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Promotion and protection of human rights: human rights questions including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Field of cultural rights

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur in the field of cultural rights, Alexandra Xanthaki, in accordance with Human Rights Council resolution [55/5](#).

* [A/79/150](#).

** The present report was submitted after the deadline in order to reflect the most recent information.



Report of the Special Rapporteur in the field of cultural rights, Alexandra Xanthaki

The right to participate in sports

Summary

The present report is submitted to the General Assembly pursuant to Human Rights Council resolution [55/5](#). In the report, the Special Rapporteur in the field of cultural rights, Alexandra Xanthaki, addresses the right to participate in sports as an important element of the right to participate in cultural life, and draws attention to the obstacles to the realization of that right. She clarifies the obligations of States and the responsibilities of sporting associations regarding the right, and highlights positive and concrete examples of inclusive access to and participation in sports.

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I. Introduction

1. Sports are an important aspect of our common lives. As the United Nations High Commissioner on Human Rights has noted: “Sports, like human rights, are a common language of humanity. At their core, they both promote fairness, respect, and equal opportunities for all. They both have transformative power, to trigger societal change, to inspire and promote inclusion.”¹

2. Yet, for a long time, and notwithstanding their important positive effects, neither the language nor the standards of human rights have been adequately and comprehensively used in sports. This is partly due to the nature of sport, which pushes mental and physical limits, to the tight bonding between sports associations, which discourages external scrutiny, and to very broad understandings of the doctrines of “autonomy of sport” and “sports neutrality”. Recently, louder voices calling for more inclusive sport, concerns about persistent discriminatory practices and human rights abuses in the context of mega-sporting events, and the strengthening of human rights norms, including for businesses and companies, have redirected focus to the interface of sports and human rights.

3. It is important to adopt a human rights-based approach to sports. Sports are subject to human rights standards and States have legal obligations to respect, protect and fulfil human rights in sport. In its resolution 54/25, the Human Rights Council called for a world of sports free from racism, racial discrimination, xenophobia and related intolerance. Both the High Commissioner and the Deputy High Commissioner have recently noted ongoing human rights violations in sport and called for greater scrutiny.²

4. The rightful place of sport must be acknowledged, as part of our cultural life, with activities and events that impact cultural agendas, institutions and structures within and across States. The right to participate in sports, whether grass-roots, amateur, professional, or elite,³ falls firmly within the scope of cultural rights, defined as rights relating to identities and ways of life. It is imperative that a cultural rights approach be used to discuss bias in sport, examine who sits at the table to decide on what directions should be taken in sport, who benefits from sport, who suffers from harm, and how to mitigate the risks of human rights violations in a culturally appropriate manner and strengthen the benefits that sports can have for individuals and societies.

5. Focusing on sports confirms the importance of defining the term “cultural rights” broadly. The mandate in the field of cultural rights has, since its establishment, considered culture to consist of values, beliefs, convictions, languages and knowledge, and the arts, institutions and ways of life through which people, individually and in community with others, as well as groups of people, develop and express their humanity, their world view and the meanings they give to their existence. Sports are undeniably part of culture so defined. To exclude them would be to neglect their impact on identities and ways of life, and to harm individuals and communities.

6. In preparing the report, the Special Rapporteur held an expert consultation organized by Brunel University London, which she warmly thanks.⁴ She also had

¹ See www.ohchr.org/en/statements-and-speeches/2024/07/high-commissioner-addresses-panel-promoting-human-rights-through.

² See, respectively, www.ohchr.org/en/statements-and-speeches/2023/12/advancing-human-rights-sports-can-catalyze-social-transformation and www.ohchr.org/en/statements-and-speeches/2023/07/sport-and-human-rights.

³ Contribution of the Centre for Sport and Human Rights.

⁴ The list of participants is on the webpage of the mandate at www.ohchr.org/en/calls-for-input/2024/call-input-right-participate-sports.

individual consultations with athletes, sport experts and civil society. The Special Rapporteur took part in public and academic discussions, and in United Nations forums. To collect views and experiences, a questionnaire was distributed widely in April 2024; 38 responses were received.⁵

II. Sport as a cultural expression

7. Sport is a form of physical activity or game. It does not hold the same importance or value for everyone. For some, practising sports is part of their healthy lifestyle and routine, a way to get in touch with their strengths and limitations. For children, physical education and activity is an essential part of growth, learning about the body's potential and limitations, enhancing socialization, pushing boundaries and forming character. For some, organized sports are mainly a spectacle, a performance or contest governed by rules, through which they can witness the abilities of others, cheer them on and build a sense of shared pride. For others, it is their work and their life. Sports give many a sense of belonging, making them feel part of a team that meets on a regular basis. Participating in sports can foster active citizenship, volunteerism and community engagement, promoting social responsibility and civic participation. For communities around the world, such participation is a matter of identity and pride; through sports, they demand respect and the fulfilment of their rights. In some cases, sports ritualize and channel rivalries and tensions, providing a dedicated space with established rules, in which confrontations are settled in an orderly manner.

8. Whatever sport represents in one's life, as a participant at the grass-roots level, an amateur or professional athlete, a referee, a coach, an official, a volunteer or a member of the audience,⁶ it contributes to who we are.

9. The practice of sports, especially at elite levels, is intended to test the human body. Over the centuries, it has played a role in elaborating representations of the body, not only the body's abilities but also its aesthetics, promoting certain ideals. Constant exposure to idealized images can lead to body dissatisfaction, particularly among adolescents and young adults,⁷ and can make ageing and disabilities more difficult to accept.⁸ By encouraging a focus on health, skill improvement and personal growth, rather than purely aesthetic or performance-based goals, coaches, parents and peers can help to cultivate a positive body image among young people.

10. Physical activities and games are deeply rooted in cultural traditions, practices and histories worldwide. They often function as a site of cultural transmission, where values, norms and behaviours are transmitted from one generation to another. In Kenya, for example, the Maasai Olympics⁹ have turned traditional warrior games into sporting events to conserve wildlife and reduce inter-tribal conflict. The Olympic Truce, a dedicated period during which wars are stopped and athletes meet in peace to compete in sports, is an excellent expression of how sport captures the value of peace. Sports venues, such as stadiums and arenas, can become important cultural landmarks associated with the history and identity of a particular community or

⁵ The contributions received are on the webpage of the mandate mentioned above and are referred to therein by the name of the submitting stakeholder.

⁶ Contribution of the Centre for Sport and Human Rights.

⁷ Marika Tiggemann and Amy Slater, "NetGirls: the Internet, Facebook, and body image concern in adolescent girls", *International Journal of Eating Disorders*, vol. 46, No. 6 (September 2013), pp. 630–633.

⁸ See Philip Hancock and others, *The Body, Culture and Society: an Introduction* (Open University Press, 2000), and Emmanuelle Tulle, "The ageing body and the ontology of ageing: athletic competence in later life", *Body & Society*, vol. 14, No. 3 (September 2008), pp. 1–19.

⁹ See <https://biglife.org/maasai-olympics/>.

nation. They serve as gathering places for people to celebrate their shared cultural heritage, as well as to create new memories and traditions.

11. The promotion of culturally diverse sporting programmes can be used by national and local authorities to invest in multiculturalism, inclusivity and community integration, and to recognize and celebrate diversity and social cohesion. The co-creation, with various communities, of programmes featuring sports that are typical of those communities but less well known in the wider national context can build bridges of understanding. Examples include programmes that support sepak takraw or kabaddi in South Asian communities, including in India.¹⁰ Educational initiatives through which the cultural significance of different sports is taught can help to promote understanding and respect among diverse groups and could be included in school curricula or community-based education efforts. Sports can also strengthen alliances and cooperation, and help to achieve other objectives, such as the establishment of the African Union Sports Council, which aims to promote development through sport, for example by advancing gender equality and women's agency.¹¹ Sports give us a sense of our world and promote cultural exchanges between people who would otherwise never meet or spend time with each other.

12. Sport as a system may also be seen as a cultural framework in itself, with its own rules, traditions and unspoken norms. Like all cultures, sports include toxic elements, such as the glorification of competition and of the body, the emphasis on winning and the cult-like adoration of individuals and clubs. Human rights violations often occur in those power structures. Also like all cultures, sport as a system is not static, but evolving and changing over time in response to broader cultural, social and economic forces. Globalization, for example, has led to the spread of certain sports and sporting values around the world, leading to new cultural forms and practices.

13. An understanding of sport as a separate and overlapping cultural framework, with practices that reflect and shape the values, identities and experiences of individuals and communities, provides a more comprehensive and nuanced perspective on the role and significance of sport in society, and on the human rights obligations related to it. The right to participate in and shape that cultural framework is essential for the full realization of the right to take part in cultural life.

III. The right to participate in sport in international law

14. The right to participate in sport per se is not included in human rights treaties. The United Nations Educational, Scientific and Cultural Organization, in the Revised International Charter of Physical Education, Physical Activity and Sport, recognizes that "every human being has a fundamental right to physical education, physical activity and sport."¹² In the Revised Charter, a comprehensive framework for promoting inclusive access to sports at all levels, without discrimination of any kind, is outlined, and the role of sports in fostering social inclusion, education and health is emphasized. In the European Sports Charter, the Council of Europe also calls upon States to enable every individual to participate in sports, to "protect and develop values-based sport, which is a precondition for maximising the individual and social benefits of sport" and to ensure that "the human rights of those involved in or exposed to sport-related activities are protected."¹³ In 2004, the International Olympic

¹⁰ See <https://kheloindia.gov.in/>.

¹¹ See <https://sportsCouncil.au.int/en/introduction-sport-development>.

¹² United Nations Educational, Scientific and Cultural Organization, document SHS/2015/PI/H/14 REV, art. 1. The Revised Charter was adopted on 18 November 2015.

¹³ See <https://rm.coe.int/recommendation-cm-rec-2021-5-on-the-revision-of-the-european-sport-cha/1680a43914>, art. 1.

Committee affirmed, in the fundamental principles of Olympism set out in the Olympic Charter, that “the practice of sport is a human right. Every individual must have the possibility of practising sport, without discrimination of any kind and in the Olympic spirit”.¹⁴ Still, the right recognized in the Charter is restricted only to the practice of sport.

A. International human rights framework

15. Several provisions of the international human rights framework provide elements that are key to protecting the right to participate in sports. The right to rest and leisure, enshrined in article 24 of the Universal Declaration of Human Rights, entails the right for all to enjoy time for recuperation, outside work.

16. The right to participate in sport has been implicitly or explicitly recognized for specific parts of the population in human rights treaties. In article 31 of the Convention on the Rights of the Child, the right of the child to rest and leisure, to engage in play and recreational activities, and to participate freely in cultural life and the arts is recognized. The Committee on the Rights of the Child, in its general comment No. 17 (2013), emphasized the importance of sports and games for children’s development and well-being. In the Convention on the Elimination of All Forms of Discrimination against Women, the right to participate in sports is addressed in articles 10 (g) and 13 (c), in which States Parties are called upon to provide the same opportunities for women and men to participate actively in sports and physical education, and in recreational activities, sports and all aspects of cultural life. In the Convention on the Rights of Persons with Disabilities, the right to participate in sports is recognized in article 30 (5), in which States are required to ensure that persons with disabilities have an opportunity to organize, develop, and participate in disability-specific sporting and recreational activities, and that such persons have access to general sporting activities at all levels.¹⁵ The Committee on Economic, Social and Cultural Rights stresses, in paragraph 35 of its general comment No. 6 (1995) on older persons, within the scope of the right to physical and mental health, the need to maintain a healthy lifestyle, which includes exercise.

17. The United Nations Declaration on the Rights of Indigenous Peoples provides, in its article 31, that Indigenous Peoples have the right to maintain, control, protect and develop their sports and traditional games, and to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge and cultural expressions.

18. In article 22 of the African Youth Charter, the right of every young person to rest and leisure and to engage in play and recreational activities that are part of a healthy lifestyle is recognized. States are also required to “make provision for equal access for young men and young women to sport, physical education, ... recreational and leisure activities” and to “put in place adequate infrastructure and services in rural and urban areas for youth to participate in sport”.¹⁶

19. In 2009, it was generically and explicitly recognized that the right to participate in sport is part of cultural rights, on the basis of article 15 of the International Covenant on Economic, Social and Cultural Rights. In its general comment No. 21 (2009), the Committee on Economic, Social and Cultural Rights confirmed explicitly that sports and games are part of cultural life, highlighting their importance for the

¹⁴ See <https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/Olympic-Studies-Centre/List-of-Resources/Official-Publications/Olympic-Charters/EN-2004-Olympic-Charter.pdf>.

¹⁵ See also general comment No. 2 (2014) of the Committee on the Rights of Persons with Disabilities, paras. 44–46.

¹⁶ See <https://au.int/en/treaties/african-youth-charter>.

full realization of human rights. In paragraph 13, the Committee noted that “culture ... encompasses, inter alia ... sport and games” and that “culture shapes and mirrors the values of well-being and the economic, social and political life of individuals, groups of individuals and communities.” Sports and games can also be considered to be part of a community or group’s heritage and therefore require the same recognition and protection as other forms of cultural heritage.¹⁷

20. In view of the indivisibility and interdependence of human rights, the full realization of the right to participate in sports can also contribute to the enjoyment of various other human rights, including the right to a healthy environment.¹⁸ Those interactions should be considered carefully.

21. International human rights instruments must be implemented without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, as stated in article 2 of the International Covenant on Economic, Social and Cultural Rights and article 2 of the International Covenant on Civil and Political Rights. Article 5 (e) (vi) of the International Convention on the Elimination of All Forms of Racial Discrimination, article 3 of the Convention on the Elimination of All Forms of Discrimination against Women and article 30 of the Convention on the Rights of Persons with Disabilities stress that all persons, irrespective of their specific situation or status, have the right to take part in cultural life.

22. In paragraph 5 of its general recommendation No. 28 (2010), the Committee on the Elimination of Discrimination against Women made the following clarification: “Although the Convention only refers to sex-based discrimination, interpreting article 1 together with articles 2 (f) and 5 (a) indicates that the Convention covers gender-based discrimination against women. ... The application of the Convention to gender-based discrimination is made clear by the definition of discrimination contained in article 1.” Discrimination based on gender is therefore included in the prohibited grounds for discrimination.

23. States are under the obligation to take positive measures to ensure that the right to participate in sport is realized. That obligation challenges the doctrine of the “autonomy” of sport, in accordance with which it is argued that States should not exercise undue influence in sport. States and public bodies are under the obligation to ensure that public and private bodies, including sporting associations and bodies, do not violate the right to participate in sports or any other human right during sport; when necessary, States must take positive measures to ensure that the right to participate in sports is fulfilled. Neutrality is irrelevant to human rights issues, claims and campaigns.

B. Rights holders and duty bearers

24. The right to participate in sports is for everyone, not just athletes. All persons have a right to take part in sports, and therefore to contribute to cultural life in various ways through physical activities and games. In organized sport, “everyone” includes, beyond those practising sports at all levels, technical officials, coaches, judges, volunteers, spectators, sponsors, broadcasters, journalists and audiences.¹⁹

¹⁷ For more information on international law obligations related to heritage, see www.ohchr.org/en/special-procedures/sr-cultural-rights/cultural-rights-approach-heritage.

¹⁸ Contribution of Géraud de Lassus St-Geniès.

¹⁹ See the proposed sports ecosystem of the Centre for Sport and Human Rights (www.sporhumanrights.org/what-we-do/sports-ecosystem/).

25. In international human rights law, States are the primary duty bearers. They are under the obligation to ensure that the right to participate in sport is realized within their jurisdiction, and to take specific and clear measures to ensure such realization. States in which international sporting associations are domiciled are required to take the steps necessary to prevent human rights violations abroad by those associations.²⁰ At the same time, the Guiding Principles on Business and Human Rights apply to all business enterprises, both transnational and others, regardless of their size, sector, location, ownership and structure. Business enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved.²¹

C. The meaning of participation

26. The requirement that participation be culturally appropriate is essential to all cultural endeavours, including sports. Participation is meaningless if it is not embedded in one's own context and does not integrate people and people's identities, values, aspirations and resources.

27. Participation in cultural life has been developed by the Committee on Economic, Social and Cultural Rights as implying the rights to participate in, and to have access and contribute to, cultural life.

1. Access

28. In sports, participation has traditionally meant access of everyone to the practice of sport, without discrimination of any kind.

29. The limited resources of States must not be used to justify the denial of the right of access to sport: article 2 (1) of the International Covenant on Economic, Social and Cultural Rights requires that each State Party take steps to realize the rights recognized in the Covenant using "the maximum of its available resources", while article 2 (2) requires that States Parties uphold those rights without discrimination and with immediate effect. Where disparities exist for specific parts of the population, States must take immediate, precise and positive measures to ensure equal access.

30. Access to sport includes physical access to sports facilities and equipment either to practise or to watch sports. It includes free or affordable public training fields and equipment for all, as well as high-quality continuous physical education and sports activities. The Special Rapporteur has heard of cases in which local councils keep football pitches locked and hence restrict the opportunity for refugee children to play there, on the pretext that they would ruin the grass. Such cases are unacceptable. The Special Rapporteur is also deeply concerned about reports that suggest that women are segregated from men or even prevented from following sports entirely, either as participants or as audience members, in the name of so-called religious or cultural traditions. Equality cannot be restricted in the name of culture.

2. Participation

31. Access to sports cannot be viewed as separate from participation in sports. Such participation must be given a broader meaning than merely practising sport. It also includes participation, without discrimination, in decision-making, for example through participation in sports associations; in preparations for events and meetings, as a volunteer or as an employee; in the dissemination of information about athletes

²⁰ See para. 26 of general comment No. 24 (2017) of the Committee on Economic, Social and Cultural Rights, and International Court of Justice, *Corfu Channel case*.

²¹ See www.ohchr.org/sites/default/files/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf.

and teams; and in efforts to ensure the visibility of sporting events, either through local media outlets or by engaging in fan activities.

32. Action plans may help States to ensure that a certain level of participation in sport is ensured for all, including specific parts of the population, such as women and girls, persons with disabilities, persons living in poverty or in remote areas, older persons, individuals, minorities and Indigenous Peoples. Safe, effective participation often depends on the realization of other rights, including those related to security, the protection of the environment, and education.

33. Indigenous Peoples also have the right to maintain, practise and develop their own sports, including by deciding on the structures, processes and procedures that they choose to promote in order to support them.²²

3. Contribution

34. In addition to participation in sports, everyone must have the right to contribute to the design, establishment and evaluation of programmes relating to sports, and to participate in discussions about the evolution of sports, their meaning for individuals, communities and wider society, and the ways in which they shape identities, values and ways of life.

35. Not everyone will make the same contribution or contribute at the same level, but athletes and experts are not the only people who have the right to contribute. Audiences, athletes' parents and lay people have the right to contribute at different levels, without undermining the existing system of sporting structures. In so doing, they can complement sporting bodies in many ways, and ensure that those bodies respond to their needs and those of wider society. Sport programmes and facilities should be adaptable to the changing needs and preferences of individuals and communities, as well as to evolving social, cultural, and technological contexts.

36. The doctrine of the "autonomy of sport" acts to a great extent as a way of shielding sports from external scrutiny and accountability. As the argument goes, sports and sporting law (*lex sportiva*) are so special that State interference and regulation must be limited.²³ This doctrine, recognized by many, including the European Commission, the European Council and the General Assembly,²⁴ cannot act as an obstacle to contributions by all to the evaluation of existing structures, policies and practices and their improvement through initiatives that receive contributions from, and are at times led by, different sectors and individuals. Remedies for recognized abuses and violations are essential in ensuring that the voices of all are heard and taken into account.

D. Limitations to the right to participate in sports

37. Like most human rights, the right to participate in sports may be subject to limitations under international law. Such limitations must be based in law, pursue a legitimate aim, be compatible with the nature of the right and be strictly necessary for the promotion of general welfare in a democratic society, in accordance with article 4 of the International Covenant on Economic, Social and Cultural Rights. Any

²² United Nations Declaration on the Rights of Indigenous Peoples, arts. 5, 11, 19 and 31.

²³ William Rook and Daniela Heerdt, eds, *The Routledge Handbook of Mega-Sporting Events and Human Rights*, Routledge International Handbooks (Abingdon, United Kingdom of Great Britain and Northern Ireland, Routledge, 2023), p. 43.

²⁴ See General Assembly resolution 69/6; European Council, Presidency Conclusions of the special meeting held in Lisbon on 23 and 24 March 2000 (www.europarl.europa.eu/summits/lis1_en.htm); and European Commission, White Paper on Sport (2007).

limitations must therefore be proportionate, meaning that, when several types of limitations may be imposed, the least restrictive measures must be taken.

38. Accordingly, limitations of the right to participate in sports on the basis of certain interpretations of morality and public order are to be carefully analysed to ensure that they meet the above-mentioned threshold and that less restrictive measures have been taken before the participation in sports of certain persons is effectively limited.

39. Under article 19 of the International Covenant on Civil and Political Rights, the right to freedom of expression may be subject to certain restrictions that are provided by law and are necessary for the respect of the rights or reputations of others, or for the protection of national security or of public order, or of public health or morals. Under article 20, any propaganda for war, as well as any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, is prohibited by law. The Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (A/HRC/22/17/Add.4, appendix) provides insightful guidance on how to protect and promote the right to freedom of opinion and expression while combating discrimination and incitement to hatred. The Special Rapporteur stresses that art, and the use of symbols such as flags, uniforms, signs and banners, are legitimate forms of expression that may be restricted only in rare cases, as set out above.

40. Under article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, States, with due regard to the principles embodied in the Universal Declaration of Human Rights, shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof.

41. These various texts establish the parameters for defining possible limitations of the right to participate in sports, and for setting the rules that may limit hate speech and calls for violence by fans and others in the field of sports.

42. Rules that limit participation in sports for safety and security reasons, for example by limiting the number of audience members, or the acceptable clothing for players to avoid injuries, should also be established by public authorities and sports bodies with the same human rights threshold in mind, and be revised on a regular basis to ensure that they continue to serve a legitimate aim and are strictly necessary for the promotion of general welfare.

43. Participation in sport is a right. It is proclaimed by some as a “privilege” on the basis that sports governing bodies set eligibility criteria for the participation of athletes or officials in competitive sport pathways and that, at grass-roots levels, access is also managed by relevant local clubs and associations. First, we are still referring to a right, as everyone has the right to compete to satisfy those criteria. Second, specific characteristics do not turn the right into a privilege: women’s rights apply only to women, but they are still rights, not privileges. Third, the right to participate in sports requires that eligibility criteria be clear and consistent with international human rights standards, including the principles of non-discrimination and equality. In the event of disputes, the burden of proof should lie with the party setting the rule, and not with the alleged victims of discrimination.²⁵

²⁵ See the opinion adopted by the Committee on the Elimination of Racial Discrimination under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, concerning

44. The existing high degree of autonomy and self-regulation in sport must not be detrimental to human rights. Ensuring the application of human rights standards in sport is clearly part of the human rights obligations of States and other relevant stakeholders. The Special Rapporteur is convinced of the need to do more to ensure that such State obligations are met and that clear and effective remedies exist for any such violations.²⁶

IV. Obstacles to and violations of the right to participate in sports

A. Physical stereotypes and prejudices

1. Gender stereotypes

45. The intersection of gender and sports plays a crucial role in shaping body image perceptions. As stated by the Committee on Economic, Social and Cultural Rights, “gender refers to cultural expectations and assumptions about the behaviour, attitudes, personality traits, and physical and intellectual capacities of men and women, based solely on their identity as men or women”, and affects the equal right of men and women to the enjoyment of their rights.²⁷ For men, sports typically emphasize muscularity, strength and endurance. In contrast, women practising sports are often pressured to maintain a balance between athleticism and conventional femininity, resulting in a complex relationship with body image.²⁸ These struggles are even more pertinent in female athletes; as their bodies become more muscular and athletic, they may find themselves scrutinized in sports, while departing further from social norms related to femininity.

46. Social constructs about sports disciplines are additional ways of scrutinizing and controlling women’s participation in sport. The sports that are considered to be more suited to men and to women may differ from one country to another, but those differences certainly affect the free agency of individuals to choose their sport of choice. In certain contexts, sports such as rugby or boxing are seen as more “masculine”, whereas figure skating and ballet are deemed “feminine”. Women and men participating in sports disciplines that are associated with the other gender may face mockery, intimidation and disapproval from their friends and family. In some cases, choosing those disciplines may lead to those participants’ gender or sexual orientation being openly questioned and to their resulting marginalization on the basis of those suspicions.

47. In 2023, the Special Rapporteur, together with the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, the Working Group on discrimination against women and girls, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and the Working Group on the issue of human rights and transnational corporations and other business enterprises, adopted a policy position in relation to the protection of human rights in sport without discrimination based on sexual orientation, gender identity and sex characteristics.²⁹ In the policy

communication No. 60/2016 (CERD/C/103/D/60/2016), and the views adopted by the Committee on the Elimination of Discrimination against Women under article 7 (3) of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, concerning communication No. 143/2019 (CEDAW/C/77/D/143/2019).

²⁶ Contribution of the Centre for Sport and Human Rights.

²⁷ General comment No. 16 (2005) of the Committee on Economic, Social and Cultural Rights, para. 14.

²⁸ Vikki Krane and others, “Living the paradox: female athletes negotiate femininity and muscularity”, *Sex Roles*, vol. 50, Nos. 5–6 (March 2004), pp. 315–329.

²⁹ See www.ohchr.org/sites/default/files/documents/issues/sexualorientation/iesogi/2023-10-31-stm-sogi-policy-en.pdf.

position, those Special Procedures mandate holders urge the continuous unpacking of the decades-old gender stereotyping and policing of gender norms in sport.

2. Racial stereotypes

48. In addition to gender, body image and athletic expectations in sports are strongly influenced by racial stereotypes, which significantly influence how people perceive themselves and how they are perceived by others when engaging in sports.

49. Persons of African descent often contend with stereotypes that emphasize natural physical prowess while downplaying intellectual abilities. This “natural athlete” stereotype can have a dual effect: while it may initially seem complimentary, it reinforces a limited view of those persons’ abilities, focusing on their bodies rather than their skills, work ethic or intellect.³⁰ The stereotype therefore creates an image with which persons of African descent have to conform. In addition, black women may face the compounded challenge of gendered and racialized body ideals, on the basis of which their physiques are scrutinized against both white feminine standards and athletic stereotypes.³¹

50. Similar stereotypes exist in relation to Indigenous individuals, who are also portrayed as innately physically gifted and are often actively sought after to play sport; however, such positive assessments do not extend to their leadership, intellectual or management skills in sport.³² The difficult challenges facing Indigenous women as a result of the intersectionality of racial and gender stereotypes are similar to those facing Latina female athletes, who often have to manage the cultural expectations of their own communities about femininity, body shape and even lifestyles, as well as the expectations of their sporting communities.³³

51. In contrast, persons of Asian origin often also encounter racial stereotypes that depict them as less physically capable of athletic excellence than others. Studies have shown that Asian sportswomen are still depicted as delicate, graceful, modest, obedient and psychologically weak, while their successes are attributed to their male coaches, leaders, fathers or husbands.³⁴ Those stereotypes direct them away from participating in sports that require strength and power, can lead to a lack of representation in certain sports, and contribute to body dissatisfaction among those who defy those prejudices.

3. Age stereotypes

52. In many sports disciplines, there are strong prejudices concerning the physical abilities of persons above a certain age, and against the participation of older persons as equal players and participants in sports activities.

³⁰ John Hoberman, *Darwin’s Athletes: How Sport Has Damaged Black America and Preserved the Myth of Race* (Boston, Houghton Mifflin, 1997).

³¹ Kristen Harrison and Barbara L. Fredrickson, “Women’s sports media, self-objectification, and mental health in black and white adolescent females”, *Journal of Communication*, vol. 53, No. 2 (June 2003), pp. 216–232. See also Patricia Hill Collins, *Black Sexual Politics: African Americans, Gender, and the New Racism* (New York, Routledge, 2004).

³² Nicholas Apoifis, Demelza Marlin and Andrew Bennie, “Noble athlete, savage coach: how racialised representations of Aboriginal athletes impede professional sport coaching opportunities for Aboriginal Australians”, *International Review for the Sociology of Sport*, vol. 53, No. 7, pp. 854–868.

³³ Christy Greenleaf, “The impact of physical activity on psychological well-being and body image”, *Journal of Sport & Exercise Psychology*, vol. 27, No. S1 (January 2005), p. 39.

³⁴ Yue Xue and others, “Media portrayal of sportswomen in East Asia: a systematic review”, *International Review for the Sociology of Sport*, vol. 54, No. 8 (December 2019), pp. 989–1004.

53. In some countries, the perception that sport is mainly for young persons results in a lack of investment in spaces, infrastructure and programmes that would allow persons of all ages to maintain their participation in sports. Older persons frequently encounter barriers due to the lack of age-appropriate programmes and facilities. For example, a study in Australia found that older persons were less likely to participate in sports than younger age groups, citing a lack of opportunities and age-related stereotypes as significant barriers.³⁵ Older athletes also often experience reduced opportunities and support in relation to participation in competitive sports.

54. That lack of opportunities makes maintaining a healthy and active lifestyle in older age more difficult, reinforcing the stereotype that older persons should not take part in sports. The public policies of some States, especially China and Japan, which foster the programming of physical activities for older persons, are commendable and demonstrate that, with adapted infrastructure and conditions, everyone can continue to enjoy the right to participate in sports throughout their life.

55. Media representations can perpetuate or challenge athletic stereotypes. The celebration of diverse body types and athletic skills can foster a healthier and more positive perception of bodies across all demographics, thereby helping to convey the universality of the right to participate in sports. States have an obligation to take measures to minimize stereotyping that constitutes discrimination or restricts the scope of the right to participate in sports for everyone.

B. Discrimination in the enjoyment of the right to participate in sports

56. Discrimination continues to represent a significant barrier to many people's free participation in sports, undermining fairness and inclusivity, as well as substantive equality and respect. Exceptions to the prohibition of discrimination must be legal, and proven necessary and proportionate to the achievement of a legitimate aim, such as ensuring fair competition.

57. Often, "merit" and "ability" are suggested as reasonable criteria for the restriction of participation in sports. The idea of sport as "a privilege, not a right" must be rejected, as it allows discrimination to be tolerated and participation in sports as a human right to be undermined. Recognition of the importance of the right to participate in sport as a cultural right may improve the balance between the diverse values of collaboration and competition in sport, in a way that is more compatible with the spirit of human rights.

58. When are selection criteria, and therefore exclusion from competition on the basis of performance, legitimate? Two elements should apply. First, the eligibility criteria must be objective and reasonable, based on scientific evidence or other elements, and continuously revisited and confirmed. They must not act as a façade masking indirect discrimination, or be influenced by stereotypes or political or social considerations. Second, an enabling environment must be provided for everyone to have the opportunity to reach the threshold of competitive sport. States must establish and maintain such an environment by ensuring access to and participation in everyday practice in schools and public infrastructure, and to programming, equipment and training opportunities, which entails guaranteeing fair access to competitive opportunities. While recognizing that not everyone will achieve the same results and

³⁵ Claire R. Jenkin and others, "Sport and ageing: a systematic review of the determinants and trends of participation in sport for older adults", *BMC Public Health*, vol. 17 (December 2017), p. 976.

levels of performance in their practice, equal conditions should allow everyone to develop their full potential.

1. Socioeconomic inequalities and discrimination based on economic status

59. Poverty plays a powerful role in limiting people's access to sports, including competitive sports. The costs of ensuring adequate nutrition, regular coaching, quality equipment, access to facilities and, in some cases, travel make it difficult for persons with low income, including youth from disadvantaged backgrounds, to participate in sports, develop their full potential and talent, and, eventually, have the opportunity to excel.

60. The contributions received from States demonstrate the challenges: Guatemala notes that economic constraints lead to difficulties in accessing sports teams, qualified coaches and athletic development programmes.³⁶ El Salvador sees the high costs of membership fees, equipment, uniforms and travel as reasons for unequal participation in sports.³⁷ A review of high-income countries found that the rising cost of sports participation has reduced participation in sports, particularly among children.³⁸

61. For persons living in poverty, the time available for sports practice may also be limited due to the need to prioritize securing either an income or basic commodities such as food, water, medicine and shelter. In many contexts, children from poor families often have to work to support their households, leaving little time for sports and recreational activities. Children from low-income families are less likely to participate in extracurricular sports activities due to the need to prioritize academic work or family responsibilities.

62. Areas where people with low income live often receive less investment from public authorities; as a result, sporting facilities and equipment are lacking or of poor quality. El Salvador, Guatemala and Iraq note in their contributions that a lack of adequate and accessible sports facilities, particularly in rural areas and marginalized communities, limits people's participation in sports.³⁹ In sub-Saharan Africa, a report found that only 29 per cent of schools had access to sports facilities, with rural areas being the most underserved.⁴⁰ In India, a study showed that only 4 per cent of the Government's sports budget was allocated to grass-roots and community-level sports programmes.⁴¹ In many low-income neighbourhoods in Brazil, such as favelas, young people's participation in sports is hindered by a severe lack of public sports facilities and safe spaces, such as playing fields and gymnasiums, for children and youth to play in.⁴² For States under international sanctions, the high costs of sports equipment as a result of such sanctions are cited as a limiting factor in ensuring that everyone has access.⁴³

³⁶ Contribution of Guatemala.

³⁷ Contribution of El Salvador.

³⁸ Katherine B. Owen and others, "Fair play? Participation equity in organised sport and physical activity among children and adolescents in high income countries: a systematic review and meta-analysis", in *International Journal of Behavioral Nutrition and Physical Activity*, vol. 19, No. 27 (March 2022).

³⁹ Contributions of El Salvador, Guatemala and Iraq.

⁴⁰ United Nations Children's Fund, *The State of the World's Children 2019: Children, Food and Nutrition – Growing Well in a Changing World* (New York, 2019).

⁴¹ Joanne Clark and Sarthak Mondal, "Sports participation in India: challenges and opportunities", *International Journal of Sport Policy and Politics*, vol. 14, No. 4 (September 2022), pp. 729–741.

⁴² Marcelo Carvalho Vieira and others, "An analysis of the suitability of public spaces to physical activity practice in Rio de Janeiro, Brazil", *Preventive Medicine*, vol. 57, No. 3 (September 2013), pp. 198–200.

⁴³ Contributions of Cuba and the Bolivarian Republic of Venezuela.

63. In a similar manner, quality sports programmes and coaching tend to be concentrated in more central or well-off areas. In South Africa, the stark contrast between the well-funded sports programmes in affluent schools and the lack of resources and qualified coaches in schools serving low-income communities perpetuates inequality in sports participation.⁴⁴

64. Participation also depends on the possibility to reach sports facilities safely. When sports facilities are far away, the lack of safe and affordable public transport makes it difficult for people, particularly women and girls, to access such facilities and events.⁴⁵

2. Discrimination based on race, colour, ethnic origin and nationality

65. Unfortunately, racism is still rampant in sport. The discourse of sports as a post-racial, meritocratic and fair space in which racialized inequities are a thing of the past draws from very specific examples of elite minority athletes and undermines difficult ongoing structural discrimination in sport.⁴⁶ Direct exclusion on the basis of colour, or of ethnic or national identity, may be less common than previously, but silent exclusion must still be addressed. Media outlets have questioned why the swimmer Adam Maraana is only the third Palestinian with Israeli citizenship ever to compete in the Olympics, especially given that studies suggest that athletes are expected to underplay their Palestinian identity.⁴⁷ Racial abuse of players, volunteers, referees and managers is fairly common and significantly affects individuals' opportunities and experiences in sports. In the United Kingdom of Great Britain and Northern Ireland, Eniola Aluko's complaints about the discrimination she had faced as a British-Nigerian footballer were met with indifference by the Football Association of England. Minority participants very much continue to suffer from discrimination and abuse in sport. It is reported that, at the 2022 Fédération Internationale de Football Association World Cup, held in Qatar, certain national or racial groups, in particular fans of African descent, were often denied access to stadiums by security guards for wearing national costumes or bringing in instruments (e.g. drums and horns) and banners (including items permitted under the regulations of the Fédération).⁴⁸ State efforts to address racism in sports are of paramount importance; they must recognize the multilayered complexity and interconnectedness of racialized exclusions. The Special Rapporteur welcomes the plans of action and guidelines that have been published recently by States such as Australia⁴⁹ as one element of such efforts, and encourages campaigns in the media that celebrate ethnic and cultural diversity in sports.

66. Concerning discrimination on the basis of nationality, in 2022, the Special Rapporteur in the field of cultural rights and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance urged the International Olympic Committee to change its position and recommend to sporting

⁴⁴ See <https://edoc.unibas.ch/78296/1/2020-09-17-Diss-final%20-edoc.pdf>.

⁴⁵ See, for example, the uneven access to public spaces, including sports facilities, in Mexico, discussed in Sergio Alvarado Vazquez and Cesar Casiano Flores, "The perception of public spaces in Mexico city, a governance approach", *Journal of Urban Management*, vol. 11, No. 1 (March 2022), pp. 72–81.

⁴⁶ Steven Bradbury and Dominic Conricode, "Racialisation and the inequitable experiences of racialised minority coaches in men's professional football club youth academies in England", *International Review for the Sociology of Sport* (July 2024).

⁴⁷ Yuval Yonay and Eran Shor, "Ethnic coexistence in deeply divided societies: the case of Arab athletes in the Hebrew media", *The Sociological Quarterly*, vol. 55, No. 2 (2014), pp. 396–420.

⁴⁸ Contribution of the Centre for Sports and Human Rights.

⁴⁹ Australia, Human Rights Commission, *Guidelines for Addressing Spectator Racism in Sports* (Sydney, 2021) (see https://humanrights.gov.au/sites/default/files/document/publication/ahrc_spectator_racism_guide_a4_r7_.pdf).

associations the inclusion of Russian and Belarusian athletes in sports as neutral athletes under specific conditions, while continuing to exclude those States' officials, flags and symbols.⁵⁰ Whereas differential treatment is allowed in international law in pursuit of a legitimate aim, in this case the Olympic Truce and peace, individuals cannot be held accountable for the actions of their States. Any restriction of their right to participate in sport must be based on their individual conduct and be similar to restrictions on other individuals in similar positions. A blanket ban excluding athletes from competitions solely on the basis of nationality would be disproportionate and contrary to human rights, which are beyond politics.

67. The Special Rapporteur in the field of cultural rights welcomes the fact that, after conducting many consultations, the International Olympic Committee adopted a more nuanced position, ensuring that sanctions targeted the responsible States and their symbols, rather than individual athletes. At the 2024 Olympics, Russian and Belarusian athletes were allowed to take part under a neutral flag, provided that they did not actively support the war in Ukraine, particularly by being contracted to the military or security agencies of the Russian Federation or Belarus.⁵¹ The Special Rapporteur has stressed that athletes should not be required to take sides in conflicts, including by their sports associations, and are entitled to their freedom of opinion. She has also emphasized that the same rules, especially regarding past and present military activities, must apply to all athletes, whatever their nationality, whether they play individually or in teams.⁵² Just before the start of the 2024 Olympics, the request from the Palestine Olympic Committee for the International Olympic Committee to exclude Israel for violating the Olympic Truce and the Olympic Charter through its military operation in Gaza was denied. The Special Rapporteur intends to remain seized of the issue, especially following the issuance by the International Court of Justice of an advisory opinion on the matter.⁵³

68. Discrimination based on nationality also affects persons who are relocated or have applied for refugee status, when they are excluded from sporting facilities on that basis. Their socioeconomic conditions, marginalization and everyday realities make focusing on sport a struggle. At the 2016 Olympics, held in Rio de Janeiro, Brazil, the International Olympic Committee established the Refugee Olympic Team, composed of athletes from countries affected by conflict, such as South Sudan and the Syrian Arab Republic.⁵⁴ The International Olympic Committee also worked with national Olympic committees to provide funding and training for refugee athletes who were prevented from pursuing sports in their home country. That practice could be expanded to support athletes who do not have refugee status but are nevertheless unable to practise sports in their home country and are forced to migrate.

3. Discrimination based on sex, sexual orientation and gender identity

69. Women and girls continue to encounter significant barriers in sports, marked by discrimination, unequal opportunities, lower investment and inadequate media coverage compared with their male counterparts. These disparities not only limit their

⁵⁰ Letter of 14 September 2022 (communication AL OTH 90/2022).

⁵¹ See <https://stillmed.olympics.com/media/Documents/News/2023/12/principles-of-participation-for-individual-neutral-athletes.pdf> and the contribution of the Russian Federation.

⁵² See www.ohchr.org/sites/default/files/documents/issues/culturalrights/activities/SR-CulturalRights-QA-4May2023-en.pdf and www.ohchr.org/en/press-releases/2023/02/un-experts-commend-ioc-considering-admission-russian-and-belarusian-athletes.

⁵³ International Court of Justice, *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Case No. 186, Advisory Opinion, 19 July 2024.

⁵⁴ See <https://olympics.com/ioc/refugee-olympic-team> for the composition of the Refugee Olympic Team.

participation but also affect their visibility and development within various sports disciplines; as a result, it is de facto impossible for them to fulfil their true potential in pursuing their athletic aspirations.

70. The Special Rapporteur recognizes that, for the first time in history, an equal number of women and men participated in the 2024 Olympic Games,⁵⁵ and that the women's events were scheduled to ensure better media coverage. Those accomplishments should be acknowledged, and should serve as good practices and thresholds for all national and international competitions.

71. Unfortunately, in some countries, women face outright exclusion from sports. In Afghanistan, the de facto authorities have systematically denied women's and girls' participation in sports.⁵⁶ That denial includes bans on playing sports professionally, accessing sports facilities and even using public parks or gyms for exercise.⁵⁷ Those who try to avoid the ban face threats of violence and intimidation. The Taliban's institutionalized system of discrimination, segregation, and disrespect for the human dignity of women and girls may amount to crimes against humanity, including the crime of gender persecution (see [A/HRC/56/25](#)). Afghan women note that the situation can best be described as gender apartheid. Such clear human rights abuses can never be justified, especially by hijacking the transformational positive concept of culture. As mentioned in a letter sent to the International Olympic Committee in August 2024 by the Special Rapporteur and other Special Procedures of the Human Rights Council (communication OTH 113/24), the Committee, sporting associations and their host countries must, as part of their human rights obligations and responsibilities, urgently act to prevent the violation of women's right to participate in sports in Afghanistan and all other countries, including countries to which women migrate, and to apply human rights "due diligence" (see Human Rights Council resolution [17/4](#)).

72. In the Islamic Republic of Iran, a reported 64 per cent of women lack adequate access to physical activities.⁵⁸ Although Iranian women are not legally prohibited from riding bicycles or attending male sporting events, they are prevented from doing so by the authorities, who deem such activities immoral. Women athletes are prohibited from being coached by men, and their sporting opportunities are therefore limited.⁵⁹ Those discriminatory practices cannot be justified by any perceived understanding of morality. Equality between men and women is enshrined in customary international law and represents a common value of humanity.

73. Discrimination based on sexual orientation and gender identity is also prevalent. Homophobia and transphobia in sporting environments can deter LGBTIQ+ persons from participating in sport and lead to mental health struggles. When asked about their experiences in Europe, almost 90 per cent of LGBTIQ+ respondents considered homophobia and transphobia in sport to be a current problem, while 82 per cent reported that they had witnessed homophobic or transphobic language in sports in the preceding 12 months.⁶⁰ The hostile atmosphere in some sports settings underscores the need for inclusive policies and supportive environments that affirm the right of LGBTIQ+ persons to express their identities and promote their well-being.⁶¹ In that

⁵⁵ See <https://olympics.com/ioc/news/applying-a-gender-lens-to-ensure-that-men-s-and-women-s-sports-have-equal-visibility-at-paris-2024>.

⁵⁶ Contributions of Femena (Afghanistan), Rawadari and Women in Sport.

⁵⁷ Contribution of Rawadari.

⁵⁸ Contributions of Femena (Islamic Republic of Iran) and Women in Sport.

⁵⁹ See the contributions of Femena (Islamic Republic of Iran) and Women in Sport for more examples.

⁶⁰ Contribution of the European Gay and Lesbian Sport Federation.

⁶¹ See the contributions of ILGA World, Disrupción Queer, the European Gay and Lesbian Sport Federation, and Outright International.

respect, education campaigns and consistent action by the State are important steps forward.

74. In 2023, in a joint policy position, a group of Special Procedures mandate holders addressed gender equality in sport.⁶² The experts reiterated the right of any person to their gender identity and to be respected in their dignity, as enshrined in articles 6 and 7 of the Universal Declaration of Human Rights. Denying adult women their right to gender self-identification, including by insisting on calling them “male”, is unacceptable and may be regarded as hate speech. The Committee on the Elimination of Discrimination Against Women has clarified, in its general recommendation No. 28 (2010), that discrimination against women refers to both sex and gender. International law protects all women, including intersex and trans women; that protection includes their right to participate in sport. Distinctions among women must be determined by law, comply with the strict criteria of necessity and proportionality, and represent the least restrictive measure that may be taken to reach a legitimate aim.

75. That position has not been adopted by all sporting bodies. While the 2021 International Olympic Committee Framework on Fairness, Inclusion and Non-Discrimination on the Basis of Gender Identity and Sex Variations⁶³ is aligned with that position, World Aquatics, the global governing body for swimming, has implemented a blanket ban on transgender athletes, regardless of their particular circumstances,⁶⁴ as have many national sports federations. World Athletics, the governing body for track and field events, prohibits athletes who have gone through male puberty from competing in the women’s category, and further requires transgender and intersex athletes, as well as women with naturally occurring higher levels of testosterone, to have their hormone levels managed through medication.⁶⁵ Such policies are overly broadly constructed.

76. Athletic performance is the result of numerous factors, including genetic differences; nutrition; access to coaches, training and adequate sports facilities; access to adequate resources; and belonging to a family and community that are committed to sporting excellence. In addition, different sports require different physical abilities. Indiscriminate bans excluding women based on presumed physical advantage do not comply with current standards of international human rights law, and any organization seeking to restrict participation in the women’s category through medical or other interventions must justify such interventions on a case-by-case basis as both necessary and the least restrictive measures that may be taken to achieve a legitimate aim.

77. Nevertheless, involuntary sex testing continues to be practised. In the Islamic Republic of Iran, mandatory sex verification tests are reportedly performed in football and futsal leagues, to ensure that all athletes are certified as male or female.⁶⁶ Athletes with variations in sex development reportedly face disciplinary measures or expulsion. In 2014, Iranian Football Federation officials dismissed seven female football players, citing “gender ambiguity” as the reason. This incident led to significant abuse and mockery of female players and their gender identity across

⁶² See www.ohchr.org/sites/default/files/documents/issues/culturalrights/activities/2023-10-31-stm-sogi-policy-en-1.pdf.

⁶³ See <https://stillmed.olympics.com/media/Documents/Beyond-the-Games/Human-Rights/IOC-Framework-Fairness-Inclusion-Non-discrimination-2021.pdf>.

⁶⁴ See <https://resources.fina.org/fina/document/2023/03/27/dbc3381c-91e9-4ea4-a743-84c8b06debef/Policy-on-Eligibility-for-the-Men-s-and-Women-s-Competition-Categories-Version-on-2023.03.24.pdf>.

⁶⁵ World Athletics, Eligibility Regulations for Transgender Athletes, *Book of Rules*, vol. C, No. 3.5, (available at <https://worldathletics.org/about-iaaf/documents/book-of-rules>).

⁶⁶ Contribution of 6Rang.

traditional and social media.⁶⁷ In *Semenya v. Switzerland*, the European Court of Human Rights held that expecting female-born athletes with higher testosterone levels to take medication to lower that level was discriminatory.⁶⁸ The case has been referred to the Grand Chamber of the Court.

78. In all cases of gender abuse and sexual abuse, sporting associations and States must establish real, effective and appropriate remedies. The Sports and Rights Alliance has reported widely on the lack of such processes, most recently in the case of Indian wrestlers.⁶⁹ The European Court of Human Rights also noted the lack of an effective remedy in the Semenya case.

4. Inequalities and discrimination faced by people with disabilities

79. Persons with disabilities encounter numerous barriers to participation in sports, due to a lack of accessible and adapted facilities and sports programmes, as well as societal attitudes that underestimate their capabilities. Because each disability is different, adapting physical education and sports programmes to a range of disabilities is a challenge. Such adaptation, however, is an obligation of States parties to the Convention of the Rights of Persons with Disabilities.⁷⁰ Through qualitative analyses, it has been suggested that aspects such as the organizational structure of sport programmes, accessibility, and the training of volunteers and coaches be improved, and that appropriate accommodations be made to improve the inclusion of children. Measures also need to be taken to ensure equal treatment and opportunities in competitive sports.

80. Further discussion is required on the issue of whether an impairment is to be regarded as a disability if it does not impact athletic performance and allows the person concerned to take part in sports activities together with persons without disabilities. Since disability is understood as a relationship with the environment and the obstacles that may exist therein, progress in science, technology and medical engineering may require a repositioning of our assumptions about disability in sports. Such discussions should be led by athletes with disabilities and civil society organizations of persons with disabilities.

5. Discrimination based on religion or belief, cultural identity and political opinion

81. Discrimination in sports also reportedly occurs on the grounds of religion. In the Islamic Republic of Iran, Baha'i believers are prohibited from competing in sports and sentenced if found to have done so.⁷¹ The Special Rapporteur has raised with the Government of France the issue of banning women and girls wearing the hijab from participating in sports, be it as players, volunteers or employees. The restrictions imposed in administrative decisions have forced coaches, referees and local authorities to take discriminatory actions in several sports, including football, basketball and volleyball, against women and girls at all levels, including youth and

⁶⁷ 6Rang, "Islamic Republic football officials and gender-based discrimination against female athletes", 16 February 2014.

⁶⁸ European Court of Human Rights, *Semenya v. Switzerland*, Application No. 10934/21, Judgment, 11 July 2023.

⁶⁹ See https://sportandrightsalliance.org/wp-content/uploads/2024/07/Indian-Wrestlers-Report_online.pdf.

⁷⁰ See general comment No. 2 (2014) of the Committee on the Rights of Persons with Disabilities (CRPD/C/GC/2), paras. 17 and 44–46.

⁷¹ See <https://iranwire.com/en/features/69693-female-bahai-motorcycle-racer-jailed-for-eight-years-in-iran/> and Human Rights Watch, *World Report 2024: Events of 2023* (New York, 2024).

amateurs.⁷² In its response, the Government does not address the issue from a human rights perspective, misinterprets secularism as a justification for banning expressions of religion or belief and discriminates indirectly against women wearing the hijab. The Special Rapporteur also stresses the importance of respecting women's and girls' bodily autonomy and agency, as well as their free, informed choices, while firmly rejecting any form of coercion or imposed modesty codes stemming from patriarchal oppression.

82. Particular care must be taken to identify and address intersectional discrimination, and it must be recognized that solutions may require additional resources or novel answers. In all such responses, the voices of the persons affected must prevail.

6. Discrimination based on indigeneity: Indigenous rights to participate in sports

83. Indigenous Peoples have the right to participate in all sports without discrimination, as well as the right to practice, maintain and develop their own sports. Unfortunately, cultural barriers, discrimination, and socioeconomic marginalization act as obstacles to the materialization of their rights. Language differences, cultural norms related to gender roles and physical activity, and a lack of culturally relevant sports programmes often hinder participation in grass-roots sports. Those hindrances lead to the absence of Indigenous representation in coaching, sports management and leadership positions, often also maintained because of stereotypes, and limit mentorship and role models for Indigenous youth.

84. Traditional Indigenous sports and games, deeply rooted in traditional cultures, play a crucial role in preserving and transmitting traditions to future generations, but are often lacking in support and resources. Featuring Indigenous sports in general sports programmes fosters a strong sense of cultural identity and pride, particularly among youth, and the success of Indigenous athletes can inspire communities, challenge stereotypes and promote positive representations of Indigenous cultures. Colombian national sports programmes, for example, include traditional games and martial arts of Afro-Colombian and Indigenous communities, such as *lucha libre* (traditional wrestling).

85. Increasing Indigenous involvement in sports should be framed by consent and respect, involving the free, prior and informed consent and leadership of Indigenous communities. Engaging in meaningful collaboration ensures respectful and accurate representation, which is particularly important for the use of Indigenous symbols, imagery and names in sports. The use of such cultural resources without consent, as well as the commercial use of cultural symbols without economic benefit to the communities concerned, constitute cultural misappropriation, perpetuating stereotypes and commodifying Indigenous cultures. Direct compensation, scholarships and community development funds are good examples of benefit-sharing with Indigenous communities.

86. The appropriate use of Indigenous symbols and names in sports can honour and celebrate Indigenous cultures, enhancing visibility and appreciation, as in the case of performances of the *haka*, a traditional Māori war dance, by the New Zealand national rugby team.⁷³

⁷² See communication AL FRA 13/2023 (27 October 2023) and the response of the Government of France (22 December 2023). See also Amnesty International, "France: 'We can't breathe anymore. Even sports, we can't do them anymore'. Violations of Muslim women's and girls' human rights through hijab bans in sports in France", 16 July 2024 (available at www.amnesty.org/en/documents/eur21/8195/2024/en/).

⁷³ See www.newzealand.com/int/feature/haka/.

87. The Special Rapporteur welcomes the adoption, in July 2024, of the Commonwealth Sport Declaration on Reconciliation and Partnership with Indigenous Peoples, the parties to which confirm the application of the United Nations Declaration on the Rights of Indigenous Peoples and the principles enshrined therein, which are based on Indigenous self-determination and respect for Indigenous cultures.⁷⁴

C. Safety and security of athletes, stakeholders and fans

88. Given that organized sport is controlled by international and national sporting federations, professional sports leagues, clubs, other businesses and Governments, the terms imposed by those actors fundamentally shape the conditions for participation in sport. Increasingly, those regulations are being challenged on grounds of human rights, including labour rights and freedom of association. Professional athletes are now recognized by the International Labour Organization as workers,⁷⁵ and those athletes who engage in collective bargaining and representation must be recognized and protected as human rights defenders.

89. Sufficient safety measures and considerations are indispensable to protecting players, workers and persons in the audience. Responsibilities in this field are shared between all relevant stakeholders, from public authorities, which ensure the safety of all public infrastructure and equipment, and maintain high quality standards in training programmes, to sports associations and federations, which protect all persons through the rules and regulations of their sports, and from promoters and private businesses involved at various levels of the sports ecosystems, to parents, who ensure the well-being and privacy of their children, and to players and athletes themselves.

90. Special consideration needs to be given to young people who participate in competitive sports at an early age, to ensure that the pursuit of sports and the pressure to perform do not interfere with their other human rights, including their rights to education, mental and physical health, and protection from abuse and exploitation. The World Health Organization defines child maltreatment as “all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power”.⁷⁶ The Special Rapporteur has heard from athletes who suffered abuse as children, and from coaches, doctors, family members and others, and recalls the relevance to this topic of the report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, at the fortieth session of the Human Rights Council (see [A/HRC/40/51](#), sect. III, “Study on the sale and sexual exploitation of children in the context of sports”). While the global sporting community is increasingly aware of the urgent need to address abuse, much more needs to be done to allow those concerned to raise the issue and access effective remedies.

⁷⁴ See <https://production-new-commonwealth-files.s3.eu-west-2.amazonaws.com/s3fs-public/2024-07/11csmm-commonwealth-sport-declaration-on-reconciliation-and-partnership-with-indigenous-people.pdf?VersionId=CvUNchLRsWA7t70A1fwqZBbbcFy28RkN>.

⁷⁵ See www.ilo.org/publications/professional-athletes-and-fundamental-principles-and-rights-work.

⁷⁶ Kristine Fortier, Sylvie Parent, and Geneviève Lessard, “Child maltreatment in sport: smashing the wall of silence: a narrative review of physical, sexual, psychological abuses and neglect”, *British Journal of Sports Medicine*, vol. 54, No. 1 (January 2020), pp. 4–7, and World Health Organization, Report of the Consultation on Child Abuse Prevention, Geneva, 29–31 March 1999 (document WHO/HSC/PVI/99.1).

V. Conclusions and recommendations

91. Whereas sports have always been part of our life and social interactions, the right to participate in sports as part of cultural rights and the implications thereof have not been addressed by the human rights system so far. A human rights perspective on the various functions and contributions of sports to individual and shared identities, practices and social interactions needs to be further developed and understood.

92. In order to elucidate the right to participate in sports as part of the right to take part in cultural life, a shift in perspective is required, as are measures to establish an approach that is more inclusive of the values, behaviours and representations promoted by sports today. Anchoring the right to participate in sports firmly in the human rights system will require a thorough review of the existing programming, infrastructure and governance of sports at the local, national and international levels, to ensure compatibility with human rights obligations and standards.

93. In order to ensure free and safe participation in sports by all, further measures must be taken by States and sporting associations. Participation in sports must challenge entrenched gender stereotypes and promote empowerment, contributing to greater gender equality by providing women, girls and gender-diverse persons with platforms to showcase their capabilities and leadership. The equal participation of minority and marginalized persons must be prioritized. Adapted and inclusive sports programmes play a critical role in promoting the inclusion and participation of persons with disabilities, challenging societal stigma, and advancing such persons' rights and dignity.⁷⁷

94. The Special Rapporteur recommends that Governments, at the national and local levels:

(a) Review their national policies and programming in the field of sports with a view to bringing them into line with human rights obligations;

(b) Take measures to improve the access and participation of all, without discrimination and throughout their lives, in sports and physical activities, including by securing increased funding for sports programmes that target underrepresented groups and ensuring equitable distribution of resources;

(c) Take and implement specific legal and other measures to address discrimination, including indirect, intersectional and structural discrimination, and violence in all sporting activities and enforce equal treatment of all in sport, including women and girls in all their diversity;

(d) Establish mechanisms to monitor the application of human rights standards by sports organizations and enforce penalties where appropriate;

(e) Take steps to address misinformation and fear-based campaigns that target intersex and transgender women and girls, and conduct evidence-based public education campaigns to promote inclusion.

95. International sports associations and organizations should make it a priority to:

(a) Clarify the limits of the autonomy and neutrality of sport and ensure that their responsibilities in relation to human rights standards and due diligence are realized;

⁷⁷ United Nations Educational, Scientific and Cultural Organization, Kazan Action Plan, action 5.

(b) **Reject the idea of participation in sport as a privilege rather than as a human right;**

(c) **Ensure that effective remedy mechanisms are in place;**

(d) **Implement and enforce policies that promote diversity and inclusion within sports organizations and at all levels of participation;**

(e) **Apply the International Olympic Committee framework on fairness and inclusion when developing any eligibility rules, refrain from blanket bans and rescind all discriminatory regulations that force women to undergo invasive and unnecessary medical interventions as a condition of participation in women's sports;**

(f) **Declare professional athletes to be workers and treat them as such.**

96. **States and international sports governing bodies should:**

(a) **Ensure compliance with human rights standards in all sporting events, rules and procedures;**

(b) **Apply a trauma-informed approach to sports;**

(c) **Develop accessible sports facilities and programmes that cater to diverse populations;**

(d) **Conduct awareness campaigns to challenge stereotypes and educate stakeholders about the benefits of inclusive sports practices.**
