



---

**Human Rights Council****Forty-sixth session**

22 February–19 March 2021

Agenda items 2 and 3

**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General****Promotion and protection of all human rights, civil  
political, economic, social and cultural rights,  
including the right to development****Participation in physical activity and sport under article 30 of  
the Convention on the Rights of Persons with Disabilities****Report of the Office of the United Nations High Commissioner  
for Human Rights\****Summary*

The present report, submitted pursuant to Human Rights Council resolution 43/23, contains an overview of the obligation under article 30 (5) of the Convention on the Rights of Persons with Disabilities to enable persons with disabilities to participate in recreation, leisure and sports on an equal basis with others, including in mainstream and disability-specific sporting activities, in sporting, recreational, leisure and tourism venues, and in education. It contains guidance on a human rights-based approach to developing inclusive and disability-specific physical activity and sports, and recommendations to assist States in implementing their obligations under international human rights law.

---

\* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



## Contents

	<i>Page</i>
I. Mandate and scope .....	3
II. Persons with disabilities and physical activity and sports .....	3
III. Physical activity and sports in international human rights law .....	4
IV. The right to participate in physical activity and sport under the Convention on the Rights of Persons with Disabilities .....	5
A. Specific considerations during the negotiation of the Convention .....	5
B. Article 30 (5) of the Convention .....	6
V. Cross-cutting implementation measures .....	8
A. Governance .....	8
B. Legislation and regulation of the private sector .....	10
C. Participation .....	10
D. Awareness-raising .....	11
E. Gender mainstreaming .....	11
F. Protection from violence .....	11
G. Assistive technology .....	12
H. Data collection and research .....	12
VI. Sector-specific implementation measures .....	13
A. Recreation and leisure .....	13
B. Physical activity in the education sector .....	13
C. The sports sector and persons with disabilities .....	14
VII. Conclusions and recommendations .....	16

## I. Mandate and scope

1. In its resolution 43/23, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prepare a study on the rights of persons with disabilities on participation in sport under article 30 of the Convention on Rights of Persons with Disabilities, in consultation with States and other relevant stakeholders, including civil society organizations, and to make the study available to the Council prior to its forty-sixth session. The Council also requested that stakeholders' contributions and the present report be made available in an accessible format. Pursuant to the Council's request, OHCHR solicited contributions and received 23 responses from States, 3 from United Nations entities and 10 from civil society organizations. They are available on the OHCHR website.<sup>1</sup>

2. The Council, in its resolution 43/23, requested OHCHR to focus the present report on the rights of persons with disabilities on participation in sport under article 30 of the Convention. Yet the Convention frames sports under "recreational, leisure and sporting activities" in its article 30 (5). During the negotiation of the Convention, Member States considered covering physical activity under this article.<sup>2</sup> The International Charter of Physical Education, Physical Activity and Sport, adopted by the United Nations Educational, Scientific and Cultural Organization (UNESCO), brought together aspects related to physical activity and physical education. The Kazan Action Plan, subsequently adopted by UNESCO, specified that the term "sport" was used as a generic term, comprising sport for all, physical play, recreation, dance, organized, casual, competitive, traditional and indigenous sports and games in their diverse forms. Consequently, to align the Convention and later developments in the field at the international level, the present report includes recreational and leisure activities alongside more narrowly defined sporting activities.

## II. Persons with disabilities and physical activity and sports

3. Persons with disabilities face several barriers to engaging in physical activity and sports, including inaccessible physical environments, lack of or unsuitable equipment, additional costs, concerns about safety, lack of support, trainers' lack of disability-specific knowledge, lack of accessible information, and attitudinal barriers, including over-protectiveness and prejudice.<sup>3</sup> The few opportunities that persons with disabilities may have to engage in sport are often limited to segregated environments, such as rehabilitation centres.

4. According to available data, persons with disabilities do less physical activity than others. One study indicated that physical inactivity was more prevalent among adults with impairments (47.1 per cent) than among other adults (26.1 per cent).<sup>4</sup> Similarly, another study indicated that adults with disabilities spent less than half the time that others spend on physical activity.<sup>5</sup> Furthermore, persons with disabilities reported less adherence to the

<sup>1</sup> [www.ohchr.org/EN/Issues/Disability/Pages/StudiesReportsPapers.aspx](http://www.ohchr.org/EN/Issues/Disability/Pages/StudiesReportsPapers.aspx).

<sup>2</sup> The World Health Organization (WHO) defines physical activity as any bodily movement produced by skeletal muscles that requires energy expenditure. Such activity includes that undertaken while working, playing, carrying out household chores, travelling and engaging in recreational pursuits.

<sup>3</sup> Brett Smith and Andrew C. Sparkes, "Disability, sport and physical activity", in *Routledge Handbook of Disability Studies*, 2nd ed. Nick Watson and Simo Vehmas, eds. (London, Routledge, 2019), pp. 391–403, at p. 396.

<sup>4</sup> Dianna D. Carroll and others, "Vital signs: disability and physical activity – United States, 2009–2012", *Morbidity and Mortality Weekly Report*, vol. 63, No. 18 (9 May 2014), pp. 407–413.

<sup>5</sup> Ellen L. de Hollander and Karin I. Proper, "Physical activity levels of adults with various physical disabilities", *Preventive Medicine Reports*, vol. 10, June 2018, pp. 370–376.

World Health Organization (WHO) Global Recommendations on Physical Activity for Health,<sup>6</sup> ranging from approximately 12 to 50 per cent below the recommended levels.<sup>7</sup>

5. Persons with disabilities are not enjoying the benefits of physical activity. Evidence suggests that physical activity by persons with disabilities may reduce the risk of chronic diseases and comorbidities, and improve disease-related symptoms, such as high blood pressure and low strength, quality of life and functional status.<sup>8</sup> Research also indicates that there is a higher prevalence of overweight among children with disabilities.<sup>9</sup> Earlier deaths among persons with intellectual disabilities due to respiratory and circulatory diseases call for a healthier lifestyle, including physical activity and sport.<sup>10</sup>

6. According to the WHO Guidelines on Physical Activity and Sedentary Behaviour, “physical activity confers benefits for the following health outcomes: improved physical fitness (cardiorespiratory and muscular fitness), cardiometabolic health (blood pressure, dyslipidaemia, glucose, and insulin resistance), bone health, [and] cognitive outcomes (academic performance, executive function)”, and among youth with disabilities, physical activity results in improved cognition and may improve physical function in children with intellectual disabilities.

7. Other benefits associated with engaging in physical activity and sports are particularly relevant to persons with disabilities. Enhanced self-esteem and social well-being, and more and better relationships developed through physical activity and sport, contribute to addressing the prevailing segregation and isolation of persons with disabilities and fostering their social interaction, sense of belonging and inclusion in the community.<sup>11</sup>

### III. Physical activity and sports in international human rights law

8. The right to participate in sports is not explicitly reflected in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights or the International Covenant on Economic, Social and Cultural Rights, although it is considered under the right to health (A/HRC/32/33, paras. 7–10). Article 13 (c) of the Convention on the Elimination of All Forms of Discrimination against Women recognizes the right to participate in recreational activities, sports and all aspects of cultural life. Article 31 of the Convention on the Rights of the Child recognizes the right of the child to rest and leisure, and to engage in play and recreational activities. Article 30 (5) of the Convention on the Rights of Persons with Disabilities made advances in this direction, specifying key factors regarding the enjoyment of the right by persons with disabilities.

9. International organizations have addressed the right of persons with disabilities to engage in physical activity and sports. The UNESCO International Charter of Physical Education, Physical Activity and Sport, revised in 2015, stresses that practising “physical education, physical activity and sport is a fundamental right for all” without discrimination,<sup>12</sup> and highlights the need for “inclusive, adapted and safe opportunities to participate [in those

<sup>6</sup> According to the Global Recommendations, adults aged 18–64 years should do at least 150 minutes of moderate-intensity aerobic physical activity throughout the week, or at least 75 minutes of vigorous-intensity activity throughout the week, or an equivalent combination of moderate- and vigorous-intensity activity. However, the recommendations should be adjusted according to the kind of impairment.

<sup>7</sup> Carroll and others, “Vital signs: disability and physical activity”.

<sup>8</sup> Ibid.

<sup>9</sup> Linda G. Bandini and others, “Prevalence of overweight in children with developmental disorders in the continuous National Health and Nutrition Examination Survey (NHANES) 1999–2002”, *Journal of Pediatrics*, vol. 146, No. 6 (1 June 2005), pp. 738–743.

<sup>10</sup> Lisa O’Leary, Sally-Ann Cooper and Laura Hughes-McCormack, “Early death and causes of death of people with intellectual disabilities: a systematic review”, *Journal of Applied Research in Intellectual Disabilities*, vol. 31, No. 3 (May 2018), pp. 325–342.

<sup>11</sup> International Charter of Physical Education, Physical Activity and Sport, art. 2.2–2.4.

<sup>12</sup> Article 1 and subparagraph 1.1.

activities for] persons with disabilities ...”<sup>13</sup> In order to implement this Charter, member States adopted the Kazan Action Plan. In addition, WHO has issued recommendations on sport and physical activity for persons with disabilities.<sup>14</sup>

10. Although estimations indicate that persons with disabilities make up approximately 15 per cent of the world’s population, disability remains largely invisible as a human rights issue. A glaring gap exists between understanding and recognizing human rights violations and their impact on persons with disabilities. Awareness-raising is fundamental to bring visibility, both to prevent and eradicate practices that negatively impact this population and to disseminate information on policies and practices that contribute to the enjoyment of rights, inclusion and participation.

## **IV. The right to participate in physical activity and sport under the Convention on the Rights of Persons with Disabilities**

### **A. Specific considerations during the negotiation of the Convention**

11. Article 30 (5) (a) of the Convention requires States to encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels. The two elements “to the fullest extent possible” and “mainstream sporting activities” were considered through the negotiation of the treaty and require a specific analysis.

12. The use of the terminology “to the fullest extent possible” was openly contested by the disability rights movement in the negotiations, as it can be construed as a way to limit the participation of persons with disabilities in sports on the basis of their impairment, which would contradict the principle of full and effective participation and inclusion in society (article 3 (c)). Similar terminology was considered during the negotiations when discussing the rights to education, political participation and legal capacity, and in all cases was discarded.<sup>15</sup> The objection from civil society did not gain traction in this case and the phrase remained unclarified. The Committee on the Rights of Persons with Disabilities has yet to develop an interpretation of this terminology. Nonetheless, this terminology should not be construed as a limitation of the right to participate in sports, as this would contradict core principles of the treaty, but rather as a nuance in order to ensure that adjustments and appropriate support are in place to ensure that persons with disabilities can enjoy the benefits of physical activity and sports on an equal basis with others.

13. In the phrase “mainstream sporting activities”, “mainstream” should be understood to be qualifying sports in which any person is entitled to participate, including persons with disabilities, rather than those that are disability-specific. The addition of the phrase “disability-specific” in article 30 (5) (b) acknowledges and supports existing practices (such as the Paralympic Games and the Deaflympic Games), resulting in a balanced text that provides persons with disabilities with options. Although there were proposals to delete “mainstream” during the Convention negotiations,<sup>16</sup> the phrasing was kept to ensure

<sup>13</sup> Article 1 and subparagraph 1.3.

<sup>14</sup> See the WHO Guidelines on Physical Activity and Sedentary Behaviour.

<sup>15</sup> Following discussions by the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities, at its sixth, seventh and eighth sessions, of draft articles 12, 24 and 29, phrases such as “to the extent possible”, “to the maximum extent possible” and “as appropriate” were deleted from the final drafts prior to the adoption of the Convention, being considered qualifiers related either to State capacity and resources to implement the right or to exclusion of certain persons with disabilities on the basis of their impairment from a given measure or system (for example, inclusive education). See A/60/266, A/AC.265/2006/2 and A/61/611.

<sup>16</sup> At that point of the discussions, such proposals were concerned with not ruling out disability-specific events. This issue was finally solved by including “disability-specific” in the text of article 30 (5) (b). See A/60/266, para. 144; see also the daily summary of Ad Hoc Committee’s discussion at its seventh session for 27 January 2006 (available at [www.un.org/esa/socdev/enable/rights/ahc7sum27jan.htm](http://www.un.org/esa/socdev/enable/rights/ahc7sum27jan.htm)),

coherence with the Convention's core principles to promote the inclusion and participation of persons with disabilities. The Committee on the Rights of Persons with Disabilities has not yet developed guidance to address some of the interpretative discussions raised through the negotiation of the treaty and that currently exist regarding mainstream and disability-specific sports. OHCHR encourages the Committee to give due consideration to this debate.

## **B. Article 30 (5) of the Convention**

### **Interconnection and interdependence with other rights**

14. Article 30 of the Convention enshrines explicitly the purpose of ensuring inclusion and participation of persons with disabilities in everyday social life. It encompasses several areas of social life under "cultural life" and "recreational, leisure and sporting activities", in accordance with the principles of the Convention (article 3), in particular the principles of respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons (article 3 (a)) and full and effective participation and inclusion in society (article 3 (c)).

15. Article 30 (5) is connected to other articles of the Convention. Persons with disabilities must be consulted and actively involved in the development of legislation and policies (article 4 (3)) related to physical activity and sports,<sup>17</sup> which cannot discriminate against them and should ensure reasonable accommodation and specific measures to counter structural discrimination (article 5). Equality requires appropriate funding in areas ranging from disability-specific sport to everyday-life recreation and leisure. International cooperation under article 32 of the Convention can be key to channelling resources in these areas. Persons with disabilities should be part of the workforce of the sports, tourism, recreational, well-being and leisure industries (article 27).

16. Women and girls with disabilities face significant barriers to access to physical activity and sports, which prevent them from participating on equal terms as their male peers and other people. Article 6, on women with disabilities, is therefore particularly relevant to ensure a gender perspective and an intersectional approach when implementing article 30 (5). Women and girls with disabilities are particularly exposed to gender- and disability-based violence, meaning that safeguards to prevent violence in these contexts need to be implemented (article 16).

17. Children with disabilities should be given the opportunity to express their views (article 7) and should be included in recreational, leisure and sporting activities, including physical education in inclusive education settings (article 24). Specific measures to promote sport and physical activity should target those out of school, while their educational situation is addressed.

18. Accessibility of open spaces, facilities, and information and communication is essential to the inclusion and participation of persons with disabilities in sport, recreation and leisure, as both participants and spectators of sports events (article 9). Participation in recreation, leisure and sport can enhance the sense of belonging and inclusion in the community, self-esteem and self-confidence and autonomy among persons with disabilities, contributing to independent living plans (article 19).

19. The rights to health, rehabilitation and social protection (articles 25, 26 and 28) operate as mutually reinforcing rights with physical activity and sports. Physical activity is a means of improving health and rehabilitation outcomes, and social protection can expand the engagement of persons with disabilities in physical activity through participation in society, including by enabling them to join in physical activity and sport. Persons with disabilities should be able to enjoy physical activity in places open to the public, not only in health and rehabilitation settings. Data in this area are very scarce; article 31 of the Convention mandates

---

in which the Chair noted that article 30 (5) (a) was specifically drafted to encourage participation of persons with disabilities in mainstream sporting activities, and was offset in article 30 (5) (b), which referred to disability-specific sporting and recreational activities.

<sup>17</sup> See Committee on the Rights of Persons with Disabilities, general comment No. 7 (2018).

the collection and disaggregation of data relevant for the design, implementation, monitoring and evaluation of policies under article 30 (5), including through research and community-driven data collection.

### **Provisions of article 30 (5) of the Convention**

20. The chapeau of article 30 (5) sets the goal of enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities. States must take appropriate measures to guarantee equality for persons with disabilities, protecting against discrimination and dismantling structural inequalities. Mainstream and disability-specific sports events, and the participation of persons with disabilities therein, should be equally promoted and supported, including equal financial support.

21. Article 30 (5) (a) requires States parties to encourage and promote the participation of persons with disabilities in mainstream sporting activities at all levels, reflecting the inclusive perspective of the treaty. In addition to the aspects discussed in paragraphs 11–13 above, this subparagraph indicates that persons with disabilities have the right to participate “at all levels”. This means engagement at the local, regional, national and international levels, and in intergovernmental organizations, sports organizations, non-governmental entities, the business community and the media, as educators, researchers, administrators and board members, coaches, workers, sports professionals and volunteers, participants and their support personnel, referees, families and spectators, among others.

22. Article 30 (5) (b) requires States parties to ensure that persons with disabilities have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities. This subparagraph reflects national and international practices developed prior to the Convention that have enabled persons with disabilities to engage in competitive sports. After having referred to the promotion of inclusion in mainstream sports (article 30 (5) (a)), the Convention here acknowledges and supports disability-specific practices.

23. Under article 30 (5) (b), States parties must ensure that persons with disabilities can organize and develop disability-specific sporting activities themselves, in addition to efforts made by mainstream sports organizations. States parties are also required to encourage the provision, on an equal basis with others, of appropriate instruction, training and resources. The word “encourage” applies when referring to the private sector, but does not override the obligation of non-discrimination when the entity responsible for providing instruction, training and resources is the State itself. It is also important to highlight that persons with disabilities should not be forced into or restricted to participating in disability-specific sporting activities, as this would violate the principle of inclusion. The provisions in article 30 (5) (b) do not preclude States’ duties under article 30 (5) (a).

24. Article 30 (5) (c) requires States parties to take measures to ensure the accessibility of sporting, recreational and tourism venues.<sup>18</sup> Most people engage in physical activity during leisure time, such as long walks in cities or in nature, visiting tourist sites or participating in sports events. All spaces open to the public should be accessible to persons with disabilities. States should address inaccessibility of transport, paths, venues and related services to prevent the exclusion of persons with disabilities.

25. Article 30 (5) (e) requires that persons with disabilities have access to services provided by those involved in the organization of recreational, tourism, leisure and sporting activities. Beyond the obligations under article 30 (5) (c), States parties should ensure that public and private organizations, including gyms, well-being centres and sports clubs, provide inclusive services. These include support services, in order, for instance, to enable access to mountain trails or the beach or bathing in the sea or lake. The development of specific capacity or skills among staff is required, in areas such as assistive technologies, sign language and disability etiquette.

26. Article 30 (5) (d) requires States parties to ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting

<sup>18</sup> See Committee on the Rights of Persons with Disabilities, general comment No. 2 (2014).

activities, including those activities in the school system. The Convention recognizes the importance of early development, healthy habits and inclusion from an early age, as well as early intervention and support if required. To promote participation and inclusion, States must promote the inclusion of children with disabilities in play with other children, both in inclusive schools and out of school. Children with disabilities should be provided with accessible options for physical activity of their own choosing, without being forced into overly structured and programmed schedules, rehabilitative activities or domestic chores, particularly for girls with disabilities.<sup>19</sup>

27. Article 30 (5), therefore, recognizes an array of inclusive practices to ensure the participation of persons with disabilities in physical activity and sports, from mainstream to disability-specific activities, and from active participants as athletes to more structural participation as organizers. It also recognizes their role at all levels as referees, trainers, teachers and entrepreneurs in the fitness, well-being and tourism industries, among others. It focuses on three sectors that facilitate physical activity: recreation and leisure, education, and sports. These sectors commonly overlap, and cross-cutting measures applicable to some are also applicable to others.

## V. Cross-cutting implementation measures

28. Physical activity and sports occur largely in leisure and recreational settings, in education and in the practice of sports, including through clubs, fitness and well-being centres and the tourism industry and agencies. Public-driven, public-funded and private initiatives cover all of these sectors. States parties' obligations under the Convention are twofold: ensuring implementation in settings and sectors under the direct control of the State, and regulating and monitoring private activity. In the following subsection, cross-cutting issues that are applicable to States are considered. Nevertheless, many of these practices can be implemented in the private sector and are encouraged where applicable.

### A. Governance

#### 1. Strategic planning

29. States should engage in strategic planning, linking physical and mental health, education and psychosocial well-being outcomes to their policy development and implementation processes, in order to reduce the negative impact of inactivity on persons with disabilities. Accountability mechanisms in the area of sport and physical activity might be weak, underutilized or underresourced, allowing discretionary practices, such as in the allocation of grants and subsidies. Strategic objectives should include ensuring equal participation and non-discrimination between athletes and other persons with disabilities working in sports, education and recreation and leisure, compared to their peers without impairments. In 2006, Canada adopted a policy that is accompanied by a results-based accountability framework linked to budget allocation and that allows tracking of policy implementation and the impact on athletes with disabilities.<sup>20</sup>

30. Similarly, sports organizations should adopt internal policies on disability inclusion to address leadership, strategic planning, diversity and inclusion based on non-discrimination and the provision of reasonable accommodation, programming and organizational culture, and to ensure disability-specific sports options, among others. Policies should be coupled with accountability frameworks that reflect the organizations' measurable targets, through indicators that allow progress to be tracked and provide for remedial action. Whenever possible, such strategic planning should contribute to larger sustainable development and human rights. For example, the Fédération Internationale de Football Association (FIFA) adopted the FIFA World Cup Qatar 2022 Sustainability Strategy, which includes in its social

<sup>19</sup> Committee on the Rights of the Child, general comment No. 17 (2013), paras. 24, 42 and 50.

<sup>20</sup> Canada, "Policy on sport for persons with a disability", June 2006. Available at [www.canada.ca/en/canadian-heritage/services/sport-policies-acts-regulations/policy-persons-with-disability.html](http://www.canada.ca/en/canadian-heritage/services/sport-policies-acts-regulations/policy-persons-with-disability.html).



pillar specific reference to disability inclusion in relation to accessibility of venues, ticketing, and inclusion in the workforce and as volunteers.

## 2. Institutional set-up

31. National implementation of the right of persons with disabilities to engage in sport, physical activity and physical education requires the proactive engagement of many areas of Government, including the ministries of sport, health, education, tourism and urban planning, the national statistics office, and the national disability and gender focal points. To avoid uncertainty on public bodies' responsibility and accountability for specific issues, governmental structures should have clear mandates and undertake coordinated and concerted action, appointing focal points for coordination and consistency across policy implementation.

32. The institutional set-up for disability-specific sports should mirror that established for mainstream sports. In particular, synergies with sports clubs and federations should be identified to ensure that athletes in local and remote communities have equal access to sports activities as their peers without impairments. Disability-specific sports organizations, when not part of larger sports federations, should also be integrated into the structure so that they can actively contribute to sports planning and are able to monitor policy implementation.

## 3. Finance and budget

33. Governments' budgets should target the structural challenges that persons with disabilities face in terms of access to physical activity and sports. Budgets should be allocated to meet the strategic planning objectives, fund awareness-raising campaigns and make the business case for disability inclusion. Budgets could include tax incentives to promote sports activity in the private sector, such as through tax deductions for the acquisition of accessible training goods, investment in the provision of accessible facilities or support for athletes with disabilities. Disability markers, such as that of the Organization for Economic Cooperation and Development (OECD) Development Assistance Committee, that track budget planning and implementation are important tools to achieve inclusion.<sup>21</sup> Governments can also provide credit lines at low or no cost to improve the financial capacity of the private sector to invest in inclusive practices, train personnel and acquire the goods and services required to deliver for their clients with disabilities.

34. Adopting a human rights-based approach to budgeting can support States' fair distribution of funds across the complexity of the sports sector. Ensuring participation, accountability, non-discrimination and capacity to engage in budgeting, following the standards set by the Convention, can prevent arbitrary and ineffective allocations and contribute to the realization of rights. Budgets should ensure athletes' engagement in competitions, accounting for the extra costs and services and for equality of income. Budgets should also ensure equality of grants and awards for athletes with disabilities.

## 4. Procurement

35. States can increase participation in physical activity and sports by incorporating disability-inclusive requests into public procurement in order to advance accessibility. For example, in 2014, the European Union adopted a directive affecting a range of areas vital for public transport, infrastructure works, the built environment and urban planning, among others, which enable further engagement in society and in physical activity. States can also improve private sector practice to ensure affordable and good-quality equipment and services for persons with disabilities, such as through market-shaping strategies, which can reduce costs and ease pressure on social protection systems.

## 5. Multi-stakeholder partnerships

36. Public-private partnerships and partnerships among private actors are a means of increasing the participation of persons with disabilities, in particular for the promotion of

<sup>21</sup> OECD Development Assistance Committee, "Handbook for the marker for the inclusion and empowerment of persons with disabilities", February 2019.

disability-inclusive physical activities and the organization of mega-sporting events. In such partnerships, disability focal points should be appointed to support the implementation of disability-related solutions. For example, in Ireland, disability focal points in 29 local sports partnerships support and coordinate activities. The national organizations of Special Olympics International foster partnerships with private fitness clubs, yoga studios and gyms, promoting the inclusion of persons with intellectual disabilities in their activities.

## 6. International cooperation

37. States face multiple challenges in terms of enabling physical activity and sports, including those related to policy development and implementation, resources and investment. International cooperation, both technical and financial, has proven effective in addressing such challenges.<sup>22</sup> In particular, South-South cooperation can enhance States' capacities to deliver context-specific solutions that are common within regional and subregional contexts and to increase the inclusion of persons with disabilities, while not substituting for North-South development cooperation. Financial cooperation should be oriented towards investments that support the sustainability of policies and technical cooperation to develop local industries, in order to contribute to sustainable development.

## B. Legislation and regulation of the private sector

38. Legislative and other normative frameworks relevant to enhancing participation in physical activity and sport range from anti-discrimination frameworks and accessibility standards to sports-specific regulations. Legislation should recognize the right to engage in physical activity and sport, as well as explicitly prohibiting discrimination based on disability, as is the case in Australia and Mexico.

39. Other relevant legislation and regulations should be consistent with the Convention. For instance, legislation on education should embrace inclusive education,<sup>23</sup> and ensure that physical education is also inclusive. In the same way, legislation on tourism should recognize the right of persons with disabilities to engage in tourism and foster an inclusive tourism sector. For example, the Tourism Act in Uruguay makes direct reference to the inclusion of persons with disabilities in tourism.<sup>24</sup>

40. Accessibility of open spaces (such as parks and trails), facilities open to the public (such as fitness centres and clubs) and information related to physical activity (such as tourism websites) is a precondition for the participation of persons with disabilities in sport and physical activity. Urban planning legislation and regulations should establish mandatory accessibility standards and create monitoring and enforcement mechanisms to ensure the accessibility of open spaces, including sports facilities such as training points in parks.

41. States have a duty to regulate and monitor the activity of private actors to prevent disability-based discrimination and ensure compliance with accessibility standards, given the enhanced relevance of the private sector. States should support and provide incentives to develop goods and services based on universal design, and disability-specific goods and services that ensure access to mainstream services. The Guiding Principles on Business and Human Rights can serve as a powerful tool and guide to this end.

## C. Participation

42. The participation of persons with disabilities, including through their representative organizations, in public decision-making relevant to sport and physical activity is essential for improving the efficiency and efficacy of policy planning, implementation, monitoring and evaluation.<sup>25</sup> The experience of persons with disabilities is invaluable to ensuring effective policies to guide the establishment of priorities to increasingly improve access to

<sup>22</sup> For example, Uruguay has exchanged practices with Japan and Israel.

<sup>23</sup> See Committee on the Rights of Persons with Disabilities, general comment No. 4 (2016).

<sup>24</sup> Uruguay, Act No. 19,253 (2014), art. 24.

<sup>25</sup> See Committee on the Rights of Persons with Disabilities, general comment No. 7 (2018).

physical activity and sports. Carefully designed crowdsourcing in policymaking can serve to collect the diverse and wide-ranging views of the population of persons with disabilities.

43. Participation in sports organizations can have similar effects and should be encouraged in mainstream organizations such as clubs and federations to identify gaps and support inclusion. Participation should go beyond consultation and aim at direct involvement in decision-making structures such as State departments and the boards of sport organizations. Recruiting persons with disabilities within the workforce of sports organizations, at all levels, positively contributes to improving the organizations' inclusive policy and practices.

#### **D. Awareness-raising**

44. States should have an awareness-raising strategy to engage persons with disabilities in physical activity and sport. Campaigns should portray the benefits of physical activity, the availability of physical activity in mainstream settings, including tourism venues, and the negative consequences of not engaging in physical activity. Training should be available to change attitudinal barriers that may prevent the development of tourism, fitness and well-being industries that are inclusive of persons with disabilities. Training should be delivered with the participation of persons with disabilities themselves, including athletes, to combat stereotypes. Awareness-raising strategies should also target family members to enable them to support their relatives with disabilities and to plan inclusive leisure activities. States should encourage the media to properly portray respect for the dignity and rights of persons with disabilities (see A/HRC/43/27).

#### **E. Gender mainstreaming**

45. Women and girls with disabilities have lower participation rates in physical activity and sports than their male peers and other women. For example, a recent study in Spain shows that women with disabilities were two to four times less represented than men in the various disability-specific sports federations.<sup>26</sup> Similarly, another study in Finland indicated that physically active female adolescents with disabilities in 2014 represented half of the number of their male peers.<sup>27</sup> States should include a gender perspective in their policies to promote physical activity and sport among persons with disabilities, including specific measures prioritizing women with disabilities. In Finland, girls with disabilities are prioritized in the selection process for access to its physical activity programme (the Valti programme).

#### **F. Protection from violence**

46. Persons with disabilities, especially women and girls with disabilities and persons with intellectual disabilities, face a higher risk of psychological, physical and sexual violence and abuse than other persons.<sup>28</sup> In particular, the sports culture presents a scenario where the power imbalance between managers and trainers on the one hand and athletes on the other may foster abuse. Research also shows that these practices occur among athletes and in relation to women and minorities with disabilities. States need to develop safeguards to prevent, monitor and act on violence and abuse in sports.

47. Safeguards should target both adults and children with disabilities, with the aim of ensuring that sports organizations create internal systems to prevent and address violence.<sup>29</sup> Ultimately, the responsibility lies with the State and the judiciary, which should provide proper means of monitoring sports activity, prosecute perpetrators, provide redress for

<sup>26</sup> Spain, Ministry of Culture and Sport, *Anuario de Estadísticas Deportivas 2019* (Madrid, 2019).

<sup>27</sup> Kwok Ng and others, "Physical activity trends of Finnish adolescents with long-term illnesses or disabilities from 2002–2014", *Journal of Physical Activity & Health*, vol. 13, No. 8 (March 2016), pp. 816–821.

<sup>28</sup> Tine Vertommen and others, "Interpersonal violence against children in sport in the Netherlands and Belgium", *Child Abuse & Neglect*, vol. 51 (January 2016), pp. 223–236.

<sup>29</sup> United Nations Children's Fund (UNICEF) Office of Research – Innocenti, *Protecting Children from Violence in Sport: A review with a Focus on Industrialized Countries* (Florence, 2010).

survivors, and adopt measures of non-repetition. For example, in the United Kingdom of Great Britain and Northern Ireland, standards for safeguarding and protecting children in sport have been adopted, making specific reference to children with disabilities.<sup>30</sup>

## G. Assistive technology

48. Access to assistive products, such as wheelchairs, handcycles and communication aids, allows persons with disabilities to gain independence and functioning. Persons with disabilities might not have access to or be able to afford the equipment required for physical activity and sport, owing to lack of availability. WHO has found that the assistive products industry has a specialized focus and mainly targets high-income markets.<sup>31</sup> This situation creates a significant barrier to access to assistive technology that, in turn, limits access to physical activity and sports on an equal basis in middle- and low-income markets. In addition, it creates inequalities among high-performance athletes who may have access to appropriate assistive technology at a later stage, if at all, and therefore cannot train with that technology.

49. Challenges in improving access to assistive technology include systemic and monopolist practices, lack of research and innovation on context-specific design, lack of investment, and the need for State action to drive public-private initiatives. States should adopt measures to support local production, taking into account the principle of universal design and the needs of diverse constituencies, such as persons with visual impairments and those who are colour-blind. Policies should enhance the provision of assistive technology through, for instance, incentives for national production, and tax and tariff exemptions to import assistive products until national production is activated, as is the case in Chile, where the customs tariffs for assistive technologies are 0 per cent.<sup>32</sup>

50. In addition, States should provide financial support to provide athletes with disabilities with access to the equipment that they require, including professional athletes who require assistive devices and equipment for high-performance sport. For example, in Argentina and Australia, grants are available to high-performance or Paralympic athletes for purchasing assistive technology.

## H. Data collection and research

51. Available statistical data regarding the level of engagement of persons with disabilities in physical activity and sport remain scarce. States should seek to collect periodically data on these areas, disaggregating by age, gender and disability, to track the impact of measures over time. In order to promote international coherence, the UNESCO Chair on “Transforming the lives of people with disabilities, their families and communities, through physical education, sport, recreation and fitness”, at the Institute of Technology Tralee, and the Commonwealth have established forums for exchanges and collaboration on this agenda, including by proposing model indicators on sport, physical activity and physical education explicitly addressing persons with disabilities. In addition, the systematization of existing administrative data and additional data collection are necessary to assess the current participation of persons with disabilities in amateur and professional sports and the opportunities available and accessible to them, throughout States’ territory. For instance, in New Zealand, data on the physical activity of persons with disabilities is collected through the Active NZ survey.<sup>33</sup>

52. Human rights-based research in this area should be strongly promoted and resourced, especially in low- and middle-income countries.<sup>34</sup> Research can contribute to improving

<sup>30</sup> National Society for the Prevention of Cruelty to Children, Child Protection in Sport Unit, “Standards for safeguarding and protecting children in sport”, 2002 (revised 2018).

<sup>31</sup> WHO, “Priority Assistive Products List: improving access to assistive technology for everyone, everywhere”, 2016.

<sup>32</sup> Chile, Acts No. 20,422 (2010) and No. 20,997 (2017).

<sup>33</sup> See <https://sportnz.org.nz/resources/spotlight-on-disability>.

<sup>34</sup> Anna Arstein-Kerslake and others, “Introducing a human rights-based disability research methodology”, *Human Rights Law Review*, vol. 20, No. 3 (September 2020), pp. 412–432.

information on the situation of persons with disabilities in physical activity and sports and on the contextual challenges, identifying gaps and producing guidance for policy development and implementation, including through engagement by the private sector and by persons with disabilities. Community-driven data collection should also be considered while more robust data-collection mechanisms are put in place. Crowdsourced data collection can contribute to minimizing costs and expanding the research base using information technology, in particular to include those who are harder to reach.

## VI. Sector-specific implementation measures

53. States should consider all the above-mentioned cross-cutting areas that apply to the recreation and leisure and sport-specific sectors. In this section, the focus is on sector-specific implementation measures, complementing the actions listed above.

### A. Recreation and leisure

54. States, especially local governments, should enhance the accessibility of open spaces and public facilities, including parks, urban trails, public clubs and any other recreational areas, and transport, as they can have a great impact on engagement of persons with disabilities in physical activity on their own and with others, fostering inclusion. Similarly, they should ensure the accessibility of and provide information on tourist sites. The World Tourism Organization (UNWTO) developed guidelines to this end.<sup>35</sup> Tourism services and venues are available in many destinations, such as at beaches in Spain or in multiple tourist sites in Ecuador.

55. Worldwide, the fitness and wellness industry has expanded during recent decades. However, such growth has not been inclusive of persons with disabilities, whose access to mainstream training centres, gyms and clubs remains limited. States should encourage this sector to ensure access for persons with disabilities, with the provision of the necessary equipment, on equal basis with others in mainstream settings. The Universal Fitness Innovation and Transformation initiative, led by UNESCO, was developed to engage with industry leaders, promoting inclusion and providing training material and resources.

### B. Physical activity in the education sector

56. The education system should introduce children with disabilities to and include them in play and physical activity. States must implement the model of inclusive education,<sup>36</sup> including in physical education, to ensure that children with disabilities learn and play together with other children from early childhood development programmes through preschool, primary and secondary education. States should not exempt students with disabilities from physical education or extracurricular activities, such as excursions, educational trips and tournaments. Parents and caregivers of children with disabilities should be informed of available inclusive services that complement the education system.<sup>37</sup>

57. Educational entities responsible for training teachers on physical education and sports should include disability-specific and disability-inclusive sports and practices in the curricula, including when addressing the workforce that supports extracurricular activities.<sup>38</sup> The autonomy of higher education institutions should not operate as a barrier to including elective and mandatory courses in the curricula. In Lithuania, students of physical education must complete a disability-related course in pedagogy and psychology, either during their studies or during in-service training courses. Innovative online resources can provide a way of

<sup>35</sup> UNWTO, *Manual on Accessible Tourism for All* (Madrid, 2016).

<sup>36</sup> See Committee on the Rights of Persons with Disabilities, general comment No. 4 (2016).

<sup>37</sup> Convention on the Rights of Persons with Disabilities, art. 23.

<sup>38</sup> The UNESCO Chair Initiative for Inclusive Physical Education, Physical Activity and Sports, known as “iPEPAS”, provides online resources for higher education institutions and training organizations.

reaching in-service teachers: in Spain, for example, the Centre for Inclusive Sport Studies of the Universidad Politécnica de Madrid has developed online resources and guidance on inclusive sport for teacher training.

58. States should also increase the diversity of the physical education workforce, including teachers with disabilities. Institutions providing physical education should adopt inclusive and adaptable curricula. In particular, reasonable accommodation and support must be ensured in admissions procedures and for the completion of university studies in physical education. Equal certification, reasonable accommodation and support should also be provided to ensure equal access to the profession.

59. States should adopt measures to promote access by students with disabilities in special education to physical education and sport. In particular, specific attention must be given to children with intellectual disabilities, whose opportunities and level of engagement in those activities may be lower.

### **C. The sports sector and persons with disabilities**

60. The practice of recreational and professional sports brings about additional benefits to those described generally for physical activity. Sports can contribute to the development of skills for other areas of life, such as teamwork, cooperation, communication and leadership.<sup>39</sup> In addition, sports enhance participants' discipline and methods of achieving goals and results, while contributing to their physical and mental health by boosting self-esteem and reducing stress.

61. States should provide equal recognition to mainstream and disability-specific sports structures and increase efforts to coordinate, collaborate with and financially support sports organizations to increase the participation of persons with disabilities, both in inclusive and in disability-specific settings and competitions.<sup>40</sup> In particular, in many contexts, State leadership to coordinate and support the development of the disability-specific sports sector is essential, as structures may be underresourced or non-existent. This is particularly relevant at the local level and outside main cities. Support from the national Government to local governments is needed throughout the territory to increase opportunities for disability-specific sports.

#### **1. Recreational sports**

62. States should ensure that recreational sports are available to persons with disabilities in the places where they live, and that facilities and services in clubs and others are accessible. Australia supports projects across the country to this end, granting financial support. In this context, States should promote both disability-specific and mainstream sports in which persons with disabilities can participate and compete. For example, Spain promotes the practice of inclusive skiing.

63. Amateur disability-specific sports and competitions developed largely on the initiative of persons with disabilities interested in participating and because of their exclusion from mainstream sports. In recognition of this, States and private sector organizers should seek to provide mainstream and disability-specific alternatives to ensure equal opportunities for persons with disabilities. Both States and the private sector should promote opportunities for exchange between athletes, coaches and referees with disabilities and their peers without impairments, fostering camaraderie and a community of practice, and bringing further visibility to sports activities.

64. The participation of persons with disabilities in recreational sports continues to improve as societies move towards more inclusive practices. States should support these trends, abandoning the charity and medical perspectives for inclusive perspectives. Civil society organizations have also evolved in this sense. For example Special Olympics

<sup>39</sup> International Charter of Physical Education, Physical Activity and Sport, art. 2.3.

<sup>40</sup> In Spain, Act No. 10/1990 of 15 October on sport accorded legal recognition to the Spanish Paralympic Committee on equal terms as the Spanish Olympic Committee.

International has shifted to inclusive practices, promoting human rights and playing an important role in bridging the work of States, private sector and marginalized constituencies such as persons with intellectual disabilities.

## **2. Professional sports**

65. Disability-specific sports have been a means for persons with disabilities to engage in professional sports, react to and overcome the low expectations imposed on them by others in society, and create a sense of collective belonging and pride as athletes. This self- and collective affirmation contributes to their social life and self-esteem and provides a platform from which to demand better recognition and inclusion by public authorities and society.

66. Largely, persons with disabilities have to self-organize to engage in sport. They have created a multiplicity of structures, such as the Paralympic Games, the Special Olympics World Games and the Deaflympic Games. Many of these structures enjoy little or no State support, and far less than mainstream sports. In spite of that, and not without substantive challenges, athletes with disabilities and their representative organizations have overcome barriers in order to realize their athletic goals, and developed successful initiatives, such as the International Paralympic Committee. Their stories are human rights stories that contribute to changing perceptions in society about their rights and their capabilities.

67. Athletes, referees, coaches and trainers with disabilities should have equal opportunities to professional careers in sports as their peers without impairments. States should identify and promote athletes with disabilities with potential in sports and, eventually, to participate in the international competition of their choice, including but not limited to Olympic and Paralympic competitions.

68. Some athletes with disabilities have succeeded in mainstream sports, including at the Olympic Games, achieving equal or better performance than their peers without impairments. States and sport organizations should explore proper ways to facilitate access to mainstream sports for athletes, coaches and trainers with disabilities seeking to participate, to ensure that they do not face discrimination.

69. States should provide funding for inclusive and disability-specific sports organizations, activities and events, to prevent the frequent overreliance on volunteer work, and to prevent resorting to telethons or other charity approaches that may reinforce stigma. When possible, funding time frames should ensure sustainability beyond project-based initiatives or annual short-term budgets. When allocating financial support, States should consider geographical distribution to ensure equal opportunities, and equally fund athletes with and without impairments.

70. High-performance sports facilities should follow universal design principles to accommodate both athletes with and athletes without impairments, in training areas as well as in dormitories. In the Russian Federation, venues for the Paralympic Winter Games in Sochi in 2014 were designed following these principles, and the venues were later available to host the 2018 FIFA World Cup. Dormitories were available for football fans with disabilities who stayed in those facilities, and are available for accessible tourism.

71. The legacy of mega-sporting events in cities should be considered as an opportunity: they should not be seen as a one-off investment, but as the starting point for improving accessibility, changing attitudes towards persons with disabilities, exposing persons with disabilities as agents of change by including them as workers, and providing for sustainable development. In spite of the lack of research regarding impact assessment of the Paralympic Games, examples such as the positive impact of the Paralympic Games held in Barcelona in 1992 and in Beijing in 2008 on accessibility, and of those held in London in 2012 on employment in media companies, have been widely recognized.

## **3. Sports in humanitarian settings**

72. Persons with disabilities in humanitarian settings struggle with a number of challenges, including limited opportunities to participate in community activities. Promoting sport, recreation and leisure in such contexts can also serve to promote physical activity, well-being and social inclusion. The Office of the United Nations High Commissioner for Refugees

(UNHCR), the International Olympic Committee and Terre des hommes fédération internationale developed the Sport for Protection Toolkit, focusing on young people in forced displacement settings and expressly addressing persons with disabilities. In addition, UNHCR and Special Olympics International collaborate on an inclusive community-based sports programme following the Special Olympics Unified Sports model, under which youth with and without impairments compete together.

#### **4. Indigenous sports**

73. Recognition of indigenous or traditional sports is increasing, which in turn increases the visibility of indigenous cultures and keeps traditions alive for new generations. UNESCO has promoted traditional sports and games, and hosted a series of meetings towards consolidating positions in that regard. As noted by the Special Rapporteur on the rights of persons with disabilities in the summary report of the first Expert Group Meeting on Indigenous Persons with Disabilities, held in Geneva in 2016, indigenous athletes with disabilities and other athletes competed simultaneously at the World Indigenous Games. Indigenous athletes with disabilities should be supported in order to realize their right to participate in sport. Australia and New Zealand have programmes specifically addressing the intersectionality of disability and indigenous origin.

## **VII. Conclusions and recommendations**

74. **Persons with disabilities experience poorer health outcomes, in part because of lack of physical activity. States should integrate physical activity into health objectives, and take a multidisciplinary and multisectoral approach to achieve those objectives through recreation and leisure, education and sports. To this end, increased efforts and investment in research and data collection and disaggregation are essential in order to identify gaps and guide policy development and implementation.**

75. **Legislation and regulations largely do not equally recognize the rights of persons with disabilities to physical activity, particularly regarding mainstream goods, services and spaces where physical activity takes place. Access to mainstream recreation and leisure, education and sports and to disability-specific sports should be ensured without discrimination in the public and private sectors.**

76. **Attitudinal and environmental barriers largely limit the engagement of persons with disabilities in physical activity. Awareness regarding rights and the availability of services is low. States should raise awareness regarding the importance of physical activity for persons with disabilities, including health and social inclusion outcomes and involving the media in the promotion of rights. States should also work with sports organizations and the fitness and well-being industries, and build capacity to reduce the impact of attitudinal barriers.**

77. **Women and girls with disabilities are disproportionately excluded from physical activities, not only compared to other women, but also compared to men and boys with disabilities. They are also disproportionately at risk of sexual and gender-based violence and abuse. States should take specific action to counter gender-based structural exclusion and ensure safeguards to prevent disability- and gender-based violence and abuse, including intersecting forms of discrimination.**

78. **The private sector, particularly in the areas of tourism, fitness and wellness, has a prominent role to play in facilitating access to physical activity and sports. In accordance with the Guiding Principles on Business and Human Rights, States should work with these sectors and support the development of inclusive practices, including by promoting the participation of persons with disabilities in the industries as business owners, workers and consumers. Local, national and international organizations involved in sport, recreation, fitness and physical activity should commit to the full inclusion of persons with disabilities, and those that have already committed to human rights and non-discrimination overall must be sure to explicitly include persons with disabilities.**



79. **Persons with disabilities have less access to physical education in school. States should ensure physical education on an equal basis for persons with disabilities as for others, increase teachers' capacity in this respect and hire persons with disabilities as teachers.**

80. **While some efforts are being made, competition structures in inclusive or disability-specific sports do not match those of mainstream sports, meaning that athletes with disabilities are at a disadvantage compared to other athletes. States should implement governance structures with appropriate and equitable funding distribution to provide equal opportunities for athletes with disabilities to develop their careers on an equal basis with others.**

81. **There are converging areas of collaboration on human rights between athletes with disabilities and the wider community of athletes, as well as the community working on disability rights. States and sports organizations should foster cross-movement collaboration, focusing on human rights and sports, inequalities and attitude-changing awareness-raising in order to empower all stakeholders and contribute to sustainable development.**

82. **Persons with disabilities face greater barriers than their peers without impairments to access to physical activity and sports, owing to inaccessible infrastructure, lack of financial support and lack of context-appropriate assistive technology, among other reasons. States should actively take steps to address these gaps – for example, through international cooperation, including South-South cooperation – and seek sustainable financial support, technical cooperation and exchange of practices.**

---