

# **INDEPENDENT HUMAN RIGHTS CONTEXT ASSESSMENT AUSTRALIA & NEW ZEALAND**

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# **1. Independent Human Rights Context Assessment**

## **1.1 Background**

The purpose of this independent human rights context assessment is to provide Australia and New Zealand with an understanding of human rights risks associated with the FIFA Women's World Cup 2023 (2023 FWWC) and how the relevant public authorities in Australia and New Zealand can help address these risks.

This independent assessment considers how the national context, including the national legislation and legal practice, may impede or enable Football Federation Australia (FFA) and New Zealand Football (NZF) and FIFA's ability to host and stage the 2023 FWWC in a manner that respects internationally recognised human rights, especially in the areas where risks of adverse human rights impacts have been identified. In particular, this study elaborates on whether:

- the national legislation and legal practice in Australia and New Zealand are in accordance with the relevant Internationally Recognised Human Rights;
- there are gaps between the national legislation and legal practice and the relevant Internationally Recognised Human Rights in Australia and/or New Zealand; and
- the national legislation and legal practice in Australia and New Zealand contradict the relevant Internationally Recognised Human Rights.

As the hosts of the 2023 FWWC, Australia and New Zealand must commit to a due diligence process on the most salient risks using the UN Guiding Principles on Business and Human Rights reporting framework. These Principles focus on physical or mental harm to humans and their livelihoods as the most material risk, with the secondary risk as the prevention of discriminatory conduct. This can assist FFA and NZF with their internal and external reporting.

This independent assessment will provide:

- The rationale for identification of key material risks in relation to hosting the 2023 FWWC in Australia and New Zealand; and
- the impact of FFA and NZF's regulatory environment on the management of these impacts.

## **1.2 Human rights framing of the 2023 FWWC**

Australia and New Zealand are encouraged to see hosting the 2023 FWWC as a contribution to human rights, especially the rights of women and girls. Sport itself is the subject of international human rights law, usually under the rubric of culture or leisure:

- Article 15 of the International Covenant on Economic Social and Cultural Rights states that 'Parties to the present Covenant recognize the right of everyone:(a) To take part in cultural life'.
- Article 1 of the International Charter on Physical Education and Sport (1978) asserts the practice of physical education and sport as being a fundamental right for all: every human being has a fundamental right of access to physical education and sport ... [and the] ... freedom to develop physical, intellectual and moral powers through physical education and sport must be guaranteed both within the educational system and in other aspects of social life'.
- Article 24 of the Universal Declaration of Human Rights (1948) grants 'the right to rest and leisure'.
- Article 31 of the UN Convention on the Rights of the Child (1990) recognises 'the right of the child to rest and leisure, to engage in play and recreational activities.
- Article 30(5) of the UN Convention on the Rights of Persons with Disabilities (2006) requires state parties to take appropriate measures to enable 'persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities.

Mega-sporting events (MSEs) should be able to provide evidence of a human rights legacy - job creation, urban regeneration, new public housing, increased sports participation and improved attitudes towards people with disabilities. However, the evidence that sporting events are in themselves intrinsically human rights promoting or apolitical events does not bear up to scrutiny based on the evidence of the last fifty years. Hosting a MSE subjects the host to increased human rights scrutiny on areas of existing weakness. For example, in Australia's case, refugee policy, indigenous rights and rights of public assembly receive global critical attention. In New Zealand, there are issues raised by the UN around child poverty and significant standard of living, education and health disparities for groups such as Māori, Pasifika people, disabled people and the LGBTI community.

"Sport has a tremendous - and in many ways unique - power to unite. So-called 'mega sports events', such as the World Cup and the Olympic and Paralympic Games, can spread that spirit of unity in mega-ways ... Their influence can also extend far beyond the world of sports. With planning and vision, mega sport events can advance social development, economic growth, educational opportunity and environmental protection... This will not happen on its own. Ample experience has shown that the benefits of mega sport events have not always been long-lasting, sustainable or widely shared. It is therefore crucially important that we learn the lessons of this history" Then United Nations Secretary-General Ban Ki-moon, Feb 2016.

However, MSEs face mounting human rights critique, based on claims that they will benefit the community. These comments below constitute a representative sample of such critique:

After a mega-event has finished, questions start to be raised about the popular belief that sport can have a positive impact on a local community and a regional economy. Sport has been seen as a generator of national and local economic and social development. Economically it has been viewed as an industry around which cities can devise urban regeneration strategies. Socially it has been viewed as a tool for the development of urban communities, and the reduction of social exclusion and crime. Whilst hypothetical links exist between sport activities/facilities and work productivity, participation, self-esteem, quality of life, employment, and other variables, not as much rigorous research has been done as might be expected given the claims made. Often research has been conducted in advance of sports mega-events on behalf of interested parties. As Gratton and Henry suggest, 'In general, there has been inadequate measurement' of final and intermediate outputs as well as inputs'.

MSEs have been largely developed by undemocratic organizations, often with anarchic decision-making and a lack of transparency, and more often in the interests of global flows rather than local communities. In this respect they represent a shift of public funds to private interests.<sup>1</sup>

### **1.3 The United Nations Guiding Principles Framework**

Australia and New Zealand have voluntarily accepted the UN Guiding Principles (UNGPs) framework. The UNGPs are based on the most widely recognised and core treaties, known as the International Bill of Human Rights (the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights), and the International Labour Organisation Declaration on Fundamental Principles and Rights at Work. The UNGP framework is driven by the idea that businesses need to "Protect, Respect & Remedy":

The responsibility to respect human rights requires that business enterprises:

- (a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur;
- (b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.

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<sup>1</sup> Horne, John and Manzenreiter, Wolfram, 2006.

It is noted that the UNGP are not designed to deal with NFP enterprises; nor those that are ephemeral, and time-bound. However, they are the best existing vehicle for Australia and New Zealand to examine risk, they are easy to use, and they offer a proven reporting framework that is transferrable for future hosts. They offer a precedent of increasing weight, both via the OECD National Contact Point rulings on FIFA and F1 for applying the Guiding Principles to this sector for not for profit entities acting as commercial enterprises, and in so far as FIFA, UEFA and the International Olympic Committee are now all committed to the Guiding Principles model.

This report is guided primarily by the report by Professor John Ruggie in 2016: *For the Game, For the World: FIFA and Human Rights*.

## 1.4 What are human rights risks?

Human rights risks invariably centre on risks to people, including their dignity, usually the least powerful people in any given scenario. However, such risks are invariably linked to brand reputation and therefore also contribute to policy goals such as improved tourism or increased private investment.

In terms of choosing the most salient risks as required by the UNGP, it is appropriate to ask what types of incidents would cause the 2023 FWWC to lose its 'social licence to operate' in the eyes of the local community, or in the parliaments of Australia and New Zealand.

The methodology of this report builds on an extensive examination of rights risks in the context of the Gold Coast Commonwealth Games, a literature review and a contextualised risk matrix based on Australia and New Zealand contexts. In addition, a media analysis<sup>2</sup> was conducted and the DLA Piper UK report<sup>3</sup> was reviewed.

The risks were tested for feedback with an external stakeholders meeting held at Griffith University, Gold Coast campus in 2017 on the topic of human rights and MSEs more broadly, as well as selected interviews with human rights experts in 2019.

The assessments of risk were conducted using the methodology and format of the UN Guiding Principles on Business and Human Rights Reporting Framework. Both the internal and external consultations confirmed that the most salient risks for 2023 FWWC were the balance between security and freedom of expression/protest; the rights of athletes to participate in FWWC without harm or discrimination; and the right of the most vulnerable members of the local community to at least keep their rights protections and socio-economic status intact as a result of the 2023 FWWC, and not be in a more precarious state.

## 1.5 Three guiding principles

Australia and New Zealand should adopt the following three principles to guide its final implementation of a human rights compliant 2023 FWWC.

- **Principle 1:** The 2023 FWWC can attempt to achieve a legacy of normative infrastructure, as well as physical infrastructure. Improved governance and modelling of human rights protection, education and promotion can itself be a 2023 FWWC legacy, in equal importance and complementary to increased tourism or business opportunities.
- **Principle 2:** The 2023 FWWC should aim for sporting excellence but also seek to use the 2023 FWWC to strengthen human rights protection in the host nation and celebrate progress towards achieving better

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<sup>2</sup> Information for this media analysis was gathered from Griffith University's online databases, specifically ProQuest's Australia and New Zealand Newsstream as well as relevant TV News databases, Twitter and general online news articles.

<sup>3</sup> DLA Piper UK, *Evaluating Human Rights Risks For Mega-Sporting Event Hosts, Sporting Chance White Paper Summary Report*, March 2017 based on reports to the UN.

human right standards in all participating nations.

- **Principle 3:** Some of the human rights issues that arise from hosting the 2023 FWWC cannot be resolved by the hosts alone, due to the short-term nature of the organising bodies. The onus falls on FIFA to bolster some aspects of rights protection, such as monitoring of supply chains between FWWCs, or providing an audited list of suppliers in countries, or providing model policies. FFA and NZF can provide some of these model policies for the benefit of future hosts, and actively pursue human rights knowledge transfer as leaders in this space. This report has itself benefited from the comprehensive analysis provided by the Ergon report on *Human rights in Canada, Mexico and the USA in the context of a potential FIFA 2026 World Cup*.

## 1.6 Human rights foundations in Australia and New Zealand

Australia and New Zealand are both constitutional democracies and are signatories to a range of international human rights instruments. Both are active participants in dialogue and discussion on human rights in the international arena, and constantly ranked as strong in terms of human rights protections. Australia and New Zealand also have a history of supporting human rights through their foreign and international aid and development programs. Both countries are global pioneers in the promotion of gender equality and rights for women and rank very high on gender equality indicators.

Both countries have clear legal provisions on key human rights issues such as non-discrimination, freedom of expression and assembly, safety and security, and privacy.

Some gaps in the implementation of legislation, law and practice in relation to international standards have been identified in this report. These gaps may be less serious or pose less threat to human dignity than in other parts of the globe in a comparative sense but deserve due weight by the 2023 FWWC host. This strong baseline could allow Australia and New Zealand to become role models in their endeavour to host a competition that truly respects and promotes human rights.

All of the significant risks to human rights identified in this study stem from shortcomings in implementation of legal standards or contextual or local factors, rather than incompatibilities between national legal frameworks and international standards. The exception would be Australian asylum policies, which may be of marginal relevance to the hosting of the 2023 FWWC, but still important to note. The other exception is that there is no blanket right to protest in Australia as confirmed by a recent High Court case, but there is a strong culture of peaceful protest.

New Zealand has strong national human rights legislation, but Australia has only partially brought the international human rights conventions into domestic law, with human rights charters enacted in the Australian Capital Territory, Victoria and Queensland. Both nations deal with the rights of indigenous peoples in different ways with New Zealand building on the foundation of the Treaty of Waitangi, an agreement made in 1840 between representatives of the British Crown and more than 500 Māori chiefs. Australia has a reconciliation process but there are still strong contemporary debates about constitutional recognition and political voice. There are significant disparities between non-indigenous and indigenous human development indicators in both countries.

## 1.7 Nature of accountability for 2023 FWWC Host

The UNGP reporting process asks the entity to identify the most salient human rights risks as part of the process.

Taken from the Guiding Principles, there are three areas of possible accountability for Australia and New Zealand for the hosting of the 2023 FWWC.

- The event **may cause** negative impacts, for example if employees are injured due to unsafe working conditions;
- The event **may contribute to** negative impacts, for example if purchasing practices incentivise suppliers to force workers into unpaid overtime to meet contractual requirements;

- The event **may be linked to** negative impacts, for example if forced labor or child labour is used to make their products, or if customer privacy is breached by a service provider or government, despite the organiser's efforts to avoid these outcomes.

## 1.8 Focus areas

Based on Australia and New Zealand's human rights framework, the areas suggested for focus are:

- Security – including cyber and emergencies;
- Rights of athletes; and
- Rights of local communities impacted by major events associated with the 2023 FWWC.

### Potential risk: Security, including cyber and emergencies

Potential risks:

- Host country must guarantee people's safety without infringing on their fundamental rights, including freedom of expression and peaceful assembly in public places, when large and sometimes unruly crowds are present. This is even more important where a threat of terrorist attacks may exist.
- Excessive use of force by law enforcement personnel in dispersing demonstrations has been a recurrent issue in connection with large-scale sporting events
- Outright prohibition and criminalisation of peaceful protests
- Prohibitions or the imposition of punitive measures on journalists for reporting on what the authorities may regard as politically inconvenient or embarrassing facts arising from staging a MSE
- There are gaps between internationally recognised human rights standards and Australian and to a much lesser extent New Zealand practice in regard to police powers and the right to peaceful assembly. Both countries have relied on common law protections and strong institutions to deal with protests.

Proposed mitigation strategies:

- FFA and NZF should hold a formal, recorded discussion with local, state and federal governments about security and rights. Professor Ruggie recommends that law enforcement agencies provided by the government are, at a minimum, fully trained to act in accordance with the 1979 United Nations Code of Conduct for Law Enforcement Officials and the 1990 United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. There is the potential to work with the New Zealand and Australian Human Rights Commissions in this space.
- FFA and NZF should host intense scenario-based training based on human rights issues which may include the New Zealand and Australian Human Rights Commissions as partners.
- FFA and NZF should recommend to relevant police to place an emphasis on community policing skills as the lead for each venue and urge the appointment of Crowd Safety Officers.
- FFA and NZF should find community partners to establish and/or further develop and/or strengthen relationships of trust between the police and local communities, with a particular focus on young people, protestors and homeless people.
- FFA and NZF should urge the importance of continued training for police to heighten awareness of the cultural and social issues facing communities at the host cities during the 2023 FWWC.
- Security actors are to be reminded of their obligations with respect to human rights such as:
  - Free speech
  - Safety from violence

- To peacefully protest (speak against) a government or group
  - The right to express oneself
- FFA AND NZF should seek guarantees around privacy and data storage during the 2023 FWWC and ask for oversight by Privacy Commissioners to address concerns that mega-sporting events bring the expanded use of secret evidence, crimes of association and preventive constraints on liberty which then go through a process of 'normalisation' after the event such as the continued use of CCTV cameras.

### **Potential risk: The rights of athletes and fans**

Potential risks:

- Sexual orientation and gender identity (SOGI)
- Homophobic or racist chants in stadiums
- Access to stadiums for people with disabilities
- Gender discrimination
- Asylum claims
- Victims of crimes

Proposed mitigation strategies:

- FFA and NZF should work with civil society experts on child rights to work through the implementation of the Child Safe-Guarding Policy and offer full training on incident management.
- FFA and NZF should adopt a version of the Charter of Athletes' Rights.
- Complaints from the vulnerable and child athletes should be given the utmost attention and follow the incident reporting format, according to the Child Safeguarding policy.
- FFA and NZF should ensure access for all athletes to mental health practitioners during the 2023 FWWC.
- FFA AND NZF should work with venue owners to institute a hotline for antisocial behaviour within venues.
- FFA and NZF have existing rules that will prevent and mitigate risks in the area of discriminatory speech directed at players, coaches, match officials and other spectators. FFA has a strong Spectator Code of Behaviour. A spectator at any event held by FFA, a Member Federation, a district association or a club must: 'respect the rights, dignity and worth of every person regardless of their gender, ability, race, colour, religion, language, politics, national or ethnic origin' and 'not engage in discrimination, harassment or abuse in any form, including the use of obscene or offensive language or gestures, the incitement of hatred or violence or partaking in indecent or racist chanting'. They must not attempt to, or bring into a venue, national or political flags or emblems (except for the recognised national flags of any of the competing teams), or offensive or inappropriate banners, whether written in English or a foreign language. Any person who does not comply with the Spectator Code of Behaviour or who causes a disturbance may be evicted from a venue and banned from attending future matches. The Spectator Code of Behaviour may be tailored for matches involving national teams or national league clubs (eg. the A-League competition has its own Spectator Code of Behaviour). Rule 37.5 of NZ Football's disciplinary code calls for a ban for any spectator who "offends the dignity of a person or group of persons through contemptuous, discriminatory or denigratory words or actions concerning race, colour, language, gender, sexual orientation, religion or origin".

## Potential risk: The rights of local community impacted by major events associated with the 2023 FWWC

Potential risks:

- Homeless people moved on
- Personal security issues
- Volunteers experience hardship
- Local workers underpaid or mistreated

Proposed mitigation strategies:

- FFA and NZF should partner with key broadcast partners to run a 'human rights for broadcasters' session for the media, based on likely scenarios arising from the 2023 FWWC.
- FFA and NZF should run a 'human rights and tourism' session for tourism industry. There may be risks for Australia and New Zealand in relation to the effective application of labour laws to workers not directly employed by the Entity (i.e. employees of contractors and subcontractors), especially in a range of typically low-skilled and low-pay occupations.
- There is a low risk that homeless people in Host Cities may be impacted indirectly by the 2023 FWWC. The 2023 FWWC Organising Entity will ensure that:
  - people are treated respectfully and appropriately;
  - people are not discriminated against on the basis that they were experiencing homelessness;
  - an appropriate level of knowledge existed around providing assistance to people experiencing homelessness in public places; and
- FFA and NZF will work with the relevant authorities to ensure essential services to elderly/vulnerable households will be protected during the competition.
- FFA AND NZF should give careful consideration to how project-level safety management and assessment applies to volunteers. Also, there should be a careful assessment of how non-physical safety risks – including harassment and mental health impacts - may occur and be prevented in relation to volunteers.
- FFA AND NZF should develop a complaints process where complaints are transferred to the Sustainability Team and escalated if necessary. FFA AND NZF should seek advice from the Anti-Discrimination Commissions and the Australian and New Zealand Human Rights Commission on how to handle complaints that deal with human rights issues, and partner with them to train staff on how to deal with complaints that come through the general FFA AND NZF complaints line.
- FFA AND NZF should immediately create processes to provide remedy to anyone who is harmed as a result of the organization's actions or decisions.

## 1.9 Other human rights Issues

Risk Area	Examples of risks	Risk Rating and relevance for each market		Proposed mitigation strategy
		AUS	NZL	
Land use	<ul style="list-style-type: none"><li>• Contamination of soil and water</li><li>• Environmental damage</li><li>• Corruption</li></ul>	Very Low	Very Low	The bid will involve no construction or land acquisition due to the use of existing infrastructure.
Overlay installation	<ul style="list-style-type: none"><li>• Safety standards not followed</li><li>• Workers' rights</li></ul>	Low	Low	Australia and New Zealand will ensure that any stadium overlay

Risk Area	Examples of risks	Risk Rating and relevance for each market		Proposed mitigation strategy
		AUS	NZL	
	<ul style="list-style-type: none"> <li>Migrant workers</li> <li>Corruption</li> </ul>			infrastructure is procured, constructed and reused or disposed of according to Sustainable Event Management principles in line with such standards for sustainability certifications in accordance with Clause 13.10.2 below, as approved by FIFA.
FFA/NZF Staff	<ul style="list-style-type: none"> <li>Abuse of staff, contractors</li> <li>OH&amp;S</li> <li>Burnout</li> </ul>	Low Medium	Low Medium	<p>The 2023 FWWC organising entity will be governed by the same rigorous laws as any organisation incorporated in Australia or New Zealand in terms of labour standards, gender equality and workplace health and safety.</p> <p>The 2023 FWWC Entity should have explicit strategies to deal with staff burnout due to the particular time-critical nature of the workplace and short-term nature of the operation and employment terms.</p>
Hospitality and accommodations Sectors	<ul style="list-style-type: none"> <li>Possibility of workplace abuses and discrimination against migrant workers or vulnerable workers.</li> </ul>	Low	Low	<p>Both host countries have passed Modern Slavery Acts, Australia in 2018 and New Zealand in 2015. This lessens the risk of issues with respect to labour standards in supply chains.</p> <p>FFA and NZF can seek to address its linkage to these risks in part through the “hotel agreements” to which it is a party, and more broadly by collaborating with other actors to raise awareness within the hotel industry of its responsibility to take action</p>
Procurement and	<ul style="list-style-type: none"> <li>Apparel and sporting goods industries,</li> </ul>	Medium	Medium	FFA and NZF should conduct an analysis

Risk Area	Examples of risks	Risk Rating and relevance for each market		Proposed mitigation strategy
		AUS	NZL	
licensee supply chains	electronics, mascots and trinkets, as well as the agricultural supply chains of food and beverage providers at match venues.			<p>across all 2023 FWWC procurement categories to identify high sustainability risk and opportunity areas. They should:</p> <ul style="list-style-type: none"> <li>• Develop a Sustainable Sourcing Code (Code) that sets minimum requirements for all goods or services supplied to 2023 FWWC.</li> <li>• For particularly high risk or opportunity procurements, develop Sustainability Category Management Plans, which are specifications that apply in addition to the Code's requirements.</li> <li>• Integrate sustainability into 2023 FWWC's procurement policies and processes – from targeted pre-tender industry engagement, to initial tender scope development, through to reporting and contract close out.</li> <li>• Mandate that high sustainability risk contractors must have or develop a Sustainability Management Plan that will apply to their 2023 FWWC delivery.</li> <li>• Develop supplier audit and incident management procedures.</li> <li>• Monitor and measure supplier performance against the Code</li> </ul>

Risk Area	Examples of risks	Risk Rating and relevance for each market		Proposed mitigation strategy
		AUS	NZL	
				and additional sustainability requirements as applicable.  Consider using existing frameworks such as the Ethical Trading Initiative's Base Code with regard to supply chain labour rights.
Emergency powers	<ul style="list-style-type: none"> <li>Extreme event – weather, terrorist, crowd incitation</li> <li>Health pandemics</li> <li>Organised crime</li> </ul>	Low	Low	FFA AND NZF should host intense scenario-based training based on human rights issues, which may include the New Zealand and Australian Human Rights Commissions as partners. Consider using the Voluntary Principles on Security and Human Rights with regard to the training of private security providers.
Cultural events	<ul style="list-style-type: none"> <li>Cultural appropriation or offensive use of cultural property</li> <li>Moral rights</li> <li>Fake ATSI or Maori art</li> <li>Exclusive IP rights leading to repression of free speech or valid commercial activity due to crackdowns on ambush marketing</li> </ul>	Low	Low	The rights of indigenous peoples should be respected in all activities related to the 2023 FWWC, including at all Host Stadiums, Host City events, merchandise and fan zones. FFA and NZF should commit to a co-designed Indigenous Peoples consultation process.
Ticket holders	<ul style="list-style-type: none"> <li>Data protection</li> <li>Crowd control</li> <li>Victims of crimes</li> </ul>	Very low for personal security issues  Medium in relation to data protection	Very low for personal security issues  Medium in relation to data protection	Australia and New Zealand should manage personal information carefully and ensure it is governed by privacy legislation and other legislation in force in relevant host venues. Data protection should be a particular focus for 2023 FWWC.
Volunteers	<ul style="list-style-type: none"> <li>Discrimination/abuse</li> <li>OH&amp;S</li> <li>Victims of crime</li> </ul>	Low	Low	FFA AND NZF should give careful consideration to how project-level safety

Risk Area	Examples of risks	Risk Rating and relevance for each market		Proposed mitigation strategy
		AUS	NZL	
				management and assessment applies to volunteers. Also, there should be a careful assessment of how non-physical safety risks – including harassment and mental health impacts - may occur and be prevented in relation to volunteers.

## **2. National legislation and legal practice considerations**

### **2.1 Consistency with relevant Internationally Recognised Human Rights**

Australian and New Zealand legislation is in accordance with the relevant human rights standards in all areas but the right to protest in Australia, which can be carefully managed for the purposes of the 2023 FWWC. Australian asylum laws contradict international standards as comprehensively determined by the United Nations. Most of these issues arise for people who arrive by boat without an authorised visa. However, athletes may still struggle to obtain visas from certain destination countries and may attempt to claim asylum after the event. Relations with the Department of Home Affairs will have to be managed for the event.

### **2.2 Potential gaps and/or contradictions and proposed risk mitigation strategies**

All countries have challenges with the fulfilment of human rights, which is why several of the conventions call for progressive realisation of human rights. Like most OECD countries, there may be some gaps in practice between the implementation of some standards in the case of disability access, mental health, the treatment of volunteers and the fair payment of wages for vulnerable workers. As settler nations, Australia and New Zealand have particular challenges to recognise and meet the rights of indigenous peoples. The 2023 FWWC will recognise these challenges, seek to mitigate these and work to have a beneficial legacy. The key features of the proposed human rights strategy for the 2023 FWWC in Australia and New Zealand should therefore include:

- Respect for the principles of the WADA Charter of Athletes' Rights
- A robust child safeguarding policy that complies with the United Nations Convention on the Rights of the Child
- A commitment to manage and respond to any racist, homophobic or sexist vilification in match venues during the competition
- A sensitive approach to dealing with issues related to sexual orientation, gender identity and expression
- Provision of assistance to athletes with mental and physical health needs
- A system to deal with asylum claims lodged by athletes or visiting tourists or officials, in partnership with national authorities
- A consultation process with representatives from indigenous community leaders in Australia and New Zealand about the hosting of the 2023 FWWC.
- A complaints mechanism that complements the FIFA protocols, in partnership with the Australian and New Zealand Human Rights Commissions.

### **3. Key legal and policy documents**

The following legal and policy documents have been referred to in this document:

#### **3.1 United Nations (UN)**

- UN Guiding Principles on Business and Human Rights -  
[http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)
- UNGP Reporting Framework - [https://www.ungreporting.org/wp-content/uploads/UNGPRReportingFramework\\_2017.pdf](https://www.ungreporting.org/wp-content/uploads/UNGPRReportingFramework_2017.pdf)
- Global Compact - <https://www.unglobalcompact.org/>
- OECD Guidelines for Multinational Enterprises - <http://www.oecd.org/corporate/mne/1922428.pdf>
- International Bill of Rights – ICCPR, ICESCR and the UDHR -  
<http://www.ohchr.org/Documents/Publications/FactSheet2Rev.1en.pdf>

#### **3.2 FIFA**

- Ruggie, J. 2016. For the Game, For the World: FIFA and Human Rights.  
[https://www.solidar.ch/sites/default/files/ruggie\\_humanrightsfifa\\_reportapril2016.pdf](https://www.solidar.ch/sites/default/files/ruggie_humanrightsfifa_reportapril2016.pdf)
- Ergon. Human rights in Canada, Mexico and the USA in the context of a potential FIFA 2026 World Cup.
- "FIFA 2.0: The Vision for the Future", 2016.
- Announcement of launch of FIFA Human Rights Advisory Board
- Statement after Advisory Board's March 2017 meeting
- Statement after Advisory Board's October 2017 meeting
- First report of FIFA's Human Rights Advisory Board
- Statement after Advisory Board's May 2018 meeting
- Statement after Advisory Board's October 2018 meeting
- Second report of FIFA's Human Rights Advisory Board
- Third report of FIFA's Human Rights Advisory Board

#### **3.3 Other Mega Sports Events**

- Glasgow Games: Approach to Human Rights, December 2013,  
<http://www.glasgow2014.com/document/approach-human-rights-december-2013>
- Gold Coast Human Rights Policy -  
<https://www.FWWC2023.com/sites/default/files/Human%20Rights%20Policy%20FWWC2023.pdf>
- Commonwealth Charter, 2013 - Section II, <http://thecommonwealth.org/commonwealth-charter-section/human-rights>

### **3.4 Relevant conventions**

Following are the conventions signed and/or ratified by Australia and New Zealand and national laws related to the promotion of diversity and equality and the prevention of discrimination:

- The International Covenant on Civil and Political Rights (ICCPR) –  
<http://www.austlii.edu.au/au/other/dfat/treaties/1980/23.html>
- The International Covenant on Economic, Social and Cultural Rights (ICESCR) –  
<http://www.austlii.edu.au/au/other/dfat/treaties/1976/5.html>
- The International Convention on the Elimination of All Forms of Racial Discrimination (CERD) –  
<http://www.austlii.edu.au/au/other/dfat/treaties/1975/40.html>
- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) –  
<http://www.austlii.edu.au/au/other/dfat/treaties/1983/9.html>
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) –  
<http://www.austlii.edu.au/au/other/dfat/treaties/1989/21.html>
- The Convention on the Rights of the Child (CRC) –  
<http://www.austlii.edu.au/au/other/dfat/treaties/1991/4.html>
- The Convention on the Rights of Persons with Disabilities (CRPD) –  
<http://www.austlii.edu.au/au/other/dfat/treaties/2008/12.html>
- Human rights scrutiny – <https://www.ag.gov.au/RightsAndProtections/HumanRights/Human-rights-scrutiny/Pages/default.aspx>
- Human Rights (Parliamentary Scrutiny) Act 2011 (Cth) –  
<https://www.legislation.gov.au/Details/C2011A00186>
- Treaty body reporting – <https://www.ag.gov.au/RightsAndProtections/HumanRights/United-Nations-Human-Rights-Reporting/Pages/Treaty-Body-Reporting.aspx>
- Universal Periodic Review – <https://www.ag.gov.au/RightsAndProtections/HumanRights/United-Nations-Human-Rights-Reporting/Pages/Australias-Universal-Periodic-Review.aspx>
- The Optional Protocol to the International Covenant on Civil and Political Rights –  
<http://www.austlii.edu.au/au/other/dfat/treaties/1991/39.html>
- The Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty – <http://www.austlii.edu.au/au/other/dfat/treaties/1991/19.html>
- The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict – <http://www.austlii.edu.au/au/other/dfat/treaties/2006/12.html>
- The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography – <http://www.austlii.edu.au/au/other/dfat/treaties/2007/6.html>
- The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women –  
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- The Optional Protocol to the Convention on the Rights of Persons with Disabilities –  
<http://www.austlii.edu.au/au/other/dfat/treaties/2009/19.html>
- Human rights communications –  
<https://www.ag.gov.au/RightsAndProtections/HumanRights/Pages/HumanRightsCommunications.aspx>

- The United Nations Declaration on the Rights of Indigenous Persons – [https://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

### **3.5 Australian legislation**

- Disability Discrimination Act 1992 (Cth)
- The National Disability Strategy (NDS) seeks to guide public policy across governments to ensure that people with disability have the same opportunities as other Australians.
- Disability Standards for Accessible Public Transport 2002 (Transport Standards)
- Disability (Access to Premises – Buildings) Standards 2010 (Cth)
- States: Discrimination Act 1991 (ACT); Anti-Discrimination Act 1977 (NSW); Anti-Discrimination Act 1996 (NT); Anti-Discrimination Act 1991 (Qld); Equal Opportunity Act 1984 (SA); Anti-Discrimination Act 1998 (Tas); Equal Opportunity Act 2010 (Vic); Equal Opportunity Act 1984 (WA).

### **3.6 New Zealand legislation**

- New Zealand's International Human Rights Action Plan – <https://www.mfat.govt.nz/assets/Peace-Rights-and-Security/Human-rights/NZ-Human-Rights-Action-Plan.pdf>
- The Human Rights Act 1993 (HRA)
- Section 118 of the Building Act 2004
- Section 14 of New Zealand Standard NZS 4121:2001 Design for access and mobility – buildings and associated facilities

## 4. Conclusion

FFA and FNZ have a strong understanding of the human rights context and relevant legislative and legal practice frameworks in their respective countries. As joint potential hosts, they have provided explicit commitments to respect all Internationally Recognised Human Rights in accordance with the UNGP in all aspects of their activities relating to the planning, hosting and staging of the 2023 FWWC, including legacy and post event related activities. In all material respects the existing frameworks are robust and pose no serious threats to the ability of FFA and FNZ to uphold their explicit human rights commitments.

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## **Appendix 1: Draft Human Rights Policy**

Football Federation Australia and New Zealand Football are committed to ensuring that they leave a positive and lasting impact on 2023 FWWC host communities. Human rights lie at the heart of this vision.

We are committed to the Universal Declaration of Human Rights and other relevant human rights covenants and international instruments. We are committed to equality and respect for the protection and promotion of civil, political, economic, social and cultural rights, including the right to development for all without discrimination on any grounds as the foundations of peaceful, just and stable societies. We note that these rights are universal, indivisible, interdependent and interrelated and cannot be implemented selectively.

We are implacably opposed to all forms of discrimination, whether rooted in gender, race, colour, creed, political belief or other grounds.

The ten principles of the UN Global Compact set out the fundamental responsibilities of any business in the areas of human rights, labour rights, environment and anticorruption. By incorporating these principles into strategies, policies and procedures, they help to establish a culture of integrity within an organisation that upholds the basic responsibilities of any business to people and the planet. Further, the UN Guiding Principles on Business and Human Rights (UNGPs) provide a framework for organisations to embed respect for human rights across their operations. They outline the obligation of the State (governments) to protect human rights and the corporate obligation to respect human rights. They also set out the requirement to provide access to effective remedy when breaches of human rights occur.

FFA and NZF are committed to delivering a sustainable event that leaves a positive legacy for the local community and the people and societies that it impacts. In accordance with this commitment, FFA and NZF will adopt the guiding principles set out in the UNGP as an appropriate reference standard to ensure a holistic approach to the management of human rights across 2023 FWWC planning and delivery. As one of the fundamental steps in the application of the UNGPs, this policy has been developed to publicly communicate FFA and NZF's commitment to positively managing their human rights impacts.

This policy also supports the realisation of Article 3 of the FIFA Statutes, according to which: FIFA is committed to respecting all internationally recognised human rights and shall strive to promote the protection of these rights. Article 4 of the FIFA Statutes prohibits discrimination of any kind against a country, private person or group of people on account of race, skin colour, ethnic, national or social origin, gender, disability, language, religion, political opinion or any other opinion, wealth, birth or any other status, sexual orientation or any other reason. This policy draws upon and fulfils the four pillars set out in FIFA's Human Rights Policy (2017).

### **Objectives**

In relation to human rights as they pertain to the planning and delivery of 2023 FWWC, FFA and NZF's objectives are:

- To apply the framework of the UNGP to the management of human rights;
- To comply with their legal obligations under Australian, New Zealand and International human rights law;
- To conduct due diligence to avoid complicity in human rights violations;
- To ensure that particular care is taken when dealing with minority or vulnerable groups such as children;;
- To provide a safe and healthy workplace that is without discrimination and that respects employees' rights to collective bargaining or to join organisations of their choice;
- To regularly assess human rights risks, policies and impacts and report to senior management;
- To provide access to grievance mechanisms;
- To promptly investigate allegations and pursue action to mitigate any adverse human rights impacts;
- To review and continually improve our approach;
- To report publicly on our progress; and
- To share our learnings with FIFA and future host cities of the FIFA Women's World Cup.

## **Policy Statement**

The purpose of this policy is to demonstrate FFA and NZF's commitment to human rights, transparency and accountability and to guide and direct actions and decisions taken by FFA and NZF in relation to their human rights impacts in the planning and delivery of 2023 FWWC.

## **Guiding Principles**

FFA and NZF will adopt the guiding principles set out in the UNGP as an appropriate reference standard to ensure a holistic approach to the management of human rights across 2023 FWWC planning and delivery.

## **Scope**

This policy applies to the delivery of 2023 FWWC by FFA and NZF, including their workforce, contractors and volunteers, from planning and implementation to review and post-2023 FWWC activities. FFA and NZF also strongly encourage all other stakeholders associated with 2023 FWWC to observe the terms of this policy.

## **Responsibilities**

### **Boards**

The FFA and NZF Boards will be responsible for the approval of this policy and may, from time to time, review information relating to the implementation of this policy.

### **Chief Executive Officer (CEO) and General Managers**

The CEO and General Managers are responsible for:

- overseeing the implementation of this policy;
- ensuring that this policy is aligned with FFA and NZF's objectives;
- ensuring compliance with all relevant legislation; and
- approving any guidelines or procedures developed to support the implementation of this policy.

In addition, the CEO and General Managers will champion the intent of this policy to all staff and external stakeholders.

### **Workforce**

Compliance with this policy, and any associated guidelines which may be developed, is mandatory for all FFA and NZF workforce including workforce contractors and volunteers. All other 2023 FWWC stakeholders will be strongly encouraged to comply with the terms of this policy.

### **Manager Sustainability and Legacy**

The Manager Sustainability and Legacy is responsible to manage this policy and to ensure it is reviewed and endorsed by the CEO and Boards. The Manager Sustainability and Legacy will provide oversight and review of the development and implementation of this policy and any supporting guidelines and act as the initial point of contact for the organisation on human rights related issues.

### **Reporting**

FFA and NZF will report publicly through their annual reporting processes on their progress with respect to implementation of this policy and how they manage their human rights impacts. FFA and NZF will report internally on a monthly basis to their Executive Management Teams and to each FFA and NZF Board meeting. Significant or high-risk cases will be managed according to FFA and NZF's existing risk management reporting frameworks and processes.

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