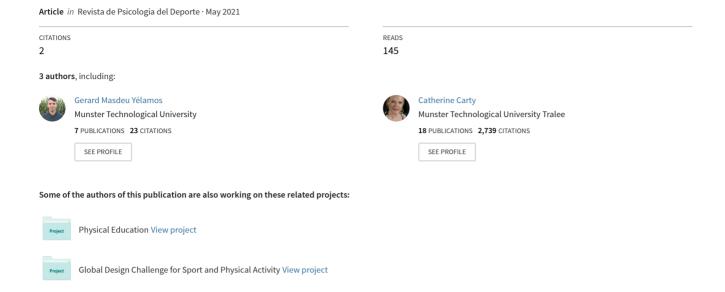
# Article Assessing and improving the national reporting on human rights in and through physical education, physical activity and sport (PEPAS)



# Assessing and improving the national reporting on human rights in and through Physical Education, Physical Activity and Sport (PEPAS)

Gerard Masdeu Yelamos<sup>1</sup>, Catherine Carty<sup>2</sup>, Malcom MacLachlan<sup>3</sup>

#### Resumen

La Convención sobre la eliminación de todas las formas de discriminación contra la mujer (CEDAW) y la Convención sobre los derechos de las personas con discapacidad (CRPD) son dos de los nueve tratados internacionales de derechos humanos que salvaguardan los derechos de grupos vulnerables. Este artículo pretende examinar, desde una perspectiva de la macropsicología, la relevancia y la importancia de la Educación Física, la Actividad Física y el Deporte (PEPAS) en los mecanismos de evaluación relacionados con la CDPD y la CEDAW. Una revisión sistemática de documentos de los Informes de los Estados Partes (CEDAW n = 100, CRPD = 133); Lista de problemas (CEDAW n = 123, CRPD = 84) y Preocupaciones / Observaciones y Recomendaciones (CEDAW n = 12, CRPD n = 23). Los Estados Partes reconocen la importancia del deporte e informan sobre algunos aspectos clave, pero no proporcionan evidencia o datos suficientes para evaluar el impacto de un marco legal en la práctica. La orientación brindada por los Comités de la CEDAW y CRPD sobre artículos relacionados con PEPAS fue apropiada y tuvo un enfoque interseccional transversal, aunque de escala limitada. Con el apoyo del sector del deporte, ambos órganos de Tratados pueden aprovechar su capacidad para solicitar una mayor atención a esta agenda. Un comentario general sobre educación física, actividad física y deporte ayudaría a proporcionar aclaraciones y orientación a los Estados Partes sobre cómo informar sobre estos artículos relacionados.

Palabras clave: evaluación, indicadores, inclusión, comités, justicia social

### Introduction

There is new momentum to reinvigorate sport within and beyond United Nations agencies, as illustrated by the development and convergence of global policies such as the Kazan Action Plan (United Nations Educational, Scientific and Cultural Organization, 2017), the Global Action Plan on Physical Activity (World Health Organisation, 2018) and the United Nations Action Plan on Sport for Development and Peace 2018–2020 (United Nations General Assembly, 2018). These frameworks were ratified by the resolution adopted by the UN General Assembly (2018) "Sport as an enabler of sustainable development". Collective sectoral action emerged as a response to Agenda 2030 for Sustainable Development (UN, 2015), which advocates for imminent action to leave

While psychology has made many and varied valuable contributions to sport and exercise (Moran, 2013) these have generally been at the individual and team levels, and sometimes at the organisational and community levels. However, it has had a modest presence at policy level. Macropsychology is the study of how the broader settings and conditions of people's lives, influence their behaviour (MacLachlan, 2014; MacLachlan et al, 2019). These

no one behind underpinned by a human rights-based approach (Masdeu Yelamos, Carty and Clardy, 2019).

Under international human rights law, the protection and promotion of rights of vulnerable groups has necessitated the development of conventions to safeguard theirrights and to establish monitoring bodies to ensure the compliance of State Parties (Nifosi-Sutton, 2017). At present, there are nine international human rights Treaties (OHCHR, 2006) that, together with the Universal Declaration of Human Rights (UN General Assembly, 1948), promote the rights of vulnerable groups via a specific treaty body, which is composed by a panel of independent experts (See table 1). State Parties that ratify these Treaties are obliged to report on the implementation of conventions to the respective Committee, who review the implementation of the convention on a regular basis

settings and conditions very much include social structures and policies, and also working with governments and UN agencies, to facilitate inclusive change (MacLachlan, et.al, 2019; MacLachlan, Mannan and Wescott, under review). This paper develops a macropsychology perspective in Physical Education, Physical Activity and Sport (PEPAS).

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Table 1.

Nine international Human Treaties and Treaty Bodies

Treaty Name (Date of Signature)	Acronym	Treaty Body	
International Convention on the Elimination of All	ICEDIO	Committee on the Elimination of Racial	
Forms of Racial Discrimination (21 Dec., 1965)	ICERD	Discrimination (CERD)	
International Covenant on Civil and Political Rights	ICCPR	Human Rights Committee (HRC)	
(16 Dec., 1966)	ICCPR		
International Covenant on Economic, Social, and	ICESCR	Committee on Economic, Social, and Cultural	
Cultural Rights (16 Dec. 1966)	ICESCR	Rights (CESCR)	
Convention on the Elimination of All Forms of	CEDAW	Committee on the Elimination of Discrimination	
Discrimination Against Women (18 Dec., 1979)	CEDAW	Against Women (CEDAW)	
Convention Against Torture and Other Cruel,			
Inhumane or Degrading Treatment and Punishment	CAT	Committee Against Torture (CAT)	
(10 Dec., 1984)			
Convention on the Rights of the Child (20 Nov.,	CRC	Committee on the Rights of the Child (CRC)	
1989)	CKC		
International Convention on the Protection of the			
Rights of Migrant Workers and Members of Their	ICMW Committee on Migrant Workers (CMW)		
Families (18 Dec., 1990)			
Convention on the Rights of Persons with	CRPD	Committee on the Rights of Persons with	
Disabilities (13 Dec., 2006)	CKFD	Disabilities (CRPD)	
International Convention for the Protection of All	·		
Persons From Enforced Disappearances (20 Dec.,	CPED	Committee on Enforced Disappearances (CED)	
2006)			

The standard reporting cycle for the Treaties and Treaty bodies described in Table 1 consists of the following six stages (OHCHR, 2013):

- 1. The State submits its report.
- Treaty body presents State with a list of issues (LoI) and questions based on concerns raised by the State's report.
- 3. The State may submit written replies to the LoI.
- A constructive dialogue between the Committee and the State takes place during a session of the Treaty Body.
- The Treaty body issues its concluding observations, including recommendations, on the report.
- 6. The follow-up procedures on the implementation of treaty body recommendations takes place.

In this reporting cycle, civil society – which includes non-governmental organisations (NGO's) and United Nations (UN) agencies - can contribute by submitting shadow reports at stages 2, 4 and 6; with a view to providing a more 'grass roots', balanced and complete view of the national reality to the Committee. Despite the limitations of this reporting system (UN General Assembly, 2014), treaty bodies can have a positive impact; improving human rights standards by providing guidance to State Parties on how to address national issues (Lhotský, 2017).

In this paper we focus on two of the treaties: The Convention on the Rights of Persons with Disabilities (CRPD) (UN General Assembly, 2007) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (UN General Assembly, 1979). Both treaties include articles related to sport. For instance, article 30.5 of the CRPD refers to the States' duty to enable persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities. While the article does not specifically reference physical education or physical activity,

These two disciplines are inherent in article 30.5 and in article 24 (education) 25 (health) 26 (habitation and rehabilitation) and are relevant and definitive reporting areas that should be addressed in order to achieve the rights envisioned by the Convention. Similarly, CEDAW addresses sport in article 10 b/c/h and specifically (g) "The same opportunities to participate actively in sports and physical education"; and also, article 13 (c) "The right to participate in recreational activities, sports and all aspects of cultural life". Additional transversal articles are also addressed: 8 (representation), 11 (employment), 12 (health), 14 (rural women) and 22 (Role of Specialized Agencies). Given the pervasiveness of sport across these human rights articles, this research aimed to examine the extent, relevance and significance of Physical Education, Physical Activity and Sport (PEPAS) reporting to the CRPD and CEDAW. The relevance of physical education, physical activity and sport across the intersection of disability and women's rights is also explored.

## Methodology

The United Nations Development Programme (2018) developed a three-level framework that governments and stakeholders can use to act in their endeavour to progress to achieve the SDGs: 1) find out more about the ones left behind; 2) empower those left behind; and 3) enact inclusive and forward-looking policies aligned to the SDGs. The study is purposively examining the impact of human rights reporting pertaining to the first stage as a mechanism for 'finding out more'. Whilst acknowledging other reporting mechanisms exist), this research presents a documentary analysis of three key national reporting mechanisms (OHCHR, 2019a)

- a) State Parties Reports (CEDAW n=100, CRPD= 133): The report that a country is required to submit regularly to a human rights treaty indicating the measures it has adopted to implement the treaty and the difficulties it has encountered.
- b) List of Issues (CEDAW n=123, CRPD=84): A list of issues or questions, formulated by a treaty body on the basis of a State party report and other information available to it (information from United Nations specialized agencies, NHRIs, NGOs, etc.), which is transmitted to the State party in advance of the session at which the treaty body will consider the report.
- c) Concerns/Observations and Recommendations (CEDAW n=12, CRPD n=23): The observations and recommendations issued by a treaty body after consideration of a State party's report.

This research aimed to map, report and discuss concepts related to PEPAS and human rights and, as suggested by Munn, et al. (2018), for this purpose a scoping review is the most suitable approach.

**Table 2**Number of mentions in State Party Reports

A scoping review was undertaken following these inclusion/exclusion criteria:

- State Party Reports and List of issues documents were retrieved from the Office of the High Commissioner for Human Rights database (2019b); observations and recommendations were retrieved from the Universal Human Rights Index (2019c).
- On CEDAW, only documents published from 01/01/14 until 14/01/19 were retrieved; for the CRPD (as it is a more recent convention) all documents available until 14/01/19 were retrieved.
- Only documents in English were analysed. All documents available in other languages were excluded.
- Only paragraphs in the above documents that included the terms "Physical education", "Physical activity", "sport", "sports" and "sporting", were analysed.

Computational and statistical software were used to analyse documents. Two open-source, web-based applications were for visualization and analysis: Voyant tools and Overview. In addition, Quirkos was used for qualitative coding and content analysis was conducted to identify key themes, based on grounded theory methodology (Charmaz, 2006).

### Results

The results of this scoping review is presented for each of the two Treaties reviewed.

 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

73% of State Party Reports on CEDAW addressed sport (including sports and sporting), 22% physical education and 9% some aspects of physical activity (see Table 2). Regarding the amount of mentions, there was a significant difference between mentions of these 3 concepts and other concepts such as education and health, which were much more prominent.

Keyword	Documents	Counts	
health*	100	6334	
education*	100	6982	
disability	79	434	
sport*	73	642	
recreation*	39	119	
physical activity	9	13	
physical education	22	34	
* Match terms that start with this word	d as one term. For example, sport= sport, s	ports and sporting	

The qualitative analysis (see annex 1) indicated that the most prominent reported topics on State Party reports

related to the promotion and level of participation of women in sport (21%); mentions of national sport

entities that promote sport and physical activity (21%); information related to participation of women in sport (14%), including grassroots until elite athletes; relevant legislation to safeguard access to sport opportunities (11%); funding and resources allocated to the promotion of sport for women (8%); comments related to school sport for girls and promotion of sport throughout the education system; and governance measure to foster gender balance in sport organisations (6%).

The List of Issues provided by the CEDAW Committee has drawn attention to violence, discrimination, health, education, sexual, law, trafficking, services and data. Health and education registered 910 and 945 counts respectively, whereas sport was mentioned only 20 times in 11 documents. There was no mention of physical education or physical activity at all. Regarding the emerging themes from these 20 mentions, the need to break down gender stereotypes through sport practice was the most recurrent topic, followed by participation of girls in school sport (see figure 1).

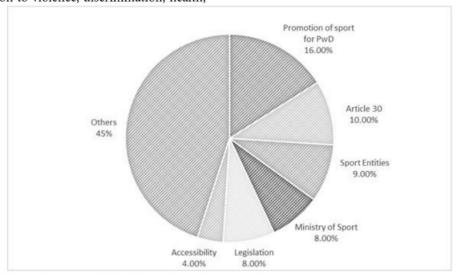


Figure 1. CEDAW List of Issues on PEPAS 2014-2019 - Thematic Analysis

In addition, 6 concerns/observations and 6 recommendations were provided. The Committee pointed out that women do not participate in PEPAS due to household duties, and women with disabilities were excluded due to stereotypes. Also, the Committee were concerned about the underrepresentation of women in sport federations, and the broadcasting time given to women's sports competitions. The recommendations from the Committee pointed towards the need to promote participation of girls and women in sport and to address the unequal access to sport and recreational activities for women and girls.

## Convention on the Rights of Persons with Disabilities (CRPD)

87% of the CRPD States Party Reports reported on sport, 22% on physical education and 16% on physical

education. The number of mentions was significant (sport=2819, PE=90 and PA=29), although many sport mentions were direct references to the title of article 30.5 (10%). State Parties reported on a wide and diverse range of topics (45%), such as sport in school, participation in Paralympics or Special Olympics events or multidisciplinary service provision which included sport activities.

Nonetheless, the most relevant categories were: a) initiatives to promote sport for people with disabilities (16%); b) mentions to national disability sport entities (9%) or c) Ministries of Sport (8%); d) legislative frameworks and measures adopted to protect the rights of people with disabilities in sport settings (8%) and e) aspects related to accessibility to sport facilities (4%) (see figure 2).

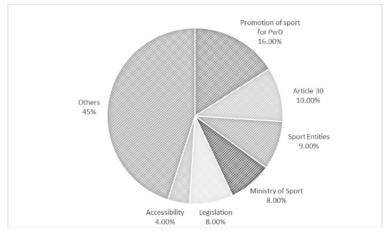


Figure 1. CRPD State Party Reports - Thematic Analysis

The CRPD Committee highlighted, in general, rights, education, health, children, service and care. In the list of issues "sport" was mentioned 74 times in 63 documents; whereas there was no mention of physical education or physical activity at all. Most of the remarks only referred to article 30 of the Convention, which explicitly

mentions participation in sport (53%). Apart from that, measures to ensure and promote access to sport (12%), aspects related to accessibility in sport facilities (12%) and legislative measures (5%), were the most prominent topics (see figure 3).

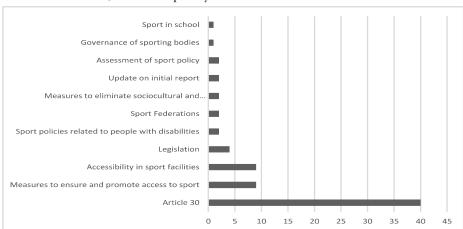


Figure 2. CRPD List of Issues on PEPAS - Thematic Analysis

The observations and recommendations from the CRPD Committee highlighted the need to review legislative and policy frameworks to safeguard the right to participation of people with disabilities in sport (26%). They were also concerned about the lack of support to access sport (22%) as well as issues related to accessibility to sport facilities (22%) and absence of inclusive sport programmes (17%). Finally, the Committee also recommended to itemize a budget for promoting sport for people with disabilities (8%) and flagged current barriers to participation (4%).

### Discussion and Conclusions

The reporting procedure for CEDAW and CRPD is a legal obligation for State Parties who have ratified these conventions. It provides an opportunity to stimulate national dialogue on human rights and should ultimately benefit rights holders at the national level (OHCHR, 2017). Our analysis suggests that while State Parties report on PEPAS, this process is selective; it is neither systematic nor exhaustive. Attempts to promote the inclusion of marginalized groups in sport, using psychological or other types of interventions, will be constrained to the extent that the broader settings and conditions for inclusion are not addressed in reporting mechanisms. Psychology has a role to play both in terms of valuing marginalized groups and promoting specific interventions; but also, in influencing the broader context of social structures and polices (MacLachlan et al, 2019).

It is noteworthy that, while still relatively modest in comparison to other areas, the number of mentions of "Physical education, physical activity and sport" was much higher in CRPD reporting (sport=2819, PE=90 and PA=29) than in CEDAW reporting (sport=642, PE=34 and PA=13). This may be attributed to the clear articulation of CRPD article 30 "Participation in cultural life, recreation, leisure and sport" as well as to the high-profile and robust structure around disability sport, led by global organisations, such as Paralympics, Special Olympics and Deaflympics.

Across both Conventions, States Parties acknowledge the significance of sport and report on some key aspects, but they do not provide enough evidence or data to realistically evaluate the impact of these Conventions. For example, the Palestine report to the CEDAW stated:

"With regard to sport for women with disabilities, it should be noted that the law on sport attaches particular importance to developing the potential of persons with disabilities and providing them with opportunities to engage in sporting activities at high levels."

In this case, reporting on the specific legal protection for women with disabilities under the law on sport is of great significance, however, in order to evaluate the value and impact of this law it is necessary to accompany this statement with statistics or performance indicators, for example, the number of women with disabilities affiliated to sport clubs since the amendment of the law. This would allow the country to set a benchmark to follow-up and compare performance in the next Universal Periodic Review cycle.

Uzbekistan's report exemplifies this point reporting on participation levels of women in sport and employment rate:

"The country is working to encourage women and girls to become involved in physical fitness and sports. The number of women and girls involved in sports is more than 1.9 million, of which 680,400 take part on a regular basis and enter competitions. In general education schools, vocational colleges, institutions of higher learning, sports clubs and societies, 8,725 women work as physical education teachers, trainers, and instructors for various sports".

The adage "What gets measured, gets done", in this context, refers to the tendency for activities to pursue subsequent reporting requirements. By guiding reporting toward specific quantification, we can encourage specific activities. Disaggregation of data should therefore be encouraged. Some countries already do this in terms of gender and disability.

On CEDAW State Party reports, one of the emerging themes was sport governing bodies and gender equality. Countries were reporting on the progress made in increasing the number of female representations in sport organisations. This is a very specific action that has been developed in the last 20 years and gained traction among State Parties. In 2000, in the 2nd International Olympic Committee World Conference on Women in Sport, the following resolution was adopted: "The Olympic Movement must reserve at least 20 percent of decisionmaking positions for women within their structures by the end of 2005". Since then, this has been a top priority in gender promotion equality strategies. On the other hand, one of the most prominent topics on the CRPD is related to accessibility. Measures to increase accessibility to sport facilities is a pertinent topic, however, there are many other factors that need to be addressed in order to ensure the right to participation of people with disabilities in sport, as exemplified by the Universal Transformational Management Framework (Masdeu Yelamos, et al., 2019) and these are rarely mentioned in country reports.

On the positive side our analysis also found that the guidance given by the CEDAW and CRPD committees on articles related to PEPAS was appropriate and had a cross-cutting intersectional approach, although limited in scale. Despite the undoubted expertise of Treaty Body members, we argue that they could benefit from technical information related to PEPAS, in order to improve their guidance notes to the State Parties, and to help them be more specific with recommendations likely to produce the desired changes to promote inclusion. For example, one area to improve on State Party and Treaty Body reporting is the misrepresentation of physical education and sport in school settings, the terms have been used synonymously. Expert technical guidance could prove valuable to bring clarity to the concepts and to determine indicators to safeguard the right to participate in inclusive physical education. This aligns with the identified need to deploy human rights capacitybuilding experts to provide states with training on reporting (Lhotský, 2017).

MacLachlan and Mannan (2016) argue that "barriers to implementation of the Convention on the Rights of Persons with Disabilities are embedded within longstanding social structures and attitudes that do not give way easily" (p.102,). One approach to addressing such barriers is the use of Theory of Change (ToC), which has developed from the early social and organisational psychology of Kurt Lewin; drawing in particular on the concept of Force Field Analysis (Lewin, 1943); where the configuration of forces-for and forcesagainst change are considered. This framework for large-scale (including national level) project delivery is now

used across many domains (Breuer, et al, 2016), including international development. As De Silva et al (2014) argue "ToC is not a sociological or psychological theory such as Complexity Theory or the Theory of Planned Behaviour, but a pragmatic framework which describes how the intervention affects change. The ToC can be strengthened by inserting sociological or psychological theories at key points to explain why particular links happen" (p.2). ToC has the advantage that it makes explicit causal pathways without imposing pre-defined structure and it allows for multiple causal pathways, along with interventions at different levels. Parties Reports, List of Issues Concerns/Observations and Recommendations are important mechanisms in the reporting process. However, for the process to have a greater chance of influencing change, then State Parties should be encouraged to develop and subsequently report on their overall ToC for promoting the rights of women and girls, and people with disabilities, as well as other marginalized A macro psychology perspective, such as developing a national ToC has much to contribute to this and to complement the contributions of psychology to PEPAS at other levels.

This research aimed to identify significant data in established national reporting mechanisms that could potentially provide a better insight of the relationship between PEPAS, human rights and vulnerable groups. The PEPAS Sector is experiencing an unprecedented convergence of collaborative action at a policy level. The realization of rights articulated in Human Right Treaties like CEDAW and CRPD is at the core of this momentum.

There is significant scope for CEDAW and CRPD Committees to increase guidance to State Parties regarding PEPAS. With the support of the sport sector, both treaty Bodies can leverage their capacity to call for

greater attention to this agenda. A General Comment on Physical Education, Physical Activity and Sport (PEPAS) would help to provide clarification and guidance to State Parties on how to report on these related articles. CEDAW and CRPD Committees should ensure, through direct reference in guidance notes and/or list of issues, that state and non-state reporting mechanisms include representation from the PEPAS sector.

State parties should also be encouraged to develop a national-level theory of change, with relevant indicators to benchmark and track change. The human rights reporting mechanism provides an opportunity for sport organisations to actively engage on human rights dialogue with States. Sport Governing Bodies, sport organisations and civil society will need to promote the effective interplay between human rights and PEPAS in order for sport to impact on social change. Likewise, the sport movement has human, social and economic capital to stimulate and support increased actions by governments, international bodies and national human rights institutions in meeting their obligations in relation to the human rights treaties; and these stakeholders should be key players in the development of and implementation of theories of change. Strengthening the collaboration between national governments and the sport sector and mobilising their respective capacities to realise human rights is a symbiotic process that would benefit both parties. Further research to identify key reporting indicators on PEPAS and examples of effective reporting and follow-up would be desirable. These resources could support current global actions to increase the realisation of human rights in and through sport, starting with the most vulnerable and leaving noone behind.

# Assessing and improving the national reporting on human rights in and through Physical Education, Physical Activity and Sport (PEPAS)

### Abstract

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (CRPD) are two of the nine international human rights treaties that safeguard the rights of vulnerable groups. This paper aims to examine, from a macropsychology perspective, the relevance and significance of Physical Education, Physical Activity and Sport (PEPAS) in reporting mechanisms related to the CRPD and CEDAW. A systematic document review of State Parties Reports (CEDAW n=100, CRPD= 133); List of Issues (CEDAW n=123, CRPD=84) and Concerns/Observations and Recommendations (CEDAW n=12, CRPD n=23) was undertaken. States Parties acknowledge the significance of sport and report on some key aspects, but they do not provide enough evidence or data to evaluate the impact of a legal framework into practice. The guidance given by the CEDAW and CRPD committees on articles related to PEPAS was appropriate and had a cross-cutting intersectional approach, although limited in scale. With the support of the sport sector both Treaty Bodies can leverage their capacity to call for greater attention to this agenda. A General Comment on Physical Education, Physical Activity and Sport (PEPAS) would help to provide clarification and guidance to State Parties on how to report on these related articles.

Keywords: evaluation, indicators, inclusion, treaty bodies, social justice

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