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### Advancement of women

## Violence against women and girls, its causes and consequences

### Note by the Secretary-General\*\*

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on violence against women and girls, its causes and consequences, Reem Alsalem, in accordance with Assembly resolution [77/193](#).

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

\*\* The present document was submitted for processing after the deadline for reasons beyond the control of the submitting office.



## **Report of the Special Rapporteur on violence against women and girls, its causes and consequences**

### **Violence against women and girls in sports**

#### *Summary*

In the present report, the Special Rapporteur on violence against women and girls, its causes and consequences, Reem Alsalem, explores the various forms, causes and consequences of violence against women and girls in sports.

## I. Introduction

1. In the present report, the Special Rapporteur on violence against women and girls, its causes and consequences, Reem Alsalem, explores the various forms, causes and consequences of violence against women and girls in sports. Sports are valuable for physical and mental well-being, and also offer routes out of poverty, increase social cohesion in times of conflict,<sup>1</sup> increase self-confidence, promote independence and empowerment<sup>2</sup> and provide educational and career opportunities. They also serve as a platform for the development of self-confidence and leadership skills.<sup>3</sup> In addition, sports are important avenues for creating social change, as they enable women and girls to challenge gender norms and stereotypes.<sup>4</sup>

2. Nevertheless, participation in sports with safety, equality and dignity remains challenging for women and girls, as they continue to face sex and gender-based discrimination, compounded by discrimination on other grounds, for which there continues to be widespread impunity.

3. In the present report, the Special Rapporteur examines the forms of violence experienced by women and girls in sport, their causes and the perpetrators of this violence, and offers recommendations for better prevention and response to violence against women and girls in sport. The Special Rapporteur received over 100 submissions from relevant stakeholders. She also held expert consultations in which 50 persons participated.

## II. Activities of the Special Rapporteur

4. The activities carried out by the Special Rapporteur during the reporting period are outlined in her thematic report, entitled “Prostitution and violence against women and girls”, submitted to the Human Rights Council at its fifty-sixth session (A/HRC/56/48). At the same session, she also presented a report on her official country visit to Poland, which she conducted from 27 February to 9 March 2023 (A/HRC/56/48/Add.1).

## III. Manifestations of violence against women and girls in sports

5. Women and girls in sport face widespread, overlapping and grave forms and manifestations of violence at all levels.

### A. Physical violence

6. Women and girls in sport, including female sports officials, are vulnerable to physical violence.<sup>5</sup> When eligibility norms are deliberately violated and when the risk of injury to athletes is knowingly increased, the physical harms sustained can be characterized as “violence”.<sup>6</sup> Examples of physical violence include being

<sup>1</sup> Submission by Honduras.

<sup>2</sup> Submission by Saudi Arabia.

<sup>3</sup> Submission by Women’s Network for Change.

<sup>4</sup> Abdelkader Benchehida, “Le football et l’émancipation des femmes (Entre transgressions et réalisation des aspirations légitimes)”, Colloque international: football par et pour les femmes, L’Université de Lyon 1 et l’Association des Chercheurs Francophones sur le Football (Lyon, France, 2019).

<sup>5</sup> Submission by Centre for Sports and Human Rights.

<sup>6</sup> Submission by Independent Council on Women’s Sports.

deliberately subjected to physical punishment or initiation rituals.<sup>7</sup> Corporal punishment in sport, for example, the practice known as *taibatsu* in Japan, has led to life-long injuries for children, including girls, or death.<sup>8</sup>

7. Female athletes are also more vulnerable to sustaining serious physical injuries when female-only sports spaces are opened to males,<sup>9</sup> as documented in disciplines such as in volleyball,<sup>10</sup> basketball<sup>11</sup> and soccer.<sup>12</sup> Instances have been reported where adult males have been included in teams of underage girls.<sup>13</sup> Injuries have included knocked-out teeth,<sup>14</sup> concussions resulting in neural impairment,<sup>15</sup> broken legs<sup>16</sup> and skull fractures.<sup>17</sup> According to scientific studies, males have certain performance advantages in sports. One study asserts that, even in non-elite sport, “the least powerful man produced more power than the most powerful woman” and states that, where men and women have roughly the same levels of fitness, males’ average punching power has been measured as 162 per cent greater than females.<sup>18</sup>

## B. Exclusion from sport

8. In some areas, women and girls are excluded from practising sports on the basis of their sex. This reality has been most pronounced in Afghanistan since August 2021, with female athletes going into hiding and being unable to continue training.<sup>19</sup>

9. In addition, some women and girls have self-excluded from certain sports, believing that those activities are not appropriate for them due to sex and gender stereotypes,<sup>20</sup> beliefs often reinforced by the media.<sup>21</sup> This self-exclusion tends to increase as they grow older, contributing to the already low participation of females in sport.<sup>22</sup> According to the Women’s Sports Foundation, girls are 1.5 times more likely than boys to drop out of sports by age 14, often due to a lack of access to resources and opportunities for skill development.<sup>23</sup> Female sports fans can also experience discrimination and sexism, such as being barred from entering stadiums or feeling discouraged from doing so.<sup>24</sup> Persistent or grave experiences of harassment during sport can force many women to reduce their practice or adjust it significantly.

<sup>7</sup> Submission by Austria.

<sup>8</sup> Submission by Human Rights Watch.

<sup>9</sup> Yaron Steinbuch, “Injured North Carolina volleyball player urges transgender ban for female sports teams in schools”, *New York Post*, 21 April 2023.

<sup>10</sup> Alec Schemmel, “Injured volleyball player speaks out after alleged transgender opponent spiked ball at her”, ABC 13 News, 20 April 2023.

<sup>11</sup> Abby Patkin, “Injuries involving trans basketball player at Mass. school spark controversy”, Boston.com, 4 March 2024.

<sup>12</sup> Submission by Feminist Legal Clinic.

<sup>13</sup> Submission by International Consortium on Female Sport.

<sup>14</sup> Submission by Independent Council on Women’s Sports.

<sup>15</sup> Fox News, “Former high school athlete injured during ‘hostile’ volleyball game by transgender player”, 17 August 2023. Video available at [www.foxnews.com/video/6334032228112](http://www.foxnews.com/video/6334032228112).

<sup>16</sup> Submission by Feminist Legal Clinic.

<sup>17</sup> Submission by Women’s Liberation Front.

<sup>18</sup> Emma N. Hilton and Tommy R. Lundberg, “Transgender women in the female category of sport: perspectives on testosterone suppression and performance advantage”, *Sports Medicine*, vol. 51 (2021).

<sup>19</sup> Submission by Human Rights Watch.

<sup>20</sup> Submission by Chile.

<sup>21</sup> Submission by Cyprus.

<sup>22</sup> Submission by International Consortium on Female Sport.

<sup>23</sup> Submission by Women’s Network for Change.

<sup>24</sup> Stacey Pope, “Euro 2024: women need safer fan spaces at big football tournaments to stamp out hostility and abuse”, *The Conversation*, 9 July 2024.

10. The inclusion of males in the female sport category and related spaces may also lead to self-exclusion,<sup>25</sup> in particular due to fears of physical injuries,<sup>26</sup> or due to specific religious beliefs that prohibit females from accessing mixed-sex spaces.<sup>27</sup>

### C. Opportunity for fair and safe competition

11. Policies implemented by international federations and national governing bodies, along with national legislation in some countries, allow males who identify as women to compete in female sports categories.<sup>28</sup> In other cases, this practice is not explicitly prohibited and is thus tolerated in practice. The replacement of the female sports category with a mixed-sex category has resulted in an increasing number of female athletes losing opportunities, including medals, when competing against males. According to information received, by 30 March 2024, over 600 female athletes in more than 400 competitions have lost more than 890 medals in 29 different sports.<sup>29</sup>

12. Male athletes have specific attributes considered advantageous in certain sports, such as strength and testosterone levels that are higher than those of the average range for females, even before puberty,<sup>30</sup> thereby resulting in the loss of fair opportunity. Some sports federations mandate testosterone suppression for athletes in order to qualify for female categories in elite sports. However, pharmaceutical testosterone suppression for genetically male athletes – irrespective of how they identify – will not eliminate the set of comparative performance advantages they have already acquired.<sup>31</sup> This approach may not only harm the health of the athlete concerned, but it also fails to achieve its stated objective. Therefore, the testosterone levels deemed acceptable by any sporting body are, at best, not evidence-based, arbitrary<sup>32</sup> and asymmetrically favour males.<sup>33</sup> Females are usually tested randomly to ensure that they are not using performance-enhancing drugs, while males are often not monitored to ensure that they are taking testosterone suppression drugs.<sup>34</sup> To avoid the loss of a fair opportunity, males must not compete in the female categories of sport.<sup>35</sup>

<sup>25</sup> Submission by Sex Matters.

<sup>26</sup> Women in Sport, “Safe and fair sport matters to women and girls on every level”. Available at <https://womeninsport.org/creating-change/policy-positions/transgender-inclusion-sport/safe-and-fair-sport-for-women-and-girls/>.

<sup>27</sup> Sex Matters, “Reclaiming Kenwood Ladies’ Pond for women”, 29 August 2022.

<sup>28</sup> Submission from Universidad de La Sabana.

<sup>29</sup> Submission from Women’s Liberation Front, International Consortium on Female Sport and Dianne Post on behalf of Lavender Patch.

<sup>30</sup> “Boys demonstrate, on the average, greater strength than girls at all ages. Sex differences throughout childhood are consistent, although small”, as cited in Frank Falkner and James Tanner, *Human Growth* (New York, Plenum Press, 1978), p. 286.

<sup>31</sup> Tommy R. Lundberg and others, “The International Olympic Committee framework on fairness, inclusion and nondiscrimination on the basis of gender identity and sex variations does not protect fairness for female athletes”, *Scandinavian Journal of Medicine and Science in Sports*, vol. 34, No. 3 (March 2024).

<sup>32</sup> Submission by Independent Council on Women’s Sports.

<sup>33</sup> Submission by Women Declaration International.

<sup>34</sup> Submission by Lavender Patch.

<sup>35</sup> Submission by Women’s Declaration International.

## D. Economic violence

13. Women and girls in sport can also experience gendered economic harm,<sup>36</sup> in the forms of control over their finances, economic exploitation and sabotage.<sup>37</sup> In elite sports, women and girls may lose control over earnings and are denied financial resources. They may be forced to sign exploitative contracts that favour managers, agents or sports organizations and that take a disproportionate share of the athletes' earnings, leaving them with little financial security or autonomy. Managers, agents or sports organizations also profit from the images of female athletes without adequate compensation.

14. Economic sabotage can also involve preventing athletes from pursuing educational opportunities or maintaining employment outside of their athletic careers by deliberately scheduling practice sessions to conflict with educational commitments or by discouraging participation in educational programmes that would provide financial independence beyond sport. Young female athletes are also often excluded from the transparent management of their own finances.<sup>38</sup>

15. Women are paid significantly less than men in sport, which perpetuates harmful stereotypes. Examples of this abound.<sup>39</sup> According to a 2017 global survey, \$600 is the average salary in women's football.<sup>40</sup> In Ecuador, male football players receive up to \$100,000 a month, while female football players receive \$400.<sup>41</sup> Female athletes are also perceived as generating less revenue through advertising and ticket sales, contributing to the limited media coverage of their competitions.<sup>42</sup> In the Philippines, women and girls in sports are the subject of only 2-4 per cent of the media coverage given to competitive sports.<sup>43</sup>

## E. Online violence

16. Women and girls in sport are disproportionately subjected to hostile, violent threats, harassment and abusive behaviours in virtual spaces, including abuse of a sexual nature, racism, hate speech, ridicule and being blamed for failure to win competitions.<sup>44</sup> They are often body-shamed, sexualized, propositioned, stalked and subjected to doxing and "revenge porn".<sup>45</sup> Female athletes who may look "masculine" may be derogatorily described as lesbians.<sup>46</sup>

17. Online attacks against women and girls in sport can often denote contempt, misogyny and prejudice against women and girls. In 2005, football players at a university in the United States of America reportedly released a nine-minute song

<sup>36</sup> European Institute for Gender Equality, "Understanding economic violence against women" (Luxembourg, Publications Office of the European Union, 2023).

<sup>37</sup> United Nations Educational, Scientific and Cultural Organization (UNESCO) and United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), *Tackling Violence against Women and Girls in Sport: A Handbook for Policy Makers and Sports Practitioners* (Paris and New York, 2023).

<sup>38</sup> Submission by Facts and Norms Institute.

<sup>39</sup> Submission by Maat for Peace, Development and Human Rights Association.

<sup>40</sup> Submission by Fédération Internationale Des Footballeurs Professionnels.

<sup>41</sup> Submission by Gabriella Guerrero, lawyer and professor, legal Clinic of Universidad San Francisco de Quito.

<sup>42</sup> Submission by Spanish Federation for Mountain and Climbing Sports.

<sup>43</sup> Submission by Commission on Human Rights (Philippines).

<sup>44</sup> Submission by Global Forum of Communities Discriminated on Work and Descent.

<sup>45</sup> Submission by Facts and Norms Institute.

<sup>46</sup> Submission by Fiji Women's Rights Movement.

online, recorded to the tune of a popular song, in which graphic lyrics referred to women as “bitches” and “ho’s” and referenced gang rape.<sup>47</sup>

18. Female athletes also reportedly experience forced dissemination of non-consensual sexual images offline and online and exhibitionism,<sup>48</sup> including as a result of a failure to maintain single-sex changing rooms.<sup>49</sup> Such online violence affects the mental health and sense of personal safety of female athletes and can impair their performance. Furthermore, it can damage their public image and have long-term career repercussions.

## F. Coercive control

19. In sport, coercive control is used to restrict communication, enforce social isolation,<sup>50</sup> impose excessive training and labour without compensation and severely control diet, thereby severely limiting athletes’ behavioural independence. Career options for female athletes are diminished through control of their finances, interference with their education, and psychological manipulation involving extreme forms of criticism and gaslighting.<sup>51</sup> Coercive control is heightened for women of colour in some contexts. Women and girls of African descent are regularly subjected to coercive control regarding their hair in swimming competitions.<sup>52</sup>

## G. Sexual assault and violence

20. Sexual harassment and abuse of women and girls in sport are rampant. The United Nations Educational, Scientific and Cultural Organization (UNESCO) estimates that 21 per cent of girls globally have experienced a form of sexual abuse at least once as a child in sport.<sup>53</sup> In her report (A/HRC/40/51), the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, highlighted numerous extremely serious cases of sexual exploitation of children in the context of sport.

21. Research reveals the prevalence of sexual violence in coach-athlete relationships,<sup>54</sup> which often occur in locker rooms.<sup>55</sup> Many girls are subjected to grooming,<sup>56</sup> with trainers and coaches abusing the trust placed in them. Sexual abuse cases have been reported that involve sports in Canada,<sup>57</sup> gymnastics and track and field in the United States,<sup>58</sup> the Haitian Football Federation,<sup>59</sup> the Afghanistan Football Federation, the women’s national youth basketball team of Mali,<sup>60</sup> the

<sup>47</sup> Pat Forde, “Rap recording could threaten Miami’s progress”, ESPN, 16 November 2005.

<sup>48</sup> Submission by Basque Country.

<sup>49</sup> Submission by The Countess.

<sup>50</sup> Submission by Cyprus.

<sup>51</sup> Submission by Facts and Norms Institute.

<sup>52</sup> Submission by Broken Chalk.

<sup>53</sup> UNESCO and UN-Women, *Tackling Violence against Women and Girls in Sport*.

<sup>54</sup> Kirsty Forsdike and Simone Fullagar, “Addressing the complexity of violence against women in sport”, *Journal of Sport Management*, vol. 35, No. 5 (December 2021).

<sup>55</sup> Submission by Serbia.

<sup>56</sup> Submission by Centre for Sports and Human Rights.

<sup>57</sup> Lori Ward and Jamie Strashin, “Sex offences against minors: investigation reveals more than 200 Canadian coaches convicted in last 20 years”, *CBC News*, 10 Feb 2019.

<sup>58</sup> Submission by Centre for Sports and Human Rights.

<sup>59</sup> Submission by Maat for Peace, Development and Human Rights Association.

<sup>60</sup> Submission by Human Rights Watch.

Cameroon Karate Federation, swimming and tennis federations in South Africa, the Rwanda Cycling Federation and the Wrestling Federation of India.<sup>61</sup>

22. In addition, women and girls in sport are subjected to trafficking.<sup>62</sup> They are lured with the prospects of lucrative sport career, but this enticement often results in a dependency upon meagre funding that is controlled by sports authorities and coaches.<sup>63</sup> With the increase in the popularity of women's football, for example, female footballers, especially those from regions where female participation in football is not accepted, experience a heightened risk of predation, including trafficking.<sup>64</sup> There are indications that female athletes are trafficked for sexual exploitation,<sup>65</sup> while others are prostituted<sup>66</sup> and subjected to rape and forced abortion.

23. The line between appropriate and inappropriate physical contact can be blurred, leaving female athletes uncomfortable and uncertain about how to identify, respond to and stop sexual harassment.<sup>67</sup> It is important to deal with such assaults firmly, as the Fédération Internationale de Football Association and Spain did in response to an unwelcome sexual advance towards a female athlete during the 2023 Women's World Cup awards ceremony.

24. Removing single-sex spaces in sports may also increase the risk of sexual harassment, assault, voyeurism and physical and sexual attacks in unisex locker rooms and toilets.<sup>68</sup> The insistence on maintaining female-only spaces, along with safeguarding and risk management protocols, arises from empirical evidence demonstrating that sex offenders tend to be male and that persistent sex offenders go to great lengths to gain access to those they wish to abuse.

## H. Policing dress code

25. Women and girls in sport suffer from the policing of their bodies through the enforcement of dress codes. Prior to the 2012 London Olympics, for example, women in beach volleyball were required to wear bikini bottoms with strict size delimitations, further sexualizing and controlling women's bodies, despite the men being allowed to wear shorts.<sup>69</sup> Moreover, women and girls in the Islamic Republic of Iran are forced to wear the hijab in sport, while in France, those who wear the hijab are prevented from being on the national team.

<sup>61</sup> Submission by Centre for Sports and Human Rights.

<sup>62</sup> Submission by Basque Country.

<sup>63</sup> Lucy Lu Reimers and International Labour Organization (ILO) Sectoral Policies Department, "Professional athletes and the fundamental principles and rights at work", ILO technical brief (Geneva, 2024).

<sup>64</sup> Akilah Jardine and others, "The problem of sports trafficking: setting an agenda for future investigation and action", University of Nottingham Rights Lab, August 2021.

<sup>65</sup> UNESCO and UN-Women, *Tackling Violence against Women and Girls in Sport*.

<sup>66</sup> Submission by Argentina.

<sup>67</sup> Royal Commission into Institutional Responses to Child Sexual Abuse of Australia, *Final Report: Sport, Recreation, Arts, Culture, Community and Hobby Groups* (Australia, 2017).

<sup>68</sup> Submission by Sex Matters.

<sup>69</sup> Prior to the 2021 Summer Olympics in Tokyo, the International Federation changed the rules regarding the attire for women's beach handball following protests by the Norwegian team. See also Erin Wilson and Gretchen Kerr, "Gender-based violence in girls' sports", *Adolescents*, vol. 3, No. 2 (April 2023).



## I. Psychological violence

26. Psychological violence is very widespread and reportedly is the second most documented form of violence that athletes experience, after sexual violence.<sup>70</sup> Adult athletes at more competitive sporting levels tend to report increased experience of psychological violence.<sup>71</sup> Children in recreational sport, including girls, also face higher rates of psychological maltreatment.<sup>72</sup>

27. Psychological violence includes verbal abuse, indirect physical acts, denial of attention and support, body shaming, social exclusion, bullying and derogatory comments about females' physical development, sexual orientation or gender identity. Exposure to language that objectifies women and promotes dominance over them is common. This form of violence disempowers and degrades athletes, leading to long-term negative effects on their mental health and performance and undermining their positive experience in sports. The knowledge of female athletes that they may be competing against males included in female sports, including males that identify as females or males with specific XY differences in sex development, causes extreme psychological distress due to the physical disadvantage, the loss of opportunity for fair competition and of educational and economic opportunities and the violation of their privacy in locker rooms and other intimate spaces.

28. The harmful consequences of psychological violence include eating disorders, headaches, insomnia, fear, anxiety, diminished concentration, aggressiveness, reduced self-confidence, substance abuse, self-harm, isolation and decline in academic or athletic performance. It can also result in feelings of guilt, suicidal thoughts, depression and humiliation. Those most exposed to psychological violence include persons with disabilities and women who are lesbian, bisexual or transgender. The intensity of such experiences increases with the heightened intensity of training and competition.

## J. Neglect

29. In the context of the maltreatment of children, neglect has been defined as a deficiency of reasonable care by a person in a caregiving capacity, leading to unmet basic needs and deprivation of attention and nurturing. Neglect can also result in forced child labour.<sup>73</sup> In a study of the prevalence of neglect in 1,055 athletes between 14 and 17 years of age who anonymously completed an online survey about their experiences of various types of interpersonal violence in sport, 35.7 per cent reported at least once incident of neglect. Factors such as being a girl, being older, specializing in sport at an early stage or having higher weekly practice hours were associated with a higher chance of reporting psychological violence or neglect.<sup>74</sup>

## K. Invasive sex and sex characteristic testing

30. Violence has been enacted in the past against athletes through coercion into invasive sex screening without consent<sup>75</sup> and unnecessary medical interventions as a precondition for competition. These practices deny athletes, including females, their rights, dignity and personal integrity and undermines their right to the highest

<sup>70</sup> Submission by Women Sport International.

<sup>71</sup> Wilson and Kerr, "Gender-based violence in girls' sports".

<sup>72</sup> Submission by Women Sport International.

<sup>73</sup> Submission by Basque Country.

<sup>74</sup> Wilson and Kerr, "Gender-based violence in girls' sports".

<sup>75</sup> Submission by Outright International.

attainable standard of physical and mental health. There are circumstances in which sex screenings are, however, necessary, legitimate and proportional in order to ensure fairness and safety in sports. For example, at the 2024 Paris Olympics, female boxers had to compete against two boxers whose sex as females was seriously contested, but the International Olympic Committee refused to carry out a sex screening. Current technology enables a reliable sex screening procedure through a simple cheek swab that ensures non-invasiveness, confidentiality and dignity. In a small number of cases, such screenings can indicate a need for follow-up tests as part of standard medical care with associated duty of care and support. The need for follow-up tests is primarily relevant for athletes who may have been registered as female at birth but who are males that have differences of male sexual development involving functioning testes, male puberty or testosterone in the male range and, therefore, male advantage, and who may be unaware of their condition.<sup>76</sup> A 1996 survey of female Olympians found that an overwhelming number (82 per cent of the 928 surveyed) supported sex tests.<sup>77</sup>

## L. Denial of the right to freedom of expression, opinion and assembly

31. Female athletes and coaches who object to the inclusion of men in their spaces due to concerns about safety, privacy and fairness are silenced or forced to self-censor; otherwise, they risk losing sporting opportunities, scholarships<sup>78</sup> and sponsorships.<sup>79</sup> Many are also accused of bigotry, suspended from sports teams<sup>80</sup> and subjected to restraining orders, expulsion, defamation and unfair disciplinary proceedings. In at least one case, a female athlete did not receive a fair hearing.<sup>81</sup> Other females have quit sport owing to pressure, threats (including death threats<sup>82</sup>) and verbal abuse. Such consequences have been reported in, inter alia, the Kingdom of the Netherlands<sup>83</sup> and the United States,<sup>84</sup> violating the fundamental human rights of female athletes to freedom of belief, opinion and expression.<sup>85</sup> Women face aggression when they assemble with respect to these issues.<sup>86</sup>

## M. Discrimination based on sex

32. There has been increased encroachment on female-only spaces in sports. Barring a few exceptions, sport has globally been separated into male and female categories because of male performance advantage.<sup>87</sup> Sports have functioned on the universally recognized principle that a separate category for females is needed to ensure equal, fair and safe opportunities in sports.

33. Multiple studies offer evidence that athletes born male have proven performance advantages in sport throughout their lives, although this is most apparent after

<sup>76</sup> Ross Tucker and others, "Fair and safe eligibility criteria for women's sport", *Scandinavian Journal of Medicine and Science in Sports*, vol. 34, No. 8 (August 2024).

<sup>77</sup> L. J. Elsas and others, "Gender verification of female athletes", *Genetics in Medicine*, vol. 2, No. 4 (July–August 2000).

<sup>78</sup> Submission by Women's Declaration International.

<sup>79</sup> Submission by Mara Yamauchi.

<sup>80</sup> Genevieve Gluck, "Exclusive: 24 women drop out of Australian football division after five trans-identified males dominate women's league, leave female players injured", *Reduux*, 2 April 2024.

<sup>81</sup> Submission by Feminist Legal Clinic.

<sup>82</sup> Submission by Mara Yamauchi.

<sup>83</sup> Submission by Memoma.

<sup>84</sup> Submission by Independent Council on Women's Sports.

<sup>85</sup> Submission by Catherine Devine.

<sup>86</sup> Submission by Guatemala.

<sup>87</sup> Hilton and Lundberg, "Transgender women in the female category of sport".

puberty.<sup>88</sup> Historically, the sex difference in performance is larger than that explained by physiological and anatomical differences between males and females, in particular among lower-ranked athletes. These physiological advantages are not undone by testosterone suppression.<sup>89</sup> Undermining the eligibility criteria for single-sex sports results in unfair, unlawful and extreme forms of discrimination against female athletes on the basis of sex. Given this reality, several international and national federations, such as World Aquatics, World Athletics, World Rugby, the International Cycling Union and others,<sup>90</sup> have reinforced female-only categories while ensuring that all athletes can participate, including those with differences of sex development or gender identities other than the sex they were observed to have at birth.

34. Women and girls in sport may also face discrimination on the basis of their reproductive capacity. Pregnancy and maternity among athletes have been found to increase professional uncertainty. A survey conducted by the sports body of France in 2021 showed that many female athletes are concerned about their coaches' reaction to the announcement of a pregnancy.<sup>91</sup> Women and girls in sport may also experience challenges in managing their menstrual cycles.

#### IV. Causes of violence against women and girls in sports

35. Violence against women and girls in sport is caused, exacerbated and sustained by a number of mutually reinforcing factors.

36. Since the nineteenth century, sport has generally involved an emphasis on a combination of masculinity, power and victory.<sup>92</sup> The nature of sport, in particular elite sport, often results in improved performance taking precedence over well-being and health.<sup>93</sup> Harmful training methods and behaviours are embedded in the daily routines of athletes and are socially accepted as necessary for top performance.<sup>94</sup>

37. A male-dominated culture in sports normalizes violence and harassment towards females, including female athletes.<sup>95</sup> There is a prevailing perception that certain sports are inherently meant for males, so when girls participate in these sports, they are expected to perform at the same level as boys or are relegated to amateur status.<sup>96</sup>

38. Masculinities, gender norms and tolerance of violence are linked. Research conducted in Brazil has shown that violence against women increases around major sports competitions.<sup>97</sup> In a positive move, prior to the 2024 Paris Olympics, France launched a campaign to increase awareness of crimes of sexual exploitation and its policy criminalizing the purchase of sexual acts while simultaneously decriminalizing

<sup>88</sup> Sandra K. Hunter and others, "The biological basis of sex differences in athletic performance: consensus statement for the American College of Sports Medicine", *Medicine and Science in Sports and Exercise*, vol. 55, No. 12 (December 2023). See also Marianne Becker and Volker Hesse, "Minipuberty: why does it happen?", *Hormone Research in Paediatrics*, vol. 93, No. 2 (2020).

<sup>89</sup> Fiona McAnena, "The flawed science of trans inclusion in women's sport", *The Critic*, 7 April 2022.

<sup>90</sup> These include British Triathlon and Volleyball England.

<sup>91</sup> Submission by Femmes solidaires.

<sup>92</sup> Submission by National Consultative Commission on Human Rights (France).

<sup>93</sup> Submission by Sports Equity Lab.

<sup>94</sup> Submission by Austria.

<sup>95</sup> Submission by Cyprus.

<sup>96</sup> Melisa García, "Profesionalización del fútbol femenino en Argentina. Una conquista de derechos e igualdad aparente", *Revista Electrónica Instituto de Investigaciones Jurídicas y Sociales Ambrosio L. Gioja*, No. 28 (2022).

<sup>97</sup> Submission by Brazil.

the prostituted person.<sup>98</sup> While participation in sports is linked to higher academic achievement, healthier bodies and greater self-esteem, it is also, for males, associated with higher rates of alcohol use and increased violence outside of sports.

39. Some sporting subcultures are more sexist and conservative than others when it comes to gender and sexuality, resulting in situations where sexism is rampant. Among male athletes and their entourages, sexual conquests can elevate an athlete's status and reinforce their manhood. Hegemonic masculinity is therefore tied to and elevated by sexual activity. More generally, successful male athletes are often idealized as heroes and held to a different standard of personal conduct than their peers.<sup>99</sup>

40. There are additional factors specific to professional sports that can increase the risk of male players perpetrating sexual assault. These include male bonding; the glorification of violence in aggressive sports; the tendency to sexualize women; celebrity status and a sense of entitlement among male athletes, leading to a lack of accountability for their actions; and the "groupie" culture, in which players' sexual involvement with women elevates their athlete status and entitlement.<sup>100</sup>

41. Codes of "mateship" and loyalty in close-knit male groups in some sports can intensify both sexism and unhealthy expressions of masculinity. The culture within sports often emphasizes camaraderie and team bonding at the expense of other considerations.<sup>101</sup> This sense of group belonging can lead individuals to remain silent about their experiences of harassment, violence or abuse to protect the reputation of their teams or sports organizations. It may also lead to downplaying one's own suffering or aggression against oneself or others.<sup>102</sup>

42. Management positions in sports bodies are held predominantly by men, and there is a noticeable lack of female coaches and trainers.<sup>103</sup> Research suggests that women often feel marginalized in sport.<sup>104</sup> Male athletes rarely interact with women and girls as peers. When they do, the women and girls are often in supporting roles, such as cheerleaders or personal assistants.

43. Sport is a microcosm of society and mirrors sexist cultures and institutions. The dominant hegemonic masculinity in society, including in sports, leans towards maintaining the subordination of women to men.<sup>105</sup> Traditional male and female roles also dictate that women devote more hours than men to family responsibilities, limiting the time they can spend on sports activities.<sup>106</sup> Traditional attitudes and norms, such as fear of backlash and cultural resistance, can constrain effective action, challenging organizational and individual capacities to respond to violence against women and girls in sports.<sup>107</sup>

<sup>98</sup> See [www.cipdr.gouv.fr/campagne-de-sensibilisation-lutter-contre-lachat-dactes-sexuels-et-la-traite-des-etres-humains-pendant-les-jo/](http://www.cipdr.gouv.fr/campagne-de-sensibilisation-lutter-contre-lachat-dactes-sexuels-et-la-traite-des-etres-humains-pendant-les-jo/).

<sup>99</sup> Jamie Cheever and Marla E. Eisenberg, "Team sports and sexual violence: examining perpetration by and victimization of adolescent males and females", *Journal of Interpersonal Violence*, vol. 37, No. 1–2 (May 2020).

<sup>100</sup> Michael Flood and Sue Dyson, "Sport, athletes, and violence against women", *NTV Journal*, vol. 4, No. 3 (summer 2007).

<sup>101</sup> Submission by Sports Equity Lab.

<sup>102</sup> Submission by National Consultative Commission on Human Rights (France).

<sup>103</sup> Submission by Austria.

<sup>104</sup> Submission by Ireland.

<sup>105</sup> Dessie Clark, "Traversing hegemonic masculinity in athletics", in *Sports and Violence: History, Theory, and Practice*, first ed. (Cambridge, Cambridge Scholars Publishing, 2017).

<sup>106</sup> Submission by Portugal.

<sup>107</sup> Kirsty Forsdike and Simone Fullagar, "Addressing the complexity of violence against women in sport: using the World Café method to inform organizational response", *Journal of Sport Management*, vol. 36, No. 5 (December 2021).

44. The absence of adequate national legal frameworks for effectively preventing and responding to violence against women and girls, including frameworks on sexual harassment, coupled with a lack of specific legislation and policies to address all forms of exploitation, discrimination and violence, amplifies sexism and misogyny towards female athletes. Sports policies fail to address sex and gender responsiveness as cross-cutting issues.<sup>108</sup> The perception of sports as a standalone field that is detached from the fabric of society and that self-governs encourages silence regarding allegations of violence and undermines accountability for them.

45. Moreover, unequal societal contexts exacerbate the exposure of women and girls in sport to severe discrimination and violence. According to one study, 40 per cent of girls report that sports are not considered socially acceptable for girls, leading to feelings that they are excluded and discouraged from participation.<sup>109</sup> Social factors such as victim-blaming may also contribute to these challenges.<sup>110</sup>

46. Furthermore, approaches are often not survivor- or reparations-centred,<sup>111</sup> but focus instead on the needs of the perpetrator or deflect attention from institutional failures that lead to abuse. Sports bodies struggle to enact disciplinary procedures when dealing with allegations of abuse, especially abuse against female athletes. Abusive and predatory coaches have been known to continue to move freely between teams at the highest levels of women's soccer. In the United States, in 75 per cent of cases,<sup>112</sup> regardless of whether the perpetrator faced charges, arrest or conviction, coaches were permitted to remain with the team and continue their roles. It is alarming that, in sports contexts, individuals charged, arrested and/or convicted of serious violent crimes continue to participate in major sporting events.

47. Moreover, the focus on performance and the achievement of athletic goals renders other issues, including safeguarding, secondary. Funding and sponsorship deals create celebrity status for elite athletes. There may be a correlation between investment in athletes' performance outcomes and their exposure to abuse. In such a context, being regarded as a role model may discourage the reporting of abuse. Conditions are ripe for prolonged manipulation, particularly of children, when various persons exploit their power to subjugate the more vulnerable through sexual exploitation and grooming.<sup>113</sup> According to one study, child athletes are most at risk of violence by persons of authority when they are about to achieve their best performances,<sup>114</sup> as there is very little to gain by revealing the abuse and too much to lose.<sup>115</sup>

48. Systems of sport governance tend to give power to sports officials at the expense of athletes. The power imbalances are more pronounced when the athletes involved are children. In rural or remote areas, a scarcity of experienced coaches can contribute to a culture of silence.<sup>116</sup> In addition, adherence to rigid gender norms is reflected in the behaviour of coaches who may be reluctant to believe that an athlete has been

<sup>108</sup> Submission by Mexico.

<sup>109</sup> Submission by Women's Network for Change.

<sup>110</sup> Cheever and Eisenberg, "Team sports and sexual violence".

<sup>111</sup> Submission by National Consultative Commission on Human Rights of France.

<sup>112</sup> Angela J. Hattery and others, "Ineffective policies for gender-based violence in sports result in a lack of accountability", Brookings, 4 April 2023.

<sup>113</sup> Submission by Our Watch.

<sup>114</sup> Royal Commission into Institutional Responses to Child Sexual Abuse of Australia, *Final Report*, pp. 14 and 15 and 17 and 18.

<sup>115</sup> Andrea Sáenz Olmedo and others, "Acoso sexual y por razón de sexo en el deporte", Universidad de País Vasco, n.d.

<sup>116</sup> Royal Commission into Institutional Responses to Child Sexual Abuse of Australia, *Final Report*, pp. 14 and 15 and 17 and 18.

violent until they see proof, while others may be unsure about whether they have the authority to address violent behaviour.

49. The close relationship between athlete and coach, particularly in high-performance sport, can lead to abuse of power. Performance-oriented dependency relationships often develop between coaches and athletes, creating numerous opportunities for coaches to exploit situations, especially when they are alone with athletes.<sup>117</sup> Even though training is done in groups, the systematic lack of accountability and inconsistent policies in hiring practices and in regulating coaches' behaviour exacerbate the risk that athletes will be mistreated.

50. In addition, international sports tend to enjoy regulatory autonomy at international and regional levels and may be shielded from State interference and legislation. Sports governing bodies and most international federations in general seek to exclude the jurisdiction of national courts over sporting disputes, opting instead for internal resolution mechanisms with appeals made exclusively through the Court of Arbitration for Sport. When athletes sign contracts and licencing deals, they agree to arbitration clauses stipulating that those disputes will be resolved through that Court.<sup>118</sup>

51. While the International Olympic Committee has affirmed its commitment to respecting human rights, the statutes and policies of many international federations do not contain a broad commitment to respecting the full range of human rights. Neither these regulations nor the statutes of sports governing bodies include human rights norms and standards as binding sources of law in the adjudication of disputes. Consequently, consideration of and expertise on human rights norms and standards in the resolution of sport disputes are very limited.

52. Moreover, complaint procedures and systems within national and international sport bodies are often confidential, and claimants are forbidden from disclosing their complaints. These cases are often handled by third parties hired by sporting organizations to manage claims of wrongdoing or by individuals leading those organizations who have ties to the alleged perpetrator or perpetrators, which can be unfair for victims. Since it is often difficult to access public records of allegations, perpetrators can continue to participate in sport without facing consequences while under investigation.

53. The patriarchal and exclusive sports management structures render inquiries and accountability difficult at all levels. Sporting bodies such as the International Olympic Committee all too often hold a monopoly, resulting in exclusive organizational structures in sport as well as the inability of athletes to change employers.<sup>119</sup>

54. In some places, professional teams do not have specific and comprehensive sexual misconduct policies.<sup>120</sup> Inadequate monitoring and follow-up contribute to a culture of impunity, where codes of conduct and disciplinary measures are poor or not enforced at all.<sup>121</sup> It is therefore not surprising that female athletes avoid reporting and prefer to remain silent about sexual harassment. Furthermore, teams, schools and sports organizations have, on occasion, downplayed, ignored or concealed instances of misconduct to protect the reputation of athletes, teams or sports programmes. This lack of accountability perpetuates toxic masculinity and reinforces men's entitlement to women's bodies.<sup>122</sup>

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<sup>117</sup> Submission by Austria.

<sup>118</sup> Submission by Centre for Sport and Human Rights.

<sup>119</sup> Submission by Austria.

<sup>120</sup> Submission by Miss J, on behalf of End Sexual Misconduct in Sport.

<sup>121</sup> Submission by Les femmes, la force de changement.

<sup>122</sup> Submission by Broken Chalk.

55. Women and girls who face discrimination on intersecting grounds, such as religious belief, race and disability, may also face compounded barriers and challenges in sport.<sup>123</sup> Historical, multigenerational trauma, coupled with economic and social marginalization, can decrease the access of Indigenous women and girls to opportunities in sport.<sup>124</sup> Female athletes from marginalized communities are also more likely to become victims of violence in sport. There is evidence that the rate of response by individual sports organizations to interpersonal violence against adult women participating in sport has been low.<sup>125</sup>

56. Sports-related resources, including pay or opportunities of sponsorship, are also distributed unequally between males and females. For instance, in the United States, boys receive at least 25 per cent more opportunities at sports scholarship than girls.<sup>126</sup> In several countries, options to practice certain sports are not available to females. Dedicated budgets for women's sports and equipment<sup>127</sup> are significantly lower compared with those for men.

57. The set-up and security of relevant spaces, such as proximity to public transport and police stations, lighting, availability of bathrooms and changing rooms<sup>128</sup> and the location of parks affects the ability and willingness of females to participate in sport. Public spaces allocated for sports tend to prioritize male sports.<sup>129</sup>

58. Some countries, with a view to improving accountability, have tightened legal loopholes, ensuring that sexual harassment against women is listed as a serious offence<sup>130</sup> and sanctioning individuals engaged in violence in sport. This is the case in Chile,<sup>131</sup> Czechia<sup>132</sup> and France.<sup>133</sup> Confidential reporting methods have been reinforced in Austria,<sup>134</sup> Cyprus<sup>135</sup> and Slovenia.<sup>136</sup> Other countries, such as Czechia and El Salvador, have established dedicated courts. Furthermore, Denmark, Ireland and several world federations have developed codes of conduct and ethics. In 2021, in a commitment to offering reparations, Gymnastics Australia apologized to athletes and their families that had experienced abuse.<sup>137</sup> Many successful campaigns were also launched to combat sexual violence, including in Spain,<sup>138</sup> and to raise awareness on the role of bystanders in preventing sexual assaults, including in Australia.<sup>139</sup>

## V. Perpetrators of violence

59. It is important to identify direct perpetrators of violence and accomplices. Direct perpetrators may include, inter alia, coaches,<sup>140</sup> professional colleagues, family members, managers, spectators, physical education teachers, peer athletes and

<sup>123</sup> Submission by Gender and Religious Freedom.

<sup>124</sup> Submission by Guatemala.

<sup>125</sup> Kirsty Forsdike and Grant O'Sullivan, "Interpersonal gendered violence against adult women participating in sport: a scoping review", *Managing Sport and Leisure* (2022), pp. 1–23.

<sup>126</sup> Submission by Women's Declaration International.

<sup>127</sup> *The Guardian*, "Iranian women and sport: every obstacle an opportunity", 20 April 2015.

<sup>128</sup> Submission by Brazil.

<sup>129</sup> Submission by Femmes solidaires.

<sup>130</sup> Submission by El Salvador.

<sup>131</sup> Submission by Chile.

<sup>132</sup> Submission by Czechia.

<sup>133</sup> Submission by National Consultative Commission on Human Rights (France).

<sup>134</sup> Submission by Austria.

<sup>135</sup> Submission by Cyprus.

<sup>136</sup> Submission by Slovenia.

<sup>137</sup> Submission by Australian Feminists for Women's Rights.

<sup>138</sup> Submission by Maat for Peace, Development and Human Rights Association.

<sup>139</sup> Submission by Broken Chalk.

<sup>140</sup> Sima Zach and others, "Clear yet crossed: athletes' retrospective reports of coach violence", *Behavioral Sciences*, vol. 14, No. 6 (June 2024).

responsible caregivers, who tend to be men. Sports lawyers, judges and referees<sup>141</sup> fall into this category when they fail to act. Technical and medical staff who exert significant control over the lives and bodies of athletes can also become direct perpetrators.<sup>142</sup>

60. Furthermore, athletic institutions are often perceived to be protecting those in power, which reinforces the notion that male dominance is perpetuated through violence. They should be held responsible for perpetuating sexual and gender-based violence when they become aware of such acts but fail to take appropriate measures to prevent, prosecute and sanction these acts.<sup>143</sup> On a macro level, international sports institutions are built on colonial and extractive structures in which sex and race discrimination are embedded.

61. Actors who may indirectly contribute to violence against women and girls in sport include sports communicators, administrators, policymakers and persons involved in designing sports programmes. Journalists and media outlets, fans,<sup>144</sup> competition organizers, referees<sup>145</sup> and the wider society also bear responsibility for fomenting gender stereotypes.<sup>146</sup> The bystander effect is prevalent in sports, whereby many men remain silent while women are treated with contempt or harassed.

62. States and State officials may at times be directly responsible for acts of violence against women and girls in sport. A State can be considered complicit in and responsible for the violation of human rights by neglecting to prevent such violations. Accordingly, a State should be held responsible if it fails to prevent, prosecute, and/or sanction such acts when it has the obligation to do so.

63. Legitimate concerns have arisen regarding an inconsistent approach towards participation in major sporting events by athletes who are nationals of countries involved in committing grave atrocities, such as Afghanistan and Israel. Since returning to power in 2021, the Taliban have been persecuting women and girls based on their sex. By mid-August 2024, Israel had killed more than 40,000 Palestinians in its onslaught on Gaza, most of them women and children.<sup>147</sup> Those killed reportedly include hundreds of Palestinian athletes.<sup>148</sup> In January 2024, the International Court of Justice found it “plausible” that Israel committed genocidal acts.

64. With respect to the business of sport, the Guiding Principles on Business and Human Rights (A/HRC/17/31, annex) clarify the responsibilities of businesses to respect human rights. Sports governing structures are well advised to integrate these Guiding Principles in their structures and operations.<sup>149</sup> In accordance with principle 3, States must ensure that non-discrimination and equal protection is upheld under the law. They also must provide guidance to businesses on issues of gender, vulnerability and marginalization.

65. The failure of States and non-State actors, including sports bodies, not only to respond effectively but also to prevent such acts and mitigate associated risks, indirectly allows violence to occur and persist. This constitutes a failure to uphold the

<sup>141</sup> Submission by Mexico.

<sup>142</sup> Submission by Basque Country.

<sup>143</sup> Submission Chile.

<sup>144</sup> Submission by Cyprus.

<sup>145</sup> Submission by Slovenia.

<sup>146</sup> Submission by El Salvador.

<sup>147</sup> United Nations News, “Most of Gaza’s 40,000 dead are women and children, says UN rights chief”, 15 August 2024.

<sup>148</sup> Seb Starcevic, “Gaza war casts shadow over the Olympics”, *Politico*, 1 August 2024.

<sup>149</sup> Submission by Centre for Sport and Human Rights.



rights of women and girls to be free from violence, which heightens their vulnerability and undermines related human rights.

## VI. Effective participation of women and girls in sport

66. Globally, the regular participation of women and girls in leisure sports and in many athletic events, remains lower than that of men. Numerous studies point to poverty, lower incentives, absence of role models for women and girls from marginalized communities and limited access to training facilities, infrastructure and resources at the elite, sub-elite and recreational levels in schools, colleges and professional leagues, including in rural areas, as factors contributing to low rates of participation in professional and amateur sports. Other reasons include social and cultural prohibitions on female participation, such as the popular belief in some parts of the world that playing sports leads to the rupture of the hymen, which is seen as proof of virginity. Furthermore, greater caring responsibilities or domestic work<sup>150</sup> and fewer financial rewards and opportunities prevent adult women from pursuing their personal interests. Despite the pervasiveness of these challenges, there are major gaps in the data and resources that are needed to inform programmes and policies that address the underrepresentation of women and girls in sport. There are, however, some success stories when it comes to projects that tackle the underlying causes of violence, projects in which sport is a component.<sup>151</sup>

67. Since sport is a method and platform for achieving equality between the sexes and fulfilling the rights of women and girls, unsafe environments in sport compromise these outcomes and deprive women and girls of their rights.<sup>152</sup>

68. The extent to which women and girls in sport are consulted on policies that affect them varies across the world and is policy-specific. The #metoo movement has influenced calls for a broader dialogue on violence against women and girls in sport. Even when women are present on sports governing bodies, the specific needs and experiences of women and girls are often not reflected in sports policies.<sup>153</sup> For example, women and girls in sports are rarely consulted by sports associations on guidelines regarding whether sport should remain sex-separated,<sup>154</sup> and they have faced negative repercussions when reclaiming their right to single-sex sport, in efforts to silence them.<sup>155</sup> However, in some areas, women's meaningful and effective involvement in policymaking has had a positive impact, for example, with respect to maternity leave policies and increased funds for women sports programmes. For example, in 2020, the Women's National Basketball Players Association successfully reached a collective bargaining agreement that included a 53 per cent pay raise and fully paid parental leave.<sup>156</sup> Saudi Arabia has placed a focus in its national development strategy on increasing female participation in sport, which led to a

<sup>150</sup> Submission by the Commission on Human Rights (Philippines).

<sup>151</sup> The Pixel Project, "16 ideas for preventing and intervening in violence against women in sports", 3 December 2022.

<sup>152</sup> Luiza Isnardi Cardoso Ricardo and others, "Gender inequalities in physical activity among adolescents from 64 Global South countries", *Journal of Sport and Health Science*, vol. 11, No. 4 (July 2022).

<sup>153</sup> Lucy Piggott and others, "Gender distribution in sport for development and peace organizations: a critical mass of women in leadership and governance positions?", *Journal of Sport for Development*, vol. 12, No. 1 (May 2024).

<sup>154</sup> Submission by Australian Feminists for Women's Rights.

<sup>155</sup> Cindy Lever, "Exclusive: row over trans women playing in female soccer leagues gets ugly as campaigner fighting to 'keep blokes out of women's sport' is hit with restraining order to 'protect' trans player", *Daily Mail*, 3 May 2023.

<sup>156</sup> Reimers and ILO, "Professional athletes and the fundamental principles".

150 per cent increase in women’s participation in sports compared with previous years and an 800 per cent increase in women coaches.<sup>157</sup>

69. Violence against women and girls contributes to their sustained exclusion from participation and progression in various areas of sport, including leadership, visibility and professional occupations as athletes, officials and entrepreneurs within sport ecosystems. According to one study, only about 10 per cent of sports organizations worldwide have female presidents or chairs.<sup>158</sup> In response, some countries, such as Bolivia, have enhanced consultation with females in sport,<sup>159</sup> and Portugal has launched a programme to empower young leaders through the implementation of its gender equality and inclusion objectives for the period 2021–2024.<sup>160</sup> While underrepresentation of women in decision-making is a global issue, there are major gaps in data,<sup>161</sup> intersectional analyses and evidence in policy and practice.<sup>162</sup> Even when women hold leadership positions in federations, they are either considered token hires or expected to work on a voluntary basis. Nevertheless, several States, including Ireland<sup>163</sup> and El Salvador,<sup>164</sup> have created dedicated bodies and commissions to promote women’s participation in sport. Others, including Malaysia<sup>165</sup> and Fiji,<sup>166</sup> have adopted action plans to enhance female participation.

70. Nevertheless, important milestones have been achieved in the advancement of women’s leadership in sport. For example, for the first time in its 100-year history, the Spanish Federation for Mountain and Climbing Sports has appointed a woman Vice-President responsible for equality and parity to its Board of Directors.<sup>167</sup>

## VII. International human rights framework

### A. Prohibition of discrimination, including on the basis of sex

71. States have an obligation to guarantee non-discrimination in the enjoyment of human rights, including on the basis of sex. Articles 2 and 3 of the International Covenant on Civil and Political Rights mandate States parties to take all steps necessary, including the prohibition of discrimination on the ground of sex, to put an end to discriminatory actions both in the public and private sector which impair the equal enjoyment of rights. According to article 2 of the Universal Declaration on Human Rights, everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, including on the basis of sex. In article 1 of the Convention on the Elimination of All Forms of Discrimination Against Women, discrimination is defined as “any distinction, exclusion, or restriction, made on the basis of sex, which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”.

<sup>157</sup> Submission by Saudi Arabia.

<sup>158</sup> Lombe A. Mwambwa and Elizabeth C.J. Pike, “Living in the along: reflections on inquiring into experiences of women in sport”, in *Research Handbook on Sports and Society*, edited by Elizabeth C.K. Pike (United Kingdom, Edward Elgar Publishing, 2021), pp. 261–275.

<sup>159</sup> Submission by Bolivia.

<sup>160</sup> Submission by Portugal.

<sup>161</sup> Forsdike and O’Sullivan, “Interpersonal gendered violence”.

<sup>162</sup> Submission by Global Observatory for Gender Equality and Sport.

<sup>163</sup> Submission by Ireland.

<sup>164</sup> Submission by El Salvador.

<sup>165</sup> Submission by Malaysia.

<sup>166</sup> Submission by Fiji Women’s Rights Movement.

<sup>167</sup> Submission by Spanish Federation for Mountain and Climbing Sports.

72. Article 2 (1) of the International Covenant on Civil and Political Rights establishes an obligation for States to respect and ensure to all persons within their territory and jurisdiction the rights recognized therein without distinction of any kind, including on the basis of sex. In addition, article 3 requires States parties to ensure the equal right of men and women to the enjoyment of all civil and political rights provided for in the Covenant. Article 26 enshrines a general right to equality before the law and equal protection of the law and also directly guarantees to all persons equal and effective protection against discrimination, including sex-based discrimination. However, as noted by the Human Rights Committee in general comment No. 18 (1989), para. 13, “not every differentiation of treatment will constitute discrimination, if the criteria for such differentiation are reasonable and objective and if the aim is to achieve a purpose which is legitimate under the Covenant”.

73. The Declaration on the Elimination of Discrimination Against Women, proclaimed by the General Assembly in 1967, considers that discrimination against women is incompatible with human dignity, prevents their participation, on equal terms with men, in the political, social, economic and cultural life of their countries and is an obstacle to the full development of the potentialities of women. It provides, *inter alia*, that “all appropriate measures shall be taken to ensure to girls and women ... equal rights with men in education at all levels” as well as in the field of economic and social life.

74. According to article 3 of the Convention on the Elimination of All Forms of Discrimination against Women, States parties are obliged to take in all fields, in particular the political, social, economic and cultural fields, all appropriate measures to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men. Article 11 of the Convention also obliges all States parties to take appropriate measures to eliminate discrimination against women in employment as well as to protect the right to health, including safeguarding the function of reproduction, and to safe working conditions. The Convention also refers in article 13 to the need of States parties to take all measures to eliminate discrimination against women and to ensure that women can participate in recreational activities and sports on an equal basis with men.

## **B. Right to participate in sport in safety and dignity**

75. Article 1 of the Universal Declaration of Human Rights provides that “all human beings are born free and equal in dignity and rights”. In article 3 of the Declaration on the Elimination of Violence against Women, which builds on this recognition, it is stated that women are entitled to equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, civil or any other field, including, *inter alia*, the right to be free from all forms of discrimination, the right to the highest standards attainable of physical and mental health and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment. According to Article 4 of that Declaration, States must “pursue by all appropriate means and without delay a policy of eliminating violence against women”.

76. Under international law, women and girls also have a right to privacy, which would be forfeited by forcing mixed-sex spaces in sports locker rooms and other intimate facilities. Article 17 of the International Covenant on Civil and Political Rights of 1966 stipulates that “no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation” and that “everyone has the right to the protection of the law against such interference or attacks”.

### **C. Right to full and equal participation**

77. While the Universal Declaration of Human Rights does not make an explicit reference to sports, sports-related activities are generally understood to fall within the broader framework of education and cultural participation, to which everyone has a right within the meaning of articles 26 and 27, respectively.

78. Article 3 of the International Covenant on Economic, Social, and Cultural Rights also affirms the right of men and women to the equal enjoyment of all economic, social and cultural rights. In its general comment No. 16 (2005) (E/C.12/2005/4), the Committee on Economic, Social and Cultural Rights stated that respect for this right requires States to refrain from discriminatory actions that result in the denial of the equal right of men and women to the enjoyment of economic, social and cultural rights. It also stated, in the same general comment, that “it is incumbent upon States parties to take into account the effect of apparently gender-neutral laws, policies and programmes and to consider whether they could result in a negative impact on the ability of men and women to enjoy their human rights on a basis of equality”.

79. The link between sports, education and women’s and girls’ empowerment is also recognized in high-level United Nations documents, such as the Beijing Declaration and Platform for Action. The Declaration commits States to support the advancement of women in all areas of athletics and physical activity and to promote the full and equal participation of girls in extracurricular activities, such as sports, in part through strengthening gender-sensitive programmes for girls and women of all ages in education and community institutions.<sup>168</sup> The need to involve women and girls in sport was also recognized by the Human Rights Council in its resolution 24/1.

### **D. Freedom from forced labour and trafficking**

80. While the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime is not specifically tailored to protect women and girl athletes, its broad framework against trafficking provides significant protections. By criminalizing trafficking, mandating preventive measures and ensuring support for victims, the Protocol helps to safeguard athletes from exploitation and abuse.

81. The Forced Labour Convention, 1930 (No. 29) of the International Labour Organization (ILO) and its Protocol of 2014, as well as the ILO Abolition of Forced Labour Convention, 1957 (No. 105), provide an international legal framework on protecting athletes, including women athletes, from forced labour, which is defined in article 2 (1) of the Forced Labour Convention as all work or service which is extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily. The Protocol of 2014 is particularly relevant for the protection of athletes at risk of being trafficked or exposed to conditions of compulsory slavery.

### **E. Rights of the child**

82. The Convention on the Rights of the Child provides a framework for protecting children’s rights in all aspects of life, including sports. By emphasizing the right to play and engage in recreational activities, it ensures that sports environments are safe

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<sup>168</sup> See in particular paras. 83 and 280 of the Declaration.

and inclusive. It mandates that children should be protected from all forms of abuse, neglect and exploitation and requires that they not be subjected to excessive physical or psychological demands in sports. In addition, the Convention requires that States recognize the right of children to equal opportunities in recreational activity, allowing children of all backgrounds to participate and develop their talents.

83. Children are entitled to safeguards in sport as well as to be protected against child labour, as it deprives them of their dignity and childhood and harms their mental and physical development, against their best interest. Not all activities in which children are engaged for economic gain or skill or career development are considered prohibited child labour. The Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) are the primary ILO instruments for safeguarding child athletes.

## F. Rights of transgender persons

84. All persons, irrespective of their gender identity, are entitled to live a life free from discrimination and to have their human rights safeguarded. The Committee on the Elimination of Discrimination against Women, in its general recommendation No. 35 (2017) on gender-based violence against women, highlighted that discrimination against women is inextricably linked to other factors that affect their lives, including ethnicity, race, colour, political opinion, disability, migratory status and gender identity and sexual orientation. It is therefore important that any sports-related policy ensure that transgender persons can participate fully in sports. Some States have taken special measures to strengthen inclusion, such as Ireland, which, in its national inclusion strategy for the period 2019–2021, highlighted the positive contributions of lesbian, gay, bisexual, transgender and intersex persons to Irish sport.<sup>169</sup>

85. According to international human rights law, differential treatment on prohibited grounds may not be discriminatory if it is based on reasonable and objective criteria, it pursues a legitimate aim its effects are appropriate and proportional to the legitimate aim pursued and it is the least intrusive option to achieve the intended result. Maintaining separate-sex sports is a proportional action that corresponds to legitimate aims within the meaning of article 26 of the International Covenant on Civil and Political Rights and does not automatically result in the exclusion of transgender persons from sports, nor does it require invasive sex screenings. When combined with other measures, such as open categories, fairness in sports can be maintained while ensuring the ability of all to participate – a course of action followed by several professional sports associations.

## VIII. Conclusions and recommendations

86. **According to the Human Rights Council Advisory Committee, “sport is an important means to promote and strengthen universal respect for human rights. It can and should be used to combat all forms of discrimination and more generally social exclusion, violence, inequality, racism and xenophobia” (A/HRC/30/50). The Special Rapporteur therefore makes the following recommendations to States, international organizations, sporting bodies at all levels, civil society and other relevant actors, consistent with their mandates:**

<sup>169</sup> Submission by Ireland.

87. In order to foster a global human rights-centred approach to the equality, safety and dignity of women and girls, they should:

(a) Integrate a human-rights-based approach in all sports activities and ensure accountability for both State and non-State actors implicated in egregious human rights violations, including against women and girls, in particular through measures barring their participation in sporting events;

(b) Support the establishment of an independent global entity, aimed at ensuring safety in sport, that is mandated to, inter alia, combat sexual violence against women and girls and offer assistance and support for victim-survivors;

(c) Ensure that violence against women and girls in sport is addressed by human rights mechanisms.

88. In order to enhance the prevention of violence against women and girls in sport and improve accountability for such acts, they should:

(a) Prioritize the development and implementation of laws, policies, regulations and other measures that prevent and respond to violence against girls and women in sports and physical activity. Such policies must be established in consultation with women and girls and emphasize long-term, coordinated and sustainable action while acknowledging that there is no one-size-fits-all model;

(b) Criminalize the buying of sexual acts to end demand for prostituted women and girls, which often increases at major sporting events;

(c) Create an inclusive environment that fosters respect for diversity, equality and the self-determination rights of Indigenous communities;

(d) Provide a legal or policy framework for the effective implementation of procedures to investigate and sanction potential offenders, including where individual acts or practices do not meet the threshold for a criminal offence or the standard of proof beyond reasonable doubt;

(e) Implement disciplinary sanctions up to and including permanent bans proportional to the gravity of the abuse and to the position of perpetrators and accomplices alike;

(f) Adopt accreditation programmes that require clearance certificates for sexual misconduct and trafficking and exploitation of persons;

(g) Allocate adequate funds for the prevention of, and response to, violence against women and girls in sport and make funding conditional on demonstrating an appropriate understanding of and response to such violence. Share best practices and adopt a system of reward and recognition for stakeholders that have adopted such practices;

(h) Equip persons who frequently interact with athletes with the necessary skills to identify and respond to victims of violence;

(i) Create redress and reparations programmes for victims in sporting federations, as well as trauma-informed support to victims, their families, entourages and teammates;

(j) Adopt, communicate and widely disseminate clear protocols for reporting and addressing allegations of violence and guidance on consequences and enhance the confidence of survivors and whistleblowers in them;

(k) Appoint dedicated delegates/focal points for women and children that women and girls can go to with their troubles and concerns;

(l) Ensure that coaches use their power and influence to tackle issues of violence against women and girls in sport and that they receive training on how to discuss all forms of violence with their athletes and establish mentoring networks in sports;

(m) Provide mandatory training for all players, managers, coaches, owners and staff on the extent and scope of violence, including sexual violence, as well as the nature and role of consent;

(n) Engage and support the families of children in sports, consulting them effectively and involving them in decisions affecting their children.

89. In order to improve education and training programmes on the prevention of and response to violence against women and girls in sport, they should:

(a) Integrate sex and gender equality into civic education, including through sports, and assess the effectiveness of education efforts aimed at changing gender norms and roles;

(b) Review education and media narratives to promote values beyond mere victory and to promote respect for the bodily autonomy of others, respect for consent in sports environments and the development of a new sports culture that is more focused on cooperation, solidarity and respect for others;

(c) Engage the wider society and media to promote equality of rights and dignity, the elimination of gender stereotypes and a culture of rejecting all forms of violence;

(d) Design and implement training programmes targeting those in sports, especially professionals who have direct and permanent contact with girls and women in the field of sports and physical activity;

(e) Teach women and girls how to set boundaries and assert themselves in threatening or uncomfortable situations;

(f) Strengthen sexual assault and violence prevention education programmes targeting men and boys, including those in sports. Such programmes must be relevant, intensive and address cognitive, affective and behavioural domains;

(g) Educate children on how to recognize and respond to bullying and inappropriate behaviour and provide them with knowledge of how and where to seek help.

90. In order to ensure safety and fairness in sport at all levels, they should:

(a) Improve and expand effective education campaigns on the dignity and rights of women and girls to safety, security, targeting inter alia bystanders, male athletes, coaches, and others;

(b) Ensure that female categories in organized sport are exclusively accessible to persons whose biological sex is female. In cases where the sex of an athlete is unknown or uncertain, a dignified, swift, non-invasive and accurate sex screening method (such as a cheek swab) or, where necessary for exceptional reasons, genetic testing should be applied to confirm the athlete's sex. In non-professional sports spaces, the original birth certificates for verification may be appropriate. In some exceptional circumstances, such tests may need to be followed up by more complex tests;

(c) Refrain from subjecting anyone to invasive sex screening or forcing a person to lower testosterone levels to compete in any category;

(d) Ensure the inclusive participation of all persons wishing to play sports, through the creation of open categories for those persons who do not wish

to compete in the category of their biological sex, or convert the male category into an open category;

(e) Protect the female category in sport and implement consistent testing for doping and artificially increased levels of testosterone, without exception.

91. In order to improve women and girls' access to and participation in sport, they should:

(a) Address structural conditions and barriers that drive the vulnerability of women and girls to gender-based violence in the sports ecosystem. Prioritize equitable access to livelihoods and the public participation of persons with disabilities and those from marginalized groups in sport as a strategy to eliminate gender-based violence and overcome the structural and historic barriers that have impeded their full participation in society;

(b) Invest in the development of safe and accessible cities, communities and spaces for women and improve sport infrastructure by designating or establishing facilities that respond to the specific needs of women and girls;

(c) Deal decisively and strictly with inappropriate conduct by the public or others during sporting activities at all levels;

(d) Implement a model for mental health and psychosocial services for adolescents, including adolescent girls, by providing accessible support in schools;

(e) Encourage equal coverage of women and men's sport in the media;

(f) Set up mentoring programmes for future women leaders in sport and adopt measures to increase the representation of women in sports governance systems with the objective of achieving parity between men and women in all sports governing bodies.

92. With respect to comprehensive data on the factors that increase the exposure of women and girls to severe discrimination and violence, they should:

(a) Prioritize the conduct of policy evaluations and dedicated research on existing policies and gaps in addressing all forms of violence, focusing on under-explored issues such as hate speech; methods of perpetuating sexual violence that do not involve grooming; the relationship between the participation of adolescents in sports and gender-based violence, including with regard to women and girls; intersecting forms of discrimination; the insulation of sports governance systems from external accountability; and the impact of local inequities and exclusionary community practices on sport. Larger sample sizes in studies should be ensured, as athletes are not a homogeneous group;

(b) Use research and evaluation to monitor progress, to enhance prevention, early detection and timely management and to restore women's and girls' rights;

(c) Implement the recommendations of the Kazan Action Plan on establishing a global observatory for women, sport, physical education and physical activity that would, among other things, promote investment in women's and girls' participation in sport, establish measures to address gender-based violence in sport and monitor and evaluate progress towards the achievement of sustainable development;

(d) Foster international dialogue to share challenges, best practices and essential information to ensure the safety of sports participants around the world.