

DRAFT NOTE for States: CRC and Sport*

What is CRC?

The Convention on the Rights of the Child (CRC) was adopted by the UN General Assembly in 1989. It lays out the human rights of children and measures states need to take to ensure the rights of the child are protected. It is guided by four core principles: non-discrimination; the best interests of the child; the right to survival and development; and respect for the views of the child. The Committee on the Rights of the Child 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, children 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 for children. Participating in sports promotes 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 helps children to develop social skills such as teamwork, leadership and discipline.

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

Relevant articles of CRC

Article 31 (Play)

Children have the right to rest and leisure, to engage in play and recreational activities appropriate to their age and to take part in cultural life and the arts.



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

Article 19 (Freedom from violence, injury, abuse, neglect and exploitation)

States must take legislative, administrative, social and educational measures to protect children



Article 23 (Children with disabilities)

Children with disabilities have the right to special care and the right to access to education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities



Article 24 (Health)

Children have the right to the enjoyment of the highest attainable standard of health



Article 28 and 29 (Education)

All children have the right to a quality education. Primary education should be free and secondary education should be accessible to everyone. Higher education should be available to everyone on the basis of capacity. School discipline should respect the child's dignity. Education should develop the personality, talents, mental and physical abilities of the child and prepare them to actively participate in society.



KAP specific action areas

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

CRC 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 envisages a world which invests in its children and in which every child grows up free from violence and exploitation. Throughout the Agenda, references to children and their empowerment are found. Many of the sustainable development goals link to articles of the CRC which relate to sports.



- Article 24 -health
- Article 23 - rights of children with disabilities to special care, and to education, health care, training and recreation



Article 31 - play and recreational activities



- Article 28 and 29 – education
- Article 19 - freedom from violence, injury, abuse, neglect and exploitation
- Article 23 - rights of children with disabilities to special care, and to education, health care, training and recreation
- Article 31 - play and recreational activities



Article 19 - freedom from violence, injury, abuse, neglect and exploitation

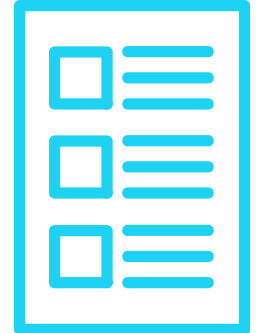
**SUSTAINABLE
DEVELOPMENT
GOALS**

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 is 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 can 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. In their General Comment 16, the Committee on the Rights of the Child (CRC) recognised that:

"the business sector's impact on children's rights has grown in past decades because of factors such as the globalized nature of economies and of business operations and the ongoing trends of decentralization, and outsourcing and privatizing of State functions that affect the enjoyment of human rights. Business can be an essential driver for societies and economies to advance in ways that strengthen the realization of children's rights through, for example, technological advances, investment and the generation of decent work. However, the realization of children's rights is not an automatic consequence of economic growth and business enterprises can also negatively impact children's rights."

The comment highlights that states should: ensure that the activities and operations of business enterprises do not adversely impact on children's rights; create an enabling and supportive environment for business enterprises to respect children's rights, including across any business relationships linked to their operations, products or services and across their global operations; and ensure access to effective remedy for children whose rights have been infringed by a business enterprise acting as a private party or as a State agent. General Comment 5 of the CRC noted that "the process of privatization of services can have a serious impact on the recognition and realization of children's rights", and that the State must ensure private sector compliance with the Convention.

The CRC recommends 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 children 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

31

- 1) Are sports coaches/ practitioners given sensitivity training on the multiple intersecting barriers that children may face in accessing sports?
- 2) What percentage of children are physically active in line with WHO standards (60 minutes moderate to intense activity per day)? Disaggregated by age, gender, persons with disabilities.
- 3) What is the average share of the built up area of cities that is open space for public use for all by age, gender and persons with disabilities? Have there been qualitative studies on access, the use of and quality of public spaces for children?
- 4) Number of hours spent in unstructured leisure activities per week disaggregated by age, gender, disability

19

- 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, gender and age?
- 2) Are sports coaches/ practitioners working with children or other vulnerable groups required to undertake a criminal background check?
- 3) What percentage of sports bodies have a nominated child protection officer?

23

- 1) Is an intersectional approach which recognises the discrimination that children with disabilities, and especially girls with disabilities face, taken towards policy development/ legislative development/ programme design?
- 2) What proportion of legislation, national action plans and strategies targeting children and/or persons with disabilities in sports make explicit references to children with disabilities?
- 3) Is a disability lens applied to national and regional budgets to include specific allocations to ensure that children with disabilities have access to education, training, health care services, rehabilitation services, preparation for employment, recreation opportunities, sport and physical activity?
- 4) Is there data available on the participation of children with disabilities in education, training, preparation for employment and recreation as compared with the general population of children?

24

- 1) What percentage of children sufficiently active as defined by WHO (60 minutes moderate to intense activity per day)? Disaggregated by age, gender, disability, membership of a minority group.
- 2) Are there specific programmes to encourage and facilitate the participation of children 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 take a child friendly and age appropriate approach?

28 and 29

- 1) What percentage of children are enrolled in school? disaggregated by gender, disability, migration status
- 2) Are reasonable accommodation measures available for children with disabilities in mainstream schools?
- 3) What percentage of schools offer physical education? Is it a mandatory component of the national curriculum?
- 4) Is the physical education curriculum designed to take a variety of abilities into account? Is it the same for boys and girls?
- 5) 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/ specific schools for persons with disabilities?
- 6) 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?
- 7) Is there a national certificate for adapted physical education? What percentage of teachers are certified?
- 8) 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
- 9) What percentage of schools (primary, lower and upper secondary) have adapted infrastructure and materials for students with disabilities?

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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"