

DRAFT NOTE for States: ICESCR and Sport*

What is the ICESCR?

The International Covenant on Economic Social and Cultural Rights (ICESCR) was adopted by the UN General Assembly in 1966. Together with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights it forms the International Bill of Rights. It lays out human rights relating to the workplace, social security, family life, participation in cultural life, and access to housing, food, water, health care and education. The Committee on Economic Social and Cultural Rights is composed of 18 independent experts from around the world. They monitor the implementation of the Covenant, in particular through receiving and considering the reports of states who have ratified the treaty.

What is the relationship between 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. 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 people 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 ICESCR

Articles 6 and 7 (Work)

States recognise the right of everyone to the opportunity to gain their living by work which they freely choose or accept.

Implementation includes technical and vocational guidance and training programmes and policies and techniques to achieve steady economic, social and cultural development. Just and favourable conditions of work include fair wages and equal remuneration, safe working conditions, equal opportunity for promotion and rest, leisure and reasonable limitation of working hours and periodic paid holidays.



Article 12 (Health)

Everyone has the right to the enjoyment of the highest attainable standard of health

Articles 13 and 14 (Education)

All children have the right to a quality education. Primary education should be compulsory and free and secondary education should be generally available and accessible. Fundamental education for people of all ages should be encouraged. Education should work towards the full development of the human personality and the sense of its dignity, to strengthen the respect for human rights and fundamental freedoms and enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship.



Article 15 (Cultural life)

Everyone has the right to take part in cultural life. Culture includes sports and games.

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

ICESCR AND THE SUSTAINABLE DEVELOPMENT GOALS

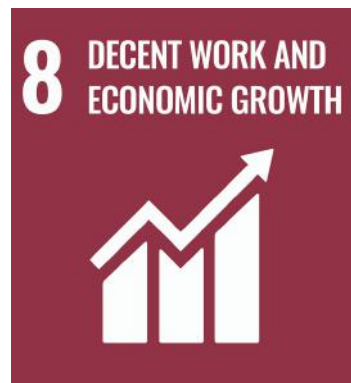
"Sport is also an important enabler of sustainable development. We recognize the growing contribution of sport to the realization of development and peace in its promotion of tolerance and respect and the contributions it makes to the empowerment of women and of young people, individuals and communities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

Transforming our world: the 2030 Agenda for Sustainable Development

The declaration of Agenda 2030 pledges that no one will be left behind and to reach the furthest behind first. Many of the sustainable development goals link to articles of the ICESCR which relate to sports.



Article 12 -
health



Article 6 and 7 –
work and
employment



Article 13 and
14 - education
Article 6 and 7
– work and
employment



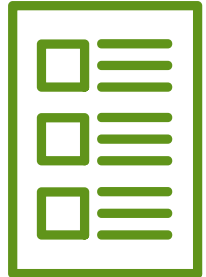
Article 15 -
participation in
cultural life

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 recognises 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. The Committee on Economic Social and Cultural Rights (CESCR) has addressed business activities in concluding observations on States parties' reports.

In *General Comment 24 on State Obligations under the International Covenant on Economic, Social and Cultural Rights in the Context of Business Activities*, CESCR notes that “businesses play an important role in the realization of economic, social and cultural rights, inter alia by contributing to the creation of employment opportunities and — through private investment — to development” and that “under international standards, business entities are expected to respect Covenant rights regardless of whether domestic laws exist or are fully enforced in practice”. States are required to “adopt legislative, administrative, educational and other appropriate measures, to ensure effective protection against Covenant rights violations linked to business activities, and... provide victims of such corporate abuses with access to effective remedies.” In this General Comment CESCR notes the increased role of the private actors in providing traditionally public services and states that they should be subject to regulation and that public service obligations such as universal coverage, affordability, prohibition from denying service etc must be ensured. Significantly the Committee notes that States “retain at all times the obligation to regulate private actors to ensure that the services they provide are accessible to all, are adequate, are regularly assessed in order to meet the changing needs of the public and are adapted to those needs.”

States are encouraged to 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 everyone has 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

6 and 7

- 1) What percentage of the total workforce is employed in the sports and fitness sector as wage and salaried workers? Disaggregated by gender, disability, minority status
- 2) Proportion of informal employment in the sports and fitness sector
- 3) What percentage of national sporting bodies comply with labour right based on ILO textual sources and national legislation?
- 4) Number of sport-related labour rights cases taken to designated authority/ national human rights institution/ ombudsman
- 5) What percentage of national sporting codes that have a representatives union for athletes?
- 6) Number and percentage of persons, disaggregated by age, sex and disability enrolled in: vocational training, employment services, school to work transition programmes, lifelong learning, return-to-work programmes, and/or programmes promoting entrepreneurship, starting one's business, development of cooperatives, etc. in relation to the sports and fitness industry

- 1) What percentage of people are 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 participation in sport and physical activity in order to meet the WHO guidelines on a sufficiently active lifestyle? Do these programmes acknowledge the additional barriers some groups may face as result of e.g. gender, disability, socio-economic background, minority status etc.
- 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.)?

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13 and 14

- 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?

- 1) Are there dedicated resources, including budget lines, for inclusion 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 a requirement of receiving public funding for sport?
- 4) Are there publicly available guidelines on inclusion in sport?
- 5) Are sports coaches/ practitioners given sensitivity training on the multiple intersecting barriers that persons with disabilities may face in accessing sports?

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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"