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## Recommendation CM/Rec(2021)5 of the Committee of Ministers to member States on the Revised European Sports Charter

*(Adopted by the Committee of Ministers on 13 October 2021 at the 1414<sup>th</sup> meeting of the Ministers' Deputies)*

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### Preamble

The Committee of Ministers, under the terms of Article 15.*b* of the Statute of the Council of Europe,

Bearing in mind that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress;

Bearing in mind the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, the Convention);

Bearing in mind the European Social Charter (ETS No. 35, revised ETS No. 163), which enacts the rights to health, education, culture and participation in the life of the community, in the exercise of which sport is an integral part;

Bearing in mind its Resolution Res(76)41 on the principles for a policy of sport for all, as defined by the Conference of European Ministers responsible for Sport at its first meeting in 1975 entitled "European Sport for All Charter", which was updated in 1992 and 2001 as the European Sports Charter (the Charter), endorsed by Recommendation Rec(92)13 (revised) of the Committee of Ministers to member States on the revised European Sports Charter, and that the successive versions of the charter have provided an essential basis for governmental policies in the field of sport and enabled many individuals to exercise their right to participate in sport;

Bearing in mind the UNESCO International Charter of Physical Education, Physical Activity and Sport, which has contributed to ensuring respect for the integrity and dignity of every human being in physical education, physical activity and sport; to the promotion of physical activities without discrimination; to fighting the exclusion experienced by vulnerable or marginalised groups; and to the recognition of the practice of sport as a fundamental right (Article 1);

Bearing in mind its recommendations to member States adopted in the field of sport since the latest revision of the European Sports Charter:

- on the prevention of racism, xenophobia and racial intolerance in sport (Rec(2001)6);
- on improving physical education and sport for children and young people in all European countries (Rec(2003)6);
- on the principles of good governance in sport (Rec(2005)8);
- on the revised Code of Sports Ethics (CM/Rec(2010)9);
- on the principle of autonomy of sport in Europe (CM/Rec(2011)3);
- on promotion of the integrity of sport against manipulation of results, notably match-fixing (CM/Rec(2011)10);
- on the protection of child and young athletes from dangers associated with migration (CM/Rec(2012)10);
- on gender mainstreaming in sport (CM/Rec(2015)2);
- on the promotion of good governance in sport (CM/Rec(2018)12);
- on extreme martial arts and combat activities (CM/Rec(2021)3);

Bearing in mind the resolutions adopted by the 15<sup>th</sup> Council of Europe Conference of Ministers responsible for Sport in Tbilisi, on 16 October 2018, “Protecting human rights in sport: obligations and shared responsibilities” and “Fighting corruption in sport: scaling up action”, as well as the International Declaration on Human Rights and Sport (Tbilisi Declaration), which was endorsed at the same conference;

Bearing in mind the resolutions adopted by the 16<sup>th</sup> Council of Europe Conference of Ministers responsible for Sport, during its online closing session, on 11 February 2021, “A European approach to sport policies: the revision of the European Sports Charter” and “Human rights in sport”;

Bearing in mind that it is necessary to agree on a common European framework for the development of sport in Europe, based on the principles of pluralist democracy, the rule of law and human rights;

Stressing that sport can contribute to advancing the 2030 Agenda for Sustainable Development and its Sustainable Development Goals, adopted by the General Assembly of the United Nations;

Whereas:

- sport is a social, educational and cultural activity based on voluntary choice which encourages contact between European countries and their citizens, and plays a fundamental role in the realisation of the aim of the Council of Europe by reinforcing the bonds between peoples and developing awareness of a European cultural identity;
- sport can make diverse contributions to personal well-being and social development, and physical exercise in particular helps to promote both physical and mental well-being;
- there is a close interrelationship between sound environmental conditions, sporting activities and a need to integrate environmental considerations and the principle of sustainable development into sport;
- sport is also an important economic sector in Europe in its own right, contributing to economic growth, development and employment, as has been underlined by many studies;
- political, economic and social changes and their impact on sport have occurred in Europe at a rapid pace since the last revision of the European Sports Charter in 2001, making a new European Sports Charter necessary to reflect these changes and to face up to future challenges;
- the combination of standards on sports development and on sports ethics into one single reference standard on sports policies would be more effective;
- public authorities should develop reciprocal co-operation with the sports movement, as the essential basis of sport, in order to promote the values and benefits of sport, and in many European States governmental action in sport is taken in order to be complementary to and support the work of this movement (subsidiarity);
- the current structure of competitive sport in Europe, which is mainly based on a national configuration with competitions at regional, national, continental and global levels, and which respects the regulatory role of international governing bodies, has delivered benefits in terms of the coherent development of sport and international solidarity,

Recommends that the governments of member States:

- a. base their domestic policies for sport, and, when appropriate, any relevant legislation, on the European Sports Charter as set out in the appendix to this recommendation;
- b. invite relevant stakeholders to take account of the principles set out in the European Sports Charter in developing their policies;
- c. take steps to ensure wide dissemination of the European Sports Charter;
- d. provide or facilitate the provision of information and data that will be needed for monitoring its implementation.

## **Appendix to Recommendation CM/Rec(2021)5 Revised European Sports Charter**

### **A. Introductory provisions**

#### **Article 1 – Aim of the Charter**

The aim of this Charter is to guide governments in the design and implementation of legal and policy frameworks for sport which highlight its multiple individual and social benefits (in particular for health, inclusion and education) and abide by and promote the values of human rights, democracy and the rule of law, as enshrined in the Council of Europe's applicable standards. To achieve this aim, governments should take the steps necessary to:

1. enable every individual to participate in sport and notably ensure that:
  - a. all young people receive physical education instruction at educational institutions and have access to opportunities to develop physical literacy, physical fitness and acquire fundamental movement skills;
  - b. everyone has the opportunity to take part in sport in a safe, secure and healthy environment;
  - c. the development of sport is inclusive, evaluated and monitored on a regular basis; and
  - d. everyone has the opportunity to improve their standard of performance in sport beyond its practice for recreational purpose and reach levels of personal achievement and/or levels of excellence in an ethical, fair and responsible way;
2. protect and develop values-based sport, which is a precondition for maximising the individual and social benefits of sport, and notably ensure that:
  - a. the human rights of those involved in or exposed to sport-related activities are protected;
  - b. sporting activities contribute to strengthening ethical conduct and behaviour among those involved in sport;
  - c. the integrity of sports organisations, sports competitions and those involved in or exposed to sport-related activities is safeguarded;
  - d. sports activities are in line with the principles of sustainable development.

#### **Article 2 – Definition of “sport” and scope of the Charter**

1. For the purpose of this Charter, “sport” means all forms of physical activity which, through casual or organised participation, are aimed at maintaining or improving physical fitness and mental well-being, forming social relationships or obtaining results in competition at all levels.
2. This Charter highlights the common features of a framework for European sport and its organisation, understood by the sports movement as the European sport model, and provides general guidance to the Council of Europe's member States to refine existing legislation or other policies and to develop a comprehensive framework for sport. It has been specified and complemented by legally binding standards addressing critical issues in the field of sport, such as:
  - a. the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches (ETS No. 120);
  - b. the Anti-Doping Convention (ETS No. 135);
  - c. the Council of Europe Convention on the Manipulation of Sports Competitions (CETS No. 215); and
  - d. the Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events (CETS No. 218).
3. The implementation of some of the provisions of this Charter may be entrusted to governmental or non-governmental sports authorities or sports organisations.

## **B. Stakeholders**

### **Article 3 – Public authorities**

1. The role of the public authorities is primarily complementary to the action of the sports movement and corporate sector. Public authorities are responsible for setting framework conditions and, where appropriate, legal requirements which are necessary for the development of sport. In the development and administration of sports policies, public authorities should pursue the aims of this Charter and demonstrate that they place a high priority on respecting the rule of law and the principles of good governance.

2. Horizontal co-ordination should be ensured between the policies and actions of all the public authorities concerned with sport, for example authorities in charge of sport, education, health, social services, urban and regional planning, culture, justice, monitoring of human rights and child protection, law enforcement, betting regulation, environment and development. Vertical co-ordination should be ensured between national authorities and the regional and local authorities, which play a key role in the provision of sports activities at grassroots level.

### **Article 4 – The sports movement**

1. The sports movement, which comprises non-governmental, non-profit sports organisations, is the main partner of public authorities for the implementation of sports policies. Its organisations are bound by the requirements and limits imposed on them by legislation in accordance with international standards.

2. The development of the voluntary ethos and movement in sport should be further encouraged, particularly through support for the work of voluntary sports organisations. To this end, public authorities and the sports movement should maintain framework conditions that favour the active involvement of volunteers in sport.

3. Sports movement organisations fully enjoy the freedom of association enshrined in the Convention for the Protection of Human Rights and Fundamental Freedoms. They enjoy autonomous decision-making processes and should choose their leaders democratically in accordance with good governance principles. Both governments and sports organisations should recognise the need for mutual respect for their decisions.

4. Sports movement organisations earning revenue from the sports entertainment market should be committed to financial solidarity between high-level sport and grassroots sport, among different sports and across all regions of the world.

### **Article 5 – Corporate and professional sectors**

1. The corporate and professional sectors play an important role in the development of sport. Dialogue and co-operation should be undertaken with representatives of companies and occupational categories involved in sport in sectors such as the organisation of activities, events or competitions; the manufacturing of sports goods; sports nutrition; construction of facilities; service provision; and the media.

2. When engaging with representatives of these sectors, governments should:

- a. acknowledge them as drivers of innovation that can serve the development of sport;
- b. make sure that they abide by the relevant regulations, for example on economic and social rights, safety, qualifications, anti-discrimination, sports integrity, corporate governance and anti-corruption;
- c. promote endorsement of the United Nations Guiding Principles on Business and Human Rights and Recommendation CM/Rec(2016)3 of the Committee of Ministers to member States on human rights and business;
- d. encourage them to co-operate with the sports movement and encourage their participation in solidarity schemes when they benefit from activities conducted and financed by the sports movement.

## **C. Values-based sport**

### **Article 6 – Human rights**

1. All stakeholders shall respect and protect internationally recognised human rights and fundamental freedoms and they should observe the general framework established for their implementation in business and other activities.
2. The human rights due diligence approach in sport requires respect for the human rights of those involved in or exposed to sport-related activities and should therefore:
  - a. ensure that the human rights of athletes and everyone involved in sport are respected, protected and promoted;
  - b. fight arbitrariness and other abuses in sport so as to ensure full respect for the rule of law in sports activities, including access to remedies, justice and a fair trial in line with the applicable human rights standards;
  - c. work towards gender equality in and through sport, in particular by implementing the strategy of gender mainstreaming in sport;
  - d. apply a policy of zero tolerance for violence and all forms of discrimination, paying particular attention to individuals and groups in a situation of vulnerability, such as children, migrants and persons with disabilities;
  - e. work towards the inclusion of a clear commitment to human rights in the respective policy and/or regulatory frameworks;
  - f. uphold human rights in the context of the organisation of sports events and introduce human rights considerations and objectives into the whole life cycle of major sporting events, starting with the bidding process and including planning for a lasting positive legacy;
  - g. further invest in the effective implementation of human rights standards in and through sport, in particular by developing governmental/non-governmental partnerships and using multistakeholder platforms to identify and promote measures to prevent and respond to human rights violations in sport.

### **Article 7 – Education in values through sports ethics**

1. “Sports ethics” is a positive concept that guides human behaviour. It is defined as a way of thinking and not just a way of acting. It underpins sports integrity, equality, honesty, excellence, commitment, courage, team spirit, respect for rules and laws, respect for the environment, respect for self and others and a spirit of community, tolerance and solidarity. It also includes respect for human rights and sustainability.
2. Sports ethics shall be promoted in all activities in sport, via relevant policies and programmes. Appropriate steps shall be taken to raise awareness of sports ethics and to provide continued learning opportunities in this sphere.
3. Being educated about how to choose the ethical course of action inside and outside sport is an integral part of the competences that should be acquired through sport. Practising values-based sport can empower people and teach fairness, teamwork, equality, discipline, inclusion, respect and integrity.

### **Article 8 – Integrity**

1. “Sport integrity” encompasses the components of personal, competitive and organisational integrity. Threats to sports integrity include criminal offences such as corruption, fraud and coercion, but also violations of statutory and disciplinary regulations and unethical behaviour. The pursuit of sport integrity should thus commit all stakeholders and:
  - a. protect all people, particularly the young, from violence, harassment and abuse, ensure the safety and security of individuals and foster respect for and protection of internationally recognised human rights, including social rights;

- b. support fair play, which is much more than playing within the rules. Fair play incorporates the concepts of friendship, respect for others and a sense of fellowship. It includes issues concerned with cheating, the use of unfair strategies while respecting the rules, manipulation of sports competitions and doping;
- c. inspire a governance of sport that is compliant with the principles of transparency, integrity, democracy, development and solidarity, which should be secured by checks and balances and control mechanisms.

2. Sport integrity policies should rely on multistakeholder initiatives; encourage and co-operate with whistle-blowers and free media; pay attention to compliance with human rights; invest in education, prevention and awareness raising; be monitored, including through the use of remedies; and use gender and youth mainstreaming.

### **Article 9 – Sustainability**

1. The principle of sustainability in sport requires all activities to be economically, socially and environmentally sustainable, in particular:

- a. when planning, implementing and evaluating their activities, organisers of sports activities and events should pay due consideration to sustainability, be it economic, social or environmental;
- b. whereas the growing consumption of sporting goods can generate a positive impact on the global economy, the industry should take responsibility for developing and integrating practices that are satisfactory in social terms and are environmentally friendly;
- c. indoor and outdoor activities should be carried out responsibly, in other words the precautionary principle (resource conservation and risk prevention) should be implemented. Owners of sports infrastructure have to act proactively to identify the effects and consequences of their facilities, avoid potential damage to nature and, where necessary, take counter- and protective measures against such risks;
- d. the organisation of major sports events should ensure a sustainable legacy for the hosting communities with regard to their economic, social and environmental impact, in particular to balance the financial cost of the infrastructure with its post-event use and the effect on participation in sport.

2. All stakeholders should take responsibility to reduce their carbon footprint and pursue commitments and partnerships for climate action in recognition of the increasingly negative impact of climate change on society and on sport.

### **D. Sport for all**

#### **Article 10 – The right to sport**

1. Access to sport for all is considered to be a fundamental right. All human beings have an inalienable right of access to sport in a safe environment, both inside and outside school settings, which is essential for their personal development and instrumental in the exercise of the rights to health, education, culture and participation in the life of the community.

2. No discrimination on the grounds of race, colour, language, religion, gender or sexual orientation, political or other opinion, national or social origin, association with a national minority, property, birth or other status, shall be permitted in the access to sports facilities or to sports activities.

3. To safeguard and promote this right, it is necessary to:

- a. ensure that access to the development of physical, intellectual and ethical competences through physical education and sport is guaranteed, both within the educational system and in other aspects of social life;
- b. make sure that everyone has ample opportunities to benefit from physical education and practise sport, develop physical literacy and physical fitness, acquire fundamental movement skills and attain a level of achievement in sport which corresponds to their abilities;

- c. make sure that specific opportunities are available for young people, including children of pre-school age, for older people and for people with disabilities to enjoy education and sports programmes suited to their requirements;
- d. ensure that all members of a local community have opportunities to take part in sport and that, where necessary, additional measures are taken aimed at enabling disadvantaged individuals or groups and people with disabilities to make effective use of such opportunities;
- e. guarantee that local sports clubs have a suitable legal status and framework conditions to offer affordable access to sport for all.

#### **Article 11 – Building the foundations for the practice of sport**

1. All appropriate steps should be taken to develop physical literacy and physical fitness among young people, enabling them to acquire fundamental movement skills and to encourage them to practise sport, notably by:

- a. ensuring that all students have access to sports, recreation and physical education programmes and facilities and that appropriate time slots are set aside for these activities;
- b. ensuring the training of qualified teachers in this area in all schools;
- c. ensuring that appropriate opportunities exist for continuing the practice of sport after compulsory education;
- d. encouraging the development of appropriate links between schools or other educational institutions, school sports clubs and local sports clubs;
- e. facilitating and developing the use of sports facilities by schools, local sports clubs and the local community;
- f. encouraging an environment in which parents, teachers, coaches and leaders motivate young people to take regular physical exercise;
- g. providing education in sports ethics for pupils from primary school onwards.

#### **Article 12 – Developing participation**

1. The practice of sport, whether for the purpose of leisure and recreation, health promotion or improving performance, shall be promoted across the whole population through the provision of appropriate facilities and programmes of all kinds and of access to qualified coaches, instructors and staff, whether volunteers or professionals.

2. Encouraging the provision of opportunities to participate in sport at workplaces shall be regarded as an integral part of a balanced sports policy.

#### **Article 13 – Improving performance**

1. The practice of sport at higher levels shall be supported and encouraged in appropriate and specific ways. The support shall cover such areas as talent identification and counselling, the provision of suitable facilities, developing care and support for athletes using sports medicine and sports science in line with sports ethical standards, encouraging scientific coaching and providing training for coaches and others with leadership functions and helping clubs to provide appropriate structures and competitive outlets.

#### **Article 14 – Supporting top-level and professional sport**

1. Methods of providing appropriate direct or indirect support for athletes who demonstrate exceptional sporting qualities shall be devised in order to give them opportunities to fully develop their sporting and human abilities, while ensuring full respect for their individual personality and physical and moral integrity. Such support should include aspects relating to the identification of talent, to the dual careers of athletes, to balanced education while in training institutes, and to a smooth integration into society through the development of career prospects during and after involvement in high-level sport.

2. The organisation and management of professionally organised sport, including by the sports entertainment industry, shall be conducted through competent and well-governed bodies, supportive of appropriate social dialogue with athletes' representatives and of the regulatory role of the relevant international governing bodies as regards ensuring harmonised rules of the game, safeguarding the integrity of sport and co-ordinating competition calendars. People engaging professionally in sport should have appropriate social status, ethical safeguards against all forms of exploitation and the enjoyment of economic and social rights.

3. The organisation of top-level and professional sports competitions should be in compliance with the principle of openness in sporting competitions, giving priority to sporting merit. Competition organisers should work to reconcile the needs and interests of individual/local team competitions and those of national teams.

## **E. Means**

### **Article 15 – Facilities and activities**

1. Since participation in sport is dependent in part on the extent, the variety and the accessibility of facilities, their overall planning should be a matter for the public authorities. The range of facilities to be provided should take account of the public and private facilities which are already available. Those responsible should take account of national, regional and local requirements, and take measures designed to ensure good management and the safe and full use of facilities.

2. Appropriate steps should be taken by the owners of sports facilities to enable persons from disadvantaged groups, including persons with physical or mental disabilities, to have access to such facilities.

3. A clear framework should be provided, and appropriate steps should be taken, to empower event organisers and owners of sporting facilities to fulfil their safety and security obligations effectively.

### **Article 16 – Human resources**

1. The development, by appropriate bodies, of training courses leading to diplomas and qualifications covering all aspects of sport, including its compliance with human rights, ethics, integrity and sustainability, shall be encouraged. Such courses should be appropriate to the needs of participants of all backgrounds involved in different kinds and levels of sport and designed for those working both voluntarily and professionally (instructors, coaches, managers, officials, doctors, safety officers, architects, engineers, child safeguarding officers, etc.).

2. Those involved in the leadership or supervision of sports activities should have appropriate qualifications, with particular emphasis on the protection of ethical values, integrity and human rights, including the protection of the human dignity, safety and health of the people in their charge.

3. Special attention should be paid to volunteering. Voluntary personnel, if given appropriate training and supervision, can make an invaluable contribution to the development of sport as a whole and encourage the participation of everyone in the practice and organisation of sports activities. The recruitment, training and retention of volunteers should be encouraged through the recognition of voluntary work, support for the holistic training of volunteer coaches and other measures.

### **Article 17 – Information and research**

1. Suitable structures and means for the collection and dissemination of pertinent information on sport at local, national and international levels should be maintained to the most up-to-date standards and developed further in line with relevant technological advances. This should notably include taking due account of digitisation and other important technological developments and of their use and application in the sporting context.



2. Scientific research into all aspects of sport, including its positive and negative effects on health, issues of ethics and governance, new trends and other central underlying principles, shall be further promoted and supported. Arrangements shall be made for disseminating and exchanging such information and the results of such research at the most appropriate level – locally, regionally, nationally or internationally – including as a basis for the further development of informed sports policies.

#### **Article 18 – Finance**

1. Appropriate support and resources from public funds at national, regional and local levels, including, where appropriate, lottery contributions, adequate public budget provisions, tax exemptions, the lending of premises, etc. shall be made available for the fulfilment of the aims of this Charter.

2. Mixed public and private financial support for sport should be encouraged, including the capacity of the sports sector itself to generate and allocate appropriate resources for its further development, both in terms of its social and its high-level aspects.

3. Public measures of support for the organisation of sporting events should be granted in the light of the relevant environmental standards and sustainable economic and social benefits that such events can achieve, in order to realise the positive potential of sporting events and increase public acceptance.

#### **Article 19 – Domestic and international co-operation**

1. Appropriate structures for the proper co-ordination of the development and promotion of sport between the various stakeholders should be put in place where they do not already exist at national, regional and local levels in order to achieve the aims of this Charter, thus ensuring that sport is a structural element of the well-being of our society.

2. International co-operation at both global and continental levels is also necessary for the fulfilment of the aims of this Charter. This can be achieved through the exchange of good practice, education programmes, capacity development, advocacy, pledges, as well as indicators and other monitoring and evaluation tools.

### **F. Final provisions**

#### **Article 20 – Support and follow-up to the implementation of the Charter**

1. The Council of Europe as a whole and other international organisations should be encouraged to use sport as a vehicle to promote values and to mainstream sport in strategies and action plans.

2. To facilitate the promotion and the implementation of this Charter, relevant stakeholders should be invited to pledge for the implementation of the Charter in their policies, strategies and programmes.

3. At European level, it is important to review progress and support the implementation of the Charter, in particular to guarantee the positive impact of sport on health, inclusion and education, to maximise its potential to promote a dynamic civil society as well as a culture of human rights, the rule of law, democratic governance and sustainability, and to fight threats to sports integrity. The Council of Europe's Enlarged Partial Agreement on Sport should be used to assess and promote progress in the implementation of the Charter, including by:

- a. facilitating the exchange of information and good practices;
- b. holding thematic exchanges on issues pertaining to the Charter;
- c. collecting and publishing information to monitor the implementation of the Charter;
- d. supporting the promotion and implementation of the Charter through regular multilateral and country-specific activities.