



# Convention on the Rights of Persons with Disabilities

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**Matters related to the implementation of the Convention:  
round-table discussions**

## **Inclusion of persons with disabilities in society through participation in cultural life, recreation, leisure and sport**

### **Note by the Secretariat**

The present note was prepared by the Secretariat in consultation with United Nations entities, representatives of civil society and other relevant stakeholders to facilitate the round-table discussion on the theme “Inclusion of persons with disabilities in society through participation in cultural life, recreation, leisure and sport”. The Secretariat hereby transmits the note, as approved by the Bureau of the Conference, to the Conference of States Parties to the Convention on the Rights of Persons with Disabilities at its twelfth session.

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\* [CRPD/CSP/2019/1](#).



## **I. Overview of the issues and challenges that have an impact on the participation and inclusion of persons with disabilities in cultural life, recreation, leisure and sport**

1. Inclusion is usually understood as an action of including or state of being included in a group or structure. Participation in cultural life, recreation, leisure and sport is gradually being recognized as essential for inclusion and for providing everyone with the opportunity to be part of their community. In the Convention on the Rights of Persons with Disabilities, States parties explicitly recognize the importance of inclusion and accessibility for participation, on an equal basis with others, in cultural life, recreation, leisure and sport. Yet in many parts of the world, persons with disabilities are still facing challenges with regard to fully and effectively participating in the wide array of cultural, recreational, leisure and sporting activities.

2. A number of gaps and challenges exist that have a negative impact on the active participation and inclusion of persons with disabilities. There are legal and policy barriers that discourage participation and lead to exclusion. With regard to sport, for example, many schools do not have policies of inclusion that would allow students with disabilities to participate in sporting and recreational activities. Many children and adults with intellectual and psychosocial disabilities often face more challenges and multifaceted and multiple forms of discrimination, neglect and exclusion in their lives in schools and communities and have fewer opportunities to enjoy their cultural right to participate in sporting, recreational and cultural activities.

3. Discrimination in the area of cultural life is still a phenomenon that takes many forms. Misconceptions, prejudice and negative attitudes towards persons with disabilities, which neglect the aspirations, rights, needs and capabilities of persons with disabilities to participate in cultural, recreational and sporting activities, remain deep-rooted and prevalent in many communities and societies. Many persons with psychosocial disabilities are routinely excluded from participation in cultural life, recreation, leisure and sport in the communities in which they live, as they may be subject to forced medical intervention or detention. One common example: many people who use wheelchairs are denied entry to movie theatres or other cultural and recreational facilities on the grounds that their wheelchairs may present a fire hazard for other participants.

4. Physical barriers and lack of access to facilities and services, cultural materials, performances, television programmes, films, theatre and other cultural activities in accessible formats, as well as lack of reasonable accommodation in cultural or recreational venues and facilities, have been persistent concerns as they prevent persons with disabilities from being able to take part as either participants or spectators. Even the most basic activities that should be open to all people are often unavailable to persons with disabilities. According to crowd-sourced data on more than 48,000 cultural places worldwide, mostly in developed countries, only 54 per cent of such places were accessible for wheelchair users. Among more than 21,000 leisure places, 52 per cent were accessible, and among more than 14,000 sporting venues, 55 per cent were accessible. According to a baseline study, in nine developing countries in Africa and Asia, the percentage of persons with disabilities who reported that recreational facilities (such as cinemas, theatres and bars) were generally not accessible to them ranged from 14 to 58 per cent.<sup>1</sup> In tourism facilities and services around the world, there are also many barriers that restrict movement or prevent access for travellers with disabilities, who are physically and financially able to travel

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<sup>1</sup> United Nations, Department of Economic and Social Affairs, *United Nations Flagship Report on Disability and Development 2018: Realization of the Sustainable Development Goals By, For and With Persons with Disabilities*.

but cannot enjoy the same experiences as other tourists. Public transportation services, such as buses, trains, subways and commercial aeroplanes, are rarely able to accommodate wheelchair users. Many restaurants have been known to refuse to serve clients with leprosy or intellectual disabilities, and many others are inaccessible to persons with physical disabilities.

5. Lack of access to information is another challenge. Media programming and other technological platforms allowing people to access information about cultural venues and services are often not accessible for persons who are blind and/or deaf. In 2012, among 193 Member States, over 60 per cent of government websites were found to be inaccessible to users with disabilities.<sup>2</sup> In 11 countries in Asia and the Pacific, the percentage of accessible television news programmes varied from 1 to 100 per cent.<sup>3</sup> While there is a lack of official statistical data, evidence and experiences from the disability community reveal that, for example, in the tourism sector, hotels have few, if any, accessible rooms and rarely provide accessible online information about services or physical signage to persons with visual or hearing impairments. In many countries, little relevant information related to culture, leisure and sport has been made available in a user-friendly and accessible format for persons with disabilities. The lack of accessibility of books and knowledge-based materials and the lack of actual access to such books and materials in accessible print or digital formats, including those related to cultural, recreational and leisure activities, for the millions of persons in the world who are blind or visually impaired is widely recognized, leading to increasingly global campaigns and actions, in particular for the adoption, ratification and implementation of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled as a means to end the global book famine for persons who are blind.<sup>4</sup>

6. Around the world, persons with disabilities have fewer opportunities for involvement and lack enabling conditions that facilitate their participation in sporting, cultural and leisure activities. Disability is often not a priority in national and local policy agendas on culture and sport. There is a shortage of investments in building and maintaining cultural, leisure and sports venues, facilities and services that are usable for and accessible to persons with disabilities. Social and communication barriers prevent many persons with disabilities, children and adults alike, from participating as actors or spectators. Service providers or programme implementers, such as many school teachers, often do not receive adequate disability-sensitive education and skills training on how to adapt sporting, cultural and recreational activities for students or trainees with disabilities.

7. All of the above points explain why many children with disabilities often face barriers in exercising their right to engage in sport and play, while many persons with disabilities cannot participate actively in cultural, tourist or sporting activities even when they are willing and capable in physical and financial terms.

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<sup>2</sup> United Nations, Department of Economic and Social Affairs, *United Nations E-Government Survey 2012: E-Government for the People*.

<sup>3</sup> *Building Disability-Inclusive Societies in Asia and the Pacific: Assessing Progress of the Incheon Strategy* (United Nations publication, Sales No. E.18.II.F.4).

<sup>4</sup> See, for example, the Marrakesh Treaty ratification and implementation campaign of the World Blind Union.

## II. Commitments to including persons with disabilities as embodied in internationally agreed norms

8. Owing to the increasing global attention and commitments made in relation to persons with disabilities and their inclusion in society, the international normative framework concerning the participation of persons with disabilities in cultural life, recreation, leisure and sport has been significantly strengthened over the years.

9. The participation of persons with disabilities in cultural life<sup>5</sup> is already affirmed as a right in a set of international conventions, such as the International Covenant on Economic, Social and Cultural Rights, and in some specialized conventions, namely, the Convention on the Elimination of All Forms of Discrimination against Women, in which States parties affirm the right of women to participate in recreational activities, sports and cultural life, and the Convention on the Rights of the Child, in which States parties recognize the right of children to rest and leisure, to engage in play and recreational activities that are appropriate to their ages and to participate freely in cultural life.

10. The right to participate in cultural life and recreational, leisure and sporting activities is defined in detail in the Convention on the Rights of Persons with Disabilities, in particular in article 30 thereof. In the Convention, States parties commit to enabling persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential for the benefit of both the individual and society, recognizing that persons with disabilities are full participants in the cultural life of their communities as, for example, artists, musicians, scholars and actors. States parties also commit to ensuring that persons with disabilities have access to sporting, recreational and tourism venues, such as sporting arenas, community pools, museums, cinemas, hotels and other facilities. For children with disabilities, States parties commit to ensuring that such children have access to participation in play, recreation and leisure and sporting activities in the school system, which includes access to playgrounds in the community and to adaptive physical education in schools. States parties also commit to ensuring that persons with disabilities have an opportunity to organize, develop and participate in sport with other persons with disabilities, including activities organized specifically for persons with disabilities. Such activities entail both mainstream and disability-specific sports, such as the Paralympic Games, Special Olympics and Deaflympics. Article 9 of the Convention sets out conditions to ensure that persons with disabilities have access to facilities open to the public.

11. In the 2030 Agenda for Sustainable Development, Member States recognize that cultures and civilizations can contribute to sustainable development,<sup>6</sup> acknowledge sport as an important enabler for sustainable development and recognize its growing contribution to the realization of development and peace in its promotion of tolerance and respect and the contributions it makes to the empowerment of women and of

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<sup>5</sup> To facilitate discussion, the concept of “culture” in the present note follows the definition contained in general comment No. 21 (2009) on the right of everyone to take part in cultural life of the Committee on Economic, Social and Cultural Rights, in which culture is viewed as a broad, inclusive concept encompassing all manifestations of human existence, which includes ways of life, oral and written literature, music and song, sport and games, natural and human-created environments and the arts, customs and traditions through which individuals, groups of individuals and communities express their humanity and the meaning they give to their existence and build their world view.

<sup>6</sup> General Assembly resolution 70/1, para. 36.

young people, individuals and communities as well as to health, education and social inclusion objectives<sup>7</sup> and determine to promote sustainable tourism.<sup>8</sup>

12. The 2017 Kazan Action Plan of the United Nations Educational, Scientific and Cultural Organization (UNESCO) is an important step towards policy convergence for the inclusion of persons with disabilities in physical education and sport. Marking a shift from mere declarations of policy intent to action, the Kazan Action Plan consists of five priority areas of multi-stakeholder cooperation at the international, regional and national levels, as well as a framework developed for the sixth International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport and designed to follow up on sport policy and measure progress. The framework is fully integrated within the Sustainable Development Goals framework, while human rights are embedded at its core, including those set out in article 30, paragraph 5, of the Convention on the Rights of Persons with Disabilities, as well as those laid down in the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights. It is structured around three main policy areas, namely, developing a comprehensive vision of inclusive access for all to sport, physical education and physical activity, maximizing the contributions of sport to sustainable development and peace and protecting the integrity of sport. Strategic actions need to be taken to further the inclusion of persons with disabilities, including through actions aimed at: (a) advancing gender equality; (b) empowering girls and women; (c) fostering empowerment and inclusive participation; (d) building peaceful, inclusive and equitable societies; and (e) protecting children, youth and other vulnerable groups.

13. In its resolution 73/24 on sport as an enabler of sustainable development, the General Assembly, inter alia, recognizes that sports, the arts and physical activity have the power to change perceptions, prejudices and behaviours, as well as to inspire people, break down racial and political barriers, combat discrimination and defuse conflict. It also encourages the relevant stakeholders to emphasize and advance the use of sport as a vehicle to foster sustainable development and, inter alia, strengthen education, including physical education, for children and young persons, including persons with disabilities, foster inclusion and well-being, ensure the participation of everyone without discrimination of any kind, promote tolerance, mutual understanding and respect and facilitate social inclusion, conflict prevention and peacebuilding. In the resolution, the Assembly also highlights the apparent growing convergence around the Kazan Action Plan in the alignment of work on sport across the United Nations system and recognizes the Plan's potential as a pivot point for policy coordination. It also recognizes 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. In addition, in the International Charter of Physical Education, Physical Activity and Sport, the General Conference of UNESCO, affirming that the practice of physical education, physical activity and sport is a fundamental right for all, including persons and children with disabilities, also recognizes the wide range of benefits that the inclusion of persons with disabilities in sport brings to individuals, communities and society at large and calls for actions to be taken to ensure that sporting initiatives are inclusive and sensitive to culture, gender, age and disability (see arts. 2 and 11 thereof).

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<sup>7</sup> Ibid, para. 37.

<sup>8</sup> Ibid, para. 33.

### **III. The way forward: translating commitments into action to achieve full inclusion through the active participation of persons with disabilities**

14. Under the Convention on the Rights of Persons with Disabilities, Member States and the international community have committed to carrying out certain obligations and duties to respect, protect and fulfil the rights of persons with disabilities. Such a commitment entails, among other things, taking concrete measures and actions to ensure the participation and inclusion of persons with disabilities in cultural, recreational, leisure and sporting activities. In meeting those obligations, States must refrain from limiting or interfering with the access of persons with disabilities to sporting and recreational venues. States must also refrain from enforcing discriminatory practices related to cultural life, such as restricting or limiting the use of sign language. Obligations to protect include the duty of States to adopt appropriate legislative, administrative and other measures to facilitate the enjoyment of cultural, recreational, sporting and leisure rights. Examples include providing sign language interpretation for a cultural event or building sporting arenas without physical barriers. Finally, the obligation to fulfil consists of requiring States to, among other things, undertake measures to fully implement such rights. In that regard, States parties to the Convention must ensure appropriate education and training for all those involved in the organization of recreational, tourism, leisure and sporting opportunities so as to ensure non-discrimination and facilitate the full and effective participation of persons with disabilities.

15. For the full realization of the rights of persons with disabilities to take part in cultural life on an equal basis with others, States should ensure that persons with disabilities have the opportunity to utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of their community, and States should promote in particular accessibility to and availability of places for cultural performances and services.

#### **A. Overcoming the gaps in the implementation of the Convention on the Rights of Persons with Disabilities**

16. Since the adoption of the Convention on the Rights of Persons with Disabilities, Member States and civil society stakeholders<sup>9</sup> have been making progress in narrowing the existing gaps and overcoming challenges in fulfilling their international obligations under the Convention. Below are some approaches, experiences and practices that may be drawn on to inform the round-table discussion, in particular with a view to shedding light on how policy interventions may help to make a difference in increasing the accessibility and availability of cultural, leisure and sporting opportunities for persons with disabilities:

(a) **Non-discriminatory legal frameworks.** Such frameworks could be enacted and robustly implemented to oblige public and private service providers to guarantee accessibility and the provision of reasonable accommodation to persons with disabilities and to provide legal recourse to persons with disabilities whose rights have been infringed, including through the denial of access to cultural, leisure or sporting activities on the grounds of disability;

(b) **Disability-inclusive and disability-responsive policies on culture and sport.** Such policies could be implemented to provide opportunities for inclusion and

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<sup>9</sup> See, for example, initiatives by SightSavers and its partner in India, Tarun Sanskar, aimed at empowering persons with disabilities to participate in sporting and cultural activities.

participation, taking a twin-track approach to facilitate the active participation of persons with disabilities in mainstream and specific activities, with the necessary support. The policies should be developed in collaboration with stakeholders, including persons with disabilities;

(c) **National and local strategies and plans of action for improving accessibility and enabling effective participation by persons with disabilities.** An increasing number of initiatives have been taken at all levels to increase accessibility by ensuring that new venues, programmes, facilities and services, as well as information and communications related to them, are designed and built to be accessible and apply the principles of universal design, and by progressively removing existing barriers in physical and informational structures. Some countries use policy tools, such as public procurement or financial or taxation incentives, to regulate the performance of market players in promoting accessibility in the fields of culture, leisure and sport, while some also encourage disabled persons' organizations and other civil society organizations to be part of audit exercises concerning accessibility in order to ensure that cultural, recreational and sports facilities, venues and services are made accessible through the use of universal design principles;

(d) **Partnerships among Governments and civil society, including the private sector, to educate and further raise public awareness of the rights, needs, capabilities and contributions of persons with disabilities.** Some countries have been able to mobilize additional resources to increase the visibility of cultural or sporting events that include the participation of persons with disabilities. In other countries, enhanced efforts have been made to train persons with disabilities, policymakers working in the area of culture and service providers with a view to strengthening their capacities for delivering inclusive and accessible cultural activities. An increasing number of cultural projects and programmes are focused on exploring the potential of technologies, such as mobile and digital platforms, to enhance opportunities for persons with disabilities and enable them to access and participate in cultural life.

## **B. New opportunities to explore: promoting accessibility and inclusion for sustainable development for all**

17. In recent years, a growing number of Governments, the United Nations, the tourism industry and other stakeholders have recognized accessible tourism<sup>10</sup> as a new opportunity for sustainable development. While valuing accessible tourism as a key means to facilitate participation by persons with disabilities and their enjoyment of human rights in society, those Governments and stakeholders have acknowledged and started benefiting from the socioeconomic value added by improved accessibility, which has benefited a broad spectrum of the general population and the economies of tourist destinations.<sup>11</sup> Some private sector actors have made even more progress, as

<sup>10</sup> The World Tourism Organization (UNWTO) defines “accessible tourism” as a form of tourism that involves a collaborative process among stakeholders that enables people with access requirements, including mobility, vision, hearing and cognitive dimensions of access, to function independently and with equity and dignity through the delivery of universally designed tourism products, services and environments. See UNWTO, “Recommendations on accessible tourism”, Spain, 2013.

<sup>11</sup> See United Nations, Department of Economic and Social Affairs, “Accessibility and development: mainstreaming disability in the post-2015 development agenda”, [ST/ESA/350](#); Ann Frye, “Capitalising on the grey-haired globetrotters: economic aspects of increasing tourism among older and disabled people”, Discussion Paper No. 2015-11 (International Transport Forum, April 2015).

they have already launched projects and embraced and proactively invested in accessible tourism<sup>12</sup> as a “smart business”.

18. As, in accordance with Sustainable Development Goal 11, Member States pledge to make cities and human settlements inclusive, safe, resilient, accessible and sustainable by 2030, with special regard to accessibility, and are determined to promote sustainable tourism, accessible tourism would be another promising area to prioritize in order to achieve the 2030 Agenda, given that tourism is considered one of the largest industries in many developing countries and one of the fastest growing economic sectors in the world.<sup>13</sup> Moreover, persons with disabilities account for over 15 per cent of the world’s population, and there is an accelerating global demographic trend in population ageing.

19. As the above points indicate, the rights of persons with disabilities to participate in cultural life, recreation, leisure and sport has already been well established in the Convention on the Rights of Persons with Disabilities and other international frameworks. In order to fully implement the commitments made to ensuring the inclusion and participation of persons with disabilities, enhanced efforts must be made to raise awareness among governmental officials, development practitioners, the general public and persons with disabilities themselves so that they may all fully appreciate the rights, capabilities and contributions of persons with disabilities in cultural life, recreation, leisure and sport.

#### **IV. Suggested questions for consideration**

20. The following questions are presented for consideration at the round-table discussion:

(a) What are the major factors to consider in order to increase the participation of persons with disabilities in the cultural, recreational, leisure and sporting life of their communities?

(b) What specific policies should be implemented and actions taken by Governments to further raise awareness among officials, the general public and persons with disabilities themselves of the importance of including all people, including persons with disabilities, in cultural life? What role can the mass media and organizations of persons with disabilities play in that regard?

(c) Why and how can appropriate governmental policies help to make cultural or sporting facilities more accessible to and inclusive of persons with disabilities?

(d) What specific measures can be taken by Governments, international organizations and civil society to increase opportunities for persons with disabilities to participate in cultural, recreational, leisure and sporting activities?

(e) How can Governments, in partnership with other stakeholders, ensure the right of persons with disabilities to take part in cultural life?

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<sup>12</sup> For example, Latin America for All has been actively promoting Ecuador as an accessible tourist destination for years. More details can be found at [www.latinamericaforall.com/ecuador-12-days/](http://www.latinamericaforall.com/ecuador-12-days/). Fully Accessible Barbados is another example. More information is available at <http://fullyaccessiblebarbados.com/>.

<sup>13</sup> UNWTO, “Why tourism?”. Available at <http://www2.unwto.org/content/why-tourism>.