represents an indispensable part of our lives, both as individuals and as a society at large. Therefore, it is not surprising that it also carries a special significance for the Republic of Slovenia. Sporting activities, top achievements, and the diversification of sports activities are integral to the Slovenian identity and promote the Republic of Slovenia globally.<sup>1</sup> At the same time, sport is intertwined with numerous areas where cooperation is mutually beneficial. Sport is recognized as an element that, through various forms of participation, contributes to an individual's resilience, which in turn is also reflected in the resilience of the entire society and the country to help minimize health risks, since each chain is only as strong as its weakest link. The sports activity of individuals is of key importance for achieving a better quality of life for the population and reducing the burden of disease in society.<sup>2</sup> Today, we view sports as an important activity, especially for children that enables healthy development, cooperation, and personal growth in individuals.

The United Nations Convention on the Rights of the Child<sup>3</sup> (UNCRC) is today one of the most comprehensive and widely accepted international instruments that protects children's rights. However, numerous violations of children's rights still occur all around the world. From neglect and exploitation to psychological and physical violence - violations take many forms. Violations of children's rights do occur, unfortunately, also in the field of sport. The special characteristics of the sports environment are reflected in the importance of the relationship between coach and athlete (e.g., trust in the coach), the intensity of the sport, the complexity of the competitions, the interest of the media, the time spent on training, preparation and competitions, the culture of sports, the procedures for recruiting young (talented) athletes, often also in the distance from the family or home or school environment, the risk of injuries, etc. Therefore, it is not surprising that children involved in sports, particularly in the sports environment, which should represent

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<sup>1</sup> For example, Tina Trstenjak and Andreja Leški (judo), Tadej Pogačar and Primož Roglič (cycling), Janja Garnbreit (climbing), Luka Dončić (basketball), Nika Prevc and Domen Prevc (ski jumping), Žiga Zagoranski (taekwondo, kickbox), Tim Gajser (motosport), Jasmina Keber (crossminton) and many others.

<sup>2</sup> Resolucija o nacionalnem programu športa v Republiki Sloveniji za obdobje 2026–2035 (ReNPŠ26-35): Uradni list RS, št. 55/25. Retrieved from: [https://www.olympic.si/datoteke/07b\\_Resolucija%20NPŠ%202026-2035.pdf](https://www.olympic.si/datoteke/07b_Resolucija%20NPŠ%202026-2035.pdf) (accessed: 24 September 2025); tako tudi Yabe et al., 2019, p. 249.

<sup>3</sup> Convention on the Rights of the Child, adopted by General Assembly Resolution 44/25, 20 November 1989. Retrieved from: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child> (accessed: November 14, 2025).

safety, happiness, voluntary participation, and satisfaction for them, are often exposed to numerous human rights violations and children's rights abuses. It is precisely because of these special characteristics of the sports environment that they are particularly vulnerable, sensitive, and at risk of various forms of neglect as well as physical, sexual and emotional abuse. The article analyses selected aspects of child rights violations in sports.

## 2 Foundations of Olympism<sup>4</sup>

The founder of the modern Olympic Games, the French Baron Pierre de Coubertin, is also one of the most important educators. He recognized the importance and use of psychophysical activities, typical of the ancient Olympic Games, for the general education of young people. He believed that by engaging in psychophysical activities, such as sports, the highest level of achievement could be attained, including the improvement of character, moral qualities, and exemplary physical movement in youth.<sup>5</sup> Moreover, he even referred to sport as a "*religio athletae*". He saw it as a religion, but not in a theological sense, but in a cultural, psychological, and ritual sense.<sup>6</sup>

Even if we examine his first vision of sport, we can conclude that it has come true. For children, sport is important from several aspects - such as health, exercise, socializing, meeting friends, accepting and following rules, and learning about ethical and other values. Sport can provide an especially important outlet for children who belong to vulnerable groups (e.g., children from war zones, girls, disabled children, children of minorities, children who face domestic violence), because sport can allow them to integrate into the wider social environment while also providing them with the opportunity to forget, at least for a few moments, the horrors they face or the possibility to withdraw from such an environment.

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<sup>4</sup> The word 'olympionism' comes from the Greek: 'Olymp' = Ὀλυμπος / Olympos - refers to Mount Olympus, the mythical home of the Greek gods, and also the location associated with the ancient Olympic Games; -ism' = ισμός / -ismós - a suffix used in Greek to denote a doctrine, system, ideology, or practice (Etymonline.com, n.d.).

<sup>5</sup> Lenk, 2015, p. 17.

<sup>6</sup> See more about *religio athletae* Lenk, 2014, p. 24; Krüger, 1993; Mechikoff & Sullivan, 2008.

The Olympic Charter<sup>7</sup> is today the fundamental constitutional document of the International Olympic Committee (IOC). The Olympic Charter is used as:

- a) the Constitution of the Olympic Movement, as it defines the principles of the Olympic Movement and the rights and duties of the members of the IOC;
- b) the founding statute of the IOC, as an association under Swiss law;
- c) the general regulations for the Olympic Games outline the main rules, supplemented by secondary legislation adopted by the IOC.<sup>8</sup>

The Olympic Charter, as the fundamental document of modern sport, sets out the fundamental principles of Olympism. Olympism is thus a philosophy of life that elevates and unites the qualities of body, will and spirit into a balanced whole. By combining sport with culture and education, Olympism strives to create a lifestyle based on the joy of effort, the educational value of a good example, social responsibility and respect for internationally recognized human rights and universal fundamental ethical principles within the framework of the Olympic movement. Olympism aims to place sport at the service of the harmonious development of humanity, promoting a peaceful society that values the preservation of human dignity.<sup>9</sup>

The Olympic Charter also explicitly states that the practice of sport is a human right. Everyone should have access to the practice of sport without discrimination of any kind (such as race, skin color, sex, sexual orientation, language, religion, political or other beliefs, national or social origin, assets, birth or any other status), in accordance with internationally recognized human rights within the framework of the Olympic Movement. The Olympic spirit requires mutual understanding in a spirit of friendship, solidarity and fair play.<sup>10</sup>

The Olympic Charter is a 'living document', as it constantly responds to the continuous evolution of sport and the challenges that new developments bring. The text of the Olympic Charter thus also represents a response to the various threats

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<sup>7</sup> Olympic Charter (2025) was adopted by International Olympic Committee (in force as from 25 January 2025). Retrieved from: <https://stillmed.olympics.com/media/Documents/International-Olympic-Committee/IOC-Publications/EN-Olympic-Charter.pdf> (accessed: October 1, 2025).

<sup>8</sup> Latty, 2024.

<sup>9</sup> Olympic Charter, 2025, Fundamental principles of the Charter, p. 8, para. 1 and 2.

<sup>10</sup> Olympic Charter, 2025, Fundamental principles of the Charter, p. 8, para. 3 and 6.

that sport faces (e.g., doping, competition manipulation, corruption, sexism, terrorism, racism).<sup>11</sup>

In light of the numerous positive attributes of sport, it is surprising that the Olympic Charter fails to explicitly mention children. However, based on the Olympic Charter's statement that "*every individual must have access to the practice of sport, without discrimination of any kind /.../*" the latter suggests that children are also included, despite not being explicitly mentioned or defined as athletes.

### 3 Sport Through the Prism of Children's Rights

Based on Article 1 of the UNCRC, "a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier".<sup>12</sup> Because children represent a particularly vulnerable group in everyday life, it is not surprising that they are also entitled to special protection in light of general human rights and, in particular, children's rights, the foundation of which is laid out in the UNCRC.

Children in sport therefore consist of all children who participate in any form of physical education, physical activity, and sport, including those who aspire to become professional athletes or officials (e.g., referees), and those who play sports or participate in other aspects of sport for leisure, recreation, and exercise (e.g., ball handlers).<sup>13</sup>

Although the UNCRC does not explicitly mention sport, most of its essential articles can be linked to sport or to the impact on children who engage in sport. Sport is of exceptional importance to children. As we have already established, the Olympic Charter explicitly emphasizes that engaging in sport is a human right and that every individual must have access to engaging in sport without any form of discrimination. Therefore, engaging in sport is also a child's right, which must be guaranteed without any discrimination. This is particularly true for children from vulnerable groups. For example, consider the case of children with special needs. Sports organizers must

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<sup>11</sup> Latty, 2024.

<sup>12</sup> This definition of a child can also be found in Article 5 of the Slovenian Family Code (in Slovenian Družinski zakonik- FC): Uradni list RS, št. 15/17, 21/18 – ZNOrg, 22/19, 67/19 – ZMatR-C, 200/20 – ZOOMTVI, 94/22 – odl. US, 94/22 – odl. US, 5/23, 34/24 – odl. US. Glej tudi Kraljić, 2019, pp. 61-63.

<sup>13</sup> Japan Committee for UNICEF, 2018, p. 5.

take measures to provide sports activities for children with disabilities or adapt sports activities so that children with special needs can also participate in sports activities together with children without special needs (e.g., design of sports facilities that allow access for people with disabilities; appropriate support from officials, coaches and other support staff; adaptation of sports rules; adaptation of equipment so that athletes with special needs may participate (e.g., sports wheelchairs)).<sup>14</sup>

Even the General Commentary on Article 31 of the UNCRC, which only briefly addresses sport, emphasizes that the issue of sport is important in its own right.<sup>15</sup> Article 31, paragraph 1, of the UNCRC provides, “States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts”. Further, States Parties shall also respect and support the child's right to participate fully in cultural and artistic life and encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational, and leisure activities (Article 31, para. 2, of the UNCRC). The right to play also has an economic, social, and cultural character, as through play, children learn to participate in the community and accept the rules and value systems of the society in which they live and learn.<sup>16</sup> We can conclude that play and sport, like education, can have a positive impact on children's lives not only during childhood but after they reach adulthood.

Participation in sports is widespread in human culture and is based on voluntary participation.<sup>17</sup> Although the benefits to the child are prioritized, it should not be ignored that a child's participation in sports can also have a positive impact on other family members or the entire family. Respect for the time children spend with their families must also be considered, as this ensures their right to family life. Therefore, participation in sports should be balanced. How sports activities are implemented, i.e., the type, intensity, and methods of teaching sports, should be appropriate to the child's age and development. Sports should not have a negative impact on the physical and mental health of children, including the potential for exhaustion due to excessive training.<sup>18</sup>

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<sup>14</sup> Japan Committee for UNICEF, 2018, p. 7.

<sup>15</sup> See General Comment no. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (Art. 31), para. 6, p. 3.

<sup>16</sup> For more see Kraljić, 2024, p. 87; Mrnjauš, 2014, p. 218.

<sup>17</sup> Japan Committee for UNICEF, 2018, p. 4.

<sup>18</sup> Japan Committee for UNICEF, 2018, p. 13.

Based on Article 12, para. 1, of the UNCRC, States Parties shall guarantee to the child who is capable of forming their own opinions the right to express those opinions freely in all matters affecting them.<sup>19</sup> The weight of the expressed opinions shall be assessed in accordance with the age and maturity of the child. This right of the child also extends to sport. Children may thus freely express their views on all matters affecting them in sport, including their willingness or unwillingness to participate in competitions and training, in accordance with their age and maturity. The rights and interests of the child should be prioritized, as sport should provide an environment in which the child wants to participate, enjoys, relaxes, socializes with peers, acquires new knowledge and skills, and improves their health, among other benefits. These principles apply not only to children who want to become professional athletes but also to children who wish to enjoy sports as a leisure and recreational activity alike.<sup>20</sup> Despite the explicit provision in Article 12 of the UNCRC, and despite major shifts and changes in its substantive areas (e.g., courts, schools), sport remains an environment where children are still rarely consulted, even in matters that directly affect them. Instead, parents are consulted, because they have the dominant role in decision-making for their children.<sup>21</sup>

To ensure maximum benefit, children should be provided with sufficient opportunities to participate in sports, as well as learning, play, leisure, and recreational activities appropriate to their age, and to freely participate in cultural and artistic activities.<sup>22</sup> Despite the positive effects associated with sports activities, sports environments do not always provide a safe environment for children.

#### **4 Protection of Children From All Forms of Violence and Negative Impacts on Their Rights**

Children are a vulnerable social group that is guaranteed protection from all forms of violence and abuse, and the negative impact of same on their rights. The latter is also necessary in the field of sport, as sport must represent a safe environment for children. Though it is true that the UNCRC does not explicitly mention sport, the scope of its Article 19 nevertheless extends to sport.<sup>23</sup> As previously mentioned,

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<sup>19</sup> Več o tem glej Kraljić & Drnovšek, 2022, pp. 101-116.

<sup>20</sup> Japan Committee for UNICEF, 2018, p. 7.

<sup>21</sup> Aina et al., 2021, p. 4.

<sup>22</sup> Japan Committee for UNICEF, 2018, p. 9.

<sup>23</sup> Article 19 of the UNCRC states: »1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment

sport plays a crucial role in the development of children, shaping their character and ensuring their physical, mental, and social well-being. Abuse in sport, therefore, negatively affects all the above and consequently constitutes a violation of children's rights.

Despite its many benefits, sports nevertheless often present potentially hazardous environments for children. Namely, sport defines specifications, such as the direction towards success and victories, the existence of hierarchical structures, the need for physical contact, and the intensity of the relationship between coaches and athletes, which is further strengthened by the significant time spent in training and competitions.<sup>24</sup> It is precisely because of these special characteristics of the sports environment that children are particularly vulnerable, sensitive, and at risk in various forms:

- i) physical (e.g., injuring, overtraining, pushing, shoving, shaking, throwing objects, spitting, kicking, pulling hair or ears, punishing 'bad' play, denying food, fluids, sleep, medical care);
- ii) sexual (e.g., inappropriate sexual contact, inappropriate exposure, penetration, payment for sexual favors, explicit sexual comments, jokes or gestures, sexual advances, sexist jokes and comments, intrusive sexual glances, sexually charged communication, rape, sodomy, sexual exploitation, exposure to pornographic material, etc.);
- iii) emotional abuse (e.g., withholding attention or support (e.g., deliberately ignoring an athlete due to poor performance), insulting, shouting, belittling, threatening, humiliating, scapegoating, ignoring, harassing, ridiculing, isolating, manipulating, encouraging eating disorders, etc.);
- iv) or neglect (failure to provide care (e.g., withholding food, forcing them to train or compete despite injury), inadequate care or treatment of injuries, failure to provide necessary supervision, inadequate equipment, allowing bullying or torture by teammates, failure to meet basic needs (e.g., water, food, sleep)).<sup>25</sup>

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*or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. 2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.»*

<sup>24</sup> Gaedicke et al., 2021, p. 2.

<sup>25</sup> Gattis & Moore, 2022, p. 3; Rulofs et al., 2022, p. 1.



The athlete's relationship with coaches is particularly significant. The coaches must be persons whom both the child and the parents' trust. Parents entrust the care of their child not only to coaches, but also to officials, development workers, assistants, and other adults, whom they may not know well themselves, during training, competition, transportation to events, etc. The coaches are the ones who teach the child the ethical and sporting rules of the individual sport, techniques, and exercises during training, provide instructions during competition, and offer guidance on nutrition, among other aspects. During training, close contact between the coaches and the child may occur while learning techniques (e.g., in judo as a martial art). However, since sports are very different, touching that is acceptable or even necessary in one sport may be unacceptable in another. For example, in sports such as gymnastics, observation or other forms of physical intervention by the coaches with the athlete may be an essential element of safety during training. A coach often understands that the purpose of physically touching an athlete during a scrimmage is to catch and protect them from injury. This form of contact may be specific to a particular sport, but it is not necessary in other sports, such as football. Stevens, therefore, warns that the "trend toward a no-touch policy," whose sole purpose is to avoid misperceptions, may be counterproductive for sports where guarding or physical manipulation is necessary to ensure the athlete's safety.<sup>26</sup> Athlete safety must still be the priority.

Some sports also require equipment that is tight-fitting (e.g., gymnastics) and minimalist (e.g., swimming). Parents, coaches, or other adults may also help with transportation to and from practice for younger children. Moreover, older children travel to competitions and practice in remote locations with relatively little supervision. Parents have the best interests of their children in mind when they encourage their child to participate in sports and may allow a coach who claims that their child has an exceptional talent or ability almost unlimited access. Unfortunately, however, parents often fail to distinguish between a dedicated and inspiring coach who takes a personal interest in their child and a potential abuser. An abused child is in a challenging position with many conflicting emotions and loyalty.<sup>27</sup>

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<sup>26</sup> Stevens, 2025, S. 129.

<sup>27</sup> MacAuley, 1996, p. 275.

The child sometimes spends more time with the coach than with their peers and parents. In such cases, the coach is often a very important person for the child, as they can serve as a mentor, confidant, father/mother figure, or authority figure. Children can also observe how their parents respond to their coaches' requests and often bow to them, which may lead children to perceive coaches as a higher authority than their parents.<sup>28</sup> We should also highlight an additional dangerous aspect if children view the coach as a key authority. Children can learn aggressive behavior by observing it in others - in our case, the coach. This is especially dangerous if the coach they admire behaves aggressively and violently, and the coach is successful in his work.<sup>29</sup> Children can adopt such behavior and continue and build on it (e.g., towards peers, family members, partners, and later even their own children).

We would also like to draw attention to something called "grooming". These are strategies that abusers consciously use to persuade children to engage in sexual activities. In sports, this is reflected in the building of trust between athletes and their coaches. Trust is a key factor in grooming. Groomers choose the most vulnerable victims.<sup>30</sup> A Japanese study even showed that children who were victims of corporal punishment at home were more tolerant of such behavior by sports coaches than children who were not subjected to corporal punishment.<sup>31</sup> Every child is at risk, but the risk is greater for children who live in unstable family situations or living circumstances. Children who crave attention, validation, or acceptance (which is exactly what a coach can offer) can more easily fall victim to groomers who are interested in them.<sup>32</sup> A coach builds trust with his victims, which later makes it difficult for the athlete victims to recognize that the coach has crossed a line. This includes, for example, compliments and gifts from coaches, phone calls, highlighting the athlete's notable successes, isolating the athlete from others, secrets shared by the coach and the athlete with the coaches. The characteristic of grooming is also reflected in the normalization of sexual harassment and abuse, as coaches gradually overstep personal boundaries in their relationships with victims. Coaches often extend grooming, i.e., the process of gaining trust, to other people within the sport (e.g., parents, other coaches, team members).<sup>33</sup> Coaches thus develop social capital to increase their status in the community and build protection against potential

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<sup>28</sup> Stevens, 2025, p. 96; MacAuley, 1996, p. 275; Alexander, Stafford & Lewis, 2011, p. 10.

<sup>29</sup> Takahashi, Ozawa & Harizuka, 2020, p. 6.

<sup>30</sup> Players Health, 2022.

<sup>31</sup> Takahashi, Ozawa & Harizuka, 2020, p. 3.

<sup>32</sup> Players Health, 2022.

<sup>33</sup> Gaedicke et al., 2021, p. 10.

accusations. Consequently, it is precisely for this reason that it is difficult for an athlete to report on a coach who crosses boundaries without jeopardizing their credibility and sports career.<sup>34</sup>

The coach plays an extremely important role for young athletes, as they can significantly influence the child's future sports career, both positively and negatively. Often, their influence extends beyond the sports environment, also affecting family life, relationships within the athlete's family, school, and free time. Coaches often represent not only professional authority but also a person who has a direct influence on the athlete's future (e.g., their competitions, national team selections, and sports scholarships). Such an environment has the potential to develop emotionally manipulative relationships. Violence not only affects the body, but also deeply affects the very feeling of value, freedom, and security. This is precisely why mechanisms that resemble dependence can develop in a relationship where forms of violence and abuse are present.<sup>35</sup>

When abuse is perpetrated by individuals who have a significant position in relation to a child's hopes and dreams in sports (e.g., a coach), the child finds themselves in a serious dilemma. Should the risk be taken to prevent or stop the abuse, or should the abuse be endured to have the promised and desired sports career? Many studies have shown that the love for sports is often extinguished precisely because of experiences with abuse during training or competitions.<sup>36</sup>

When a person who is important, influential, and authoritative (i.e., a coach) does something that children recognize as wrong, a major emotional conflict occurs. In most cases of child abuse, the victim feels guilty that, in some way, they are to blame. And because children often perceive coaches as a higher authority than their parents, they find themselves in a difficult position. Parents, as guardians who are supposed to protect and care for their children's well-being, send them to an environment where abuse occurs. Not infrequently, parents are even aware of the abuse but justify

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<sup>34</sup> Owton & Sparkes, 2015; p. 732 ff; Gaedicke et al., 2021, p. 10.

<sup>35</sup> Center za socialno delo Celje, 2025.

<sup>36</sup> Tuakli-Wosornu et al., 2023, p. 7. The latter is also clearly indicated by the case of *Brown v. USA Taekwondo* (483 P.3d 159 (2021)), where USA Taekwondo (USAT) was accused of failing to protect underage athletes from harm caused by taekwondo coach Marc Gitelman, who sexually abused several athletes during meetings, injury check-ups, and car rides to competitions. For example, in 2007, he invited one of the fifteen-year-old athletes to his hotel room to watch a movie, but then sexually abused her. In 2008, he took a fifteen-year-old athlete to a competition and sexually abused her during the drive. The abuse continued until 2010, when the athlete stopped competing in taekwondo (Keating, 2024; Stevens, 2025, p. 103).

it with excuses that it is "the coach's harsher methods that lead to good results". However, in doing so, they completely overlook the child and their rights and safety. The interests of others very quickly come to the forefront, which overrides the interests and well-being of the child. Sport and the sports environment can very quickly become an environment where children's rights are abused and trampled. To ensure success in sports now or in the future, training and competitions become environments that are permeated with various forms of violations of children's rights.<sup>37</sup>

Children must be provided with a safe and secure environment in which to practice, compete, and participate in sport. A safe environment also encompasses providing children when traveling to sporting activities with safe and adequate transportation of suitable quality, as well as appropriate accommodation and meals. Ensuring the elimination of violence does not only apply to, for example, coaches, but also to peers and others who perpetrate violence via social media. We must not forget the media, which should respect the ethical codes of journalism in sports events in which children participate, especially in the case of failure or poor results, and in this way also protect children from possible negative consequences.<sup>38</sup>

Sport is also often associated with negative events that undermine the principles of Olympism. These include incidents involving various aspects of fraudulent conduct (e.g., match-fixing, corruption, and manipulation). Children, as a vulnerable social group, may be more exposed to such inappropriate conduct. Consequently, persons, including coaches, who have the authority to decide whether to allow children to participate in competitions, should be prevented from receiving financial or other rewards that could influence their decisions, thereby ensuring fairness and transparency. Children should be provided with a sporting environment that is free from fraudulent conduct. Sport should also be an environment where children are protected from all forms of exploitation, including political, social, and economic.<sup>39</sup>

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<sup>37</sup> Japan Committee for UNICEF, 2018, p. 10.

<sup>38</sup> Japan Committee for UNICEF, 2018, p. 10.

<sup>39</sup> Japan Committee for UNICEF, 2018, p. 10.

## 5 High-Profile Cases of Child Rights Violations in Sport

Violations of children's rights occur not only in the field of sport but also in areas related to sport itself. For example, prior to the 2012 London Olympics, violations of children's rights were detected, as a company in China used children as young as 12 years old to produce Olympic mascots for the Olympic Games.<sup>40</sup> Sport or the sports environment should be an environment where all forms of physical or psychological violence, abuse (including sexual), injuries, excessive training, harassment (sexual and physical), bullying, torture, neglect, negligent treatment, abusive treatment, exploitation, excessive rules and/or punishment, and human trafficking must be eliminated.<sup>41</sup>

The case that represents a turning point in the history of sexual exploitation in sport is referred to as the so-called "Hickson case". Paul Hickson, the former British Olympic swimming coach, was convicted in 1995 of sexually assaulting teenage swimmers who were in his care over a period of twenty years. He was sentenced to seventeen years in prison, which at the time was the longest sentence for rape imposed by an English court.<sup>42</sup> In recent years, however, we have witnessed numerous revelations in sports in general, as well as in cases involving children. The following will present selected international high-profile cases marked by violations of children's rights, as well as cases that occurred in Slovenia.

### 5.1. USAG Scandal

The world of sports and gymnastics has been rocked by the revelation that Simone Biles, the most successful female gymnast of all time, was the victim of years of sexual abuse by Larry Nassar, the former doctor for the US gymnastics team (USA Gymnastics = USAG).<sup>43</sup> For over two decades, Nassar sexually abused underage gymnasts, including Simone Biles and Gabby Douglas.<sup>44</sup> He did so while exploiting his position as a doctor and the trust of the athletes. After a trial in which 156 victims

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<sup>40</sup> Aina et al., 2021, p. 4.

<sup>41</sup> Japan Committee for UNICEF, 2018, p. 10.

<sup>42</sup> See more about the "Hickson Case" in Brackenridge, 2004; Brackenridge, Bringer & Bishopp, 2005; Alexander, Stafford & Lewis, 2011, p. 10.

<sup>43</sup> The first report of abuse by Larry Nassar was made in 2015 by gymnast Maggie Nichols. After Maggie Nichols reported the abuse to USAG, she and her parents were advised to remain silent, not to tell anyone, and that USAG would handle the matter. Maggie Nichols reported the abuse on June 17, 2015, and after the 2016 Olympic qualifiers, she was not selected for the 2016 Olympic team, which many have linked to this report (Stevens, 2005, p. 101).

<sup>44</sup> Stevens, 2025, p. 93.

spoke out about sexual abuse, Nassar was sentenced to 40 to 175 years in prison for sexually abusing athletes and patients.<sup>45</sup>

Simone Biles' revelation is considered crucial and of extraordinary importance and impact, as it revealed to the public that such abuse occurs even in the most elite athletes, who have remained silent for many years due to fear of retaliation and loss of careers. Biles, who later became a leading voice in the fight against systemic abuse, strongly criticized both USAG and the US Olympic Committee for not taking action despite receiving warnings.<sup>46</sup> The case of Larry Nassar and USAG, or Simone Biles, led to a global debate on the importance and need to implement child protection in sports, on systemic failures, the culture of fear, and the need to ensure that appropriate mechanisms are in place for reporting, handling, and monitoring sports organizations. It is therefore not surprising that on 14 February 2018, just a few days after the latest conviction on 5 February 2018, the "Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017" or "Act 115-126" for short, also known as (hereinafter) the "SafeSport Act", was passed in the United States. The goal of the "SafeSport Act" is to protect minors and amateur athletes from sexual abuse by requiring the immediate reporting of sexual abuse to law enforcement. The "SafeSport Act" also established the "United States Center for Safe Sport" (hereinafter: SafeSport Center), whose mission is to promote a safe environment in sports that is free from abuse, including emotional, physical, and sexual abuse, of all amateur athletes – especially children. The SafeSport Center investigates reports of sexual, emotional, or physical violence and other forms of inappropriate behavior in sports. It also takes disciplinary action against coaches, athletes, or other members of sports organizations who violate the "SafeSport Act."<sup>47</sup>

## 5.2. Japan – Physical Violence as Coaching Technique?

Despite Japan's complete ban on corporal punishment (known as "taibatsu"), physical violence as a coaching technique has a long tradition in Japanese sports and is often seen as necessary for achieving excellence in competition and in shaping

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<sup>45</sup> Levenson, 2018.

<sup>46</sup> Shabad, 2021.

<sup>47</sup> Stevens, 2025, p. 108 ff.

character.<sup>48</sup> It is therefore not surprising that in Japan, coaches, parents, and even some athletes cling to the belief that physical violence has its own value in sport. This dangerous tradition makes it even more challenging to eradicate physical violence in sports and, as a result, children continue to suffer.<sup>49</sup>

Japan was rocked by the suicide of a 17-year-old basketball player from Osaka in 2012. He committed suicide after being repeatedly physically abused by his coach. Following this, Japan then adopted the Declaration on the Elimination of Violence in Sport in 2013 (a written statement calling on sports organizations to monitor abuse of athletes and establish systems for reporting victims) and in 2019, the Codes of Governance for National Sports Federations and Other Sports Organizations, which are intended to establish guidelines for all sports bodies. The downside is that these are not binding documents, and none of them specifically address the abuse of child athletes.<sup>50</sup>

## 6 Child Abuse in Sport in Slovenia

In a 2025 survey conducted in Slovenia, in which 352 members of the Slovenian Olympic Committee participated, participants reported that 54% had experienced emotional abuse (insults, shouting, ignoring, threats), 51% physical violence, 47% neglect, and 18% sexual abuse, even forced sexual intercourse.<sup>51</sup>

We find that Slovenia is also facing child abuse in the field of sports. Some abuses have already had their epilogue in criminal proceedings. The Slovenian Criminal Code<sup>52</sup> (CC-1) specifies two criminal offenses for which perpetrators have been convicted of child abuse in sports.

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<sup>48</sup> These violent acts include strikes to the face, kicking, beatings with objects such as sticks or bamboo kendo sticks, water deprivation, strangulation, whipping with whistles or rackets, and sexual abuse and harassment (Benque, 2020).

<sup>49</sup> Human Rights Watch, 2020.

<sup>50</sup> Human Rights Watch, 2020.

<sup>51</sup> Center za socialno delo Celje, 2025.

<sup>52</sup> Criminal Code (in Slovenian *Kazenski zakonik* – CC-1): Uradni list RS, št. 50/12 – uradno prečiščeno besedilo, 54/15, 6/16 – popr., 38/16, 27/17, 23/20, 91/20, 95/21, 186/21, 105/22 – ZZNSPP, 16/23, 107/24 – odl. US.

## 6.1 Criminal Offense "Sexual Assault on a Person Younger than Fifteen Years of Age" (Article 173 of the CC-1)

Article 173 of the Criminal Code defines the criminal offense »Sexual Assault on a Person Younger than Fifteen Years of Age«:

*»1) Whoever has sexual intercourse or performs any other sexual act with a person of the same or opposite sex under the age of fifteen years shall be sentenced to imprisonment for between three and eight years.*

*(2) Whoever commits an act referred to in the preceding paragraph against a vulnerable person under the age of fifteen or by threatening him or her with a direct attack on life or body, or, by acting in such manner, commits the aforementioned act against another person, shall be sentenced to imprisonment for between five and fifteen years.*

*(3) A teacher, educator, guardian, adoptive parent, parent, clergyman, doctor or any other person who through the abuse of his or her position has sexual intercourse or performs any other sexual act with a person under the age of fifteen that has been entrusted to him or her for teaching, education, medical treatment, protection or care shall be sentenced to imprisonment for between three and ten years.*

*(4) Whoever in the circumstances referred to in paragraphs one, two or three of this Article violates the sexual integrity of a person under the age of fifteen years shall be sentenced to imprisonment for up to five years.*

*(5) The act referred to in paragraph one of this Article shall not be unlawful if it is committed with a person of comparable age and if it is appropriate to that person's mental and physical maturity.«*

In the case at hand, the convicted person groped the breasts and buttocks of the eleven-year-old victim, namely, he grabbed her breasts with his hand, held them and squeezed them for a while, and then grabbed her buttocks, held his hand there and squeezed them as well, and therefore, in the case at hand, it is not a light or superficial touch of the victim's body.<sup>53</sup> It was found that the groping and squeezing of the victim's breasts and buttocks lasted for quite some time, half a minute, which means that it was not a fleeting touch of the victim's body. The court emphasized that short-term physical contact of low intensity, when it is more about touches, and even if these are light, fleeting, or superficial, for example, on a bus, can be considered as an infringement of sexual integrity, since the definition that it is a sexual act is not justified. Therefore, the court concluded that, given all other legal signs, including the elements of a criminal offense, such conduct can be defined as a privileged form

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<sup>53</sup> Different VDSS sodba in sklep Pdp 78/2016, 1 December 2016: *»The court-appointed expert concluded that the majority of the games, activities, and conduct employed by the plaintiff which involved physical contact or touching, as such, complied with the standards of the pedagogical profession, were appropriate to the children's age, and were consistent with the specific circumstances of the introductory (adaptation) period in kindergarten. The psychiatric expert opinion further established that the plaintiff did not associate his conduct with sexuality; however, it also indicated that he may have demonstrated insufficient critical awareness regarding the need for physical closeness or interference with the children's personal integrity. Nevertheless, this does not imply that the plaintiff breached his obligations arising from the employment relationship intentionally or through gross negligence, ...«*



of the criminal offense of sexual assault on a person under the age of fifteen under the fourth in connection with the first paragraph of Article 173 of the CC-1.<sup>54</sup>

## 6.2 Criminal Act "Violation of Sexual Integrity Through Abuse of Authority" (Article 174 CC-1)

Article 174 of the CC-1 defines the criminal offense "Violation of Sexual Integrity Through Abuse of Authority":

*»1) Whoever, by abusing his or her authority, induces his or her subordinate of the same or different sex who depends on him or her to have sexual intercourse with him or her or to perform or submit to any other sexual act, shall be sentenced to imprisonment for up to five years.*

*2) A teacher, educator, guardian, adoptive parent, parent or any other person who through the abuse of his or her position has sexual intercourse or performs any other sexual act with a person above the age of fifteen whom he or she is entrusted to teach, educate, protect or care for, shall be sentenced to imprisonment for between one and eight years.«*

This criminal offence is committed by anyone who abuses their position (superiority) and thus induces a person of the opposite or same sex, who is subordinate or dependent on them, to engage in sexual intercourse, or to commit or suffer any other sexual act. Such an act is punishable by imprisonment for up to five years.

A karate coach is indeed not an explicitly stated person who can commit the criminal offense under consideration, the criminal offense of "Violation of Sexual Integrity through Abuse of Authority" under Article 174, Paragraph 1 of the Slovenian CC-1. However, a coach can be counted among the "other persons" who are envisaged as a possible perpetrator of this criminal offense under Article 174, Paragraph 2 of the CC-1. A coach is undoubtedly one of the 'other persons' envisaged by the CC-1 as a possible perpetrator of the criminal offense under Article 174, Paragraph 2 of the CC-1. This must be a person who, by abusing their position, has sexual intercourse or commits some other sexual act with a person over the age of fifteen who is entrusted with under their teaching, upbringing, protection, and care. The court further emphasized that a violation of this Article may occur even if only one of the educational activities is present (i.e., that the person is entrusted with teaching, upbringing, protection, and care) and that cumulative fulfillment of all four is not necessary. In the case in question, the injured party, a karate student, was entrusted

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<sup>54</sup> VSRS sodba I Ips 30092/2016 of 24 January 2019. Also VSRS sodba I Ips 13370/2010 of 11 January 2018.

to the defendant, a karate coach, for individual training. The defendant coach abused his position when the victim was subordinate to him as a karate student in premises intended for sports practice. In the case at hand, the court emphasized that the convicted person's conduct constituted an independent criminal offense, as the subsequent conduct did not maintain, renew, or strengthen the unlawful state of the previous conduct. Still, after the commission of the first act, the prohibited consequence ceased. Upon the commission of the second act, it was a completely separate act by which the convicted person again realized the prohibited consequence.<sup>55</sup>

## 7 Final Thoughts

The Simone Biles case is a key example in the field of child abuse in sport. It has opened doors that had long been closed. Sport must represent a safe environment for children, where they can develop their abilities and fulfill their desires. When we are dealing with children in sport, it is critical to bear in mind that it is the child's best interests – not the coaches, other assistants or even the parents – that are paramount. However, since children can be exposed to various kinds of pressure in sport, such as excessive training demands, inappropriate coaching methods, emotional or physical violence, and even violations of their right to education and leisure, we must pay special attention to the education and training of personnel working in the field of sport and to raising awareness of the purpose of sport. Sport must not represent an environment in which children's rights are overlooked due to the desire for results, reputation, financial gain or simply as a way to please the child's parents. Sport must primarily enable children to develop healthily, participate in, and grow as individuals. Therefore, appropriate monitoring mechanisms must also be provided that will ensure that children's rights are respected in the field of sport. If violations do occur, they must be identified, addressed, sanctioned, and further violations must be prevented.<sup>56</sup>

### Legal Sources, Case-law

*Brown v. USA Taekwondo* (483 P.3d 159 (2021)).

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<sup>55</sup> VSRS sodba I Ips 46401/2022 of 30 October 2022; see also Furlan Rus, 2025.

<sup>56</sup> The latest high-profile cases of child abuse in sports involve a horse-riding coach and a judo coach. The latter case will certainly attract global attention, as it involves a Slovenian judo coach of international renown.

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