

Call for input to the report of the Special Rapporteur on violence against women and girls to the UN General Assembly on violence against women and girls in sport

Special Rapporteur on violence against women and girls

1. What are the different forms of violence that women and girls in sports may experience (e.g. physical, psychological, economic, online violence, coercive control, as well as extreme form of discrimination that amounts to violence)?

According to the analysis completed in the framework of the “All In” joint European Union (EU)-Council of Europe (CoE) project in 2019 and the ensuing [toolkit](#)¹ “How to make an impact on gender equality in sport”, women are more likely to suffer from sexual harassment, violence and abuse than men.

How big is the problem?

Data from several studies,³ conducted in both European and non-European countries, allow us to say that gender-based violence in sport affects primarily women, as shown in the table below. Boys and men are also affected by sexual violence, but to a lesser extent, except in the context of Zambia, where 72% of men are affected by sexual harassment (in comparison to 66% of women).

Gender	Sexual harassment (UK) – Before 16		Sexual violence (Belgium and Netherlands) – Before 18		Sexual harassment (Zambia) – Average age 20 years		Sexual abuse (Quebec) – Average age 14-17 years		Sexual violence (Germany) – Average age 21.58 year		Sexual harassment and abuse by a male coach (Sweden) – Average age 25 years	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Female	1500	34	380	17	120	66	1426	13.8	411	48.1	18	7.0
Male	284	17	198	11	154	72	1281	3.2	170	25.3	8	3.6
Total No.	6124		4043		440		2707		1529		477	

Another aspect to take into consideration is that some groups appear to be more affected by gender-based violence. Particularly, according to a study conducted in Belgium and the Netherlands, these groups are elite athletes, LGBTI athletes, disabled athletes and athletes from ethnic minorities.¹

Type of violence	TOTAL SAMPLE	ETHNIC MINORITY	LGBT ATHLETES	ELITE ATHLETES	DISABLED ATHLETES
	% No = 4043	% No=334	% No=308	% No = 112	% No=183
Psychological Moderate or severe experiences	26.1	24.8	34.6	42.0	41.6
Physical Moderate or severe experiences	10.2	16.4	18.2	23.2	30.3
Sexual Moderate or severe experiences	12.8	17.6	24.4	25.9	31.4

¹ [Toolkit “How to make an impact on gender equality in sport” – page 11](#)

2. What human rights of women and girls in sports are violated as a result of the exposure of women and girls in sports to violence or the risk of violence?

This question has been addressed by Rietiker in the following terms²:

Article 3(a) of the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) defines "violence against women" as "violation of human rights and a form of discrimination against women", and meaning "all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty whether occurring in public or private life".

The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (The Lanzarote Convention) is a key instrument regarding violence against children. Article 3 (b) of the Lanzarote Convention defines child sexual exploitation and sexual abuse as behaviours as referred to in Articles 18 to 23 of this Convention (sexual abuse, offences concerning child prostitution, offences concerning child pornography, offences concerning the participation of a child in pornographic performances, corruption of children and solicitation of children for sexual purposes).

The European Court of Human Rights (the Court) has dealt with many cases where complaints are made by women about the failure to investigate their allegation of rape or sexual abuse properly and about breach of the duty to provide effective legal protection against sexual abuse or about the failure to protect them as victims of crimes. Such complaints are normally examined by the Court under the procedural limb of Article 3 of the European Convention on Human Rights (the ECHR) (prohibition of inhuman or degrading treatment) or Article 8 of the Convention (right to respect for private life) and concern rape and sexual abuse perpetrated by states officials, private individuals or even family members. The procedural duties to the states parties extend to the duty to impose adequate criminal sanctions on the perpetrators of crimes and to enforce the sentences (for instance, *E.G. v. Republic of Moldova* (2021)).

² See Rietiker D (2022), *Defending Athletes, players, clubs and fans: Manual for human rights education and litigation in sport, in particular before the European Court of Human Right*, Council of Europe Publishing, Strasbourg-Cedex.

6. What are the responsibilities of State and non-State actors in preventing acts of violence against women and girls in sport, including in adopting measures to investigate it, and to hold those responsible for it accountable, and to provide assistance and protection to survivors of violence?

This question has been addressed by Rietiker in the following terms³:

Article 5 of the Istanbul Convention (State obligations and due diligence) reads as follows:

1. Parties shall refrain from engaging in any act of violence against women and ensure that State authorities, officials, agents, institutions and other actors acting on behalf of the State act in conformity with this obligation.
2. Parties shall take the necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence covered by the scope of this Convention that are perpetrated by non-State actors.

(...)

The ECHR imposes on states parties the duty to adopt protective or preventive measures to avert human rights abuse by third parties (positive obligations). Positive obligations include the duty to adopt legislation, including criminal laws, with a view to implementing a treaty; taking preventive operational measures (see the case of *Opuz v. Turkey* (2009)), as well as a procedural dimension that might give rise to a duty on the part of the state to conduct an effective investigation into alleged breaches of human rights by non-state actors, for instance in relation to Article 2 or 3 of the Convention (see the case of *X. and Y. v. the Netherlands*).

(...)

Article 22 of the Council of Europe Convention on Action against Trafficking in Human Beings provides for “corporate liability” and imposes on state parties the duty to “adopt such legislative and other measures as may be necessary to ensure that a legal person can be held liable for a criminal offence established in accordance with this Convention (Article 22§2).

(...)

Recommendation CM/Rec(2016) on human rights and business recognises that “business enterprises have a responsibility to respect human rights” and that “effective implementation [of the UNGP], both by states and business enterprises, is essential to ensure respect for human rights in the business context (Preamble §§5 and 8).

³ See Rietiker D (2022), *Defending Athletes, players, clubs and fans: Manual for human rights education and litigation in sport, in particular before the European Court of Human Right*, Council of Europe Publishing, Strasbourg-Cedex.