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16th Council of Europe Conference of Ministers responsible for Sport

November 2020 – February 2021

DRAFT RESOLUTIONS

as approved by the Ministerial round table

on 15 January 2021

prepared by

Enlarged Partial Agreement on Sport

Accord partiel élargi sur le sport

Draft Resolution No. 1

A European approach to Sport policies: the revision of the European Sports Charter

The Ministers responsible for Sport, meeting via video-conference under Greek presidency, for their 16th Council of Europe Conference:

Considering that the aim of the Council of Europe is to achieve a greater unity among its member states, inter alia by promoting common standards in the field of human rights and by monitoring and supporting their implementation;

Recalling member states' obligation to secure to everyone within their jurisdiction the rights and freedoms enshrined in the Convention for the Protection of Human Rights and fundamental freedoms (ETS No. 5) and the protocols thereto, including providing an effective remedy before a national authority for violation of those rights and freedoms;

Recalling where relevant the obligations arising from the European Social Charter (ETS No. 35 and 163 [revised]), the Council of Europe Conventions on actions against trafficking in human beings (CETS No. 197), on the protection of children against sexual exploitation and sexual abuse (CETS No. 201), on preventing and combating violence against women and domestic violence (CETS No. 210), for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108 and CETS No. 223 [amended]), as well as other European and international human rights instruments;

Considering the European Sports Charter as a leading standard for sport policies and the backbone of the Council of Europe's activity in the field of sport;

Considering Resolution No. 2 on Human Rights in Sport adopted at the 16th Council of Europe Conference of Ministers responsible for Sport;

Noting a number of developments affecting sport, in particular:

- the growing economic dimension (commercialisation) of some sports and its impact in the governance and operations of sports organisations;
- the acknowledgement of the risks of human rights violations in the context of sport and a growing commitment to respect and protect the human rights of athletes and all involved in sport;
- the increasing threats to the integrity of sport;
- the recognition of the importance for sports organisations to abide by good governance principles;
- the professionalisation of top athletes in some sports and the development of effective athlete representation based on elections by their peers;
- the development of sport activities in casual settings, in commercial structures and in 'sport for all' organisations;
- the importance of strengthening solidarity within the sports movement;
- an increased public awareness on the benefits of sports as a result of the COVID-19 pandemic;

Noting the key role and responsibilities of the various stakeholders in the field of sport;

Aware of the multiple benefits that sport brings to individuals and society and recognising the need to harness sport as an important factor to promote public health, inclusion and education;

Concerned by the impact of the COVID-19 crisis and the crisis management measures on sport and convinced that sport policies can play an important role in developing society and individuals' resilience to future crises;

Concerned by the financial difficulties of the sport sector at top and grassroots levels due to COVID 19 and by the impact that the economic downturn will have on the practice of sporting activities;

Concerned by the exacerbation of the risk of human rights violations, in particular of individuals in situation of vulnerability and including the violation of rights of the workers involved in the global supply chain of sports goods and activities, the abuse of children, as well as broader risks associated with events and competitions;

Concerned by the threats to sport's integrity, in particular doping, the manipulation of sports competitions and the discrimination of all sorts, violence, sexual harassment and abuse, and racism at sport events;

Committed to ensuring the compliance of sports activities with the principles of economic, social and environmental sustainability and concerned by the increasingly prevalent negative impact of climate change, resulting in both the heightened vulnerability of at-risk groups and the more frequent disruption of sporting activity by extreme weather conditions and natural disasters;

Recognising the importance and the long-standing benefits attributed to the current structures of sport in Europe where governing bodies shall continue to play a central role to oversee the organisation and functioning of their respective sport;

Recognising the expansion of sporting events in size and nature, namely the Olympic Games and football tournaments, and the importance of adopting an integrated multi-agency approach to guarantee safe, secure and welcoming sport events;

Resolved to embed the protection and promotion of human rights in the development of sport policies, including by promoting a fundamental right to access sport in a safe environment, both inside and outside school settings;

Convinced by the interest of using the European Sports Charter as a single standard of reference pursuing an integrated approach to a values-based sport and sport for all;

Interested in stimulating the use of the Charter to further develop co-operation between governments and the sports movement;

Stressing the common features of the organisation of sport in Europe as being:

- sport for all;
- values-based sport;
- solidarity;
- multi-stakeholder co-operation with a key role played by a non-profit sports movement.

Committed to supporting the implementation of the UN 2030 Agenda for sustainable development and acknowledging sport as an important enabler of development and peace;

Responding to the request from the 15th Council of Europe Conference of Ministers responsible for Sport (Tbilisi, 16 October 2018) to consider a revision of the European Sports Charter;

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The Ministers:

- ◆ welcome progress on the revision of the European Sports Charter and stress that the revised text should:

- recognise the common features of a European sport framework and its organisation based on values such as ethics, fair play, respect, solidarity, integrity, volunteerism, regard for human rights, innovation and sustainability;
- stress that the public authorities, the sports movement as well as the corporate and professional sectors should comply with applicable good governance principles;
- recognise the economic dimension of sport and the role that corporate and professional sectors play in sport;
- acknowledge that the development of sports policies should promote the development of networks between all the relevant public authorities, such as authorities in charge of sport, education, health, social services, town and country planning, innovation, digitalisation, culture and other leisure services, transport, justice, law enforcement, betting regulatory authorities, environment and development aid, as well as the local and regional authorities;
- facilitate access to sports for all layers of society, inter alia through investing in infrastructures for the practice of physical activity at the grassroots level, both inside and outside school settings;
- ◆ encourage member states to develop national sports strategies, based on the European Sports Charter and in co-operation with the sport movement and other relevant stakeholders;
- ◆ encourage member states to exchange best practices and experiences which result from the implementation of the national sports strategies reflecting the provisions of the European Sports Charter.

INVITE EPAS to:

- ◆ explore, in co-operation with Council of Europe human rights bodies, avenues to promote and enforce the “right to sport”;
- ◆ develop indicators, tools and advisory services based on evidence and collected data in order to support and monitor the development of national sports strategies, to facilitate and promote:
 - the use of the European Sports Charter as guidance for the development by governments of their national policies for sport and, when appropriate, any relevant legislation;
 - adherence by sports organisations to the principles set out in the Charter in the elaboration of their policies and in their operations;
- ◆ hold regular dialogue and conclude institutional partnerships with the sports movement and other relevant stakeholders to foster the implementation of the Charter;
- ◆ develop a communication plan and dissemination strategy and tools to promote the Charter, including by making use of digital technologies when promoting the European sports values.

INVITE the Council of Europe Committee of Ministers to:

- ◆ acknowledge the key role of sport for society for health, inclusion and education and the importance of sport policy at national, European and international level;
- ◆ welcome the Charter’s general guidance for the Council of Europe’s member states to perfect their policies and to develop a comprehensive framework for sport reflecting common values and principles;

- ◆ promote human rights and the rule of law in and through sport;
- ◆ acknowledge the role of sport in developing society and individuals' resilience to sanitary and other crises, including climate change;
- ◆ invite states which have not yet done so to join EPAS and engage in this process;
- ◆ invite states to sign/ratify the Saint-Denis Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events and the Macolin Convention on the manipulation of sports competitions. In states which are already Parties to the Conventions, invite the Sports Ministers to actively engage in the implementation and promotion of these conventions at national level;
- ◆ resume consultations with member states and the European Union in order to facilitate the removal of any obstacles to the ratification of the Macolin Convention by its member states.

WELCOME the expression of interest from Turkey to organise the next Council of Europe Conference of Ministers responsible for Sport.

Draft Resolution No. 2

Human rights in sport

The Ministers responsible for Sport, meeting via video-conference under Greek presidency, for their 16th Council of Europe Conference:

Considering that the aim of the Council of Europe is to achieve a greater unity among its member states, inter alia by promoting common standards in the field of human rights and by monitoring and supporting their implementation;

Recalling member states' obligation to secure to everyone within their jurisdiction the rights and freedoms enshrined in the Convention for the Protection of Human Rights and fundamental freedoms (ETS No. 5) and the protocols thereto, including providing an effective remedy before a national authority for violation of those rights and freedoms;

Recalling where relevant the obligations arising from the European Social Charter (ETS No. 35 and 163 [revised]), the Council of Europe Conventions on actions against trafficking in human beings (CETS No. 197), on the protection of children against sexual exploitation and sexual abuse (CETS No. 201), on preventing and combating violence against women and domestic violence (CETS No. 210), for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108 and CETS No. 223 [amended]), as well as other European and international human rights instruments;

Considering the importance of a human rights-based approach while addressing sport integrity issues such as safety, security and service at sports events, and to fighting doping and the manipulation of sports competitions;

Welcoming in this regard the role of the Council of Europe conventions in the field of sport - the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches (ETS No 120), the Anti-doping Convention (ETS No. 135), the Council of Europe Convention on the manipulation of Sports competitions (CETS No. 215) and the Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events (CETS No. 218);

Considering the case-law of the European Court of Human Rights and the European Committee on Social Rights as well as the findings, recommendations or decisions of other Council of Europe and United Nations human rights monitoring bodies of relevance in the field of sport;

Recalling the Recommendation of the Committee of Ministers to member States on gender mainstreaming in sport (CM/Rec(2015)2); the Recommendation of the Committee of Ministers to member States on integrated national strategies for the protection of children from violence (CM/Rec(2009)10) and the Recommendation of the Committee of Ministers to member States on preventing and combating sexism (CM/Rec(2019)1);

Considering the United Nations' Guiding Principles on Business and Human Rights and the Council of Europe Committee of Ministers Recommendation on human rights and business (CM/Rec(2016)3);

Recalling Article 1 of the International Charter of Physical Education, Physical Activity and Sport adopted at UNESCO's 38th General Conference stating that the practice of physical education, physical activity and sport is a fundamental right for all;

Recalling the International Declaration on Human Rights and Sport (Tbilisi Declaration) adopted at the 15th Council of Europe Conference of Ministers responsible for Sports;

Recalling that public authorities must respect, promote and protect human rights, which includes positive obligations to protect the rights of individuals from violations by non-State actors, such as the sports movement, corporate sport service providers and the sports goods industry;

Recognising that sport organisations have a responsibility to respect and protect human rights, including the right to a remedy for human rights violations;

Stressing the need to protect the rights and well-being of athletes, including the importance of ensuring decent working conditions and the fight against any type of violence, sexual harassment and abuse and discrimination in sport;

Stressing the importance of guaranteeing the rights of athletes and other sport participants of access to justice and to a fair trial;

Aware of the fact that the considerable economic interests tied to professional sport could prompt civil servants or members of sports movements, intermediaries or even families to adopt negligent or fraudulent practices leading to human rights risks and abuses;

Concerned in this regard with ongoing negligent and abusive practices observed in connection with the migration of athletes, particularly where young people's fundamental rights and well-being are threatened;

Welcoming initiatives by the Enlarged Partial Agreement on Sport (EPAS) to continue promoting human rights in and through sport, in particular on gender equality and on child safeguarding;

Welcoming progress achieved by the Monitoring Group of the Anti-Doping Convention in the context of right to a fair trial and protecting whistle-blowers in anti-doping disciplinary proceedings;

Concerned by the human rights violations occurring in the context of sport, in particular against children, women, persons with disabilities, members of minority groups, athletes and other workers;

Concerned by the negative impact of the COVID-19 crisis which has highlighted the vulnerability of the sector and the need to increase its resilience to any future crisis, including climate change;

Concerned by the predicted negative impacts of climate change and the disproportionate risk it represents for vulnerable populations as mentioned above;

Convinced of the importance of further using sport as a vehicle for promoting human rights;

Considering that the Council of Europe is uniquely placed to make significant further contributions to the protection of human rights in sport;

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The Ministers:

ENCOURAGE the member states to harness the potential of the Council of Europe to:

- ◆ further enhance the protection and promotion of human rights in the field of sport, in particular by:
 - promoting the implementation of the standards contained in its various conventions by all sport stakeholders;
 - encouraging the use of monitoring mechanisms to highlight human rights issues and violations and to guide action in the field of sport;
 - promoting the T-DO recommendation on the principles of fair trial in anti-doping disciplinary proceedings;

- developing dialogue and co-operation with international organisations in charge of the protection of fundamental rights to ensure they pay attention to sport activities;
- continuing developing partnerships with non-State actors to embed human rights considerations in their policies and operations;
- continuing and fostering the co-operation with the European Union as a driver towards common objectives and values;
- continuing developing standards and tools on the protection of whistle-blowers, paying attention that they can be effectively applied in the field of sport;
- recognising the role of sport in mitigating the adverse effects of climate change, particularly as concerns the disproportionate negative impact of climate change on the human rights of vulnerable groups;
- ◆ promote sport and its many social and individual benefits to strengthen society's resilience to global crises;
- ◆ make the protection of human rights a pillar of the revised European Sports Charter.

INVITE EPAS, where appropriate in co-operation with the sports movement and with other bodies, to:

- ◆ make the protection of human rights a priority, stimulate and regularly review and report on progress in this field;
- ◆ develop co-operation with the European Committee on Social Rights to promote the protection of athletes' social rights in particular by:
 - developing guidance on the relevance of the European Social Charter in the context of sport;
 - preparing an expert opinion on the systems of athletes' representation and proposals to strengthen social dialogue;
 - encouraging athletes to learn skills in parallel with their sporting activity in order to ensure a successful vocational re-training at the end of their sporting career;
 - promoting a fundamental right of access to sport;
- ◆ hold regular exchanges with relevant Council of Europe intergovernmental and monitoring bodies to share information on human rights in sport;
- ◆ develop co-operation with the Global Observatory on Women and Sport, which is due to be setup within the framework of the Unesco Kazan Action Plan;
- ◆ clarify its relationship with and involvement in the Centre for Sport and Human Rights;
- ◆ develop and facilitate access to a toolbox to communicate on the protection of human rights in sport through products such as handbooks, social media content, webinars and audio-visual material;
- ◆ disseminate knowledge and train sports officials on human rights issues, in particular through partnerships with sports organisations and with research and training institutions;
- ◆ engage with Council of Europe member states and the sports movement to:

- promote children’s rights and implement child safeguarding policies, in particular by further promoting and monitoring progress towards the implementation of the “Start to Talk” initiative to stop child sexual abuse and to take concrete measures to prevent and respond to abuse, and by implementing the Council of Europe conventions against child sexual exploitation and abuse, trafficking in human beings and violence against women and domestic violence;
- promote and monitor progress towards gender equality, notably by promoting gender mainstreaming in sport and following up to the data collected through the “ALL IN” project which show the need to make progress in a number of key areas;
- fight discrimination and hate speech, building upon the standards and guidance issued by the European Commission against Racism and Intolerance (ECRI) and the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI);
- use sport as a tool for integration of minorities, especially migrants;
- further explore human rights compliant solutions to facilitate the participation of athletes, irrespective of gender, in sports competitions, while ensuring equal opportunities for athletes in all their diversity, as well as the fairness of the competitions;
- embed human rights in the policies and operations of sports organisations.

INVITE Council of Europe member states to:

- ◆ integrate the protection of human rights in the design of sport policies, including the promotion of measures by sports organisations to prevent human rights violations and afford effective remedies thereto;
- ◆ use the Council of Europe standards and tools in particular to:
 - further enhance the protection of children’s rights in sport;
 - promote access to justice and the right to fair trial, including in the field of sport;
 - enhance the promotion and protection of athletes’ economic and social rights;
 - prevent, fight and respond to violence, discrimination, sexual harassment and abuse and hate speech;
 - strive towards gender equality;
 - adopt or enhance policies aimed at inter alia:
 - using sport as a key contributor to improving physical fitness and mental well-being (right to health);
 - protecting the right to the liberty and safety of athletes;
 - promoting inclusiveness and diversity in sport and in sports events, as key elements for safer, more secure and more welcoming sport and sports events;
 - defending media freedom in the field of sport and hosting of major sports events, within the boundaries of sports competitions organisers’ property rights and in accordance with the principles of proportionality;

- protecting the rights of migrant athletes, if necessary, by defining European standards for minor athletes migrating from third-countries to Europe;
- promoting sports policies that are compliant with the protection of personal data;
- defending athletes' freedom of expression, reunion and association;
- ◆ financially support Council of Europe efforts in this field through voluntary contributions.

INVITE EPAS to present a report to the Committee of Ministers of the Council of Europe during the course of 2021, assessing progress on the implementation of the measures enshrined in this resolution.

Appendix: Interpretative Declaration by Poland



WICEPREZES RADY MINISTRÓW
MINISTER
KULTURY, DZIEDZICTWA NARODOWEGO
I SPORTU

prof. dr hab. Piotr Gliński

BM-WWM.0722.57.2020

Warsaw, 8 January 2021

Interpretative Declaration on Resolution 2: Human rights in sport

Poland ensures equality between women and men within the framework of the Polish national legal system in accordance with internationally binding human rights instruments and within the framework of fundamental values and principles of the Council of Europe and the European Union. For these reasons, in place where the resolution refer to gender equality Poland will interpret it as a equality between women and men in accordance with a procedure provided for by national law.

WICEPREZES RADY MINISTRÓW
MINISTER
KULTURY,
DZIEDZICTWA NARODOWEGO I SPORTU
prof. Piotr Gliński