



# General Assembly

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## Human Rights Council

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Agenda item 3

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

Albania,\* Argentina, Armenia, Australia,\* Austria,\* Belgium,\* Bosnia and Herzegovina,\* Bulgaria,\* Chile,\* Croatia,\* Cyprus,\* Denmark,\* Ecuador,\* Estonia,\* Finland, Georgia,\* Germany, Greece,\* Iceland,\* Ireland,\* Israel,\* Italy,\* Latvia,\* Lithuania, Luxembourg, Malta,\* Marshall Islands, Mexico, Monaco,\* Montenegro, Netherlands, New Zealand,\* North Macedonia,\* Norway,\* Paraguay, Peru,\* Philippines,\* Portugal,\* Slovakia,\* Slovenia,\* Spain,\* Sweden,\* Thailand,\* Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay:\* draft resolution

### **49/... Participation of persons with disabilities in sport, and statistics and data collection**

*The Human Rights Council,*

*Reaffirming* the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto,

*Recalling* the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed the full enjoyment of their human rights and freedoms without discrimination,

*Reaffirming* all of its previous resolutions on the rights of persons with disabilities, the most recent of which was resolution 43/23 of 22 June 2020 on awareness-raising on the rights of persons with disabilities, and habilitation and rehabilitation, and welcoming the efforts of all stakeholders to implement those resolutions,

*Recalling* General Assembly resolution 76/154 of 16 December 2021 on the implementation of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto: participation,

*Reaffirming* that disability is a social construct and that impairments must not be taken as a legitimate ground for denial or restriction of human rights,

*Reaffirming also* that discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person, while reaffirming also that the adoption of specific measures, including reasonable accommodations, that are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination,

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\* State not a member of the Human Rights Council.



*Noting with deep concern* the disproportionate negative impact of the coronavirus disease (COVID-19) pandemic on persons with disabilities, while recognizing that they face a greater risk of COVID-19 infection and have higher mortality rates, and face aggravated barriers in their access to timely and quality health services, which has an impact on their human rights,

*Expressing concern* at the adverse impact of climate change on individuals with multiple vulnerability factors, including women and girls with disabilities, and emphasizing the need for States to take and to support adequate measures to address their specific needs and to ensure participation in disaster response planning for emergency situations and evacuations, humanitarian emergency response and health-care services,

*Reaffirming* the need to mainstream gender and to take gender-responsive and disability-inclusive measures to address multiple, aggravated and intersecting forms of discrimination, including ableism and ageism, in all efforts to promote gender equality and the full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities,

*Recalling* the general principles reflected in the Convention on the Rights of Persons with Disabilities, namely, non-discrimination, full and effective participation and inclusion in society, respect for difference and acceptance of persons with disabilities as part of human diversity and humanity, individual autonomy and independence of persons, equality between men and women and respect for the evolving capacities of children with disabilities,

*Recalling also* that article 30 (5) of the Convention on the Rights of Persons with Disabilities obliges States parties, with a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, to take appropriate measures to encourage and promote their participation, to the fullest extent possible, in mainstream sporting activities at all levels, and to ensure that they have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities, encouraging the provision, on an equal basis with others, of appropriate instruction, training and resources,

*Recalling further* that article 30 (5) of the Convention obliges States parties to take appropriate measures to ensure that persons with disabilities have access to sporting, recreational and tourism venues, as well as access to services from those involved in the organization of recreational, tourism, leisure and sporting activities, and to ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system,

*Recalling* the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination and all other relevant international human rights instruments,

*Recalling also* the revised International Charter of Physical Education, Physical Activity and Sport and the Kazan Action Plan of the United Nations Educational, Scientific and Cultural Organization, and the guidelines on physical activity and sedentary behaviour of the World Health Organization, while taking note of the Constitution of the International Paralympic Committee,

*Recognizing* the potential of sport as a universal language that contributes to educating people about the values of respect, dignity, diversity, equality, tolerance and fairness as a means to eliminate all forms of discrimination and to promote social inclusion for all, and reaffirming the need to eliminate multiple and intersecting forms of discrimination and combat intolerance where they occur, within and outside the sporting context,

*Recognizing also* that the participation of persons with disabilities in recreation, leisure and sport has physical, psychological, emotional and social benefits, including improving physical and mental health and rehabilitation outcomes, enhancing the sense of belonging and inclusion in the community, self-esteem, self-confidence and individual autonomy, and is closely linked to the full and equal enjoyment of all human rights and fundamental freedoms,

*Concerned* that persons with disabilities experience poorer health outcomes, in part because of lack of physical activity, and that persons with disabilities face greater barriers than others in access to physical activity and sports owing to inaccessible infrastructure, inaccessible facilities and services, lack of personal assistance, forms of live assistance and intermediaries or other community support services, lack of financial support and lack of context-appropriate and affordable assistive technology, including assistive technology and devices for physical activity and sports, as well as attitudinal barriers, such as stereotypes, stigma and prejudices about their capabilities, among other reasons,

*Deeply concerned* that women and girls with disabilities of all ages face multiple, aggravated and intersecting forms of stigma and discrimination in sport, are disproportionately excluded from physical activities, not only compared to other women and girls without disabilities but also compared to men and boys with disabilities, and are also disproportionately exposed to violence, including sexual and gender-based violence and abuse,

*Acknowledging* the role that the Paralympic Movement plays in showcasing the achievements of athletes with disabilities to a global audience and in acting as a primary vehicle to promote positive perceptions and greater inclusion of persons with disabilities in sport and society, and taking note of the “WeThe15” campaign launched at the Tokyo 2020 Paralympic Games and promoted at the Beijing 2022 Paralympic Winter Games,

*Recalling* in particular that article 31 of the Convention on the Rights of Persons with Disabilities, on statistics and data collection, calls upon States parties to collect appropriate and disaggregated information, including statistical and research data, to enable them to formulate and implement policies to give effect to the Convention, to help to assess the implementation of States parties’ obligations under the Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights, and also calls upon States parties to assume responsibility for the dissemination of statistics and to ensure their accessibility to persons with disabilities and others,

*Recalling also* that article 31 of the Convention on the Rights of Persons with Disabilities requires that the process of collecting and maintaining appropriate information, including statistical and research data, comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities, as well as with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics,

*Recognizing* that involvement and meaningful participation of persons with disabilities and their representative organizations, as experts on the barriers they face, in data-collection processes, including community-based and citizen-driven data-collection, can contribute substantively to data-collection efforts,

*Mindful* that persons with disabilities are specifically exposed to higher risks of discrimination based on their impairments, which makes personal data as well as sensitive data on health and rehabilitation particularly relevant and in need of protection,

*Concerned* about the possible human rights violations and abuses stemming from the misuse of big data and the disproportionately high risks that persons with disabilities may face arising from biased data sets and discriminatory algorithms that restrict persons with disabilities’ access and ability to afford services, including in social protection and health, as well as their access to opportunities in employment and education,

*Recognizing* that encryption and anonymity may contribute to an individual’s full enjoyment of human rights, including the right to freedom of opinion and expression and the right to privacy, in accordance with international law, and may empower individuals, including persons with disabilities, to access information and ideas, to seek help, assistance and guidance and to freely explore and express ideas relating to their identity and human rights,

*Noting* the cross-cutting nature of equality and non-discrimination in the 2030 Agenda for Sustainable Development, which has an impact across the Sustainable Development Goals and targets, and noting also in particular Goals 3, 4, 5 and 10, and target 17.18 to increase significantly the availability of high-quality, timely and reliable data disaggregated

by, inter alia, gender, age, disability and other characteristics relevant in national contexts as a means to measure the advancement under the 2030 Agenda and to ensure that no one is left behind,

*Welcoming* the work of the Special Rapporteur on the rights of persons with disabilities, and taking note with appreciation of his reports,<sup>1</sup>

*Welcoming also* the work of the Committee on the Rights of Persons with Disabilities, and taking note with appreciation of its general comments,

*Welcoming further* the work undertaken by the task force on secretariat services, accessibility for persons with disabilities and use of information technology,

1. *Welcomes* the fact that, to date, 184 States and one regional integration organization have ratified or acceded to the Convention on the Rights of Persons with Disabilities, and that 100 States have ratified or acceded to the Optional Protocol to the Convention, and calls upon those States and regional integration organizations that have not yet ratified or acceded to the Convention and the Optional Protocol to consider doing so as a matter of priority;

2. *Encourages* States that have ratified the Convention and have submitted one or more reservations to it to initiate a process to review regularly the effect and continued relevance of such reservations and to consider the possibility of withdrawing them;

3. *Welcomes* the reports of the Office of the United Nations High Commissioner for Human Rights on participation in physical activity and sport under article 30 of the Convention<sup>2</sup> and on statistics and data collection under article 31 of the Convention,<sup>3</sup> and calls upon all stakeholders to consider the findings and recommendations made in those studies with a view to implementing them, where appropriate;

#### **Physical activity and sports**

4. *Calls upon* all States to take appropriate measures to enable persons with disabilities to participate on an equal basis with others and without discrimination, in recreational, leisure and sporting activities, applying a human rights-based approach that is gender-responsive and age-sensitive, such as by:

(a) Integrating physical activity into health policy objectives and taking a multidisciplinary and multisectoral approach to achieve those objectives through recreation and leisure, education and sports;

(b) Adopting legislation and policies that enable persons with disabilities to engage in physical activity and sport on an equal basis with others, explicitly prohibiting discrimination based on disability, and providing a policy framework that creates incentives for the private sector to act and prevent discrimination;

(c) Ensuring the meaningful and effective participation of persons with disabilities in public decision-making processes relevant to sport and physical activity, in particular by closely consulting with and actively involving persons with disabilities, including women and children with disabilities, directly or through their representative organizations;

(d) Ensuring access for persons with disabilities to mainstream recreation and leisure, physical education and sports and to disability-specific sports, including as participants, spectators or in any other role in sports events, without discrimination, in the public and private sectors;

(e) Ensuring accessibility for persons with disabilities to all open spaces and public facilities, transport, paths, venues and related services, including by promoting universal design principles in new buildings and structures, as well as adequate and appropriate information and communications in accessible formats, including using sign languages, as participants, staff and spectators or in any other role of sports events;

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<sup>1</sup> A/HRC/46/27 and A/HRC/49/52.

<sup>2</sup> A/HRC/46/49.

<sup>3</sup> A/HRC/49/60.

(f) Taking effective measures to ensure that persons with disabilities can organize and develop disability-specific sporting activities themselves, in addition to efforts made by mainstream sports organizations;

(g) Developing awareness-raising programmes, including in accessible formats, about the importance of physical activity for persons with disabilities, including health and social inclusion outcomes, targeting family members and involving the media and other stakeholders;

(h) Ensuring that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, as well as physical education, both in the context of inclusive education and out of school, increasing teachers' and educators' capacity in this respect and hiring persons with disabilities as teachers;

(i) Ensuring that education entities responsible for training teachers and educators on physical education and sports take effective measures to develop, include and strengthen disability-specific and disability-inclusive sports and practices in the curricula, including when addressing the workforce that supports extracurricular activities, and ensuring that persons with disabilities have equal opportunities to become teachers and educators on physical education and sports;

(j) Implementing governance structures with appropriate and equitable funding distribution to provide equal opportunities, grants and awards for athletes with disabilities to develop their careers on an equal basis with others;

(k) Identifying and promoting athletes with disabilities with potential in sports and, eventually, to enable them to fully participate at all levels of local, national and international competition of their choice, including but not limited to Olympic and Paralympic competitions and the Special Olympics World Games;

(l) Recognizing indigenous or traditional sports and supporting indigenous athletes with disabilities, including women and girls, in order to enable them to participate in leisure activities, including sports;

(m) Conducting, promoting and funding research and data collection, analysis and use, systematizing existing administrative data and considering also community-driven and crowdsourced data collection, disaggregating by age, gender and disability, in order to assess inter alia, the health outcomes of physical activity of persons with disabilities, availability and affordability of assistive technology for physical activity and sports, the current participation of persons with disabilities in recreational, amateur and professional sports and the opportunities available and accessible to them;

(n) Creating partnerships with the private sector, including sports organizations and the tourism, recreational, fitness and well-being industries, and building capacity to implement accessibility measures and to reduce the impact of attitudinal barriers;

5. *Calls upon* all States to take specific actions to counter disability-based structural exclusion and discrimination in recreational, leisure and sporting activities and to develop safeguards to prevent, monitor and act on violence and abuse in sports against persons with disabilities, especially women and girls with disabilities, children with disabilities and persons with intellectual disabilities, providing proper means to monitor sports activity, investigate and, as appropriate, prosecute perpetrators of crimes, provide redress for victims, adopt measures of non-repetition, and ensure access to justice for persons with disabilities on an equal basis with others, and to promote education campaigns on violence and abuse prevention;

6. *Encourages* all relevant business enterprises, in particular business enterprises in the sport, tourism, recreational, fitness and wellness industries, to design more inclusive and affordable sports systems for persons with disabilities, including through artificial intelligence, to ensure access for persons with disabilities, on an equal basis with others, in mainstream settings, to develop specific capacities or skills among staff, and to recruit persons with disabilities within the workforce, at all levels;

7. *Encourages also* local, national and international organizations involved in sport, recreation, fitness and physical activities to commit to the full inclusion of persons with

disabilities by developing internal policies on non-discrimination and disability inclusion, creating internal safeguarding systems to prevent and address violence against persons with disabilities, especially against women and girls with disabilities, and promoting opportunities for exchange among athletes, coaches and referees with disabilities and their peers without impairments, fostering camaraderie and a community of practice;

#### **Statistics and data protection**

8. *Calls upon* all States to take appropriate measures to ensure sustainable, comprehensive and inclusive data collection, analysis and use on persons with disabilities and on the barriers they face in exercising their rights, applying a human rights-based approach to data, in order to formulate and implement policies, and monitor and assess the implementation of the Convention on the Rights of Persons with Disabilities, such as by:

(a) Including questions identifying persons with disabilities in data collection, including in censuses and all household surveys, and ensuring that those questions incorporate a functional approach, such as that adopted by the Washington Group short set of questions;

(b) Disaggregating by disability all individual- and household-level indicators;

(c) Conducting regular disability-specific surveys to collect more detailed information, including qualitative information, on persons with disabilities and the environmental, attitudinal and institutional barriers they face;

(d) Strengthening health information management systems to collect and report information by disability, which, when supported by qualitative data on environmental barriers, can be used to inform policy decisions, health planning, budgetary allocation and health emergency response efforts;

(e) Systematizing their administrative data collection processes to collect data on disability and using the data to guide inclusive policy planning and to identify gaps in policy implementation that prevent the enjoyment of human rights by persons with disabilities;

(f) Harmonizing disability-related data collection so that sets of data from different data tools can be consistent and used in conjunction with each other;

(g) Considering, in data collection and analysis, the multiple, aggravated and intersecting forms of discrimination against persons with disabilities, particularly against women and girls, children and older persons with disabilities;

(h) Supporting citizen-driven and community-based data collection processes and analyses led by or involving persons with disabilities and their representative organizations, recognizing persons with disabilities as experts in the barriers they face;

(i) Selecting disability assessment tools that are fit for purpose and take into consideration the standards of accessibility, availability, acceptability and quality, in the processes of determining eligibility for disability-related programmes;

(j) Supporting quantitative and qualitative research aimed at evaluating existing policies, identifying policy gaps and guiding policy development by using inclusive research methodologies that meaningfully involve persons with disabilities as researchers and value their experiences as sources of knowledge;

(k) Improving data-collection systems for adequate monitoring and evaluation on the implementation of the Convention and the Sustainable Development Goals for all persons with disabilities;

9. *Calls upon* all States to involve persons with disabilities and their representative organizations at the different stages of data-collection processes, from strategic planning, identifying data needs and testing data collection methodologies to collecting, storing, analysing, disseminating and interpreting data, as well as in the design, implementation, monitoring and evaluation of data-related policies;

10. *Calls upon* all States to ensure that data being collected, stored, analysed, disseminated and interpreted on persons with disabilities and on the barriers they face are accessible to persons with disabilities in accessible formats, and that persons with disabilities

can rectify incorrect or outdated information, and can request the deletion of data unlawfully stored;

11. *Also calls upon* all States to take appropriate measures to protect personal data and ensure confidentiality and respect for the privacy of persons with disabilities at all stages of data-collection processes, such as by:

(a) Adopting or amending existing data protection laws to include persons with disabilities;

(b) Using data privacy and data protection principles when developing disability-related policies or other policies that may affect them;

(c) Ensuring that statistical confidentiality and data protection are enforced in data collection and data management for statistical purposes;

(d) Ensuring that persons with disabilities provide their informed consent in accordance with the standards set out in the Convention and that adequate and appropriate information is provided in accessible formats, including using sign languages, for obtaining informed consent;

(e) Requiring greater transparency and accountability in respect of algorithms used in disability-related services and all other services that may affect them, and adopting a human rights-based approach to big data, including on persons with disabilities and their human rights;

(f) Considering the enactment of legislation requiring human rights due diligence on big data collection, storage and sharing, as well as on artificial intelligence deployed by the public or private sector;

(g) Requiring people and entities processing data on persons with disabilities, particularly health-related and rehabilitation data, to having internal supervisory mechanisms to avoid direct or indirect unauthorized disclosure of impairments;

#### **Follow-up**

12. *Calls upon* States to engage in international cooperation efforts at all levels aimed at enhancing their national capacities to enable persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, to ensure sustainable and comprehensive data collection regarding persons with disabilities, and to encourage the mobilization of public and private resources on a sustainable basis to mainstream the rights of persons with disabilities in development, and invites the Office of the High Commissioner and relevant United Nations agencies, and other donor mechanisms and partnerships to consider ways to foster international cooperation activities in that regard, in close consultation with persons with disabilities and their representative organizations;

13. *Encourages* States to integrate in their reports to the high-level political forum on sustainable development the advances made with regard to the rights of persons with disabilities as reflected in laws, policies and practices developed relevant to the commitments under the 2030 Agenda for Sustainable Development, and to develop human rights indicators and collect data disaggregated by age, gender and disability to inform those indicators using a functional approach, such as the Washington Group short set of questions for disaggregation;

14. *Calls upon* States to ensure that all international cooperation is inclusive of persons with disabilities and does not contribute to creating new barriers for them;

15. *Requests* the Office of the High Commissioner to present an oral report to the Human Rights Council on the implementation of the United Nations Disability Inclusion Strategy across its programmes and operations at its fifty-third and fifty-sixth sessions, and also requests the Office to make its report to the Secretary-General on the Strategy publicly available in an easy-to-read version and in an accessible format;

16. *Decides* that its next annual interactive debate on the rights of persons with disabilities will be held at its fifty-second session, and will focus on support systems to ensure community inclusion of persons with disabilities, including as a means of building forward

better after the coronavirus disease (COVID-19) pandemic, and will have international sign interpretation and captioning;

17. *Also decides* to hold at its fifty-fifth session an interactive debate on the rights of persons with disabilities, which will focus on good practices of support systems enabling community inclusion of persons with disabilities, and will have international sign interpretation and captioning;

18. *Requests* the Office of the High Commissioner to prepare its next annual thematic study on the rights of persons with disabilities on support systems to ensure community inclusion of persons with disabilities, including as a means of building forward better after the COVID-19 pandemic, and to prepare its subsequent study on good practices of support systems enabling community inclusion of persons with disabilities, in consultation with States and other relevant stakeholders, regional organizations, the Special Rapporteur on the rights of persons with disabilities, civil society organizations, including organizations of persons with disabilities, and national human rights institutions, requiring contributions to be submitted in an accessible format, and requests that such stakeholder contributions, the studies themselves and an easy-to-read-version of them be made available on the website of the Office of the High Commissioner, in an accessible format, prior to the fifty-second and fifty-fifth sessions of the Human Rights Council;

19. *Encourages* the task force on secretariat services and accessibility for persons with disabilities to report orally to the Human Rights Council on its work and on the progress made in the implementation of its accessibility plan;

20. *Urges* States to consider further integrating and mainstreaming the perspective and rights of persons with disabilities into the work of the Human Rights Council;

21. *Encourages* representative organizations of persons with disabilities, civil society, national mechanisms as described in article 33 of the Convention, and national human rights institutions to participate actively in the debates referred to in paragraphs 11 and 12 above and in regular and special sessions of the Human Rights Council and its working groups;

22. *Requests* the Secretary-General, the High Commissioner and United Nations offices to continue to work collaboratively on the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system, taking into account relevant provisions of the Convention, and underlines that the Human Rights Council, including its Internet resources, should be fully accessible to persons with disabilities;

23. *Requests* the Secretary-General to continue to ensure that the work of the Office of the High Commissioner with respect to the rights of persons with disabilities and the Committee on the Rights of Persons with Disabilities are adequately resourced for the fulfilment of their tasks;

24. *Decides* to remain seized of the matter.

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