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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Dominican Republic,* San Marino* and South Africa*: draft resolution

45/... Elimination of discrimination against women and girls in sport

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, and all other relevant international human rights instruments,

Recalling all relevant resolutions adopted by the Human Rights Council,

Recalling also General Assembly resolution 70/1 of 27 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, and the Sustainable Development Goals enshrined therein, including, inter alia, those pertaining to reducing inequality based on race and gender,

Recognizing that racial discrimination does not always affect women and men equally or in the same way and that some forms of racial discrimination have a unique and specific impact on women and girls, and the need for explicit recognition and acknowledgement of the different life experiences of women,

Recognizing also that women and girls face multiple and intersecting forms of stigma and discrimination in sport, and continue to be subjected to discriminatory laws and practices based on their race and gender, and that substantive gender equality requires the elimination of the root causes of structural discrimination,

Concerned that the coronavirus disease (COVID-19) pandemic has exacerbated pre-existing inequalities and systemic discrimination faced by women and girls, including racism and socioeconomic inequalities, and has increased the occurrence of gender-based violence and harassment,

* State not a member of the Human Rights Council.



Recognizing the potential value of sport as a universal language that contributes to educating people on the values of respect, dignity, diversity, equality, tolerance and fairness as a means to combat all forms of discrimination and to promote social inclusion for all,

Recognizing also that discriminatory funding of women's sport based on gender stereotypes, socio-political and economic inequalities and systemic racism lead to discrimination, including in access and opportunity,

Recognizing further that marketing practices in sport can create and maintain racist and sexist stereotypes that lead to discrimination and violence,

Deeply concerned that, despite the global awareness of and attention paid to the issue of sexual harassment and abuse in sports, informed, comprehensive, effective and rights-based responses to abuse, both preventative and remedial, have not yet been consistently or fully put in place at any level,

Recognizing the need to engage women and girls in the practice of sport and to enhance, to this end, their participation in sporting events at the national and international levels,

Recalling the report of the United Nations High Commissioner for Human Rights on the impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls submitted to the Human Rights Council pursuant to its resolution 32/17,¹ and its finding that several international instruments and human rights mechanisms explicitly recognized the impact of intersecting forms of discrimination on the enjoyment of human rights by women and girls, including intersections with race, ethnicity, religion, nationality and migration status,

Noting with appreciation the report of the High Commissioner on the intersection of race and gender discrimination in sport submitted to the Human Rights Council pursuant to its resolution 40/5 of 21 March 2019,² in particular its findings that (a) according to the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, race is a gatekeeper for elite sport,³ and that systemic racism and xenophobia exacerbate financial, social and cultural barriers for women and girls to participate in it; (b) the implementation of some female eligibility regulations denies athletes with innate variations of sex characteristics an equal right to participate in sports and violates the rights to equality, non-discrimination, freedom from torture and other cruel, inhuman or degrading treatment or punishment, the right to work and to the enjoyment of just and favourable conditions of work, the right to the enjoyment of the highest attainable standard of physical and mental health, the right of everyone to be free from arbitrary interference with their privacy, and the rights to bodily integrity and bodily autonomy; and (c) many women and girl athletes face obstacles in their access to effective remedies and in obtaining full redress for violations of their human rights, including in private dispute resolution mechanisms and mandatory private arbitration of sporting disputes, and that regulations and statutes of sport governing bodies that are applied in appeals to the Court of Arbitration for Sport do not include human rights norms and standards as binding sources of law for adjudication, and most do not contain a broader commitment to respecting the full range of human rights of women and girl athletes,

Reaffirming that States should ensure that non-State actors, including sport governing bodies, respect human rights in their own regulatory regimes and are held accountable for abuses,

1. *Calls upon* States to prevent and eliminate discrimination against women and girls in sport based on race, gender and other grounds by:

(a) Ensuring that legislation outlaws all forms of discrimination based on race and gender, including innate variations of sex characteristics;

¹ A/HRC/35/10.

² A/HRC/44/26.

³ A/69/340, para. 21.

(b) Reviewing laws, policies and programmes with a view to removing barriers to equal access to sport for women and girls which include lack of access to opportunities, safety, social stigma and expense;

(c) Integrating in national plans of action analyses of discrimination and other human rights abuses in sport based on race and gender, including innate variations of sex characteristics, so as to ensure adequate resourcing of related activities, including awareness-raising, capacity-building, accountability for harm caused and redress for victims;

(d) Ensuring that women and girls and their representative organizations, including athletes' associations and commissions, are consulted on laws and policies, particularly those that have an impact on their rights;

2. *Urges* States to remove and provide redress for barriers that prevent the full, equal, effective and meaningful participation of women and girls in all fields, including in sport, and calls upon States:

(a) To respect, protect and fulfil the rights to bodily autonomy and integrity of all women and girl athletes, and to remove any laws, policies or programmes that restrict their participation or otherwise discriminate or require them to undergo intrusive medically unnecessary interventions, in sport;

(b) To ensure that athletes know their rights and have access to legal remedy and the legal capacity to act collectively and individually to protect their rights, and seek and receive all relevant information to make decisions at every level of their engagement in sport;

(c) To ensure access to justice and accountability mechanisms and timely and effective remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating all forms of discrimination and gender-based violence against women and girls in sports, including by informing women and girls about their rights under relevant laws in an accessible way and by improving legal infrastructure, and mainstreaming gender-responsive training into justice systems to ensure equality before the law and equal protection of women and girls by the law;

(d) To adopt and implement policies, legislation, regulations and programmes that ensure substantive equality, the social, political and economic empowerment of all women and girls, and prevent and eliminate all forms of discrimination and gender-based violence and harassment, including in sports;

3. *Calls upon* States to engage with sporting bodies:

(a) To review rules, regulations, contracts and agreements as appropriate to ensure their compliance with applicable human rights norms and standards, paying particular attention to adequate remedies, including in respect of arbitration clauses, so that they do not violate the human rights of athletes;

(b) To jointly promote the inclusion of women and girls in sporting activities, paying particular attention to women and girl athletes marginalized on account of their race or gender, and to create equality-affirming programmes and policies, including public education campaigns to counter gender-stereotyped and racist attitudes and portrayals of women and girl athletes in the media;

(c) To ensure that the rights of girl athletes under the age of 18 provided by the international framework for the rights of the child are in place in sport governing bodies policies, rules and regulations;

(d) To ensure that athletes' rights to privacy and confidentiality are respected, protected and fulfilled at all times, in accordance with applicable legislation, including when data and samples are collected, and to ensure that athletes have provided informed consent for all tests conducted on the samples;

4. *Requests* the United Nations High Commissioner for Human Rights to prepare a report on best practices and challenges in preventing and eliminating discrimination against women and girls in sport, including against women and girls facing multiple and intersecting forms of discrimination, and to present the report to the Human Rights Council at its forty-eighth session.