

Sports Law-for-All

No. 7

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May 31, 2021

ADVOCATING A WOMEN-IN-SPORTS CHARTER

The rationale (Preamble), policies and mandate (Principles), basic rights (Rights) and responsibilities, duties, obligations and activities (Commitments) for the development, promotion and protection of women in sports (WIS) must be institutionalized and operationalized. A written instrument, covenant or charter which outlines the foregoing must be adopted by all members of the sports community. Below is a proposed text of such a charter.

The proposed WIS charter was developed for the consideration of all sports stakeholders and duty-bearers, i.e., National Olympic Committees, National Paralympic Committees, National Federations/ National Sports Associations, local government units, schools, universities and colleges, clubs, gyms, associations and leagues. Paragraphs 1.7, 1.8 and 3.4.2 are specific to the Philippines.

Below is a proposed text/ draft of such a charter that can considered and adopted by [•].

WOMEN-IN-SPORTS CHARTER BY [•]

1. Preamble

- 1.1. The United Nations Declaration on Human Rights, in its Preamble, recognizes the “inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world;”
- 1.2. Article 1 of the International Charter of Physical Education, Physical Activity and Sport states that, “The practice of physical education, physical activity and sport is a fundamental right for all” and in particular, “Inclusive, adapted and safe opportunities to participate in physical education, physical activity and sport must be available to all human beings, notably children of preschool age, women and girls, the aged, persons with disabilities and indigenous people.”;
- 1.3. The Beijing Declaration and Platform for Action enjoins governments to:
 - 1.3.1. #83 (m): “Provide accessible recreational and sports facilities and establish and strengthen gender-sensitive programmes for girls and women of all ages in education and community institutions and support the advancement of women in all areas of athletics and physical activity, including coaching, training and administration, and as participants at the national, regional and international levels;”
 - 1.3.2. #95 (h): “Ensure equal opportunities for women and girls in cultural, recreational and sports activities, as well as in participation in athletics and physical activities at the national, regional and international levels, such as access, training, competition, remuneration and prizes;”
 - 1.3.3. #107 (f): “Create and support programmes in the educational system, in the workplace and in the community to make opportunities to participate in sport, physical activity and recreation available to girls and women of all ages on the same basis as they are made available to men and boys;”
 - 1.3.4. #280 (d): “Promote the full and equal participation of girls in extracurricular activities, such as sports, drama and cultural activities;”
- 1.4. Goal 5 of the United Nations’ Sustainable Development Goals for 2020 is, “Achieve gender quality and empower all women and girls”, and in particular, Target 5.c thereof is to “Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels”;
- 1.5. The Olympic Charter mandates the International Olympic Committee (IOC) “to encourage and support the promotion of women in sport at all levels and in all structures with a view to implementing the principle of equality of men and women”;
- 1.6. The Constitution of the International Paralympic Committee requires the International Paralympic Committee “to promote Para sports for athletes with impairments globally at all levels, without unlawful discrimination for political, religious, economic, disability, racial, gender or sexual orientation reasons”;
- 1.7. The Athletes Rights and Responsibilities Declaration of the IOC Athlete 365 and the Universal Declaration of Player Rights of the World Players Association/ Uni Global Union enumerate the inherent and fundamental rights and responsibilities of women athletes;
- 1.8. The By-Laws of the Philippine Olympic Committee states that it aims “to promote women in sports,” and “to guard and take action against all form of discrimination and violence in sports”;
- 1.9. Republic Act No. 11313, otherwise known as the Safe Spaces Act, prohibits and penalizes gender-based sexual harassment on streets, public spaces, privately-owned places open to the public, public utility vehicles, workplaces, education and training institutions, and online;

NOW THEREFORE, in consideration of the foregoing, the [•] hereby approves and ratifies this **Women-in-Sports Charter (WISC)** to develop, promote and protect women in sports and to advance gender equality in and through sports:

2. Principles

- 2.1. Sports-for-a-Purpose.** Sports has a noble purpose which is building better humans, creating active and vibrant communities, and advancing better quality of life for all.
- 2.2. Rights and Responsibilities.** Women athletes have inherent and fundamental rights, premised on the United Nations Declaration on Human Rights and underscored in the Athletes Rights and Responsibilities Declaration of the IOC Athlete 365 and Universal Declaration of Player Rights of the World Players Association/ Uni Global Union.
- 2.3. Equal Opportunities to Participate.** Women and girls must be given equal opportunities as men and boys to participate in sports of their own choosing.
- 2.4. Equal Economic Opportunities.** Women and girls must be compensated with equal pay, benefits, incentives, and privileges as their male counterparts.
- 2.5. Equal Representation in Decision-Making.** Women must have the same opportunities as men to participate in decision-making at all levels as well as in all areas of sports.
- 2.6. Protection from Gender-based Harassment and Violence.** The safety of women and girls against gender-based violence in sports, whether physical, emotional, psychological, or other forms of harassment and violence, in-person or online, shall be guaranteed at all times.

3. Rights of Women in Sports

- 3.1. The Athletes Rights and Responsibilities Declaration of the IOC Athlete 365 “aspires to promote the ability and opportunity of athletes to:
 - (1) Practise sport and compete without being subject to discrimination on the basis of xxx sex, sexual orientation, xxx or other immutable status; xxx
 - (6) Fair and equal gender representation;
 - (7) The protection of mental and physical health, including a safe competition and training environment and protection from abuse and harassment; xxx
 - (9) Report unethical behaviour without fear of retaliation; xxx; and
 - (11) Freedom of expression”
- 3.2. The Universal Declaration of Player Rights of the World Players Association/ Uni Global Union declares that:
 - Article 1. “Every player has the right to a sporting environment that xxx respects and guarantees the fundamental human rights of everyone involved in or affected by sport, including the player,” and
 - Article 3. (1) “Every player is entitled to equality of opportunity in the pursuit of sport without distinction of any kind and free of discrimination, harassment and violence, and (2) “A player’s right to pursue sport cannot be limited because of his or her race, colour, birth, age, language, sexual orientation, gender, disability, pregnancy, religion, political or other opinion, responsibilities as a carer, property or other status.”

4. Commitments

- 4.1. Strategic Promotion of Sports to Women and Girls.**
 - 4.1.1. Women and girls’ participation in sports must not only be allowed, but encouraged, promoted, and supported. Strategic campaigns to encourage women and girls to engage in sports and athletic activities must be planned and implemented, to deliver measurable goals for increased participation.
 - 4.1.2. Women and girls’ sports athletes and other sports personalities, such as coaches, trainers and officials must be championed and celebrated at every opportunity.
 - 4.1.3. Sports programs and activities, such as elite and mass participation, physical education, recruitment, grassroots development, community development, local government initiatives must promote and develop women and girls in sports.
 - 4.1.4. All events, competitions, workout sessions, trainings, meetings, seminars and activities of [•] must promote safe sports free from harassment, discrimination or bullying based on race, ability, religion, poverty, status, position, education, ethnic background, opinion and differences, and must provide safe spaces free from misogynistic and sexist, acts, policies, regulations, remarks and slurs.
- 4.2. Targeted Investment and Infrastructure for WIS Programs.**
 - 4.2.1. Within six (6) months from the adoption of this WISC, a strategic action plan for funding and implementing programs to increase participation of women and girls in sports shall be developed and implemented.
 - 4.2.2. A study on existing sporting facilities shall be conducted to determine the adequacy and appropriateness of facilities and amenities for the safety and security of women and girls, including the availability of clean and safe changing rooms, locker areas, and toilet and shower facilities. The results of the study shall determine the necessary next steps to address the gaps in infrastructure for women and girls in sports.
 - 4.2.3. Private-Private, Public-Public and Public-Private Partnerships shall be pursued to promote WIS, to build and improve WIS-appropriate infrastructure and to deliver WIS-related services.
- 4.3. Women’s Leadership and Representation in Sports.**
 - 4.3.1. Any decision, policy, regulation, program, project or activity that will involve, affect and impact women must be participated in, decided or adopted by and/or with women. Their views, expressions, criticisms, proposals and opinions must be articulated, recorded, considered and respected.
 - 4.3.2. By [•], the [•] shall have an equal number of women and men on its Executive Board and its Board of Trustees. Any necessary amendments to its By-Laws shall be immediately effected to implement this commitment.

[Alternatively:

By [•], the [•] shall have its Executive Board and its Board of Trustees represented by [•] percent women.]
 - 4.3.3. By [•], the [•] shall have a standing Women-in-Sports Commission.
 - 4.3.4. By [•], all sports associations accredited by, or affiliated with the [•], shall be required to have an equal number of women and men on its Executive Board and its Board of Trustees. Compliance with this commitment shall be required of all new applicants for membership, accreditation, or affiliation, and Any necessary amendments to [•]’s By-Laws shall be immediately effected to implement this commitment.

[Alternatively:

By [•], all sports associations accredited by, or affiliated with the [•], shall be required to have its Executive Board and its Board of Trustees represented by [•] percent women.]
 - 4.3.5. Sports with male and female categories, and national teams and training pools must have equal representation and equal entitlements.

[Alternatively,

Sports with male and female categories, and national teams and training pools must have proportionate representation and equal entitlements.]
 - 4.3.6. Athletes’ Commissions must have equal representation between male and female athletes.

[Alternatively,

Athletes’ Commissions must have proportionate representation between male and female athletes.]
 - 4.3.7. By [•], coaching, technical, medical and training staff of [•] shall be comprised at least [•] percent of women, and at least [•] percent of women for all-female teams.
- 4.4. Zero Tolerance Against Gender-based Harassment and Violence.**
 - 4.4.1. Safeguards must be put in place to guarantee the safety of women and girls against gender-based harassment, discrimination and violence in sports, whether physical, emotional, psychological, or other forms of violence, in-person or online.
 - 4.4.2. Appropriate sanctions, including expulsion or termination of membership, accreditation, or affiliation must be developed and imposed against any athlete, coach, staff, member, or officer found in violation of any national law, rule, or regulation protecting women, regardless of whether the violation was committed in relation to sports or a female athlete, including but not limited to the Violence Against Women and Children Act, and the Safe Spaces Act.
- 4.5. Gender Sensitivity Training.**
 - 4.5.1. Seminars or workshops must be organized and be made available to attendance to these must be required of members of [•], compliance with which shall be a requirement for renewal of membership, accreditation, or affiliation.
- 4.6. Psychological and Mental Health Support.**
 - 4.6.1. Programs and services for the unique psychological and mental health needs of female athletes must be organized and provided. This may include individual or group psychotherapy sessions, as well as activities that promote psychological well-being and good mental health.
 - 4.6.2. Individual psychotherapy, particularly from trauma specialists, must be made available for victims of gender-based violence in sports.
- 4.7. Bias-Free Representation in Media.**
 - 4.7.1. Women and girls shall enjoy bias-free representation in traditional and online media.
 - 4.7.2. Equal airtime and media coverage must be given to women’s and men’s sports.
 - 4.7.3. Female supporters of athletes and sports must be accorded the same dignity and respect as male supporters.
 - 4.7.4. Promotional materials shall always show equal representation of female and male athletes.
 - 4.7.5. Any form of media or communication which allows, supports, or perpetuates prejudice against women and girls shall be immediately taken down, and sanctions shall be imposed against the writer, creator, producer, or owner of such media or communication.
 - 4.7.6. Sexist, inhumane and disrespectful advertisements shall be banned at all sporting events sanctioned by [•]. Sponsorship agreements shall explicitly forbid the use or communication of any sexist, disrespectful or gender-biased message. Any sponsor’s violation of this policy shall cause the immediate termination of the agreement, without prejudice to the right of [•] to seek other legal remedies against the sponsor.
- 4.8. Monitoring and Reporting of Progress.**
 - 4.8.1. An annual report on the [•]’s progress in promoting and safeguarding women’s participation in sports shall be produced and made available to the general public. This shall primarily be the responsibility of the President and the Chairperson of the Women in Sports Committee.

- 5. Adoption.** This Women in Sports Charter is adopted by the [•] on the [•] day of [•], 20[•] in [•].

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For your comments, inquiries and suggestions, email the author at agrasportslawforall@gmail.com.



The Author is the President of the Pilipinas Obstacle Sports Federation, Obstacle Sports Federation Asia-Pacific and East Asia and Southeast Asia Freerunning Parkour Union, and Vice-President of the Asia Freerunning Parkour Union. He is the Chairman of the Arbitration Committee of the Philippine Olympic Committee and Deputy Chef de Mission for the 31st Vietnam Southeast Asian Games. He is a Law Professor teaching Local Government Law, Administrative Law, Election Law, Law on Public Officers and Law on Public-Private Partnerships.