# **Submission by the European Network on Independent Living on the rights of persons with disabilities to physical activity and sports under article 30 of the Convention on the Rights of Persons with Disabilities**

This submission was prepared in July 2020 by the European Network on Independent Living (ENIL). ENIL is a Europe-wide network of disabled people, with members throughout Europe. ENIL is a forum for all disabled people, Independent Living organizations and their non-disabled allies on the issues of Independent Living. ENIL represents the disability movement for human rights and social inclusion based on solidarity, peer support, deinstitutionalization, democracy, self-representation, cross disability and self-determination.

The submission includes information from a number of European countries. Based on the feedback received by ENIL, most of the data included pertains to Hungary, Norway, Malta, Spain, Slovenia and Serbia.

It is worth noting that the author of this submission has four years of personal experience as a disabled athlete competing at international level. Because of her personal experience, some of the data included are focused on martial arts. However, the issues mentioned are similar in other disciplines, as well as in other countries across Europe (in addition to those mentioned above).

**1.Does your country have laws, policies, plans, strategies or guidelines and departments at any level of government relating to the inclusion of persons with disabilities in mainstream (not disability-specific) recreational and leisure physical activity**

* All the countries which were taken in consideration have signed and ratified the UN Convention on Rights of Persons with Disabilities (CRPD). The Convention and its Optional Protocol include provisions on accessibility, as do the national laws in each country[[1]](#footnote-2)[[2]](#footnote-3).
* The laws in place regarding access to recreational, leisure and physical activity are mostly not implemented. Accessibility requirements are mostly limited to schools and certain public venues, in larger cities. There are efforts to make assistance available for people in wheelchairs on nature trails in Spain and Hungary, and some beaches are being made accessible (Spain). Several accessible playgrounds with adaptive equipment have been built in recent years (Serbia), but the law does not specifically emphasize this requirement. Norway’s shadow report about Article 30, presented to the CRPD Committee in 2019[[3]](#footnote-4), states that social barriers are also present through the underestimation of coping skills, expertise and prejudice in the surroundings.
* The biggest obstacles in all the countries are lack of funding for adequate infrastructure and services (such as public transport), as well as lack of public awareness on this topic. Insufficient access to personal assistance also impedes participation in social activities.
* It is worth noting that Malta recently adopted sub-legislation, which demands a set of standards for the built environment and is enforceable. This was a very important milestone, since for more than 15 years there were only guidelines in place. Certain issues might also improve together with the general economic situation, for example in Hungary.

**2. Does your country have laws, policies, plans, strategies or guidelines on physical education in public and private schools, including in special education, informal education and extra-curricular activities, relating to the inclusion of persons with disabilities, particularly children and young people, to avoid their exclusion or exemption from physical education and facilitating contact with disability-specific sports? What are the objectives of these instruments?**

* In most countries, there is some form of guarantee for children and young adults to be enrolled in mainstream education, including physical education classes; however, there is a significant discrepancy between the policies in place and their implementation. In Hungary, most disabled youth are still enrolled in segregated special schools. These schools are considered the only ones accessible and well equipped to provide access to sports and physical activity to disabled students. While in special schools, students have access to physical education, but the activities or sports competitions they participate in are segregated as well. In mainstream education, children with physical disabilities are often exempt from physical education classes and sports events. The Paralympic Committee of Malta[[4]](#footnote-5) is currently working with the education authorities to introduce a program which will be run in schools to promote adaptive and Paralympic sports. This program is important as it would give the possibility of having more tutors trained in how they can include children with disabilities in either mainstream or disability specific sports.
* The lack of inclusion is mostly present due to the lack of education of teaching staff, or inaccessibility or facilities, as well as the lack of funding. In Hungary, specific courses have been introduced at university level in recent years, which are dedicated to teaching/coaching mainstream or adapted sports to disabled people[[5]](#footnote-6). However, these classes most often follow the medical model of disability, and they are focused on educating teachers who will work in segregated special education settings. In Spain, these topics are included in other general courses, but there is a lack of adequate familiarisation with ‘functional diversity’ (the Spanish term for disability). A recent law in Spain foresees the closure of special education settings in the next 10 years and including all disabled people in mainstream schools. While the new law will be a big step towards inclusion of disabled students in Spain, it is important to keep in mind that full and equal participation of disabled students in education and physical activity will only be possible when the right to inclusive education is backed up by adequate support in the mainstream settings. Adequate education of teaching staff is also important in this regard[[6]](#footnote-7).
* With regard to disabled people who wish to become physical education teachers, coaches or trainers, there is a stark discrepancy between countries. In Spain and Malta, this is possible without any discrimination, protection is guaranteed under law and places at universities are specifically reserved for disabled people (in Spain, with medical proof of disability). In Hungary, there have been a few examples of disabled people succeeding in this career in recent years, but the curriculum is still inaccessible for most people with higher access needs or intellectual disabilities. In Serbia, the entrance exam, curriculum or venues are inaccessible to people with disabilities or do not consider them at all, which steers most away from this career path. Private educational institutions provide better conditions for the education of persons with disabilities who want to be physical education teachers.

**3.** **Does your country have national, regional and local sports departments addressing and promoting competitive sports that cover both mainstream and disability-specific sports, either integrated or separated?**

* Such departments are present in all countries covered in this submission. Paralympic committees promote sports at the national level. In most cases, there should be more focus on mainstream sports in adult population, while with children and young adults, there is a lack of exposure to disability specific sports. Most local disability specific departments work best in larger cities and more developed areas. These departments are mostly integrated in Slovenia, Malta and Spain, while in Serbia and Hungary it depends largely on the sport in question, with a tendency of separated departments. Martial arts departments are fully integrated within mainstream federations in all cases, however there is a lack of adequate adaptation of competitive categories which exclude many types of disabilities from national or continental competitions.[[7]](#footnote-8)
* There is no uniform structure of competitions for people with disabilities. Whether the competition will follow the same structure as those of non-disabled athletes depends solely on the sport. Local competitions are most likely to be organised at city level in the capital (Serbia, Spain), with issues arising on higher levels due to inaccessibility of venues or lack of adequate adaptations and guidelines for inclusive competitions. This results in a smaller number of competitions for disabled people compared to the general population in all sports. The biggest barriers related to access to training centres are infrastructure and transport (Malta, Hungary, Serbia), with only larger national and Paralympic training centres being accessible.
* Distribution of public grants and recognition are unequal in all countries, as well as media coverage. There are no laws or policies that guarantee equal distribution.[[8]](#footnote-9) The funding system has equal conditions for supporting sports for people with disabilities, but much less is given in this area. Only athletes who receive recognition at world, continental or Paralympic level, and rarely at lower levels (Madrid, Spain), receive monetary prizes. The amount depends on the popularity of the sport and the funds available to the particular federation. Most athletes cannot rely on this and stay in their federations without compensation.
* In the disability-specific sports branch, a very positive example in the last couple of years is the city of Niš, Serbia. They work systematically and thoroughly on developing mainstream and disability-specific sports, above all with the youth[[9]](#footnote-10).
* It is not common for events and competitions to be organized together with non-disabled athletes, so they do not have any close contact. The initiative to do this depends on the department, or even more likely individual clubs and coaches’ willingness to organise such events. When it comes to martial arts, the general tendency is to hold mainstream and para competitions simultaneously, but this is thanks to the strong initiative by the coaches themselves. Higher level mainstream competitions where an individual's influence is not enough to affect the structure, still remain inaccessible to disabled athletes.
* Disabled people are rarely considered outside of their roles as competitors, and while they can be part of their clubs or associations’ boards, we have no knowledge of any of them being considered fully in other roles[[10]](#footnote-11) or at higher levels.

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1. National policy for the rights of persons with disabilities in Malta, adopted in 2014, available at: <https://activeageing.gov.mt/en/Documents/Book%20design%20english.pdf>, pages 58 to 61, and the Equal Opportunities Act (CAP413) in Malta, available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8879&l=1> [↑](#footnote-ref-2)
2. Information about all existing legislation in place regarding disabled people, on both national levels in Serbia, as well as international, can be found here: <http://www.noois.rs/dokumenta-publikacije> [↑](#footnote-ref-3)
3. The civil society’s alternative report at the UN Treaty Body Database Page: <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCRPD%2fCSS%2fNOR%2f33866&Lang=en> [↑](#footnote-ref-4)
4. Paralympic Committee of Malta and Gozo: <https://www.maltapara.com/about> [↑](#footnote-ref-5)
5. This information was acquired through interviews with ENIL’s member organization MEOSZ: <http://www.meosz.hu/>, as well as individual contacts in the field of disability rights and sport. [↑](#footnote-ref-6)
6. The clauses of the legislation in Spain are listed here: <https://www.elespanol.com/como/claves-ley-celaa-nueva-educativa/499450195_0.amp.html> [↑](#footnote-ref-7)
7. Karate clubs in Slovenia filed a complaint to the national association regarding the fact that they adopted the WKF para-karate rulebook which excludes many categories: <https://www.wkf.net/pdf/wkf-para-karate-rules-pdf-eng.pdf> [↑](#footnote-ref-8)
8. The budget for para-sports in Hungary this year is double that of last year, but still significantly less than that of mainstream sports: <https://www.kormany.hu/hu/emberi-eroforrasok-miniszteriuma/sportert-felelos-allamtitkarsag/hirek/kozel-a-duplajara-no-jovore-a-magyar-parasport-anyagi-tamogatasa> [↑](#footnote-ref-9)
9. More information about the success of disabled athletes and the development in Niš is available here: <https://www.juznevesti.com/Sport/Sportsko-rekreativno-udruzenje-osoba-sa-invaliditetom-Nais.sr.html> [↑](#footnote-ref-10)
10. In 2006, the Commission for the Rights of Persons with Disabilities took the Malta Football Association to Court since the football stands did not allow wheelchair users to freely and independently watch a game on par with other supporters. Unfortunately, the case was lost, but the Commission appealed the decision and is still waiting for a hearing, <https://timesofmalta.com/articles/view/disability-commission-ready-to-take-case-against-mfa-to-european-court.665056> [↑](#footnote-ref-11)