

DRAFT NOTE for NHRIs: 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, 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

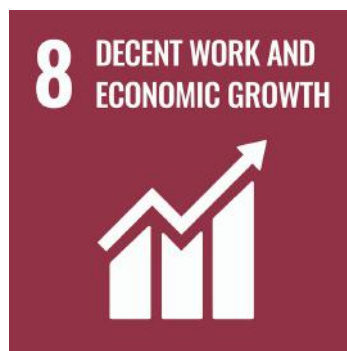
"Sport is also an important enabler of sustainable development. We recognize the growing contribution of sport to the realization of development and peace in its promotion of tolerance and respect and the contributions it makes to the empowerment of women and of young people, individuals and communities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



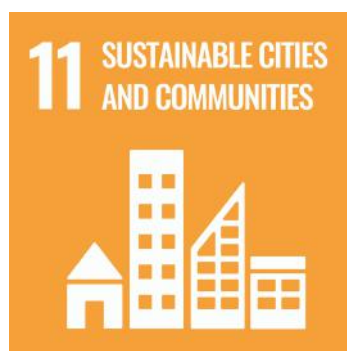
Article 12 - health



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

ENGAGING WITH THE COMMITTEE ON SPORT

"A national institution shall... contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence"

Principles relating to the Status of National Institutions (The Paris Principles)

How can National Human Rights Institutions (NHRIs) improve reporting on sports to CESCR?

REPORTS

The Committee on Economic, Social and Cultural Rights (CESCR) recommends that States hold consultations with civil society during the preparation of their national reports. NHRIs will often be actively involved in this regard and can reach out to sports organisations and practitioners during State consultations and make sure their inputs are made possible.

In general NHRIs will submit their own parallel reports to the Committee. As the NHRI covers all aspects of human rights in a country, its report will tend to be more broad than most other parallel reports submitted by civil society actors who tend to have a thematic focus. It is expected that they highlight priority concerns and suggest specific recommendations. The inclusion of sports related information and recommendations in the NHRI report add significant weight to the case for inclusion in the Committee's review of the country. Suggested topics for reporting on sports can be found on the following page.

BEFORE THE SESSION

At the end of each session the CESCR holds pre-sessional working groups to prepare the work for the review of State parties which will take place at later sessions. NHRIs who have submitted written information may orally brief the working-group to provide country-specific information. This is an opportunity to reiterate information and recommendations on sports presented in the parallel report.

DURING THE SESSION

NHRIs may deliver a statement at a public meeting dedicated to partners and/or organize an informal lunchtime briefing of the Committee. During these meetings the NHRI can remind the Committee of the sports related information presented through the parallel report and during the pre-sessional working group.

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"