

DRAFT NOTE for States: The Universal Periodic Review and Sport*

What is the Universal Periodic Review?

The Universal Periodic Review (UPR) is a tool of the UN Human Rights Council under which the human rights record of each UN member state is reviewed by their fellow member states every four and a half years. The UPR is an opportunity for states to explain what actions they have taken to improve the human rights situation in their countries and to fulfil their human rights obligations and for the international community of states to raise any concerns they have with regards to human rights in each country.



The UPR is a cyclical process during which a review of the human rights situation in the country takes place. Between two reviews the state should implement the recommendations given and any voluntary pledges made. At the next review, an account of the implementation of previous recommendations and commitments is given and an assessment of the human rights situation in that country since the last review is made.

The UPR is currently in its third cycle with all states having been reviewed twice previously.

*"Sport" is being used to reflect physical education, physical activity and sport in this note.

HUMAN RIGHTS AND SPORT

In July 2017 the Kazan Action Plan (KAP) was adopted "to facilitate international and multi-stakeholder policy convergence, ease international cooperation and foster capacity-building efforts of governmental authorities and sports". The sports sector globally is unifying and advancing its human rights activities considerably.

Participation in sport has been shown to have numerous benefits including promoting health and mental well-being. Being physically active helps to prevent serious conditions, such as type-2 diabetes and obesity. Participation in sports also increases confidence, self-esteem and social skills such as teamwork, leadership and discipline.

The Convention on the Rights of Persons with Disabilities (CRPD), the Convention on the Elimination of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), all contain articles which recognize sport as a human right. They also contain rights which are necessary for the full enjoyment of the right to sports, such as education including physical education, and rights which participation in sports can contribute to, such as health.

However, not everyone is supported to enjoy this right equally. For example, women can face gender stereotypes and cultural barriers to participation. High level figures indicate that persons with disabilities are three times less physically active than persons without disabilities. Children with disabilities are 4.5 times less active than their peers without disabilities and 93% of women with disabilities are inactive at levels that promote health. For many people when intersecting identities such as gender, disability, income, minority status, location etc., combine, participation can become even harder.



HUMAN RIGHTS, SUSTAINABLE DEVELOPMENT GOALS AND KAZAN ACTION PLAN

Many articles from human rights treaties link to the Sustainable Development Goals. They are also reflected in action areas of the Kazan Action Plan.

Right to participate in cultural life including sports



Ratification of human rights treaties



Protection while participating in sports



Representation on sports governing bodies



Right to health



Right to education



Right to habilitation and rehabilitation



Right to decent work and employment



Right to accessibility



Challenging stereotypes



Kazan Action Plan

I.5 Enforce gender equality /Empower girls and women

I.7 Foster empowerment and inclusive participation

II.4 Build peaceful, inclusive and equitable societies

II.6 Advance gender equality and empower all women and girls

III.2 Protect children, youth and other vulnerable groups

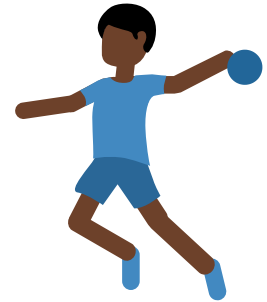
HOW CAN SPORTS BE INCLUDED IN UPR?

During your national review

Provide information in the State report on the current state of play nationally with regards to sports. This will give other states food for thought when preparing their recommendations. In order to provide quality information, make sure the correct people are consulted with during the preparation of the State report.

If including sport is a new venture for your country it may be necessary to re-assess which ministries are consulted with. Ministries who should be consulted include:

- > Sports (including general sports policy not just elite/ professional)
- > Education (including physical education)
- > Labour
- > Urban development
- > Health
- > Communications
- > Children
- > Local government



States are encouraged to hold consultations with relevant stakeholders when drafting the State report. If sports are a new inclusion in the State report, this may require reaching out to new stakeholders from sports organisations and the private sector whose role in human rights implementation is increasingly being recognised. SDG 17 notes the importance of partnerships with the private sector who can be an important driver of development, but also have a negative impact on local populations. The UN Guiding Principles on Business and Human Rights affirmed that businesses should respect internationally recognized human rights. State parties should actively seek to consult with private sector representatives to ensure the most accurate information possible is available. Furthermore, given the key role of the private sector and sports organisations in sports provision, by including private sector and sports organisation in this consultative process, States can gain a more complete view on activities taking place within their country and identify examples of good practice.



HOW CAN SPORTS BE INCLUDED IN UPR?

Reviewing other countries:

When drafting recommendations to other States foreign policy objectives and bilateral concerns may be to the fore. However, keep in mind the possibility of raising issues related to sports.

One of the purposes of the UPR is to share best practices in the field of human rights. Therefore, it is a good idea to regularly consult with your colleagues on new or particularly successful initiatives. For example, are there any innovative programmes being run by the national ministries with responsibility for sports, physical education etc., that could form the basis of a recommendation to another state? Perhaps your colleagues are aware of other countries where interesting pilot projects are taking place and a recommendation encouraging continuation or expansion could be made.

Sports organisations may approach your Ministry of Foreign Affairs or embassies with proposed recommendations and information relating to their state. Consider the information received and, where possible, facilitate meeting requests to discuss the issues raised further with these organisations.

The following pages of this note provide a selection of possible topics related to the full realisation of the right to sport from which recommendations can be drawn.



WHAT TO RECOMMEND

While it is not within the scope of this guide to provide an exhaustive list of all possible recommendations, especially as the specifics of a recommendation may be effected by the unique circumstances in a state, the below reflective questions are intended to indicate possible topics. In the speech bubbles on the sides you can see real examples of recommendations that states have previously made to other states. These can give a sense of the wording of recommendations

Right to participate in cultural life including sport

Human Rights Treaties: ICESCR art. 15, CRPD art. 30.5, CEDAW art. 13, CRC art. 31

What percentage of people are physically active in line with WHO? (disaggregated by age, gender, persons with disabilities, race, etc).

Do national sports bodies have specific inclusion and equality policies? Do these policies recognise specific groups? Do these policies have dedicated budget lines? Are there dedicated resources, including budget lines, for inclusion of people with disabilities, women and girls, minorities in sport?


Is reporting on inclusion of people with disabilities a requirement of receiving public funding for sport?

Are there publicly available national guidelines on inclusion in sport?


What percentage of the national sport budget is allocated to equality and inclusion initiatives?

How many organisations receive targeted public funding to deliver gender-transformative sport-based programmes? Are there any examples of best practice projects in this regard?

Have any qualitative studies on the experiences of persons with disabilities/ women and girls/ members of minority groups/ etc. in sports and physical activity been undertaken? If so what were the findings from such reports?



Create a national public service network covering sports for both the urban and rural areas



Ensure adequate human rights education and training for all professionals working with children

Protection in Sports

Human Rights Treaties: CRPD art. 7 and 16, CRC art. 19

What percentage of national sport bodies have policies to protect children, youth, persons with disabilities and other vulnerable groups?

Are sports coaches/ practitioners working with children or other vulnerable groups required to undertake a criminal background check?

Are all sports organisations legally required to have clear, easy to understand, confidential and accessible reporting mechanisms in place to handle complaints of harassment or abuse?

Is there legislation in place that outlines when reporting of harassment and abuse to public authorities is mandatory?

What percentage of sports bodies have a nominated child protection officer?

Health

Human Rights Treaties: CRPD art. 25, CEDAW art. 12, CRC art. 24 and 29, ICESCR art. 12

What percentage of the population is sufficiently active as defined by WHO?
Disaggregated by gender/ disability/ age/ etc.

Are there specific programmes to encourage and facilitate the participation of persons with disabilities in sport and physical activity in order to meet the WHO guidelines on a sufficiently active lifestyle?

What percentage of national sports bodies are investing in mental health and well-being?

What percentage of national sports bodies use sporting events/ programmes to communicate health messaging (e.g. benefits of physical activity; HIV prevention: substance abuse etc.). Do such programmes include persons with disabilities? Do such programmes target both men and women? Are there specific programmes focusing on women's health issues?

Consider the elaboration of a national policy for the child, which encompasses health, culture and sports

Habilitation

Human Rights Treaties: CRPD art. 28

- 1) Is the sport and fitness industry involved in the provision of habilitation and rehabilitation services?
- 2) Does the state provide initial and continuing training for sport and fitness professionals engaged in providing habilitation and rehabilitation services?

Study the possibility of consolidating the national health system, including through public-private partnerships

Take steps to develop the necessary laws, policies and programmes to progressively meet its obligations under the Convention on the Rights of Persons with Disabilities, including by ensuring access to all public facilities

Accessibility

Human Rights Treaties: CRPD art. 9 and 19, CEDAW art. 13 and 14, CRC art. 31

What percentage of public sport and recreational facilities are accessible to persons with disabilities?

Is accessibility a requirement when building all new public sport and recreational facilities?

Is there a process of retroactively fitting public sport and recreational facilities to ensure that they are accessible ongoing?

Are venues for sporting events accessible for spectators with disabilities? Are there any examples of good practice in this regard?

What percentage of public green spaces (parks and recreational facilities) meet the minimum national standards for accessibility by persons with disabilities? Is there qualitative data on experiences of persons with disabilities in accessing such spaces and enjoyment of them?

What is the average share of the built up area of cities that is open space for public use for all by ages, genders and persons with disabilities? Have there been qualitative studies on access, the use of and quality of public spaces?

Are public websites and applications that contain information on public sport and recreation activities and facilities fully accessible?

Is there public information available on the accessibility of public sport and recreational facilities?

Are sports coaches/ practitioners given sensitivity training on the multiple intersecting barriers that women and girls may face in accessing sports? Has any follow up been done with sports coaches/ practitioners who have received training on the impact it has had on their interactions with women and girls?

What measures are in place to ensure that rural women can participate equally with men and with women in urban spaces in community activities, including sport, recreation and physical activities

Ratification of Treaties

Are there any relevant UN human rights treaties which your country has not yet ratified?

Ratify the Convention on the Rights of Persons with Disabilities

Take measures aimed at fair and adequate representation of all minority groups in all public bodies, including the judiciary and human rights coordination bodies at the country level

Representation

Human Rights Treaties: CRPD art. 30.5 and CEDAW art 8

What percentage of presidents, board members or executive leadership of national sports bodies are persons with disabilities?

What is the gender ratio of sport National Governing Bodies?

Education

Human Rights Treaties: CRPD art. 24, CEDAW art. 10, CRC art. 28 and 29, ICESCR art. 13 and 14

What percentage of children with disabilities are enrolled in mainstream schools/ special schools/ not enrolled in school?

Are reasonable accommodation measures available for children with disabilities in mainstream schools? What percentage of schools (primary, lower and upper secondary) have adapted infrastructure and materials for students with disabilities?

Is physical education a mandatory part of the curriculum? If not what percentage of schools offer physical education? Is the physical education curriculum designed to take a variety of abilities into account? Is it the same for boys and girls?

Have any qualitative studies on the experiences of students with physical education been carried out, particularly in relation the differences between boys/ girls and within groups of girls and for children with disabilities? If so what were the findings from such reports?

What percentage of the total education budget is allocated to sport and physical education? Is investment in physical education equal across girls/ boys/ co-educational schools?

What percentage of physical education teachers have received in-service training to teach students with disabilities? Has any follow up been done with teachers who have received training on the impact it has had on their teaching of physical education to students with disabilities?

Are there any good practice programmes running in schools to ensure students with disabilities are receiving a quality physical education?

How many higher-level institutions offer degrees or diplomas related to adapted physical education, sport and physical activity? Is there disaggregated data on who takes these courses?

Where sports scholarships, bursaries and support are offered at educational institutions are female athletes/ athletes with disabilities/ athletes from minority groups, etc eligible and are they represented among the recipients?

Integrate children with disabilities into the regular educational system and into society by special training for teachers and making the physical environment (schools, sports, leisure facilities and other public areas) accessible

Employment

Human Rights Treaties: CRPD art. 27, CEDAW art. 11

What percentage of the total workforce is employed in the sports and fitness sector across both the public and private sectors?

What percentage of those employed in the sports and fitness sector are persons with disabilities/ female/ members of minorities?

Have there been any qualitative studies conducted on the experiences of members of minority groups and/ or women working in the sports and fitness sector? Are there any examples of good practice programmes to encourage/ increase employment of members of minority groups and/ or women in the sports and fitness sector?

Revise existing job schemes to ensure access to a wider spectrum of work for people with disabilities than provided for under current legislation, to comply fully with the Convention on the Rights of Persons with Disabilities

Challenging stereotypes

Human Rights Treaties: CRPD art. 8, CEDAW art. 5 and 10

Has the State run any public relations campaigns to challenge stereotypes around participation in sports? Did such a campaign include a focus on persons with disabilities in sport and physical activity? Was there any follow-up studies on the impact of such campaigns on public perceptions of athletes with disabilities?

Are there any officially issued guidelines regarding best practice for media representation of persons with disabilities/ women and girls/ minorities including in relation to sports and physical activities?

Put in place a strategy to combat discriminatory stereotypes and implement, in collaboration with civil society, awareness-raising programs to enhance non-stereotypical portrayals of women and girls

References for sample recommendations

1. Chad to China, Second Cycle UPR of China
2. Slovenia to Iceland, First Cycle UPR of Iceland
3. Turkey to Madagascar, Second Cycle UPR of Madagascar
4. Malaysia to El Salvador, First Cycle UPR of El Salvador
5. Canada to Antigua and Barbuda, Second Cycle UPR of Antigua and Barbuda
6. Poland to Croatia, First Cycle UPR of Croatia
7. Pakistan to Ireland, Second Cycle UPR of Ireland
8. Slovenia to Antigua and Barbuda, First Cycle UPR of Antigua and Barbuda
9. United Kingdom to Netherlands, Third Cycle UPR of Netherlands
10. Portugal to Haiti, Second Cycle UPR of Haiti

Useful resources:

For further information please see:

- The official Office of the United Nations High Commissioner for Human Rights' website:

<https://www.ohchr.org/en/hrbodies/upr/pages/uprmain.aspx>. Includes official guidelines, national, stakeholder and compilation reports, previous civil society submissions, etc

- UPR Info, an NGO dedicated to providing capacity-building tools to the different actors participating in the UPR process: <https://www.upr-info.org/en>. Includes helpful guidance notes, national, stakeholder and compilation reports and a comprehensive, easy to use database of all previous recommendations.



This document has been prepared by the UNESCO Chair in the Institute of Technology Tralee as part of a global collaboration to implement the Kazan Action Plan.

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United Nations
Educational, Scientific and
Cultural Organization



UNESCO Chair "Transforming the Lives
of People with Disabilities, their Families
and Communities, Through Physical Education,
Sport, Recreation and Fitness"