

## Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

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### QUESTIONNAIRE

*“Sport and healthy lifestyles as contributing factors to the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”*

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#### **Member States (U.S. Department of State)**

*Please note that this input represents the perspective of the U.S. Department of State’s Sports Diplomacy division in the Bureau of Educational and Cultural Affairs. The content is not comprehensive as it was produced through the lens of sports diplomacy. The Sports Diplomacy division has based replies on its knowledge-base and the working relationships that it has established to conduct international, two-way, people to people sports exchanges.*

*Further, the United States does not have a Ministry of Sports, so many stakeholders contribute to the nation’s sports and health & wellness movement. The United States sports system is founded on the grassroots initiatives of local leagues, federations, and schools, in addition to the U.S. Olympic Committee, the Executive Branch and several U.S. government agencies. The U.S. entities, policies, and other stakeholders mentioned in the responses have not been directly surveyed or cleared on their inclusion.*

1. To what extent, in your view, should United Nations Member States encourage individuals to participate in sport and adopt healthy lifestyles, to fulfil State obligations to respect, protect and fulfil the right to health? What is the minimum that must be done for this obligation to be met?

**When considering the overall health of any community, access to sports and widespread education on health and wellness are paramount. The United States supports the enjoyment by everyone of the highest attainable standard of physical and mental health.<sup>1</sup> For the reasons described below, health and wellness should be considered as a priority for all UN Member States. The benefits included below are far-reaching and should not be underestimated for their long-term impacts on positive social change locally and globally. A whole-of-government approach paired with official policies and grassroots initiatives should be developed and supported to ensure that all citizens—regardless of socioeconomic status, religion, race, gender, age or disability—have opportunities to be physically active and access to health and wellness resources.**

**On the individual and physical level, participating in sports—non-elite, elite, and activity of any kind—has a spectrum of intrinsic benefits including the development of motor skills, improved fitness levels, increased longevity, and the prevention of a range of diseases.**

**On the individual mental and physiological level, regular physical activity has been shown to improve one’s self-awareness, discipline, motivation, communication abilities, self-esteem, and leadership and teamwork skills (among many other cognitive, attitudinal, and behavioral competencies). In addition, physical activity acquired through sports can be an important means for preventing social isolation among older adults, yielding both mental and physical**

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<sup>1</sup> The United States is neither a party to the International Covenant on Economic, Social, and Cultural Rights (ICESCR), nor to its Optional Protocol, and interprets references to any rights related to health in this survey as applicable only to the extent that States have assumed such obligations, and with respect to States Parties to the ICESCR, in light of its Article 2(1). The rights contained in the ICESCR are not justiciable as such in U.S. courts.

health benefits. Further, an increasing amount of research proves that participation in sports enhances an individual's academic and professional performance as well as one's personal earnings, ability to obtain leadership positions in politics and workplaces, and capacity to develop entrepreneurial skillsets. Individuals become empowered through sports and health. And when a person engages in sports, he/she often learns lessons about respecting other players as well as the rules of the game.

On the societal scale, combined outcomes of a community's participation in healthy lifestyles that include regular physical activity and good nutrition propels positive social change. Participation in sports can lead to a positive ripple effect that impacts everyone from the underserved to the more affluent in a sustainable way. When applied, benefits from the practice of "Sport for All" are far-reaching. Providing opportunities for every person--regardless of socioeconomic status, religion, race, gender, age or disability—to be physically active and adopt healthy behaviors in a safe environment promotes the safety, security, and economic status of a community.

On the national level, a healthier populace improves a nation's economic productivity, social capital, security, peacebuilding, and harmony. Regarding sports, if a community is encouraged to take interest in sport, a sense of pride in one's national teams and respect for another nation's teams can have far-reaching implications in foreign affairs.

On the global level, healthy communities with access to sports and physical activity contribute to a more just, secure, and stable world.

The U.S. Department of State's Sports Diplomacy division taps into the benefits and power of sports to build ties between people of different nations from the grassroots to the governmental levels. Through strategic international outbound and inbound sports programs, the division reaches out to marginalized communities and promotes messages of inclusion, peacebuilding, and equality. This division supports the UN's Sustainable Development Goals tenet:

*"Sport is also an important enabler of sustainable development. We recognize the growing contribution of sport to the realization of development and peace in its promotion of tolerance and respect and the contributions it makes to the empowerment of women and of young people, individuals and communities as well as to health, education and social inclusion objectives."*

Noncommunicable diseases (NCDs) are the number one health problem in all regions of the world except Africa. NCDs pose a development threat and an unsustainable economic and human burden to societies. Yet, they are largely preventable. The UN General Assembly and the World Health Organization recognized physical inactivity as an important preventable risk factor for NCDs. In the Americas region, for example, physical inactivity has contributed to high rates of obesity. Working globally to support healthy communities, with access to sports and exercise, will go a long way to contributing to a more just, secure, and stable world.

2. Has your State introduced legislation or policy in relation to sport and/or healthy lifestyles? If so, please provide a brief description of the laws or policies adopted.

**The United States has implemented policy and legislation that supports sport and healthy lifestyles for the people of the country. Please note, however, that the list below is not comprehensive.**

- **The American with Disabilities Act of 1990 particularly as that law applies to exercise facilities, and Section 504 of the Rehabilitation Act of 1973, which prohibits**

**disability-based discrimination in all aspects of federally-funded programs and activities, including sports programs in schools.**

**“The ADA is a wide-ranging civil rights law that prohibits discrimination based on disability. It affords similar protections against discrimination to Americans with disabilities as the Civil Rights Act of 1964, which made discrimination based on race, religion, sex, national origin, and other characteristics illegal. In addition, the ADA requires employers to provide reasonable accommodations to employees with disabilities, and imposes accessibility requirements on public accommodations.”**

- **Title IX-The landmark U.S. legislation enacted in 1972 that protects all persons in the United States, including women and girls, from discrimination based on sex in federally-funded educational programs and activities, including sports programs.**

**“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”**

- **The Carol M. White Physical Education Program (PEP). Under the PEP program, local educational agencies and community-based organizations receive funds to initiate, expand, or improve physical education programs for students in kindergarten through the 12th grade. Through these programs, it is expected that students will develop an appreciation for lifelong healthy nutrition and physical education habits and make progress toward meeting state standards for physical education.**
- **Ted Stevens Amateur Sports Act Amateur Sports Act of 1978-The Act provides important legal protection for individual athletes and the USOC.**
- **Executive Orders in 2010 and 2002 support the President’s Council on Fitness, Sport, and Nutrition (which was founded in 1956) and also streamlines with the First Lady’s “Let’s Move” campaign.**

**“This Executive Order is in relation to addressing the public health and human services needs of the American people, in which the Secretary of Health and Human Services shall develop and coordinate a national program to enhance physical activity and sports participation. The President’s Council engages, educates, and empowers all Americans to adopt a healthy lifestyle that includes regular physical activity and good nutrition. The President’s Council is made up of athletes, chefs, physicians, fitness professionals, and educators who are appointed by the President and serve in an advisory capacity through the Secretary of Health and Human Services. The Council works in coordination with U.S. Department of Education and U.S. Department of Agriculture and helps develop the Federal Dietary Guidelines for Americans and the Physical Activity Guidelines for Americans.”**

- **State-by-state legislation for health and wellness**
- **The U.S. Department of Health and Human Services (HHS) and its Centers for Disease Control and Prevention produce reports and guidance to promote policies for health and wellness, including, but not limited to the state indicator reports on physical activity, Physical Activity Guidelines and Dietary Guidelines for All**

**Americans, the HHS Healthy People 2020 agenda, the National Blueprint for Increasing Physical Activity Among Adults Aged 50 and Older, and the U.S. Surgeon General's Call to Action to Promote Walking and Walkable Communities.**

3. What are the major challenges and opportunities that arise in adopting a right-to-health approach to participation in sport and adoption of healthy lifestyles?

**Despite progress and efforts in promoting physical activity, sports participation, and health, challenges remain in the United States, including but not limited to:**

- **Budget constraints and lack of consensus by those in leadership positions on health policies.**
  - **Attention to and prioritization of more acute health crises in a community.**
  - **Income inequality and communities without safe spaces for people to be physically active.**
  - **Gaps in resources and a lack of awareness on the importance of physical activity and nutrition along with a lack of healthy food options.**
  - **A decline in physical education and tightened budgets in the school systems that lead to less of an emphasis on fitness, sports and nutrition at the early ages.**
  - **Time constraints for those in older generations due to work and responsibilities of a caregiver.**
  - **The prevalence of unhealthy foods and a sedentary culture as root causes of unhealthy communities, physical inactivity, and widespread obesity.**
  - **As the landscape changes, new and different impacts on America's health arise, making it challenging to adopt and implement policies.**
  - **Conversely, opportunities to promote healthy lifestyles arise in many ways including through technological advancements, mega-sporting events, athlete role model promotion, and health-promotion campaigns.**
4. What are the best ways that Member States can promote individuals' participation in sport and adoption of healthy lifestyles? Please provide and briefly describe any examples of "good practices" adopted by Member States in this respect.
    - **Increased awareness of the benefits at all levels (political, academic, grassroots).**
    - **Involvement in the development of a Culture of Health by private, non-profit, and governmental entities.**
    - **A national public health campaign by a well-known leader (e.g. First Lady Michelle Obama's *Let's Move!* initiative) and use of celebrities and sports figures to serve as positive role models.**
    - **Promotion of the national fitness assessment and fitness education in schools through the Presidential Youth Fitness Program to empower youth to be fit for life.**
    - **Engage the private sector, particularly the food and entertainment industries in developing strategies to promote healthy eating and regular physical activity..**
    - **Resources devoted to the design, construction, and maintenance of sports facilities and safe spaces for people to exercise.**
    - **Adoption of requirements related to sports facilities and programs such as under the ADA, Section 504, and Title IX.**
    - **Engagement of all stakeholders-public and private.**
    - **School and workplace encouragement of healthy living (e.g. schools with early nutrition courses and employers who offer incentives for healthy practices).**

- **Respect for people of all backgrounds and inclusion of marginalized communities in the development of health and wellness policymaking.**
  - **Grassroots up and top down approaches to ensure sustainability of programs and policies. By engaging at the local level, individuals can become equipped, empowered, and entrusted to maintain programming in communities.**
  - **Proceed with respect for all, so that everyone can have input in decision making.**
5. Are there any targeted interventions that can be implemented to promote participation in sport and adoption of healthy lifestyles amongst populations who could face vulnerable situations, including women, children, and people with disabilities?
- **Campaigns and leveraging of special sports initiatives (e.g. Mrs. Obama's *Let's Move!* initiative, ADA's 25<sup>th</sup> anniversary celebration, the Olympics, Special Olympics, and Paralympics)**
  - **Encourage municipalities or companies to develop facilities, spaces, and activities where people can exercise safely regardless of socioeconomic background or disability.**
  - **Continue support of research on health and wellness.**
  - **Seek support from other players in the field so that budget constraints are alleviated (e.g. public private partnerships with ESPN, WNBA).**
  - **On the international scale, implement sports diplomacy programs to improve foreign policymaking, build ties between people of different nations over the common passion of sports, and increase transfer of knowledge so that countries can learn from one another.**
6. Other than Member States, which other actors should be taking steps to encourage individuals to participate in sport and adopt healthy lifestyles? What can Member States do to ensure this occurs?

**Within the United States, a diverse range of players are taking steps to encourage individuals to participate in sport and adopt healthy lifestyles. Other Member States can look to similar entities within nations.**

- **USG agencies (U.S. Department of Education, U.S. Department of Health and Human Services, the Centers for Disease Control and Prevention, U.S. Department of the Interior, National Park Service, state parks and recreation departments)**
- **USOC-Olympics and Paralympics**
- **American Leagues, Federations, and Governing Bodies in sports (e.g. NBA/WNBA, U.S. Soccer Federation)**
- **Special Olympics**
- **NCAA and intercollegiate sports**
- **Organizations devoted to sports programming (e.g. YMCA, KaBoom!, Girls on the Run, Boys and Girls Clubs, Playworks)**
- **Organizations devoted to sports and health research (e.g. Women's Sports Foundation, Tucker Center at Minnesota University, Robert Wood Johnson Foundation)**
- **Other resources (University sports research, kinesiology programs, prosthetics development)**

**Other respondents** (non-Member States, including civil society)

1. In your view, what should United Nations Member States be doing to encourage individuals to participate in sport and adopt healthy lifestyles? What is the extent of their responsibilities to their population in this area?
2. Do you know of any State that has introduced legislation or policy in relation to sport and/or healthy lifestyles? If so, please provide a brief description and evaluation of the laws or policies adopted.
3. What are the major challenges and opportunities that arise in adopting a right-to-health approach to participation in sport and adoption of healthy lifestyles?
4. What are the best ways that individuals can be encouraged to participate in sport and adopt healthy lifestyles by Member States? Please, provide and briefly describe any examples of “best practices” adopted in this respect.
5. Are there any targeted interventions that can be implemented to promote participation in sport and adoption of healthy lifestyles amongst populations who could face vulnerable situations, including women, children, and people with disabilities?
6. Other than Member States, which other actors should be taking steps to encourage individuals to participate in sport and adopt healthy lifestyles? How can this be achieved? Please list any “best practice” examples that apply.

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**Deadline for submission of responses to the questionnaire:**

In order to give the Special Rapporteur the opportunity to take into account the different contributions, all parties are encouraged to submit their responses as soon as possible and at the latest by **15 October 2015**.

Answers can be submitted via email to the following address:

[srhealth@ohchr.org](mailto:srhealth@ohchr.org)

OR by postal mail or fax to:

**Special Rapporteur on the right to health**

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