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UNITED NATIONS
HUMAN RIGHTS
Office of the High Commissioner

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Report on the situation in the field of prevention of sexual harassment in sports in the Republic of Slovenia

Dear ms/mr,

A few years ago, there was a scandal in the international community that happened (also) within the women's Olympic gymnastics team of the United States. For many years, female athletes were systematically sexually abused, as a matter of fact, countless of them. At the same time, with various approaches based primarily on the abuse of his position of power within the National Association of Gymnastics structure, he successfully maintained a culture of silence among the abused girls. If the individual were to speak up, they would kindly benefit from informal sanctions that would have a devastating effect on their further sporting career and, consequently, on their financial existence. The case resulted in a criminal conviction of the perpetrator for several years in prison. The perpetrator was subject to both public law as well as private law within the US Gymnastics Association sanctions for his actions. After such an internationally high-profile case, it would be reasonable to expect a higher level of awareness on a global scale that violence in sport, especially due to the strict hierarchical organization that places competitors/athletes in a highly subordinate position, is a big problem.



In addition, sport has also become a very profitable economic activity. Athletes or competitors are most vulnerable to violence at the moment when after many years of giving up and investing themselves all in sports, they would have to benefit from their lifelong investment. Bullies, as a rule, well positioned within sports structures, know very well this simple truth and take advantage of these moments of greatest vulnerability of the athlete to their advantage.

Unfortunately, this hasn't happened at all. At least in the Republic of Slovenia, the level of awareness, understanding, recognition, and addressing specific problems of violence in sports arising from a very specific and highly hierarchically structured sports environment is still at the same level, that is at a deficient level. The specifics of violence in sports, which apply mainly to girls' or women's sports, are more or less unnoticed and consequently unaddressed.

Therefore, the acts of violence in sports may still and only be prosecuted by the state as general crimes or as misdemeanors of general applicability as they also apply to the general population, provided that the necessary criminal law conditions are met. As a special confidential person, a sports trainer may be specifically prosecuted and penalized for the commission of two crimes in the field of violations of the sexual integrity of minors. The Republic of Slovenia is not aware of other specificities in the state regulation that would address the issue of violence in sports or, more specifically, violence against women/girls in sports.

At the level of various national sports federations as well as in the local sports clubs, there are practically no provisions and rules addressing the issue of violence in sports. In certain circumstances and certain behaviors (such as public insults) they may be treated as part of inappropriate behavior that undermines the public image of sport. More importantly, the rules of national sports federations and clubs in the violence field are nonexistent.

The ethical and moral attitude of individuals who are members of the disciplinary commissions of national sectoral federations and sports associations (clubs) and their random knowledge of criminalized or other antisocial conduct, i.e. the legal frameworks of perception, prosecution, and sanctioning, depends on how such a sport's entity will or will not address the individual act of violence.



Besides, the national public law rules that are mandatory for national sports associations as well as sports clubs are defined only in the Private Societies Act. However, this Act does not lay down the mandatory requirement for sports entities to include in its structure or institutions that would tackle internally the problem of violence. That is to say, neither the Disciplinary Board nor the Disciplinary Prosecutor are not mandatory requirements among the provisions relating to the mandatory institutions of the Private Society. The state did not provide any normative framework for the mandatory treatment of (sexual) violence in sports, except for the usual reference of the victim to file the criminal charges, leaving the area and the problem with the key ratio of superiority and subordination of the coach (physiotherapist, sports officer, judge, etc.) and the competitor/athlete within private-law sports entities to be completely unaddressed.

Our work *“in the field”* has revealed several factual and legal gaps in the treatment of sexual violence and violence in sports, which is of particular concern due to the established concept of a strict hierarchical structure and the relationship between the competitor/athlete and the trainer (sports workers) as well as the competitors/athletes themselves. We have detected deeply rooted patterns of “authoritarianism” and “absolutism”, which is to some extent understandable, but this extremely thin line between moral, lawful, and ethical behavior and abuses, on the other hand, is quickly blurred. For this reason, we believe that it is clear, that a transparent and effective system of identifying, treating, and sanctioning such violence in sport, which is not necessarily a criminal offense or a misdemeanor, but which is morally rejected, harmful to both the victim and the sport itself, is inadmissible. The entire sports public should, in our opinion, start responding with a formulated zero-tolerance toward the violence in sports approach. (Sexual) violence should not be considered accepted as *“research or game of adolescents”*, violence as such must be treated as violence, peer violence should also not be tolerated as an *“initiation”* into the team or *“sanctioning”* a teammate for failing to achieve the desired results (the so-called *code red* in sport). It is expected that athletes are used to enduring physical and psychological efforts that those who are not involved in top sports are probably unable to imagine. However, special attention should be paid to recognition and sanctioning, where any form of violence has no place.



It is also very worrisome that institutions and sports entities are turning a blind eye to the problem of violence in sports. We believe that they should take a firm position, and not abandon their duty to deal with all forms of violence at all levels of sports organizations. The topics such as violence must not be left to the law of coincidence, but rather the victim must be protected and assisted, and above all, the perpetrator must be properly and fairly sanctioned.

The establishment of public law legal frameworks for addressing the violence in sports entities at all levels, local, regional, and as well as national is therefore necessary.

In our work, we have come across different forms of violence, such as group sexual violence among peers, bullying, ridicule, insult and humiliation, social isolation, and relativization that violence is just a part of sport. Just to mention some of the most brutal and most common forms of violence in sports we have encountered at our work.

When addressing individual cases within the structures of various sports entities (they were all private law associations) we saw the foremost the lack of interest in taking action, shifting responsibility for violence on the victim's, as well as social isolation and intimidation of the victim. Disciplinary proceedings, where they were carried out, had the ultimate effect, however, of excluding or withdrawing the offender from the club. But the sanction, according to our observation, did not achieve its purpose, since the perpetrator was soon given a "second chance" in another club due to the systemic disorder of the problem of violence within the national federation. Especially when the perpetrator is considered a promising athlete in the sports industry.

In short, our observation and opinion are that there is an urgent need to adopt regulations on the state-national level in the field in question, which would impose a clear obligation on national sports federations and sports clubs to regulate violence in sports and to establish effective internal structures to watch over the recognition, treatment, and sanctioning of such acts. For the most serious acts of violence, the state regulation should require or impose on sports entities the obligation to adopt a system of sanctions and sanctioning institutional paths in such a way that the sanction applies throughout all national federations of specific sports.



Unfortunately and as you have already noted, we cannot answer any of your questions regarding specific issues that pertain specifically to the violence against women/girls in sports. This is so because none of the basic instruments that would tackle the problem of violence in sports, especially in the level of national sports federations or sports clubs are not implemented. Only the most severe forms of violence are sanctioned through the criminal law mechanisms.

Sincerely yours,

Association PEN.D Slovenia
President Pia Barbara Hrovat

A handwritten signature in black ink, appearing to be 'Pia Barbara Hrovat', written over the typed name.