

# DRAFT NOTE for States: CRPD and Sport\*

## What is CRPD?

The Convention on the Rights of Persons with Disabilities (CRPD) was adopted by the UN General Assembly in 2006. It reaffirms that anybody with any type of disability must enjoy all human rights. It also identifies where specific actions or protections need to be taken to make sure that persons with disabilities can enjoy their human rights and what to do in cases where their rights have been violated. The Committee on the Rights of Persons with Disabilities is composed of 18 independent experts from around the world. They monitor the implementation of the Convention, in particular through receiving and considering the reports of states who have ratified the treaty.

## What is the relationship between human rights, disability 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. However, high level figures indicate that persons with disabilities are three times less active than persons without disabilities. Alarming children with disabilities are reportedly 4.5 times less active than their peers without disabilities and 93% of women with disabilities are inactive at levels that promote health. CRPD has recognized the right of persons with disabilities to participate in sport through a number of its articles.

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

## Relevant articles of CRPD

## KAP specific action areas

**Article 30.5** To enable persons with disabilities to participate in leisure and sporting activities on an equal basis, States should:

- Encourage and promote the participation of persons with disabilities in mainstream sports.
- Ensure that persons with disabilities have the opportunity to organise, develop and participate in disability-specific sports and encourage the provision of appropriate instruction, training and resources.
- Ensure access to sporting, recreational and tourism venues for persons with disabilities.
- Ensure that children with disabilities have equal access to other children to play, recreation, leisure and sporting activities, including in school.
- Ensure persons with disabilities have access to services in recreation, tourism. Leisure and sporting activities.

There are also other articles which, while not directly relating to sports, are relevant:

**Article 6:**  
Women and girls with disabilities



**Article 7:**  
Children with disabilities

**Article 8:**  
Awareness-raising



**Article 9:**  
Accessibility

**Article 16:** Freedom from exploitation, violence and abuse



**Article 19:** Living independently and inclusion in the community

**Article 20:**  
Personal mobility



**Article 24:**  
Education

**Article 25:**  
Health



**Article 26:**  
Habilitation and rehabilitation

**Article 27:**  
Work and employment



**Article 31:**  
Statistics and data collection

**Article 32:**  
International cooperation



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

# CRPD AND THE SUSTAINABLE DEVELOPMENT GOALS

*"Sport is also an important enabler of sustainable development. We recognize the growing contribution of sport to the realization of development and peace in its promotion of tolerance and respect and the contributions it makes to the empowerment of women and of young people, individuals and communities as well as to health, education and social inclusion objectives."*

Transforming our world: the 2030 Agenda for Sustainable Development

The declaration of Agenda 2030 commits to empowering persons with disabilities. Throughout the Agenda, references to persons with disabilities and the importance of inclusion are found. Many of the sustainable development goals link to articles of the CRPD which relate to sports.



Article 25 – health  
Article 26 –  
habilitation and  
rehabilitation



Article 8 - awareness  
raising by states



Article 7 - rights of  
children with  
disabilities  
Article 24 - education  
Article 27 – Work and  
employment



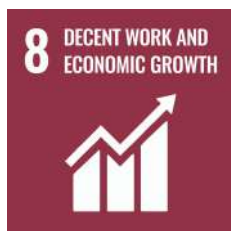
Article 9- accessibility  
Article 19- living independently  
and being included in the  
community  
Article 20- personal mobility  
Article 30.5 - sport and leisure



Article 6 – rights of  
women with  
disabilities



Article 30.5 -sport and leisure  
Article 7 - rights of  
children with disabilities  
Article 16 - freedom from  
exploitation, violence and abuse



Article 27 – work and  
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Article 8 - awareness  
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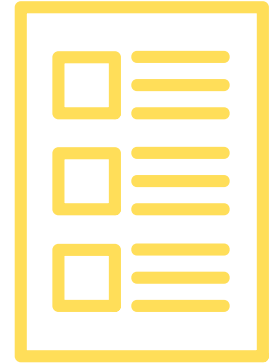


# PREPARING THE NATIONAL REPORT

## Government Ministries

When preparing the official country report and/or reply to List of Issues, it is vital to ensure that all relevant ministries are consulted with to ensure full information on all aspects of implementation is available. 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



## Sports Organisations and the Private Sector:

There has been a growing awareness that the private sector has a role to play in human rights implementation. In Agenda 2030, SDG 17 recognised 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, endorsed by the UN Human Rights Council in June 2011, affirmed that businesses should respect internationally recognized human rights.

While the Treaty Bodies address their recommendations exclusively to States, they have made recommendations to States regarding the regulation of the private sector. CRPD articles make five specific references to private enterprises:

- 4.1.e. eliminate discrimination on the basis of disability by any person, organization or private enterprise.
- 9.2.b. ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities.
- 21.c. urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities.
- 25.d. require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent by, inter alia, raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private health care.
- 27.1.h. promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures.

The Committee on the Rights of Persons with Disabilities recommends that States hold consultations with civil society during the preparation of their national reports. Given that States may be asked questions regarding their response to the actions of private sector, State parties should actively seek to consult with private sector representatives to ensure the most accurate information possible is available to the State and the Committee. Furthermore, given the key role of the private sector and sports organisations in ensuring people with disabilities have equitable access to sports, 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.

# SUGGESTED REPORTING INDICATORS

- 1) Are there dedicated resources, including budget lines, for inclusion of people with disabilities in sport?
- 2) Do national sports bodies have specific inclusion and equality policies? Do these policies recognise specific groups? Do these policies have dedicated budget lines?
- 3) Is reporting on inclusion of people with disabilities a requirement of receiving public funding for sport?
- 4) Are there publically available guidelines on inclusion in sport?
- 5) What percentage of persons with disabilities are involved in sport or physical activities?
- 6) Have any qualitative studies on the experiences of persons with disabilities in sports and physical activity been undertaken? If so what were the findings from such reports?
- 7) What percentage of presidents, board members or executive leadership of national sports bodies are persons with disabilities?
- 8) What percentage of sport organisations have training for coaching in disability sport? how many coaches have undergone such training?
- 9) Are sports coaches/ practitioners given sensitivity training on the multiple intersecting barriers that persons with disabilities may face in accessing sports?
- 10) Have any qualitative studies on the new horizons of sports been conducted? What were the findings of such reports?

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- 1) Is an intersectional approach with recognises the double discrimination that women and girls with disabilities face, taken towards policy development/ legislative development/ programme design?
- 2) What proportion of legislation, national action plans and strategies targeting women and/or persons with disabilities in sports make explicit references to women and girls with disabilities?

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- 1) What percentage of national sport bodies have policies to protect children, youth and other vulnerable groups which explicitly recognises multiple and intersecting forms of discrimination including disability, sex, gender, age?
- 2) Are sports coaches/ practitioners working with children or other vulnerable groups required to undertake a criminal background check?

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- 1) Has the State Party run any public relations campaigns in line with article 8? Did such a campaign include a focus on persons with disabilities in sport and physical activity? Were there any follow-up studies on the impact of campaigns on public perceptions of athletes with disabilities and persons with disabilities participating in sport and physical activity?
- 2) Are there officially issued guidelines regarding best practice for media representation of persons with disabilities including in relation to sports and physical activities to avoid perpetuation of negative stereotypes, debunk myths, combat attitudes of intolerance and discrimination against persons with disabilities, ensure respect for the equal dignity and value of life of persons with disabilities as part of human diversity; and seeks a multiplicity of sources and voices of persons with disabilities?

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- 1) What percentage of public sport and recreational facilities are accessible to persons with disabilities?
- 2) Is accessibility a requirement when building all new public sport and recreational facilities?
- 3) Is there a process of retroactively fitting public sport and recreational facilities to ensure that they are accessible ongoing?
- 4) Are venues for sporting events accessible for spectators with disabilities? Are there any examples of good practice in this regard?
- 5) What percentage of public green spaces (parks and recreational facilities) meet the minimum national standards for accessibility by persons with disabilities? Qualitative experiences of persons with disabilities in accessing public green spaces and enjoyment of them?
- 6) Are public websites and applications that contain information on public sport and recreation activities and facilities fully accessible?
- 7) Is there public information available on the accessibility of public sport and recreational facilities?

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- 1) What percentage of national sport bodies have policies to prevent, detect, and combat violence, abuse, and all forms of exploitation with explicit reference to persons with disabilities which addresses the particular needs of women, children and older persons and persons with all types of impairment in private and public settings??
- 2) Are sports coaches/ fitness practitioners, including volunteers, working with children and vulnerable adults with disabilities legally required to undertake a criminal background check?
- 3) 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?
- 4) Is there legislation in place that outlines when reporting of harassment and abuse to public authorities is be mandatory?

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- 1) Are community sporting facilities accessible to persons with disabilities?
- 2) Is accessibility a requirement when designing and/ or allocating funding to community sporting facilities?
- 3) Is there a national strategy or plan(s) to ensure accessibility and responsiveness of mainstream sports, physical activity and physical education services to persons with disabilities, including provision of reasonable accommodation to persons with disabilities.
- 4) Number of persons with disabilities using mainstream services relating to sports, physical activity and physical education, and proportion out of the total of service users, disaggregated by age, sex, disability, and kind of service, as compared to other persons.
- 5) Number and proportion of requests for reasonable accommodation granted to persons with disabilities in using mainstream sports, physical activity and physical education services.

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- 1) Is there a national strategy or policy to address the mobility needs of persons with disabilities which includes training, tailored to each individual's requirements, that is affordable or free of charge, according to the person's means?
- 2) Number of physical activity, physical education and sports professionals trained in the use mobility aids, devices, assistive technologies, live assistance, etc., to impart mobility skills to persons with disabilities.

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- 1) What percentage of children with disabilities are enrolled in mainstream schools/ special schools/ not enrolled in school?
- 2) Are reasonable accommodation measures available for children with disabilities in mainstream schools?
- 3) Have there been any qualitative studies on the experiences of children with disabilities in the country's education system?
- 4) What percentage of schools offer physical education? Is it a mandatory component of the national curriculum?
- 5) What percentage of physical education teachers in service 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?
- 6) Is there a national certificate for adapted physical education? What percentage of teachers have this certificate?
- 7) What percentage of schools (primary, lower and upper secondary) have adapted infrastructure and materials for students with disabilities?
- 8) Are there any good practice programmes running in schools to ensure students with disabilities are receiving a quality physical education?
- 9) How many higher level institutions offer degrees or diplomas related to adapted physical education, sport and physical activity? Disaggregated data on who takes these courses.
- 10) Where sports scholarships, bursaries and support are offered at educational institutions are athletes with disabilities eligible and are they represented among the recipients?

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- 1) What percentage of the population is sufficiently active as defined by WHO? What percentage of persons with disabilities are sufficiently active as defined by WHO?
- 2) 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?
- 3) What percentage of national sports bodies are investing in mental health and well-being?
- 4) 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?

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- 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 the provision of habilitation and rehabilitation services that is in line with the human rights based approach to disability, and that:
  - Prohibits discrimination against persons with disabilities on the basis of disability, including the provision of reasonable accommodation, or any other grounds, including nationality and migrant status.
  - Upholds explicitly the right to give and refuse prior, free and informed consent and protect persons with disabilities from imposed habilitation and rehabilitation services?

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- 1) What percentage of the total workforce is employed in the physical education, physical activity and sports sector across both the public and private sectors?
- 2) What percentage of those employed in the sector are persons with disabilities?
- 3) What proportion of managerial positions in the sector are held by persons with disabilities? disaggregated by gender
- 4) Have there been any qualitative studies conducted on the experiences of persons with disabilities working in the sports and fitness sector? Are there any examples of good practice programmes to encourage/ increase employment of persons with disabilities in the sports and fitness sector?

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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