**Mandate of the Special Rapporteur** **in the field of cultural rights**

**Call for submissions on**

**THE RIGHT TO PARTICIPATE IN SPORTING LIFE**

 For her upcoming report to the General Assembly to be presented in October 2024, the United Nations Special Rapporteur in the field of cultural rights, Ms. Alexandra Xanthaki, will consider the right to participate in sports.

The human right to participate in sports is part of everyone’s right to participate in cultural life. As culture is a broad, inclusive concept encompassing all aspects of human existence, it also includes sports. Cultural rights protect the rights for each person, individually and in community with others as well as groups of people, to develop and express their humanity, their world view and the meanings they give to their existence and their development through, inter alia, values, beliefs, convictions, languages, knowledge and the arts, institutions and ways of life. They are also considered as protecting access to cultural heritage and resources that allow such identification and development processes to take place.

At its core, the right to participate in sports encompasses the freedom, either individually or in community with others, to engage in sporting activities without discrimination, regardless of factors such as age, colour, sex and gender, sexual orientation, language, religion, political or other opinion, national or social origin, property, disability, birth or other status. It acknowledges the importance of sports in promoting physical and mental well-being, fostering social inclusion and cultural expression, and nurturing personal development. The right also protects alternative forms of sport and play.

Several international instruments support the recognition of the right to sport, through protecting for example the right to rest and leisure, the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the right of the child to engage in play, recreational activities, and sports, the right of persons with disabilities to participate in sports, and the right of women and men to have equal opportunities to participate in sports.

The Special Rapporteur intends to emphasise the importance of adopting a cultural rights approach towards sport and play, placing the right to sport within the framework of cultural rights. With this in mind, she intends to examine the scope of the right; the role of sports in cultural expression and cultural participation of people and peoples; challenges and best practices related to access to and participation in sports in general and in particular with respect to women, LGBTQI+ persons and persons of varied gender identity, persons with disabilities, migrants and refugees, and other vulnerable and marginalized groups; obstacles in the access and participation of children and older persons; the role of commercialization and professionalization in marginalizing participation; the socio-economic conditions necessary to ensure equal access and participation and the role of governance and accountability impacting the right to participate in sports. It is also important to consider the extent to which the exercise of all sports carries values that are in accordance with human rights, including cultural rights and promote cultural diversity.

**Questions**

You may wish to answer all the questions or the ones that are closer to your work and/or experience.

General

1. What are the benefits and potential shortcomings of the exercise of sport and play in developing one’s identity? In developing groups’ identities and cultural diversity? To which extent are these benefits and potential shortcomings reflected in the policies and programmes of your country?

Governance

1. What measures exist in national legislation or elsewhere to ensure that human rights obligations, particularly those relating to the human rights / cultural rights of athletes and sports players, referees, judges as well as spectators, apply to sports governing bodies, organizers of private sporting events or sports companies? How could these frameworks be strengthened?
2. What institutions or mechanisms exist for persons whose right to participate in sports have been violated to make a claim and obtain an effective remedy?
3. What is the role and impact of sports governing bodies or associations on the rights of all persons to participate in sporting life? How can these structures be improved to strengthen participation, governance or accountability?

Participation in sporting life

1. What are main obstacles in ensuring participation of all in sports? You may wish to discuss general obstacles that affect all (such as corruption) or obstacles that are set for specific sections of the population, including any discrimination based on age, colour, sex and gender, sexual orientation, language, religion, political or other opinion, national or social origin, property, disability, birth or other status.

[Official statistics](https://www.isna.ir/news/99110906591/%DA%86%D9%86%D8%AF-%D8%AF%D8%B1%D8%B5%D8%AF-%D8%B2%D9%86%D8%A7%D9%86-%D8%A7%DB%8C%D8%B1%D8%A7%D9%86%DB%8C-%D9%81%D8%B9%D8%A7%D9%84%DB%8C%D8%AA-%D9%88%D8%B1%D8%B2%D8%B4%DB%8C-%D9%85%D9%86%D8%A7%D8%B3%D8%A8%DB%8C-%D9%86%D8%AF%D8%A7%D8%B1%D9%86%D8%AF) indicate that 64% of Iranian women lack adequate access to sports activities, presenting a significant challenge of physical inactivity among them. Rather than investing in initiatives to promote and facilitate women’s participation in sports, the government imposes numerous restrictions, hindering the progress of the few female athletes. Despite endeavors to showcase women’s athletic prowess at the global stage while adhering to Islamic hijab standards with the heavy and baggy clothing, the government still refrains from televising their matches, neglects their coverage in sports news, and prohibits women from exercising in public spaces. A glaring example is the prolonged struggle of Iranian girls for the basic right to ride bicycles, despite the absence of a legal prohibition against it; however, arbitrary police orders often impede their freedom to do so across various cities.

Moreover, women are barred from attending men’s sports events in stadiums, mirroring the restrictions imposed on men attending women’s matches. Additionally, regulations prohibit sports teams from having coaches of the opposite gender, further perpetuating gender disparities in sports.

Moreover, women encounter challenges in accessing gyms and swimming pools. In Iran, gender segregation leads to the majority of clubs and swimming facilities reserving their evening and night hours for men, while mornings are allocated for women. Consequently, working women, students, and housewives caring for young children find themselves unable to utilize these facilities during the times they are most available.

Over the past forty-four years, numerous instances have occurred where girls disguise as boys to attend football stadiums, risking arrest if discovered by the authorities. These restrictive measures persisted, with women’s activist groups facing suppression through arrests or dispersal whenever attempting stadium entry. The tragic self-immolation of Sahar Khodayari, also known as the “[blue girl](https://fa.wikipedia.org/wiki/%D8%AF%D8%AE%D8%AA%D8%B1_%D8%A2%D8%A8%DB%8C)” due to her favorite team’s uniform color, in 2019, protesting her arrest and imprisonment for attempting to watch an Esteghlal Football Club match in the Asian Champions League, sparked international outcry. This event prompted FIFA to pressure into women’s stadium access. However, such participation remains limited and selective, with only a few places allocated to women. Moreover, women often face barriers preventing their attendance, and in some instances, matches proceed without any spectators present.

1. What measures has your government/organization taken to limit or to facilitate the participation of athletes as a result of recent or ongoing conflict?

Following the widespread protests sparked by the killing of Mehsa (Jina) Amini due to non-compliance with full hijab regulations, resulting in hundreds of casualties in Iran, the Islamic Consultative Assembly – the Iranian Parliament – is attempting to further restrict women’s and girls’ freedoms across all spheres with the proposal of the [Hijab and Chastity Bill](https://iranwire.com/fa/features/120898-%D9%84%D8%A7%DB%8C%D8%AD%D9%87-%D8%AD%D8%AC%D8%A7%D8%A8-%D8%AF%D8%B1-%D9%88%D8%B1%D8%B2%D8%B4-%D8%A7%D8%B2-%D8%A7%D8%AE%D8%B1%D8%A7%D8%AC-%D9%88%D8%B1%D8%B2%D8%B4%DA%A9%D8%A7%D8%B1%D8%A7%D9%86-%D8%AA%D8%A7-%D9%85%D8%B3%D8%AC%D8%AF-%D8%B4%D8%AF%D9%86-%D8%A8%D8%A7%D8%B4%DA%AF%D8%A7%D9%87%D9%87%D8%A7/). This bill poses significant threats to women athletes, including severe financial penalties, arrest, and imprisonment if they fail to adhere to the government’s Shariah requirements, directly contradicting the regulations of the International Olympic Committee and the Global Association of International Sports Federations. Nonetheless, in recent years, female athletes have vehemently opposed mandatory hijab regulations in sports and the confiscation of their achievements by the Islamic Republic through various means.

In January 2023, [Sarasadat Khadem al-Sharieh](https://fararu.com/fa/news/602975/%D8%A7%D9%88%D9%84%DB%8C%D9%86-%D8%AD%D8%B1%D9%81%E2%80%8C%D9%87%D8%A7%DB%8C-%D8%B3%D8%A7%D8%B1%D8%A7-%D8%AE%D8%A7%D8%AF%D9%85%E2%80%8C%D8%A7%D9%84%D8%B4%D8%B1%DB%8C%D8%B9%D9%87-%D9%BE%D8%B3-%D8%A7%D8%B2-%D9%85%D9%87%D8%A7%D8%AC%D8%B1%D8%AA), a distinguished International Master and Woman Grandmaster and prominent global figure, represented Iran in a chess tournament in Almaty, Kazakhstan. To the surprise of chess officials, she competed in every round of the tournament without wearing a headscarf or hijab. Following the tournament, Sara received threatening phone calls from government officials while still in Kazakhstan, warning her against returning home. In response, the organizers of the tournament arranged for four bodyguards to protect her outside her hotel room, in collaboration with the Kazakhstani police. Subsequently, Sara relocated to Spain and has chosen not to compete under the banner of Iran.

In 2022, amidst the fervor of the Woman, Life, Freedom movement, Elnaz Rekabi made a bold statement during the final stage of the Climbing Asian Championships in Seoul, South Korea. She took to the stage without wearing a hijab, displaying remarkable bravery as she climbed the wall with her hair tied. Rekabi ultimately secured fourth place in the competition, a testament to the talent that Iranian women have despite facing immense challenges and the potential they would have if their talents were fostered. However, following this [historic act](https://farsi.alarabiya.net/iran/2022/12/03/%D8%AA%D8%AE%D8%B1%DB%8C%D8%A8-%D9%85%D9%86%D8%B2%D9%84-%D8%AE%D8%A7%D9%86%D9%88%D8%A7%D8%AF%DA%AF%DB%8C-%D8%A8%D8%B1%D8%A7%D8%AF%D8%B1-%D8%A7%D9%84%D9%86%D8%A7%D8%B2-%D8%B1%DA%A9%D8%A7%D8%A8%DB%8C-%D8%AA%D9%88%D8%B3%D8%B7-%D8%AC%D9%85%D9%87%D9%88%D8%B1%DB%8C-%D8%A7%D8%B3%D9%84%D8%A7%D9%85%DB%8C), she faced intense pressure from the government forces of the Islamic Republic upon her return to Iran. Her mobile phone was confiscated, and she was placed under “house arrest.”

[Sadaf Khadem](https://www.bbc.com/persian/articles/cv2pve19xn1o) is a champion in a sport forbidden for women in Iran: boxing. Last year, she traveled to France at her own expense, where she competed without wearing a hijab and emerged victorious. However, upon her return to the airport, she received notice that she would face arrest if she returned to Iran. Consequently, Sadaf remained in France.

[Elham Sadat Asghari, an Iranian female swimmer](https://rooziato.com/1402502808/%D8%A8%D8%A7%D9%86%D9%88%DB%8C-%D8%B4%D9%86%D8%A7%DA%AF%D8%B1-%D8%AC%D9%86%D8%AC%D8%A7%D9%84%DB%8C-%D8%A7%DB%8C%D8%B1%D8%A7%D9%86-%DA%86%D9%87%D8%A7%D8%B1%D9%85%DB%8C%D9%86-%D8%B1%DA%A9%D9%88%D8%B1/), has achieved the remarkable feat of setting four Guinness records. However, despite her accomplishments, the Iranian Swimming Federation has neither registered nor acknowledged any of her achievements. This lack of recognition stems from the Islamic Republic’s stance, which prohibits women from swimming in open water, even when adhering to full hijab attire. Nevertheless, Elham, donning a full-body covering dress and adding nearly six kilograms to her weight, successfully broke several Guinness records previously held by men.

Here are the names of several female champions across various sports who ultimately chose to leave Iran and compete in world championships under the flag of another country simply because they desired the freedom to wear the attire of their choice and to be supported by decision makers rather than face multiple challenges imposed by poor policy: Mehtab Yadgari, international gymnastics referee; Mojgan Tajik, gymnastics champion; Raheleh Asemani, Taekwondo champion; Dorsa Derakhshani, a woman grandmaster and international master in chess; Ghazal Hakimifard, chess woman grandmaster; Arezou Motamedi and Mina Alizadeh, members of the national rowing team; Nadereh Aghaei, international karate champion and national team coach; Kimia Moradi, national canoe polo team member; Yekta Jamali, world weightlifting runner-up; Parisa Jahanfekrian, national weightlifting team member; Mahboubeh Barbari, national judo team member; Zeinabkobra Mousavi, national ice climbing team member and world champion; and Fatemeh Rouhani, national taekwondo team member.

1. Please discuss any efforts by the State to promote culturally-diverse sporting programmes initiated by cultural communities?

Indigenous peoples and sporting life

1. Please discuss any positive or negative use of indigenous symbols, imagery and names in sport? Are these used with consent and respect?
2. Are traditional indigenous games and sports included in national and international sporting events? Are indigenous peoples included in planning, leadership or governance roles? Do they equally benefit from sporting events in which they participate?

Mega Sporting Events

1. Do you have any examples of positive and/or negative effect of large sporting events on cultural rights of local communities?

Commercialization of Sports

1. Please share any examples where commercial interests, marketing, or the pursuit of profit in sport has led to decisions or actions which are contrary to cultural rights.