

Mandate of the Special Rapporteur in the field of cultural rights

**CALL FOR SUBMISSIONS ON
THE RIGHT TO PARTICIPATE IN SPORTING LIFE**

For her upcoming report to the General Assembly to be presented in October 2024, the United Nations Special Rapporteur in the field of cultural rights, Ms. Alexandra Xanthaki, will consider the right to participate in sports.

The human right to participate in sports is part of everyone's right to participate in cultural life. As culture is a broad, inclusive concept encompassing all aspects of human existence, it also includes sports. Cultural rights protect the rights for each person, individually and in community with others as well as groups of people, to develop and express their humanity, their world view and the meanings they give to their existence and their development through, inter alia, values, beliefs, convictions, languages, knowledge and the arts, institutions and ways of life. They are also considered as protecting access to cultural heritage and resources that allow such identification and development processes to take place.

At its core, the right to participate in sports encompasses the freedom, either individually or in community with others, to engage in sporting activities without discrimination, regardless of factors such as age, colour, sex and gender, sexual orientation, language, religion, political or other opinion, national or social origin, property, disability, birth or other status. It acknowledges the importance of sports in promoting physical and mental well-being, fostering social inclusion and cultural expression, and nurturing personal development. The right also protects alternative forms of sport and play.

Several international instruments support the recognition of the right to sport, through protecting for example the right to rest and leisure, the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the right of the child to engage in play, recreational activities, and sports, the right of persons with disabilities to participate in sports, and the right of women and men to have equal opportunities to participate in sports.

The Special Rapporteur intends to emphasise the importance of adopting a cultural rights approach towards sport and play, placing the right to sport within the framework of cultural rights. With this in mind, she intends to examine the scope of the right; the role of sports in cultural expression and cultural participation of people and peoples; challenges and best practices related to access to and participation in sports in general and in particular with respect to women, LGBTQI+ persons and persons of varied gender identity, persons with disabilities, migrants and refugees, and other vulnerable and marginalized groups; obstacles in the access and participation of children and older

persons; the role of commercialization and professionalization in marginalizing participation; the socio-economic conditions necessary to ensure equal access and participation and the role of governance and accountability impacting the right to participate in sports. It is also important to consider the extent to which the exercise of all sports carries values that are in accordance with human rights, including cultural rights and promote cultural diversity.

Questions

You may wish to answer all the questions or the ones that are closer to your work and/or experience.

General

1. What are the benefits and potential shortcomings of the exercise of sport and play in developing one's identity? In developing groups' identities and cultural diversity? To which extent are these benefits and potential shortcomings reflected in the policies and programmes of your country?

Governance

2. What measures exist in national legislation or elsewhere to ensure that human rights obligations, particularly those relating to the human rights / cultural rights of athletes and sports players, referees, judges as well as spectators, apply to sports governing bodies, organizers of private sporting events or sports companies? How could these frameworks be strengthened?
3. What institutions or mechanisms exist for persons whose right to participate in sports have been violated to make a claim and obtain an effective remedy?
4. What is the role and impact of sports governing bodies or associations on the rights of all persons to participate in sporting life? How can these structures be improved to strengthen participation, governance or accountability?

Participation in sporting life

5. What are main obstacles in ensuring participation of all in sports? You may wish to discuss general obstacles that affect all (such as corruption) or obstacles that are set for specific sections of the population, including any discrimination based on age, colour, sex and gender, sexual orientation, language, religion, political or other opinion, national or social origin, property, disability, birth or other status.
6. What measures has your government/organization taken to limit or to facilitate the participation of athletes as a result of recent or ongoing conflict?
7. Please discuss any efforts by the State to promote culturally-diverse sporting programmes initiated by cultural communities?

Indigenous peoples and sporting life

8. Please discuss any positive or negative use of indigenous symbols, imagery and names in sport? Are these used with consent and respect?
9. Are traditional indigenous games and sports included in national and international sporting events? Are indigenous peoples included in planning, leadership or governance roles? Do they equally benefit from sporting events in which they participate?

Mega Sporting Events

10. Do you have any examples of positive and/or negative effect of large sporting events on cultural rights of local communities?

Commercialization of Sports

11. Please share any examples where commercial interests, marketing, or the pursuit of profit in sport has led to decisions or actions which are contrary to cultural rights.
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