



Global South Leadership on Women's and Girls' Rights

We applaud South Africa's leadership in bringing forth a resolution on discrimination against women and girls in sports that directly addresses the human rights violations arising from the intersections of racism and harmful gender norms. The resolution highlights the discriminatory regulations that sports associations apply primarily to women and girls from the Global South and black women and girls from the Global North. With a firm grounding in all persons' rights to bodily integrity and autonomy, the text expands the normative human rights framework to recognize the multiple ways women's and girls' bodies are policed, regulated and subjected to racial and gender stereotypes.

This resolution is precedent setting in its framing of discrimination against women and girls on the basis of race and also because the process was led and supported by mostly Global South States including [South Africa](#), [India](#), Zimbabwe, Mozambique, Zambia and Eswatini. Notably, despite joining consensus on the resolution, many traditional State champions of women's and girls' rights from the Global North [did not support the resolution, citing mainly procedural issues](#).¹ This shift from the usual geo-political dynamics on women's and girls' rights raises critical questions as to how the meaningful inclusion of race into global discourse changes the political landscape.

We call on all States to build on the significant normative advances contained in the resolution, to ensure that this resolution informs national and international sporting regulations for the benefit of women and girls currently subjected to coercive practices and to integrate the intersectional approach contemplated in this resolution into all resolutions focusing on the human rights of women and girls, sexuality, gender, sexual and reproductive health and rights and the elimination of all forms of racial discrimination.²

¹ As of 22 March 2019, the Global North states who co-sponsored the resolution are Canada and Iceland.

² **Key elements and advancements in the resolution include:** recognition of rights to bodily integrity and autonomy; the unique and specific impact of racial discrimination on women; the right to sexual and reproductive health; concerns that regulations 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; sports regulations which discriminate against women and girls on the basis of race, gender or any other ground can lead to the exclusion of women and girls from competing 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; calls upon States to



Rights of the Child

We welcome the inclusion of children with disabilities in a Human Rights Council resolution on rights of the child. We would encourage other similar initiatives aiming at mainstreaming the rights of persons with disabilities throughout the work of the Council.

However, we regret the Human Rights Council's inability to recognize the autonomy, legal capacity and right to non-discrimination of children with disabilities, including to ensure that their sexual and reproductive rights are respected, protected and fulfilled.

In a global context of roll-back against human rights, including and especially against women and girls' rights, which disproportionately impacts the lives of groups and persons facing multiple and intersecting forms of stigma and discrimination, the Human Rights Council should ensure that the most progressive human rights standards are reflected in its resolutions.

The resolution on the '*Rights of the child: empowering children with disabilities for the enjoyment of their human rights, including through inclusive education*' put forward by GRULAC and the European Union and adopted at the 40th session of the Human Rights Council, emphasizes the need for protection of children with disabilities, without equally highlighting their agency, capacity and autonomy. The resolution also does not reaffirm their right to enjoy legal capacity on an equal basis with others in all aspects of life,³ despite the Committee on the Rights of Persons with Disabilities (CRPD Committee) clearly stating that the views of children with disabilities must be taken into account in accordance with their age and maturity and that "States

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. The resolution mandates the Office of the High Commissioner to prepare a report on the intersection of race and gender discrimination in sports for the forty-fourth session (June 2020).

³ Convention on the Rights of Persons with Disabilities, Art. 12, May 3, 2008 A/RES/61/106, Annex I [hereinafter CRPD]



parties must examine their laws to ensure that the will and preferences of children with disabilities are respected on an equal basis with other children.”⁴

The resolution also fails to firmly recognize and address the violence perpetrated against children with disabilities, especially girls with disabilities, within families.

The resolution addresses the importance of inclusive education for the empowerment of children with disabilities but fails to make the crucial linkages to the right to access inclusive comprehensive sexuality education. The CRPD Committee⁵, the Committee on the Rights of the Child⁶, and the Special Rapporteurs on the Rights of Persons with Disabilities⁷ and the Right to Education⁸ have established that States need to provide comprehensive and non-discriminatory sexuality education to girls and young women with disabilities, both within and outside school.

The resolution also fails to firmly call on States to respect, protect and fulfil the sexual and reproductive health and rights of children with disabilities, thereby implying that children with disabilities’ right to bodily autonomy is held at a lower standard than other groups.

Children with disabilities, especially girls, face enduring stereotypes pertaining to their sexuality and capacities and discriminatory attitudes. At a time when treaty monitoring bodies such as the CRPD Committee and the Committee on the Elimination of Discrimination Against Women

⁴ Committee on the Rights of Persons with Disabilities, General Comment No. 1, Article 12: Equal recognition before the law, para. 36, U.N. Doc. CRPD/C/GC1 (2014) [hereinafter CRPD Committee]

⁵ See e.g., CRPD Committee, *General Comment No. 4: Article 24: Right to inclusive education*, para. 52, U.N. Doc. CRPD/C/GC/4 (2016); *General comment No. 3 on women and girls with disabilities*, paras 40-41, 57, 63-64, U.N. Doc. CRPD/C/GC/3 (2016); *Concluding Observations: Slovenia*, para. 42, U.N. Doc. CRPD/C/SVN/CO/1 (2018); *Oman*, para 46 c., U.N. Doc. CRPD/C/OMN/CO/1 (2018); *Lithuania*, para. 50c, U.N. Doc. CRPD/C/LTU/CO/1 (2016); *Uganda*, para. 51, U.N. Doc. CRPD/C/UGA/CO/1 (2016).

⁶ Committee on the Rights of the Child, General comment No. 20 (2016) on the implementation of the rights of the child during adolescence, para. 61, CRC/C/GC/20.

⁷ See e.g. Special Rapporteur on the Rights of Persons with Disabilities, Sexual and reproductive health and rights of girls and young women with disabilities: Report of the Special Rapporteur on the rights of persons with disabilities, para. 44, U.N. Doc. A/72/133 (2017).

⁸ See e.g. Special Rapporteur on the Right to Education, *Report of the United Nations Special Rapporteur on the right to education*, paras 62, 78, 87(d), U.N. Doc. A/65/162 (2010).



(CEDAW Committee) are increasing their joint work to address the root causes of these stereotypes and to strengthen the human rights standards on the sexual and reproductive rights

of women and girls with disabilities,⁹ the Human Rights Council should strive to support this trend rather than undermine it.

The failure of this resolution to make any headway is indicative of the challenges faced by large core groups to reach consensus on strong sexual and reproductive rights language.

In addition, the outcome of the negotiations on this resolution and the tensions within each of the regional groups leading on this initiative are a direct reflection of the rise of authoritarian governments whose glorification of so-called 'traditional values' only further the marginalization of individuals who refuse to conform to them. The role of the Human Rights Council is to resist these retrogressive trends, instead of accommodating them.

⁹ Guaranteeing sexual and reproductive health and rights for all women, in particular women with disabilities. Joint statement by the Committee on the Rights of Persons with Disabilities (CRPD) and the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW). 29 August 2018.