

The role of the European Union in the fight against racism in football: a brief overview.

By Elizaveta Zhuk

Lomonosov Moscow State University, Russia

Ph.D. student, Law faculty

Abstract

Football is not only the most popular sport in many countries of the world, it is also a social, cultural and political phenomenon. Football has a unique position in identity formation in a number of different settings. Being closely connected with the phenomenon of fandom, it can play both inclusive and exclusive roles. The interrelationship between national, ethnic, racial identities, and racism and nationalism with football is complicated. Though violence at sports events and grounds, mainly in team sports, has always existed and taken different forms, it is generally considered that racial discrimination in football became a disturbing problem during the decade 1960-1970. Racism and violent behavior at sports events, in particular at football matches, jeopardizes fundamental European values, human rights and the role of sport as a tool to convey positive ideals. An increase in the number of racial incidents in football made the attention of the European Union to this crucial problem only a matter of time. The European Commission and the European Parliament has addressed racism in football in order to raise public awareness, encourage cooperation and promote dialogue with various stakeholders, from member states to supporters organizations. Such documents as the ‘White Paper on Sport’, ‘European Parliament Declaration on Tackling Racism in Football’ and the ‘Resolution on the Future of Professional Football in Europe’, contributed to the fight against racism in football at the European level. However, racist incidents continue to occur. This paper analyses legislative and other measures taken by the European Union in cooperation with the FARE network and UEFA.

Today football is not only the most popular sport in the world but also a social, cultural and political phenomenon. It has become a special subculture with its own peculiarities, code of behaviour, symbols and problems. Racism is one of them.

The reasons for racism have been explained by Max Weber¹, Anthony King², Michael Minkenberg³, Andrei Markovits⁴ and other scholars through concepts of collective identity formation, the idea of hierarchy in the society, globalization and, as a part of it, migration. Racism has intruded into all spheres of life, including sport in general and football in particular. Football has assumed a unique position in different settings of identity formation. Being closely connected with the phenomenon of fandom, it can play both inclusive and exclusive roles. Inclusive roles include “others”, regardless of class, creed, or color; exclusive roles include “othering” - those who do not belong to the same football culture, yet share similar attributes of class, creed, or color. The interrelationship between national, ethnic and racial identities, and racism, nationalism and football, is both complicated and intriguing.

Though violence at sports events and grounds, mainly in team sports, always existed and took different forms, it is generally considered that racial discrimination in football became a disturbing problem between the end of 1960 and the beginning of 1970⁵. However, it's necessary to note that racism is closely connected with another serious problem: hooliganism and the violent behaviour of football supporters. Because of this link, many racist incidents have been defined as ‘hooliganism’ for quite a long time, and racism has not been considered as a separate serious problem.

After the Heysel stadium tragedy in 1985 European cooperation in the fight against violence in sport was strengthened. A significant role was played by the Council of Europe which adopted the European Convention on Spectator Violence and Misbehaviour at Sports Events and in Particular at Football Matches⁶ on August 19, 1985.

Different forms of discrimination based on racial, religious or ethnic groups are one of the main sources of violence and anti-social behaviour in sport. The EU Fundamental Rights Agency⁷ prepared a Summary report, “Racism, ethnic discrimination and exclusion of migrants and minorities in sport: the situation in the European Union” (2010)⁸ based on the analysis of

¹ Weber, M. (1968) *Economy and Society*. Berkeley: University of California Press.

² King, A. (2003) *The European Ritual. Football in the New Europe*. Aldershot: Ashgate.

³ Minkenberg, M. (2008) *The Radical Right in Europe. An Overview*. Gutersloh: Bertelsmann.

⁴ Markovits, A.S., Rensmann, L. (2010) *Gaming the world. How sports are reshaping global politics and culture*. Princeton: Princeton University Press.

⁵ Kassimeris, C. (2009) *Anti-racism in European football: fair play for all*. Lexington books: Lanham, MD, p. 1.

⁶ <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=120&CM=8&DF=&CL=ENG>

⁷ <http://fra.europa.eu/>

⁸ Summary report “Racism, ethnic discrimination and exclusion of migrants and minorities in sport: the situation in the European Union”. URL: http://ec.europa.eu/sport/documents/publications/tk3209201_en.pdf

situation with discrimination in sports at the European level. According to the Summary report, “incidents of racism, anti-Semitism and anti-Gypsyism were identified in football and basketball across the EU. No data was available for athletics and almost no data for the various sports examined within the national context of each Member State, with the exception of basketball. Only 10 EU Member States monitor systematically incidents of racism in sports and mainly relating to men’s professional football, although racist incidents also occur frequently in men’s amateur football. In men’s professional and amateur football, fans are primarily the perpetrators of racist incidents. However, a considerable number of racist incidents have concerned children’s and youth football. Racist incidents were also recorded among players, particularly in amateur football, but there is a tendency to ignore them in amateur sports. Referees and club officials have been involved in some racist incidents”⁹. The low level of participation in sports of migrants and persons belonging to minorities, particularly in the management of sports organizations, was also pointed out in the Summary report.

Racism in football jeopardizes the fundamental human values and rights and the role of sport as a tool to convey positive ideals. Increased numbers of racial incidents in football made the attention of the European Union to this particular crucial problem only a matter of time.

Prohibition of discrimination is one of the key principles of the European Union law as laid out in Article 21 of the **Charter of Fundamental Rights of the European Union**¹⁰: “Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited”. Another key piece of the EU legislation against discrimination is **Council Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (2000)**¹¹. The purpose of this Directive is to lay down a framework for combating both direct and indirect discrimination “[...] on the grounds of racial or ethnic origin, with a view to putting into effect in the Member States the principle of equal treatment” (Article 1). **Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law (2008)**¹² contains a list of offences concerning racism and xenophobia (Article 1) which must be punishable by effective, proportionate and dissuasive criminal penalties of a

⁹ Ibid, p. 8.

¹⁰ Charter of Fundamental Rights of the European Union, 2000/C 364/01. URL: http://www.europarl.europa.eu/charter/pdf/text_en.pdf

¹¹ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. URL: http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=32000L0043&model=guichett

¹² Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law. URL: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008F0913:EN:HTML>

maximum of at least between 1 and 3 years of imprisonment (Article 3) in each Member State. Racist and xenophobic motivation is regarded as an aggravating circumstance in the determination of the penalty applicable to any type of criminal offence. Liability of legal persons is also included in this provision. Sport has been included in the monitoring of the implementation of the Framework Decision on racism and xenophobia by the Commission's Directorate General Justice. One of the major implications of this is that every Member State should adapt legislation including sport laws and regulations by including measures to be taken against racism.

The European Commission has repeatedly rejected and condemned all manifestations of racism, xenophobia, anti-Muslimism and anti-Semitism, as these phenomena are incompatible with the values on which the EU is founded. A special section on the European Commission website is devoted to discrimination and intolerance in sport¹³. The European Commission is committed to contributing to the prevention of such incidents by promoting and facilitating dialogue with Member States, international organizations, sports organizations, law enforcement services and other stakeholders such as supporters' organizations and local authorities. The Commission has actively promoted the development of improved violence prevention for international sports events, focusing on two key objectives:

- establishing common standards on safety and public order through the exchange of experience and best practice between the Member States;
- enhancing operational cooperation related to the exchange of information on football supporters at risk, or likely to be violent, in accordance with data protection rules¹⁴.

On July 11, 2007 **White Paper on Sport**¹⁵ was adopted by the EU Commission. This document became the first comprehensive initiative of the European Commission on sport. The White Paper aims at providing strategic orientation on the role of sport in the EU. It recognizes the important social and economic roles of sport while respecting the requirements of the EU law. The White Paper respects the principle of subsidiarity, the autonomy of sport organizations and the EU legal framework. It develops the concept of specificity of sport within the limits of existing EU competences. The White Paper is the result of extensive 2 years consultations with sport organizations such as the Olympic Committees and sport federations, as well as with Member States and other stakeholders.

¹³ http://ec.europa.eu/sport/what-we-do/discrimination_en.htm

¹⁴ The EU and sport: background and context. Commission staff working document. SEC(2007) 935. Pp. 18-21. URL: http://ec.europa.eu/sport/documents/dts935_en.pdf

¹⁵ European Commission (2007) White Paper on Sport, COM(2007) 391 final, Brussels, 11 July 2007. URL: http://ec.europa.eu/sport/white-paper/the-2007-white-paper-on-sport_en.htm

Ján Figel', who at that time was European Commissioner in charge of Education, Training, Culture & Youth, including Sport, said: "This White Paper is the Commission's contribution to the European debate on the importance of sport in daily lives. It enhances the visibility of sport in EU policy-making, raises awareness of the needs and specificities of the sport sector, and identifies appropriate further action at EU level"¹⁶.

Paragraph 2.6 of the White Paper on Sport is devoted to strengthening the prevention of and fight against racism and violence. In this paragraph, it's emphasized that sport involves all citizens regardless of gender, race, age, disability, religion and belief, sexual orientation and social or economic background. The Commission especially encourages the exchange of best practice and of operational information on risk-supporters among police services and/or sport authorities. It's pointed out that law enforcement authorities cannot deal with the underlying causes of sport violence in isolation.

The Commission's functions in prevention and fight against racism are the following:

1. To promote, in accordance with the domestic and EU rules applicable, the exchange of operational information and practical know-how and experience on the prevention of violent and racist incidents between law enforcement services and with sport organizations;
2. To analyze possibilities for new legal instruments and other EU-wide standards to prevent public disorder at sport events;
3. To promote a multidisciplinary approach to preventing anti-social behaviour, with a special focus given to socio-educational actions such as fan-coaching which includes long-term work with supporters to develop a positive and non-violent attitude;
4. To strengthen regular and structured cooperation among law enforcement services, sport organizations and other stakeholders;
5. To encourage the use of some special programmes, for example, 'Youth in Action', to contribute to the prevention of and fight against violence and racism in sport;
6. To organize a high level conference to discuss measures to prevent and fight violence and racism at sport events with stakeholders.

Thus, the European Commission's role is to generally promote fight against discrimination, to strengthen cooperation between different stakeholders, to work out new measures, including legal ones, to prevent and fight racism in sport.

¹⁶ Press release "Commission adopts White Paper on Sport", Ref. IP/07/1066, Brussels, 11 July 2007. URL: <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/1066&format=HTML&aged=0&language=EN&guiLanguage=en>

As regards racist and xenophobic attitudes, the European Commission is promoting dialogue and exchange of best practices in existing cooperation frameworks such as the Football Against Racism in Europe network (FARE). FARE network¹⁷ was established during the seminar sponsored by the Commission aimed to develop the common strategy and policy against racism in football in February 1999 in Vienna, Austria. FARE is getting the support and sponsorship of the European Union. Today FARE network unites organization and have partners in more than 40 different European countries (including non-EU members), cooperate with professional football clubs and associations, players, ethnic minorities organizations and other NGOs, football supporters and, of course, the Union of European Football Associations (UEFA) and the Fédération Internationale de Football Association (FIFA).

The general objectives of the FARE network are:

1. To promote a commitment to fight discrimination at all levels of football across Europe: in stadiums, on the pitch, in administration, in coaching and sport education and through the media;
2. To use the appeal of football to tackle societal discrimination;
3. To foster networking and exchange of good practice transnationally;
4. To undertake activities to capacity build and empower marginalized and discriminated groups, in particular young people, migrants, ethnic minorities, members of the LGBT communities and women.

FARE network campaigns to tackle different forms of discrimination and use football as a mean of overcoming social exclusion, launches different programs, organizes conferences and works through coordinated action and common efforts, at local, national and international levels. FARE cooperates not only with UEFA and FIFA but also with the European Union. Thus, FARE speakers have been invited to speak several times in front of the European Parliament on the topic of discrimination in football.

On March 3, 2006 the European Parliament adopted a written **Declaration of the European Parliament on tackling racism in football**¹⁸ condemning all forms of racism linked to football, both on and off the field. This was signed by 423 members of the European Parliament. Recognizing the serious racist incidents that have occurred in football matches across Europe, the European Parliament strongly condemned all forms of racism at football matches, both on and off the field and called on all those with a high profile in football to speak out regularly against racism. In addition, the Parliament also called on national football

¹⁷ <http://farenet.org>

¹⁸ Declaration of the European Parliament on tackling racism in football, P6_TA(2006)0080. OJ C 291 E, 30.11.2006, p. 143.
URL: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:291E:0143:0145:EN:PDF>

associations, leagues, clubs, and players ‘unions and supporters’ groups, to apply the UEFA guidelines on best practice such as Ten-Point Plan of Action. The Parliament suggested stopping or abandoning the game in the event of “serious racist abuse” and urged football authorities to introduce “sporting sanctions” on national football clubs and associations whose supporters or players commit “serious racist offences”, including the option of removing persistent offenders from the competitions.

Obviously, this Declaration is a substantial proof of the European Parliament’s attention to the problem of racism in one of sports disciplines. However, a number of key factors should be noted. Firstly, the form of this document is a ‘declaration’, which means that it’s not legally binding. Secondly, some wordings in the text raise questions: the Declaration doesn’t make it clear what should be considered as a “serious racist abuse” and “serious racist offence”; besides, it is suggested that persistent offenders should be removed from competitions, but it’s not obvious how many abuses or which abuse(-s) in particular should be committed before a person could be considered to be a “persistent offender”. Apparently, some vagueness of wording is connected with the fact that this document is a declaration implying that concrete definitions are left at the discretion of those stakeholders whom the Declaration is addressed.

In its **Resolution on the future of professional football in Europe**¹⁹ of March 29, 2007, the European Parliament addresses the problem of discrimination and xenophobia again. It’s necessary to emphasize that the Parliament points out that “the legal entitlement to a workplace free of racism and other forms of discrimination also applies to footballers”, so it asks the Commission, the Member States and all those involved in professional football “to accept [...] their responsibility for continuing and intensifying the fight against racism and xenophobia by condemning all forms of discrimination inside and outside the stadium; asks for stricter sanctions against any kind of discriminatory acts in football; asks UEFA and the national associations and leagues to apply disciplinary rules in a coherent, firm and coordinated manner, without neglecting the financial situation of clubs” (par. 49). The European Parliament calls on the Commission, UEFA and other interested parties to take action on its Declaration on tackling racism in football, compliments UEFA and FIFA on the tougher sanctions being incorporated in their statutes and for the measures being taken, and looks forward to further action by all the parties concerned in the football sector (paragraph 50). The Parliament also addresses other forms of discrimination such as discrimination on grounds of sex, origin, sexual orientation or otherwise, inside and outside the football stadium, and all forms of violent behaviour. It calls on

¹⁹ European Parliament resolution of 29 March 2007 on the future of professional football in Europe (2006/2130(INI)). P6_TA(2007)0100.

URL: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P6-TA-2007-0100>

member states to punish such actions and encourages them to apply the strictest measures to reduce and eliminate all forms of discrimination and violent behaviour (par. 51-52).

On January 18, 2011 the European Commission adopted a **Communication** entitled **“Developing the European Dimension in Sport”**²⁰. This is the first policy document issued by the Commission in the field of sport after the ratification of the Lisbon Treaty, which gives the EU a mandate to support, coordinate and supplement sport policy measures taken by Member States. The Communication builds on the 2007 White Paper on Sport and follows a similar structure. In paragraph 2.3 it is admitted that “spectator violence and disorder remain a Europe-wide phenomenon and there is a need for a European approach comprising measures designed to reduce the associated risks”. Mentioning a good example of cooperation with the Council of Europe in providing citizens with a high level of safety through policing at international football events, the Communication points out that in order to cover also other sport disciplines stronger cooperation among the relevant stakeholders is required. Police services, judicial authorities, sport organizations, supporters' organizations and public authorities are included in this attempt to establish an improved level of good practice.

Thus, it's possible to make the following conclusions:

1. Spectator violence and disorder remain a Europe-wide phenomenon and there is a need for European approach comprising measures designed to reduce the associated risks.
2. In cooperation with other organizations, the EU actions have so far focused mainly on providing citizens with a high level of safety through policing at international football events.
3. Though the problem of racism in football is much more crucial than in any other sport, it's necessary to prevent any possibility of racial abuse in them as well. Thus, a wider approach covering also other sports disciplines is required.
4. The only way to combat racism in sport is to join the efforts and to strengthen the cooperation among relevant stakeholders, such as police services, judicial authorities, sport organizations, supporters' organizations and NGO's.
5. The European Union can and should play the leading role in coordinating, promoting and facilitating such cooperation and making it more efficient.

²⁰ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions “Developing the European Dimension in Sport”, Brussels, 18.1.2011, M(2011) 12 final. URL: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0012:FIN:EN:PDF>