

# DRAFT NOTE for Civil Society: 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

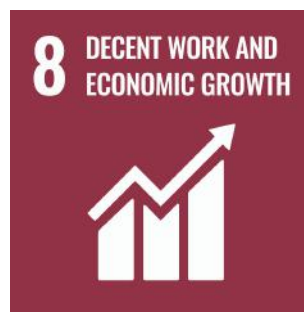
*"Sport is also an important enabler of sustainable development. We recognize the growing contribution of sport to the realization of development and peace in its promotion of tolerance and respect and the contributions it makes to the empowerment of women and of young people, individuals and communities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

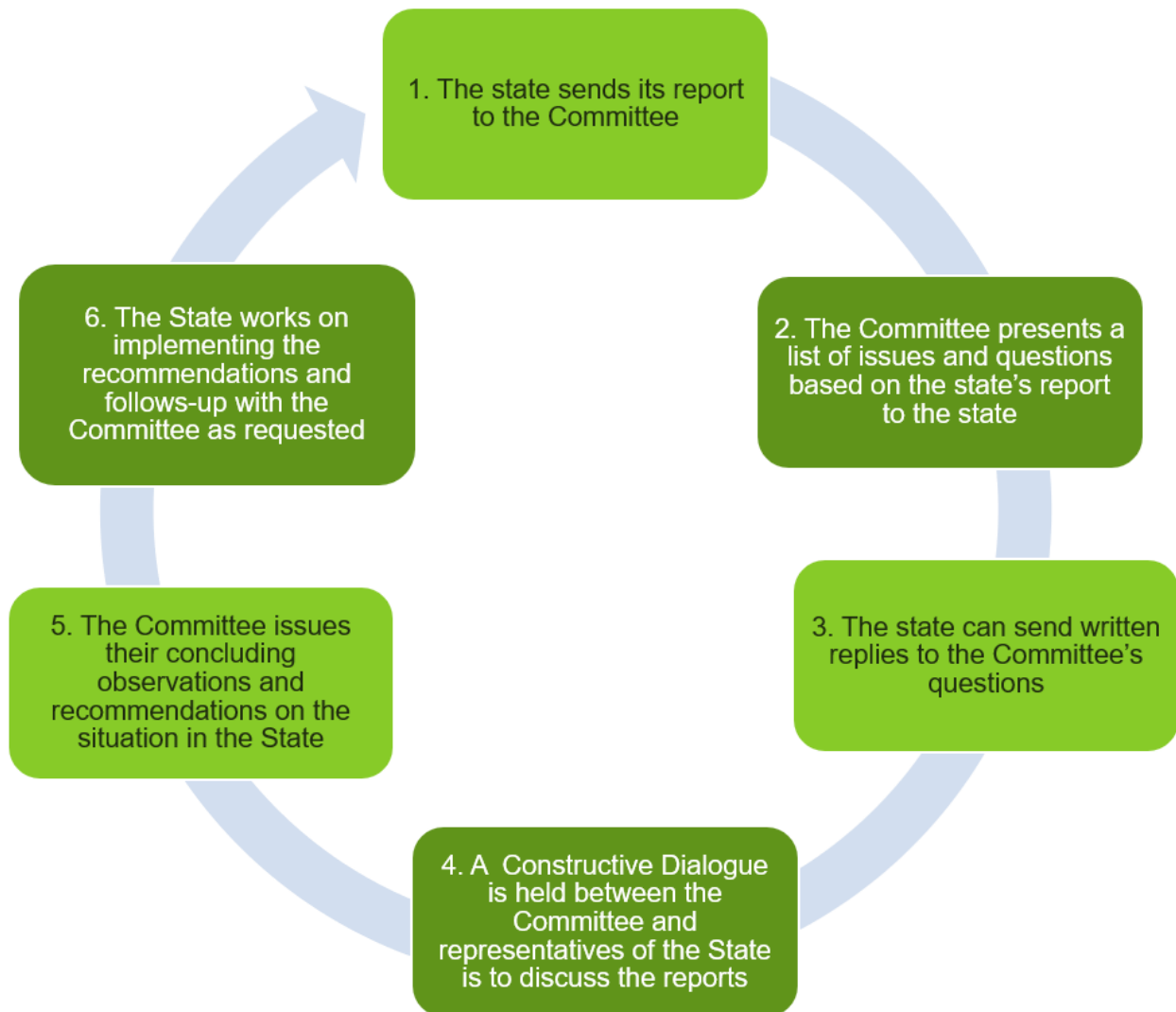


Article 13 and  
14 - education  
Article 6 and 7  
– work and  
employment



Article 15 -  
participation in  
cultural life

After a State ratifies the Covenant they are referred to as a State Party to ICESCR. Within two years of ratifying ICESCR, State Parties are required to submit a report on their progress in implementing ICESCR, including information on the State's constitutional and legal framework and legal and practical measures taken to implement the treaty, to the Committee on the Economic, Social and Cultural Rights (CESCR). The State Party and the Committee will then engage in a dialogue on the report through a number of stages illustrated below:



After the initial report States are required to submit reports to the Committee every five years. After the first cycle, reports include developments on the realisation of the rights in the treaty and progress towards follow-up and implementation of the recommendations issued by the Committee during the previous cycle.

A simplified reporting procedure may be offered to States after their first report. In this case the first step is a preparation of a List of Issues Prior to Reporting (LoIPR) by the Committee. The LoIPR is based on the previous concluding observations and information provided by other sources such as the UN system and civil society. The State's national report then addresses the issues raised in the LoIPR. Stages 4-6 remain the same.

# HOW CAN MY ORGANISATION BE INVOLVED?

NGOs and civil society can submit their own reports, known as alternative or parallel reports, to the Committee outlining their own views on how well their State is implementing their treaty obligations.

## What are the benefits of engagement?

The reports help the Committee to get a more balanced, complete picture of what is happening on the ground

It is a valuable opportunity to engage with your State on the situation in your country

Having issues which concern your organisation raised in a UN Committee's recommendations to your State is a very useful advocacy tool

Engagement with a UN body can increase the reputation and by extension the effectiveness of an organisation

## How to engage:

First, check if your state has ratified the ICESCR. A table of ratification and deadlines for country reviews can be found on the OHCHR website (<http://indicators.ohchr.org/>).

There are three opportunities to submit written reports; for the pre-session, the country review and the follow-up procedures.

Civil society can submit reports to the pre-sessional working group which is when the Committee adopts the List of Issues. This is a good opportunity to influence the focus of the review. Parallel reports can be submitted up to three months before the pre-session.

Civil society can also submit parallel country reports prior to the constructive dialogue.

# REPORTING TEMPLATE

## **Your parallel report should include:**

1. Title page including; the name of the State under review, the treaty covered, name of the coalition/ organisation(s) submitting the report, contact information, whether the report is available in more than one language or in a longer version, and the date of publication. If the report is confidential this should be clearly indicated.
2. Table of contents
3. An introduction which gives more information about the production of the report, especially if it is a joint report, and some background information about the country.
4. The main body of the report:
  - Organise the information according to articles of the Covenant, not by issue. If an issue concerns more than one article, choose the most relevant article and indicate briefly that other articles may cover the issue.
  - Describe the situation with evidence including statistics, legal cases, testimonies, case studies, academic research, national and local laws and regulations. Statistics should be disaggregated.
  - Identify major issues and recommend approaches to solving them. Recommendations for State action should be concrete and suggest specific action.
  - Prioritise issues. The Committee will not be able to focus adequate attention on more than a few issues. It is important to decide what are the most important issues.

## **Some practicalities:**

The written information must not exceed 10 pages and should be in Word format. The Committee requests that paragraphs be numbered.

It can be a good idea to submit a joint report with other organisations working on a similar topic to lessen the possibility of duplication or contradictions in the information the Committee receives. If a joint report is submitted the page limit is 15 pages.

Reports should be submitted in one of the working languages of the Committee - English, French or Spanish. If possible, it is advised to submit in English as it will reach the highest number of Committee members. If it is not possible to translate the entire report, a translated summary of the key issues of concern and recommendations should be submitted.

The report should be submitted electronically to the Committee Secretariat at [cescr@ohchr.org](mailto:cescr@ohchr.org). Parallel country reports should be submitted to the CESCR Secretariat preferably 6 weeks and at the latest 3 weeks before the beginning of the session. For the Pre-session working group reports should be submitted to the Secretariat preferably 10 weeks and latest 8 weeks before the beginning of the pre-session.

# 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.)?

12

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?

15

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"