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Human Rights Council

Fortieth session

25 February–22 March 2019

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Eswatini,* Mozambique,* South Africa, Zambia,* Zimbabwe:* draft resolution

40/... Elimination of discrimination against women and girls in sport

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and all other relevant international human rights instruments,

Recalling Human Rights Council resolutions 32/4 of 30 June 2016, 33/9 of 29 September 2016, 34/19 of 24 March 2017, 35/18 of 22 June 2017, 37/18 of 23 March 2018 and 38/1 of 5 July 2018, and all relevant resolutions on the elimination of racial discrimination and of discrimination against women and girls adopted by the Council, the General Assembly and other United Nations agencies and bodies,

Recalling also General Assembly resolution 70/1 of 27 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, and the Sustainable Development Goals enshrined therein, including, inter alia, those pertaining to reducing inequality based on race and gender,

Recognizing that racial discrimination does not always affect women and men equally or in the same way, and that some forms of racial discrimination have a unique and specific impact on women, and the need for explicit recognition and acknowledgement of the different life experiences of women,

Recognizing also the potential value of sport as a universal language that contributes to educating people on the values of respect, dignity, diversity, equality, tolerance and fairness and as a means to combat all forms of discrimination and to promote social inclusion for all,

* State not a member of the Human Rights Council.



Recognizing further the imperative need to engage women and girls in the practice of sport and to enhance, to this end, their participation in sporting events at the national and international levels,

Noting with concern that many women and girls face multiple and intersecting forms of stigma and discrimination in sport, and are still subjected to discriminatory laws and practices based on their race and gender, and that States have an obligation to ensure and promote a broader framework of substantive equality for women and girls,

Noting with concern also that the eligibility regulations for the female classification published by the International Association of Athletics Federations that came into effect on 1 November 2018 may not be compatible with international human rights norms and standards, including the rights of women with differences of sex development, and also concerned that there may have been a lack of legitimate and justifiable evidence for the regulations to the extent that they may not be reasonable and objective, and lack proportionality between the aim of the regulations and the proposed measures,

Noting the interim arbitral award issued on 24 July 2015 by the Court of Arbitration for Sport, according to which many variables were legitimately associated with performance in sports, including a range of physical and biological traits, as well as social and economic factors,

1. *Expresses concern* that regulations, rules and practices that require women and girl athletes with differences of sex development, androgen sensitivity and levels of testosterone to medically reduce their blood testosterone levels may contravene international human rights norms and standards, including the right to equality and non-discrimination, the right to the highest attainable standard of physical and mental health, the right to sexual and reproductive health, the right to work and to the enjoyment of just and favourable conditions of work, the right to privacy, the right to freedom from torture or other cruel, inhuman or degrading treatment or punishment, and full respect for the dignity, bodily integrity and bodily autonomy of the person;

2. *Recognizes* that sports regulations and practices which discriminate against women and girls on the basis of race, gender or any other ground of discrimination can lead to the exclusion of women and girls from competing as such on the basis of their physical and biological traits, reinforce harmful gender stereotypes, racism, sexism and stigma, and infringe upon the dignity, privacy, bodily integrity and bodily autonomy of women and girls;

3. *Calls upon* States to ensure that sporting associations and bodies implement policies and practices in accordance with international human rights norms and standards, and refrain from developing and enforcing policies and practices that force, coerce or otherwise pressure women and girl athletes into undergoing unnecessary, humiliating and harmful medical procedures in order to participate in women's events in competitive sports, and to repeal rules, policies and practices that negate their rights to bodily integrity and autonomy;

4. *Requests* the United Nations High Commissioner for Human Rights to prepare a report on the intersection of race and gender discrimination in sports, including in policies, regulations and practices of sporting bodies, and elaborating on relevant international human rights norms and standards, and to present the report to the Human Rights Council at its forty-fourth session;

5. *Decides* to continue its consideration of this matter under the same agenda item in accordance with its programme of work.