

DRAFT NOTE for Civil Society: The Universal Periodic Review and Sport*

What is the Universal Periodic Review?

The Universal Periodic Review (UPR) is a tool of the UN Human Rights Council under which the human rights record of each UN member state is reviewed by their fellow member states every four and a half years. The UPR is an opportunity for states to explain what actions they have taken to improve the human rights situation in their countries and to fulfil their human rights obligations and for the international community of states to raise any concerns they have with regards to human rights in each country.



The UPR is a cyclical process during which a review of the human rights situation in the country takes place. Between two reviews the state should implement the recommendations given and any voluntary pledges made. At the next review, an account of the implementation of previous recommendations and commitments is given and an assessment of the human rights situation in that country since the last review is made.

The UPR is currently in its third cycle with all states having been reviewed twice previously.

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

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 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.

The Convention on the Rights of Persons with Disabilities (CRPD), the Convention on the Elimination of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), all contain articles which recognize sport as a human right. They also contain rights which are necessary for the full enjoyment of the right to sports, such as education including physical education, and rights which participation in sports can contribute to, such as health.

However, not everyone is supported to enjoy these rights equally. For example, women can face gender stereotypes and cultural barriers to participation. High level figures indicate that persons with disabilities are three times less physically active than persons without disabilities. Children with disabilities are 4.5 times less active than their peers without disabilities and 93% of women with disabilities are inactive at levels that promote health. For many people when intersecting identities such as gender, disability, income, minority status, location etc., combine, participation can become even harder.



HUMAN RIGHTS, SUSTAINABLE DEVELOPMENT GOALS AND KAZAN ACTION PLAN

Many articles from human rights treaties link to the Sustainable Development Goals. They are also reflected in action areas of the Kazan Action Plan.

Right to participate in cultural life including sports



Ratification of human rights treaties



Protection while participating in sports



Representation on sports governing bodies



Right to health



Right to education



Right to habilitation and rehabilitation



Right to decent work and employment



Right to accessibility



Challenging stereotypes



Kazan Action Plan

I.5 Enforce gender equality /Empower girls and women

I.7 Foster empowerment and inclusive participation

II.4 Build peaceful, inclusive and equitable societies

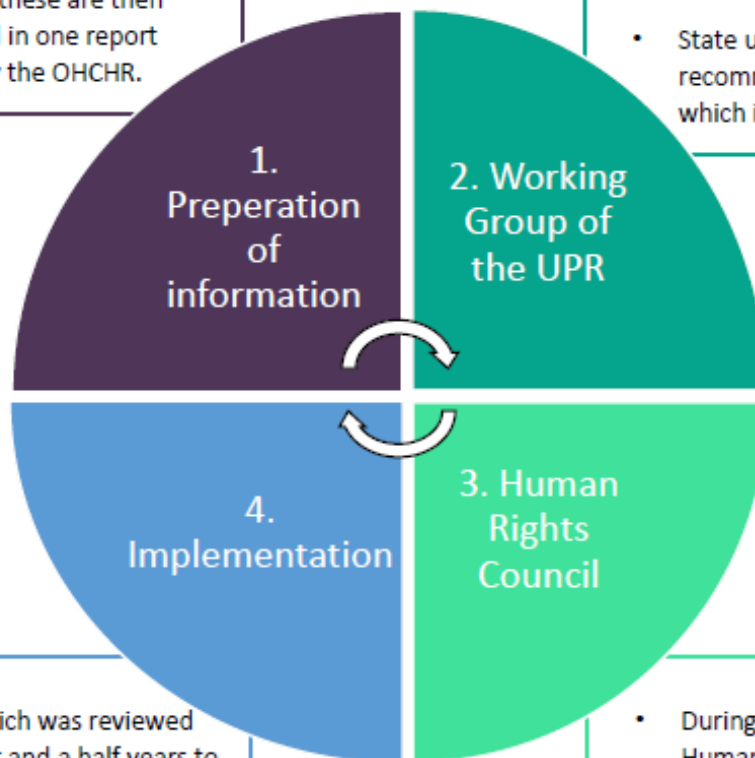
II.6 Advance gender equality and empower all women and girls

III.2 Protect children, youth and other vulnerable groups

HOW DOES THE UPR WORK?

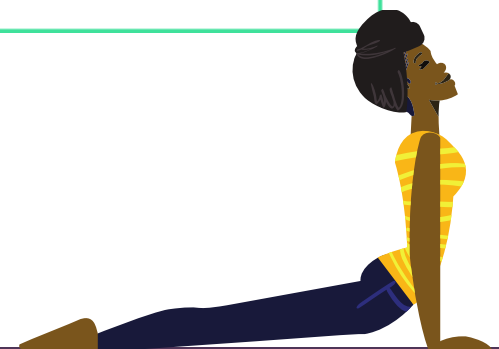
- National report – contains information prepared by the State.
- UN compilation report - contains information from Treaty Body reports, special procedures and other official UN documents. Prepared by the OHCHR.
- Stakeholders' report – civil society can submit reports. The contents of these are then summarised in one report prepared by the OHCHR.

- Holds two-week sessions in Geneva three times a year.
- 14 States examined every session.
- An interactive dialogue is held with each State under review during which all other states may speak and make up to four recommendations to the state under review.
- A report containing recommendations is prepared.
- State under review indicates which recommendations it supports and which it notes.



- The State which was reviewed then has four and a half years to work towards implementation of the recommendations.
- The State is encouraged to hold consultations on implementation with all relevant stakeholders.
- States are encouraged to submit voluntary mid-term reports to the Council on implementation half way through the cycle.

- During regular session of the Human Rights Council the Council considers the outcome report of each country, giving an hour to each country.
- The reviewed State, states and other stakeholders can express views before adoption of outcome documents.
- The report is then adopted by the Council.



HOW DOES THE UPR WORK?

The review of a state is based on three documents:

1. The National Report: states are expected to present a national report on the human rights situation in their country and implementation of previous recommendations. States are encouraged to gather information by engaging in a broad consultation process with all the relevant stakeholders at the national level such as NGOs, civil society, members of parliament, the judicial system, the private sector, and national human rights institutions (NHRI);
2. The Compilation of United Nations Information: the Office of the UN High Commissioner for Human Rights (OHCHR) compiles a summary of information from official UN documents (e.g. from treaty bodies, special procedures or special agencies such as UNESCO, UNICEF, etc.)
3. The Stakeholders' Report: the OHCHR puts together a summary (no longer than 10 pages) of information provided by relevant stakeholders such as NGOs, NHRIs, regional organisations etc.



The review takes the form of an interactive discussion between the State under Review and other UN Member States. This takes place during a meeting of the UPR Working Group at the UN in Geneva. During this discussion, any UN Member State can pose questions, comments and make recommendations to the State under Review. States can make up to four recommendations.

Following the interactive dialogue an outcome report which provides a summary of the actual discussion is prepared. It contains a compilation of every recommendation made by states to the country under review, as well as the responses by the reviewed state. A state can either accept or note recommendations. They can not reject recommendations. By accepting a recommendation a state commits to working towards its implementation.

The report is then adopted at a plenary session of the Human Rights Council. The State under Review has the chance to respond to any issues that it did not address sufficiently during the Working Group as well as to recommendations raised by states during the review. States as well as NHRIs, NGOs and other stakeholders can make general comments during this meeting.



HOW CAN MY ORGANISATION BE INVOLVED?

Why engage?

Due to the public and “peer-review” nature of the UPR, states tend to take recommendations seriously.

The information provided by civil society can be included in the Stakeholders Report, an official UN document.

The review can shed an international light, and fresh domestic attention, on issues within a state.

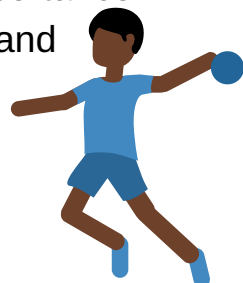
A broad range of issues can be examined under the UPR. Unlike Treaty Body reviews which are restricted to the provisions of the relevant treaty, the UPR can consider rights set out in the UN Charter, the Universal Declaration of Human Rights, human rights treaties ratified by the state concerned, voluntary pledges and commitments made by the state and applicable international humanitarian law.

The role of civil society:

There is no provision for civil society to take the floor during the UPR Working Group review. However, civil society can participate in the UPR process by:

- Participating in national consultations which may be held by the State under Review when drafting their national report;
- Sending information to the OHCHR for the stakeholder report;
- Lobbying states to bring specific issues in a state under review to their attention and to request that states address these issues during the interactive dialogue in the form of questions and/or recommendations;
- Speaking at the Human Rights Council during the adoption of the report;
- Monitoring and participating in the implementation of recommendations by the State between reviews.

The most effective ways to get recommendations made on issues of importance to your organisation is through engagement with the stakeholder report and lobbying states.



THE STAKEHOLDER REPORT

The stakeholder report is one of the three reports which form the documentation for every country under review. The stakeholder report is very valuable in providing an alternative source of information to that provided by the state under review and will help other states in preparing their remarks and recommendations.

Civil society, NHRIs, NGOs, human rights defenders, local associations, organisations, trade unions, etc., can send information for the stakeholder report to the OHCHR, regardless of whether they have ECOSOC status. Submissions can be made by one organisation or by a consortium of organisations.

Submissions to the stakeholder report should follow the below guidelines:

- Refer to only one country;
- Joint submissions must indicate the names of all stakeholders at the start of the submission;
- Individual submissions must be no longer than five pages and no longer than ten pages for joint submissions;
- Only Word documents (not pdfs) are accepted;
- Text should be Times New Roman font 12. Paragraphs and pages should be numbered;
- Submissions must be in an official UN language (Arabic, Chinese, English, French, Russian, Spanish).
- The deadlines for submitting to the stakeholder report for all third cycle reviews can be found at <https://www.ohchr.org/EN/HRBodies/UPR/Pages/NgosNhris.aspx>

How to submit:

Submissions should be submitted to the UN through the "online UPR submissions registration system" at <https://uprdoc.ohchr.org>. The first time you use this portal you will need to register your organisation. All submissions must be submitted by 15:00 Central European Time on the day of the deadline. Late submissions will not be considered. The portal is able to receive contributions from the first day of the calendar month of the deadline. If you have technical problems using the online system, contact the UPR Submissions Helpdesk at uprsubmissions@ohchr.org.



LOBBYING STATES

As civil society are not able to take the floor and make recommendations themselves during the review, a possible way to get your priorities on the agenda is to lobby states to include them in their intervention. States can only make between one and four recommendations and have a very limited speaking time, so it is important to make strong case for your issue to be included.



Organisations can lobby states through embassies in their country, the Permanent Missions to the United Nations in Geneva, or in the case of organisations which are present in many countries by arranging a meeting with relevant officials in the Department/ Ministry of Foreign Affairs in the country you are lobbying.

While it is possible to send a written briefing to many, or even all, states, it is a good idea to pick a few target states with whom your issues may resonate, especially if arranging meetings at embassies and Departments/ Ministries. Consider the following: Who is a likely ally? Which states do you already have a relationship with? Is there a state who has made a recommendation on this topic previously? As a state is unlikely to make a recommendation on an issue where they themselves are performing poorly, which states have a good track record on this issue?

Make it as easy as possible for states to facilitate your request by providing them with clear suggested recommendations and the information they will need to justify focusing this issue. An effective way to do this is to prepare a brief document outlining some background information on the state under review and identifying clearly the recommendations you would like to see made. A copy should be left with any officials you meet, or if you are lobbying through writing this document should form the core of your correspondence. The official you meet or send the document to may not be the person who will actually prepare the statement. Therefore, it is useful if they have something clear to pass on to the relevant person. Your document should include:

- A brief introduction to the work of your organisation (or coalition of organisations) in the country under review and how it fits into the current context of that state.
- A list of your proposed recommendations. Recommendations should be precise, actionable, specific and monitor-able.
- A section for each proposed recommendation which outlines the national context which makes this an issue for concern and why you are proposing this specific recommendation. Evidence can include statistics, legal cases, testimonies, case studies, academic research, national and local laws and regulations. Statistics should be disaggregated.



WHAT TO RECOMMEND

While it is not within the scope of this guide to provide an exhaustive list of all possible recommendations, especially as the specifics of a recommendation may be effected by the unique circumstances in a state, the below reflective questions are intended to indicate possible topics. In the speech bubbles on the sides you can see real examples of recommendations that states have previously made to other states. These can give a sense of the wording of recommendations

Right to participate in cultural life including sport

Human Rights Treaties: ICESCR art. 15, CRPD art. 30.5, CEDAW art. 13, CRC art. 31

What percentage of people are physically active in line with WHO? (disaggregated by age, gender, persons with disabilities, race, etc).

Do national sports bodies have specific inclusion and equality policies? Do these policies recognise specific groups? Do these policies have dedicated budget lines?

Are there dedicated resources, including budget lines, for inclusion of people with disabilities, women and girls, minorities in sport?


Is reporting on inclusion of people with disabilities a requirement of receiving public funding for sport?

Are there publicly available national guidelines on inclusion in sport?


What percentage of the national sport budget is allocated to equality and inclusion initiatives?

How many organisations receive targeted public funding to deliver gender-transformative sport-based programmes? Are there any examples of best practice projects in this regard?

Have any qualitative studies on the experiences of persons with disabilities/ women and girls/ members of minority groups/ etc. in sports and physical activity been undertaken? If so what were the findings from such reports?



Create a national public service network covering sports for both the urban and rural areas



Ensure adequate human rights education and training for all professionals working with children

Protection in Sports

Human Rights Treaties: CRPD art. 7 and 16, CRC art. 19

What percentage of national sport bodies have policies to protect children, youth, persons with disabilities and other vulnerable groups?

Are sports coaches/ practitioners working with children or other vulnerable groups required to undertake a criminal background check?

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?

Is there legislation in place that outlines when reporting of harassment and abuse to public authorities is mandatory?

What percentage of sports bodies have a nominated child protection officer?

Health

Human Rights Treaties: CRPD art. 25, CEDAW art. 12, CRC art. 24 and 29, ICESCR art. 12

What percentage of the population is sufficiently active as defined by WHO?
Disaggregated by gender/ disability/ age/ etc.

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?

What percentage of national sports bodies are investing in mental health and well-being?

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? Do such programmes target both men and women? Are there specific programmes focusing on women's health issues?

Consider the elaboration of a national policy for the child, which encompasses health, culture and sports

Habilitation

Human Rights Treaties: CRPD art. 28

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 providing habilitation and rehabilitation services?

Study the possibility of consolidating the national health system, including through public-private partnerships

Take steps to develop the necessary laws, policies and programmes to progressively meet its obligations under the Convention on the Rights of Persons with Disabilities, including by ensuring access to all public facilities

Accessibility

Human Rights Treaties: CRPD art. 9 and 19, CEDAW art. 13 and 14, CRC art. 31

What percentage of public sport and recreational facilities are accessible to persons with disabilities?

Is accessibility a requirement when building all new public sport and recreational facilities?

Is there a process of retroactively fitting public sport and recreational facilities to ensure that they are accessible ongoing?

Are venues for sporting events accessible for spectators with disabilities? Are there any examples of good practice in this regard?

What percentage of public green spaces (parks and recreational facilities) meet the minimum national standards for accessibility by persons with disabilities? Is there qualitative data on experiences of persons with disabilities in accessing such spaces and enjoyment of them?

What is the average share of the built up area of cities that is open space for public use for all by ages, genders and persons with disabilities? Have there been qualitative studies on access, the use of and quality of public spaces? Are public websites and applications that contain information on public sport and recreation activities and facilities fully accessible?

Is there public information available on the accessibility of public sport and recreational facilities?

Are sports coaches/ practitioners given sensitivity training on the multiple intersecting barriers that women and girls may face in accessing sports? Has any follow up been done with sports coaches/ practitioners who have received training on the impact it has had on their interactions with women and girls?

What measures are in place to ensure that rural women can participate equally with men and with women in urban spaces in community activities, including sport, recreation and physical activities

Ratification of Treaties

Are there any relevant UN human rights treaties which your country has not yet ratified?

Ratify the Convention on the Rights of Persons with Disabilities

Take measures aimed at fair and adequate representation of all minority groups in all public bodies, including the judiciary and human rights coordination bodies at the country level

Representation

Human Rights Treaties: CRPD art. 30.5 and CEDAW art 8

What percentage of presidents, board members or executive leadership of national sports bodies are persons with disabilities?
What is the gender ratio of sport National Governing Bodies?

Education

Human Rights Treaties: CRPD art. 24, CEDAW art. 10, CRC art. 28 and 29, ICESCR art. 13 and 14

What percentage of children with disabilities are enrolled in mainstream schools/ special schools/ not enrolled in school?

Are reasonable accommodation measures available for children with disabilities in mainstream schools? What percentage of schools (primary, lower and upper secondary) have adapted infrastructure and materials for students with disabilities?

Is physical education a mandatory part of the curriculum? If not what percentage of schools offer physical education? Is the physical education curriculum designed to take a variety of abilities into account? Is it the same for boys and girls?

Have any qualitative studies on the experiences of students with physical education been carried out, particularly in relation the differences between boys/ girls and within groups of girls and for children with disabilities? If so what were the findings from such reports?

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?

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?

Are there any good practice programmes running in schools to ensure students with disabilities are receiving a quality physical education?

How many higher-level institutions offer degrees or diplomas related to adapted physical education, sport and physical activity? Is there disaggregated data on who takes these courses?

Where sports scholarships, bursaries and support are offered at educational institutions are female athletes/ athletes with disabilities/ athletes from minority groups, etc eligible and are they represented among the recipients?

Integrate children with disabilities into the regular educational system and into society by special training for teachers and making the physical environment (schools, sports, leisure facilities and other public areas) accessible

Employment

Human Rights Treaties: CRPD art. 27, CEDAW art. 11

What percentage of the total workforce is employed in the sports and fitness sector across both the public and private sectors?
What percentage of those employed in the sports and fitness sector are persons with disabilities/ female/ members of minorities?
Have there been any qualitative studies conducted on the experiences of members of minority groups and/ or women working in the sports and fitness sector? Are there any examples of good practice programmes to encourage/ increase employment of members of minority groups and/ or women in the sports and fitness sector?

Revise existing job schemes to ensure access to a wider spectrum of work for people with disabilities than provided for under current legislation, to comply fully with the Convention on the Rights of Persons with Disabilities

Challenging stereotypes

Human Rights Treaties: CRPD art. 8, CEDAW art. 5 and 10

Has the State run any public relations campaigns to challenge stereotypes around participation in sports? Did such a campaign include a focus on persons with disabilities in sport and physical activity? Was there any follow-up studies on the impact of such campaigns on public perceptions of athletes with disabilities?

Are there any officially issued guidelines regarding best practice for media representation of persons with disabilities/ women and girls/ minorities including in relation to sports and physical activities?

Put in place a strategy to combat discriminatory stereotypes and implement, in collaboration with civil society, awareness-raising programs to enhance non-stereotypical portrayals of women and girls

References for sample recommendations

1. Chad to China, Second Cycle UPR of China
2. Slovenia to Iceland, First Cycle UPR of Iceland
3. Turkey to Madagascar, Second Cycle UPR of Madagascar
4. Malaysia to El Salvador, First Cycle UPR of El Salvador
5. Canada to Antigua and Barbuda, Second Cycle UPR of Antigua and Barbuda
6. Poland to Croatia, First Cycle UPR of Croatia
7. Pakistan to Ireland, Second Cycle UPR of Ireland
8. Slovenia to Antigua and Barbuda, First Cycle UPR of Antigua and Barbuda
9. United Kingdom to Netherlands, Third Cycle UPR of Netherlands
10. Portugal to Haiti, Second Cycle UPR of Haiti

Useful resources:

For further information please see:

- The official Office of the United Nations High Commissioner for Human Rights' website:

<https://www.ohchr.org/en/hrbodies/upr/pages/uprmain.aspx>. Includes official guidelines, national, stakeholder and compilation reports, previous civil society submissions, etc

- UPR Info, an NGO dedicated to providing capacity-building tools to the different actors participating in the UPR process: <https://www.upr-info.org/en>. Includes helpful guidance notes, national, stakeholder and compilation reports and a comprehensive, easy to use database of all previous recommendations.



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"