



# COLOUR?

## WHAT COLOUR?

**Report on the fight  
against discrimination and racism  
in football**



United Nations  
Educational, Scientific and  
Cultural Organization

UNESCO  
Publishing

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# Foreword

The values of solidarity, respect, equal dignity and tolerance are the foundations for the struggle against the scourges of racism and all forms of discrimination.

These same values inspire all of UNESCO's action to foster respect and mutual understanding and to build dialogue between peoples and across all cultures - including through sport, especially football.

Sport provides a unique platform to promote the values of intercultural dialogue and understanding, to deepen social inclusion and to promote gender equality. We know also that sport can be exploited to divide and discriminate - sporting events have been scarred by episodes of racism, discrimination, xenophobia and intolerance. We have seen the exchange of racial epithets between athletes, along with crowd taunts that are based on race, ethnic or cultural background - and these have occurred at all levels of sport.

The playing fields of football are built with the profound values of fair play, equality and mutual respect -- they sometimes also display unacceptable racist, xenophobic and intolerant views.

To counter this challenge, UNESCO is acting across the board with all its partners. In 2009, the European Club Association signed, on behalf of its 144 members, a Declaration promoting the inclusion of anti-discrimination and anti-racism clauses in players' contracts. Since then, in multiple partnerships with football clubs - including Barcelona and Malaga FC (Spain), Ruby Shenzhen (China), Al Hilal (Saudi Arabia) and recently with Juventus Football Club (Italy) -- UNESCO has placed emphasis on the role of clubs in propagating the essential messages of tolerance, respect and inclusion.

This Report offers the first exhaustive overview of the challenge and proposes good practice that can be taken forward by clubs everywhere. I wish to commend the Report's authors, Albrecht Sonntag and David Ranc, for their extensive research and thought-provoking recommendations. This is an important step to nurture and harness the full power of sport for rights, dignity and peace.

I am particularly grateful to Juventus Football Club for the support provided to this report, which has come in the form of both financial and moral support. Their political engagement against discrimination and racism in football is commendable and this report will allow UNESCO and other stakeholders to take this struggle to a higher level still. For this we are very thankful.



**Irina Bokova**







# Executive Summary

## Introduction

Football has been shown to be a mirror of society, it may also be viewed as providing a temporary suspension of reality for an interlude of high emotion and idealized hopes and dreams. Football's public transcends differences of age, gender, culture, religion, and socio-economic status to unite in support of their team. The broad diversity of backgrounds of football players represents tangible evidence of equal opportunity and meritocracy. The sport itself has team solidarity, fair play and mutual respect among members and for opponents ingrained within its rules and practices.

Yet, the 'beautiful game' is one with an imbedded paradox. Football is also a game that may in many vaguely resemble war, where opponents face each other in a struggle to win over the other side, with the noisy and emphatic support of the spectators. An 'us' and 'them' mentality is an integral part of trying to help a team reach the objective, which is to win the game. This setting naturally produces a desire by supporters to intimidate the other side by encouraging their team and expressing both confidence and superiority through their words and actions. When the 'us' and 'them' mentality turns into symbolic exclusion of others, language of disparagement and insult based on racism or discrimination, or physical confrontation, the 'beautiful game' is debased.

The existence of racism and discrimination in football is not a secret, but it is a shame on the game. Although much is already being done, both observers and experts feel too many problems persist and measures to tackle them have not been effective enough.

This report was commissioned by UNESCO within the framework of UNESCO's partnership with Juventus. It focuses on discrimination and racism in professional football and to some extent the amateur clubs that funnel into the leagues. It provides an overview of the historic and theoretical background. It reports on the state of affairs on the ground. It summarizes what has been done and is being done to mitigate racism and discrimination in domestic and international football, how the effects of these actions may be evaluated, and which new avenues for further, complementary action are promising. The report is based on a literature review, desk research, regional reports from the Unesco network and a field survey among a purposive sample of experts and actors in a number of countries.

The report has a somewhat European focus, in its sources and examples. Europe has a unique position

in the world of football, with its leading competitions, championships and clubs. It is the region where racism and discrimination in football has been most intensively researched. A number of civil society organisations from Europe have played a pioneering role in the fight against racism and discrimination in football. Moreover, the pressure that comes with the money invested in and generated by western European football, as well as its exposure in the media, has also made clubs, federations and UEFA particularly sensitive to the negative impact that discrimination can have on the game and its image, within Europe and worldwide. Europe must therefore occupy a central role in a study of the fight against discrimination in professional football and in determined policies to mitigate racism and discrimination related to football wherever they occur.

The examples of incidents of discrimination and racism, as well as of existing measures to combat them have been selected to be as wide-ranging as possible. The authors do not, however, claim the report to be a comprehensive listing. Similarly, the examples of best practice have been collected through extensive reading and contacts, but must be looked at as an overview rather than as a directory. They are chosen by the authors to illustrate types of actions and institutions with the potential for greatest impact.

The report also does not deal with the methods of allocation of resources to football, with issues of employment, or with womens' football. While these are significant topics on which concerns can be expressed, the necessary focus of a report of this type means that they are alluded to without being treated in depth.

## Background and inventory

Racism and discrimination are not new phenomena in football. Discrimination in the selection of players has existed from the origins of the game. Since the 1970s though, especially in Europe, multi-ethnic teams have become the norm. However, xenophobic and racist attitudes and behaviours as well as hooliganism and violence by fans persisted or even appeared where they were previously absent throughout the last decades of the twentieth century.

Since the beginning of the twenty-first century, we have seen significant change. As awareness of racism and discrimination and measures to mitigate them have made progress in society at large, this awareness has also increased within the football community. Racism has been tackled by both bottom-up and top-down initiatives. Multiculturalism is valued in the sport and the stands, and ethnic exclusion is a regrettable abnormality. There is progressive awareness of the variety of forms that discrimination can take, and there is a strong consensus among stakeholders that football





needs to deal effectively with racism and discrimination in order to remain the powerful tool of social inclusion and integration that it has always been.

The report draws on a taxonomy of racism that distinguishes between ‘impulsive’, ‘instrumental’, and ‘institutional’ racism, using it to diagnose the range and severity of problems. It provides a list of some of the most widely-reported incidents over the last two years, both at the 2014 World Cup in Brazil and at club football matches during the same period. These demonstrate that racist chants and actions are widely viewed as unacceptable and increasingly reported.

There is an overview describing some of the leading organizations in Europe that are active in monitoring problems and raising awareness. The overview makes it clear that although incidents of racism rightly attract attention and opprobrium, such incidents are not great in number compared to the volume of football matches in a year or a specific competition.

A purposive survey was carried out among more than forty experts on football. Most of them agreed that there is still a significant problem, although respondents differed in their assessment of its magnitude depending on their nationality or their professional role. Racism and sexism are the common and prominent themes when bad behaviour occurs, while issues related to disability are seen to be more of a technical problem to be solved. Many respondents considered that leagues and clubs alike battle racism and discrimination while at the same time attempting to downplay the phenomenon, to ‘trivialise’ it.

Diagnosis of the causes begins with some of the unique characteristics of football: high visibility that provides a sounding board for groups seeking a public outlet for racist and discriminatory attitudes; strong traditions of ‘high permissiveness’ and ‘low inhibition’ among fans; the ‘high degree of organized fan culture that functions as an amplifier of rivalries’; and the traditionally ‘masculine’ stadium environment whose mores of sexism seem to persist to a certain extent even though the fan demography is changing.

No majority view emerged among interviewees on the interplay between professional and amateur football concerning racist and discriminatory behaviour such as offensive chanting, banners, and so on. Some felt the problems and issues are not different in amateur football (including youth), as behaviours and attitudes from professional games irrigate all pitches. Others felt that the lack of media presence in amateur games limits bad behaviour because there is no amplifier through press reporting. Still others felt that public scrutiny, ‘gentrification’ and ‘intellectualisation’ have limited open displays of racism and discrimination at all levels.

However, discriminatory incidents may also be under-reported at amateur level.

### Legal frameworks

Measures to mitigate racism and discrimination in football fit into two broad categories: the fight against violence in general in sport, and attempts to abolish discrimination in society. They are tackled with a wide range of normative and legal provisions, from international conventions to national laws. At the international level, there is ample guidance in the form of conventions, recommendations and legal instruments from the United Nations, UNESCO, the European Union and the Council of Europe. National legislations of Italy, France, the UK, Belgium, Spain, Brazil, Germany, Hungary and Uruguay provide examples of the breadth and strength of specific legal measures that can be brought to bear on violent, racist and discriminatory intent and behaviour.

The legal tools available to combat both physical and symbolic violence is broadly adequate in many countries, according to the survey. They include:

- Relevant international agreements;

- Laws specifically banning racism and discrimination or making these an aggravating factor in sentencing for another crime;

- Administrative or judicial banning orders, travel bans and related reporting to police stations for those previously convicted of violent or discriminatory conduct;

- Laws criminalising discriminatory behaviour in the context of sport ;

- Laws targeted at increasing inclusion and diversity;

- Ad hoc institutions to monitor violence and discrimination in the context of sport, or specifically football.

The most significant innovation over recent years has been the introduction and widespread use of banning orders and related measures. Their ostensible purpose is deterrence. Nonetheless, banning orders are also punitive, since they deprive supporters of the right to attend sporting events in the name of prevention. Furthermore, the widespread use of non-judicial sanctions, which implies substituting administrative actions for the justice system to some extent, is questioned by some scholars and experts. In addition, the experts surveyed were particularly critical concerning the slow or inadequate implementation of laws relating to racism and discrimination as they apply to football.

## Institutional stakeholders and their actions

The institutional actors who are actively involved in monitoring and mitigating racist and discriminatory behaviour are varied, and not always interdependent or coordinated. There is FIFA with the World Cup and Women's World Cup. There are continental confederations, national associations, and professional leagues. There is the International Olympic Committee, with its own prerogatives and priorities. There is the Court of Arbitration for Sport that may be called upon to issue decisions, which although non-binding are usually accepted. Several European or international NGOs such as FARE or CAFE act as observatories and activists to fight discrimination and achieve inclusion. A number of national NGOs (in Brazil, England, and France, for example) use media and/or links with other organizations to raise consciousness and participate in anti-discrimination campaigns.

Sports organizations can and do take strong punitive measures such as imposing fines on individual offenders, reporting offenders to judicial authorities, excluding individual or group offenders from stadiums immediately or subsequent to offense, closing stadiums partially or completely during games, or sporting punishment such as deducting points and/or excluding or relegating teams.

In addition to punitive measures, both prevention and education are important elements of the overall picture. Campaigns are the main preventive tool of the football world as such, but opinions vary on their effectiveness. Education is a tool that can be used on several fronts: training for professionals who can reach out and mentor practitioners and the public, education of the general public, education and involvement of the media, and school-based education. Guidance materials such as those produced in the UK can serve multiple purposes and should be more extensively used.

## Obstacles and barriers

There is widely-shared disappointment that despite significant progress a certain threshold seems to have been reached and that 'residual' discrimination appears to be difficult to eliminate. In order to understand the stubborn persistence of racism and discrimination in football, one needs to take an interdisciplinary look at how the origins and practice of football relate to societal transformations over time and at the perceived legitimacy of those who are charged with battling unacceptable practice.

The first analytical perspective is on the logic of the game itself. By drawing on the civilizational theory developed by Norbert Elias, football can be understood as one of the ways to civilize archaic war instincts and to satisfy

social needs that civilisation has only covered up but not eradicated from the human psyche. In this perspective, football possesses a 'cathartic' function that accounts for the persistent need for aggressive degradation of the opponent and the resort to verbal violence with the aim of destabilising the adversary by all means available.

The anthropological analysis of football developed by Christian Bromberger reveals the power of partisanship and the 'language of partisan rivalry' that is firmly rooted in the binary nature of football oppositions and inseparable from the particular space of the football stadium, where otherwise prohibited emotions and offensive language are central to the construction of group solidarity and cohesion.

Sometimes, for example in Italy, one finds acting out of 'territorial discrimination', a kind of parochialism whereby regional or city-based insults and stereotypes are used without obvious racist intent. Many observers find these both relatively innocuous and too ingrained to be eradicated.

The mechanisms and practice of verbal denigration are dissected through analysis of the concepts of 'insult' and 'politeness' based on findings from socio-linguistics. Rhetorical figures of metaphor and hyperbole, which play an important role in discrimination against 'others', are perfectly applicable in the football stadium, particularly with respect to the 'cathartic relief' that they provide.

Dysphemism (a word that means 'an offensive expression') is another concept brought to bear on understanding how individuals and groups use language to 'disparage, humiliate, and degrade'. At the same time, the so-called 'Middle-Class Politeness Criterion', a kind of default setting of what is appropriate in language use, is permanently redefined by the mainstream of society. It explains, for instance, increasing sensitivity to racist and discriminatory remarks in all spheres of society, including football. If one wants to change the language habits and traditions in the football stadium, it is vital to understand the mechanisms and effects (as well as the pitfalls) of 'political correctness'.

Finally, a significant obstacle in the fight against racism and discrimination in football is the declining institutional legitimacy of the main international actors. While both FIFA and UEFA actually have a positive record on this front and are at the origin of credible policy and innovative initiatives, surveys show that both suffer from low trust in their sincerity and leadership.

An overview of recent initiatives is provided and their limits discussed. Particular emphasis is laid on the ineffectiveness and inappropriateness of collective sanctions. More attention needs to be paid to increasing



accusations of racism and discrimination as facile rhetorical weapons in public debate, abetted on occasion by elements of the media.

### Findings and recommendations

Football is not solely a social activity, whose supporters need to be educated. It also possesses attributes of a powerful educational tool. Its popularity, its accessibility and its simplicity turn each football pitch and stadium into a potential classroom for civic education.

Many actors in the field of football are aware of this and want to make the best possible use of football's potential in order to help achieve social change. A series of good practices are described as inspiration and examples of how this can be done effectively.

In England, fighting discrimination in the sport is integrated across clubs and a dedicated NGO (Kick It Out). Guidance documents, campaigns, and audit of progress are all shared.

France has developed a cross-sectoral mid-term development plan for women's football that involves all levels, functions and stakeholders.

In Italy there is legal provision for replacing a punishment related to racism or discrimination by confirmed commitment to change through a campaign or civic work by the perpetrators.

Italy, Spain and Brazil each have an official monitoring authority for incidents of discrimination and racism.

Germany has a range of mechanisms, such as a yearly award for outstanding commitment to tolerance, education measures for coaches, integration guidelines for clubs to include asylum seekers, reports on progress and support to specific projects or initiatives.

In conclusion, the report recommends the following:

Building on lessons learned from the success of political correctness in influencing change of use of vocabulary. No other instrument is more efficient than self-regulation by the supporters themselves. Learning from the history of political correctness can help create a context in which 'self-censorship' changes linguistic habits and traditions in the football stadium

Limiting sanctions of fans and other actors to individuals. Collective sanctions are ethically wrong, highly controversial and counterproductive. Identifying and sanctioning individual perpetrators is feasible by way of contemporary technology and close collaboration with authorities. Charity work may be preferred over fines as sanctions.

Taking the education imperative seriously. There is consensus on the essential role of education in the combat against racism and discrimination. Local initiatives by individual clubs and civil society organisations are useful and effective. In addition to challenging the use of racism and discrimination as part of the fan experience, broader humanistic education should provide alternative models to the current ultra-competitive model of sport.

Developing a sustainable concept of 'civic brand management'. As fully-fledged corporate entities, professional clubs must be more aware of the 'corporate social responsibility' that comes with increased economic power. Committing to a longer-term vision and sustainability of efforts could come from a visionary group of clubs by introduction of a 'quality label' that would involve brand ambassadors and supporter groups.

The report concludes with a few ad hoc suggestions from the interviewees that call for, among other things, more inclusiveness in brand management and search for innovative solutions by actors from outside the direct stakeholder group of football.



Chapter 1

# Introduction



## 1.1 A mirror of society?

Conventional wisdom has it that football<sup>1</sup> is ‘a mirror of society’. This metaphor has been repeated over and over again for decades, in academic writing, media reports and political speeches. Today, it has almost become a kind of self-evident truth, one that the authors of this report repeatedly heard during interviews.

As tempting as the mirror metaphor may be, it is none the less misleading. Football is not a mirror that reflects society as it is. Of course, as an extremely popular and widespread form of mass culture, capable of transcending generations, social classes, ethnic groups and gender in its appeal, it is obviously affected by overarching trends and larger issues that dominate the society in which it is played, watched and talked about by millions. Football is not a mirror of society, but more of a projection screen for images of what individuals and groups think society should be like, for diffuse yearnings and aspirations that are expressed in an emotional manner.

Most of the time these images are positive, based on a collective desire for self-celebration through the carnivalesque<sup>2</sup> display of feelings of belonging, loyalty or identity. But the opposite also exists, engrained in the game’s fundamental design of binary opposition between two opponents that face off in competition. Football inevitably produces an ‘Us’ vs. ‘Them’ configuration, that often results in language and acts of symbolic exclusion and inferiorisation.

When such discourses of inferiorisation and insult are based on ethnic, religious, and sexual criteria football becomes a stage for racism and discrimination.

In fact, it has always been so. In his wonderful collection of brief poetic reflexions on the history of football, *El fútbol a sol y sombra*, Eduardo Galeano recalls how the presence of black players in Latin American teams was an object of dispute as early as in the first decade of the 20th century.<sup>3</sup> In 1947, Mario Filho’s classic book *O negro no futebol brasileiro* analysed the link between race and socio-economic discrimination in Brazil, throughout the first half of the century. More recently Ellis Cashmore and Jamie Cleland recalled in *Football’s Dark Side* that football ‘was created by white men, for white men and remains largely in the control of white men’.<sup>4</sup> 150 years after the creation of modern football this statement still rings true.

<sup>1</sup> Unless otherwise indicated, ‘football’ always refers to association football in this text, which in some regions of the world is known as ‘soccer’.

<sup>2</sup> Geoff Pearson, *Cans, Cops and Carnivals. An ethnography of English football fans*, Manchester: Manchester University Press, 2012.

<sup>3</sup> Eduardo Galeano, *El fútbol a sol y sombra*, Madrid: Siglo XXI, 1995.

<sup>4</sup> Ellis Cashmore and Jamie Cleland, *Football’s Dark Side*, Basingstoke: Palgrave Macmillan, 2014.





Today, football is still used for the expression of racism and discrimination, despite the fact that in the increasingly multi-cultural societies on this planet, a growing number of voices within politics, business and civil society loudly proclaim a widely held consensus in favour of diversity and against all forms of discrimination. Football events are not the only occasion on which such officially banned phenomena can be observed. But due to the game's immense popularity and its strong media presence, as well as the very particular setting of the football stadium, football events are like a magnifying glass under which discriminatory and racist attitudes become particularly visible. This is nothing short of a paradox.

## 1.2 The football paradox

The persistence of racist and discriminatory attitudes in football is paradoxical in several respects.

Firstly, football is without any doubt the most ethnically and religiously diverse team sport. With 209 national football associations FIFA counts more members than the United Nations. This gives evidence to the incredible outreach of this game and has become a running joke in geopolitical studies.<sup>5</sup> No other single sport reflects the cultural diversity of our planet as much as football does. Its international events like the World Cup, the Euro or the Champions League, are a showcase of cultural identities, followed in virtually every corner of the planet. Also, for instance, during the 2013-2014 season, the World's most popular championship, the English Premier League, counted players from no less than 70 different nationalities from all continents.

Secondly, football is one of the most powerful illustrations of the meritocratic ideal of modernity – a promise of both Enlightenment and Capitalism that even the most well-meaning contemporary democracies seem unable to keep to a satisfactory degree.<sup>6</sup> Football is a performative space in which everyone can prove their worth, regardless of socio-economic, religious or ethnic origins, or gender. It is an environment in which talent, competence and skills, which are in principle accessible to all triumph over the usual socio-cultural and economic mechanisms that, in most societies, lead to the reproduction of elites.<sup>7</sup> Football therefore provides a concrete example of the possibility for social mobility and the aspirations towards equality of opportunity.

Thirdly, football is unquestionably a promoter of fair-play and mutual respect: the same rules and sanctions are valid for all, without any distinction of any kind. This allows everyone to engage in peaceful competition around the world. Each week, tens of thousands of educators are involved in transmitting precisely these values of fair-play and respect to millions of boys and girls all over the world.

In such an environment, the persistence of racism and discrimination is incoherent. It simply does not make sense. Yet racist and discriminatory acts still occur. Although there seems to be a consensus that there is an overall decline in racist and discriminatory behaviour in football, and even though virtually all relevant actors of the football scene in the broadest sense are broadly committed to fighting against racism and discrimination, occurrences of such behaviour still regularly make the headlines.

It is against this background that the report sets out to explore what the main causes for the persistence of the football paradox are. Its objective is not to point the finger at certain countries and denounce local idiosyncrasies. The report simply attempts to provide, in a somewhat compact format, an overview of what has been done and is being done against racism and discrimination in international football, how the effects of these actions may be evaluated, and whether other avenues for further, complementary action may be envisaged in the future.

## 1.3 Methodology of the report

The report was completed between October 2014 and May 2015 by Albrecht Sonntag and David Ranc. It was commissioned by UNESCO, within the framework of UNESCO's partnership with Juventus.

### Research method

The report was based on a methodological mix, combining desk research and a field survey carried out in a variety of countries. The desk research part included an overview of legal norms related to racism and discrimination in different countries, as well as a literature review of previous research. For the empirical field study, the authors designed a detailed interview guide and identified a series of experts and actors with the explicit aim of having a broad diversity of profiles,

<sup>5</sup> See, among many others, Pascal Boniface, *Football et mondialisation*, Paris: Armand Colin, 2010.

<sup>6</sup> Alain Ehrenberg, 'Le football et ses imaginaires', *Les Temps Modernes*, no. 460, nov. 1984, p. 841-884; as well as *Le culte de la performance*, Paris: Calmann-Lévy, 1991; Christian Bromberger, *Le match de football. Ethnologie d'une passion partisane à Marseille, Naples et Turin*, Paris: Editions de la Maison des Sciences de l'Homme, 1995.

<sup>7</sup> Pierre Bourdieu, *La Distinction*, Paris: Les éditions de Minuit, 1979.



in order to avoid repetition and rapid saturation of responses. In conducting the field work, they were assisted by a series of contributors (mentioned in the ‘acknowledgements’ section below).

The interviews carried out during the survey confirmed that racism and discrimination remain an extremely delicate topic. With some interviewees the authors encountered a remarkable reluctance to respond openly to questions on this issue, even from major organisations involved in the fight against racism and discrimination, despite repeated requests and a guarantee of confidentiality. This in itself is a significant statement on the continuing relevance of the issue.

Without wanting to speculate about the motivations that are behind this refusal to discuss racism and discrimination in football in a straightforward and risk-free environment, one may consider that this reluctance is, to a certain extent, in itself a significant statement on the issue’s continuing relevance.

Taking into consideration the sensitive nature of the topic, the decision was taken to fully respect the confidentiality of the statements and opinions voiced during the interviews. Direct quotes from interviews are easily recognisable as such, but are not referenced or linked to the name of the interviewee.

### Thematic focus

Discrimination in sport is a phenomenon that has multiple facets. As UNESCO’s International Charter of Physical Education, Physical Activity and Sport<sup>8</sup> clearly states in its preamble, the term discrimination covers ‘race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status’. It further lays strong emphasis on the need to allocate resources for sport without discrimination on the basis of gender, age, disability or any other basis, to overcome the exclusion experience by vulnerable or marginalized groups’.

Without attempting to prioritise one form of discrimination over another, the thematic focus of the report is on the form of discrimination perceived by the football community as the most pressing issue to be addressed, namely racism. In various chapters the report does, however, also refer to homophobia and discrimination with regard to gender or disabilities, since their recurring presence in international football is undeniable (see also the findings from the survey exposed in section 2.5).

Every effort has been made to ensure the report covers the whole world (with the assistance of the UNESCO network, which sent questionnaires to countries on every continent). However, there are clearly two regions where association football is most prominent in both economic and socio-cultural terms and which, together, set the standards for the game and provide inspiration worldwide: Europe and Latin America.

Nevertheless, for several reasons this report ends up, in part, with a European focus. This is due not only to simple organisational and logistic reasons, but also to the fact that for a variety of reasons Europe has a particular position in the world of football. It is the place where football was invented and from where it started its extraordinary journey around the world. Europe is also, regrettably, the place where racist theories were invented and Europe has a history and legacy of colonisation with which it is still struggling to come to terms. Europe has consequently long been a destination of mass migration and a ‘real-life laboratory’ of societies learning to cope with their own development into multi-ethnic, multicultural and multireligious nations. Unsurprisingly, European football, with its leading championships that are global benchmarks and trendsetters and its major clubs that are global brands, is also the place where racism and discrimination in football have been most intensively researched. And Europe is the region where solutions and best practices should be expected and delivered. To a large extent, this is the case. A number of civil society organisations from Europe have played a pioneering role in the fight against racism and discrimination in football. Moreover, the pressure that comes with the money invested in and generated by western European football, as well as its exposure in the media, has also made clubs, federations and UEFA particularly sensitive to the negative impact that discrimination can have on the game and its image, within Europe and worldwide. Europe must therefore necessarily occupy a central role in a study of the fight against discrimination in professional football.

<sup>8</sup> UNESCO, International Charter of Physical Education, Physical Activity and Sport, revised version approved by the Executive Board in April 2015 and to be submitted to UNESCO’s General Conference in November 2015. See [http://portal.unesco.org/en/ev.php-URL\\_ID=13150&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13150&URL_DO=DO_TOPIC&URL_SECTION=201.html) for the original text of 1978, see <http://unesdoc.unesco.org/images/0023/002323/232325e.pdf> for the revision process.



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In order to carry out the research the authors entrusted five international contributors with field research in their respective expertise and/or language. These contributors are:

**Antonella Forganni**, an international lawyer of Italian nationality, and Professor at ESSCA School of Management, who drafted the preliminary report that formed the basis of the legal chapter;

**Sébastien Louis**, a renowned historian of European supporters movements, based in Luxemburg;

**Ramon Llopis-Goig**, a sociologist from the University of Valencia and author of numerous publications on Spanish football and society;

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In addition, UNESCO provided us with assistance in carrying out interviews in Latin America, under the



Chapter 2

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# Inventory



## 2.1 The emergence of racism and discrimination in football

As pointed out in the introduction, discrimination on racist grounds has existed in football since the sport started becoming globally popular during the 19<sup>th</sup> and beginning of the 20<sup>th</sup> century. Discrimination was expressed, mainly in countries where ethnic diversity was a daily and visible phenomenon - for example as in Latin American societies or in the colonial empires around the globe - or where, as in Nazi Germany, state ideologies extended anti-Semitism to football.

Several researchers however concur that the 1970s is the period when racism in professional football became a mass phenomenon especially in Europe.

This may be linked to the end of the post-war period to which the French still refer to as ‘the thirty glorious years’. In the mid-1970s unemployment started to rise, the oil crisis hit economies, extremist parties re-emerged. In such a context, racist or more generally xenophobic attitudes began to appear in European societies. At the same time, the first distinctively anti-racist movements emerged in reaction to this development.

Although it is not the oft-quoted ‘mirror of society’, the football stadium was unavoidably influenced by these developments. In most countries, football was still mainly a preserve of the working class, the socio-economic category most hit by the economic slump.

When looking at the velvet pitches of the Premier League or the Bundesliga today, and enjoying the joyful atmosphere in the modern and comfortable all-seater stadiums in many places across the European continent, it is difficult to imagine what football was like in many cities at the end of the 1970s and beginning of the 1980s. Football was rife with racism and discrimination, violence and hooliganism, phenomena that had their sources and origins outside the football stadium, but for which football became the theatre stage on which they found their most spectacular expression.

Both football’s governing bodies and the state authorities were mainly concerned with violence, and much less with racism and discrimination, which were seemingly considered an unpleasant but negligible side-effect. It was only after the disasters of the Heysel (1985) and Hillsborough (1989) - neither of which had any direct link with racism - that the problems were seriously and jointly tackled by the authorities.

It is only since the 1990s that football has reinvented itself.



## 2.2 Evolution of racism and discrimination in football since the 1990s

The 1990s probably brought about a genuine paradigm shift in European football. Violence started to decline following the introduction of drastic security measures in the wake of the disasters – prompted by the famous 1990 report of Lord Justice Taylor commissioned by the government of Margaret Thatcher – as well as efforts to renovate the stadiums and make them both safer and more comfortable.

The introduction of the English Premier League and the nearly simultaneous launch of the UEFA Champions League, both created with the objective to turn top-flight football into a premium product of the entertainment industry, have brought about an unparalleled commercialisation of the game. As a result the socio-economic structure of football audiences in the top leagues of Western Europe was significantly altered. What was often criticised as an unwelcome ‘gentrification’ of the football public,<sup>9</sup> pricing the working class out of the stadium, also resulted in a slow, but steady ‘feminisation’ of the live football experience.

In 1995 the Court of Justice of the European Communities liberalised the football labour market in what came to be known worldwide as the ‘Bosman ruling’, putting an end to existing quotas of foreign players of European origin.<sup>10</sup> The Bosman ruling was immediately compared to a ‘revolution’ in international football,<sup>11</sup> even though it only reinforced tendencies of liberalisation that had already been launched by several national federations. The ruling was actually taken as a pretext by UEFA and national governing bodies to extend the free movement of players and end foreign player quotas way beyond EU 15 – the only place where it had legal value. The result was a massive influx of ‘foreign’ players in all major European championships, including a significant number of players from ‘visible minorities’.

The reaction of the football crowds to this massive change was very complex, and often contradictory, as David Ranc shows in his book *Foreign Players and Football Supporters*.<sup>12</sup> The influx of players from other countries was met with neither an increase nor a decrease in xenophobia (or its manifestation). The racist rejection of

players from visible minorities on racist grounds did not increase dramatically, as some may have feared. However, the significant change in ‘football demographics’ that illustrated on the pitch the increasingly multicultural composition of European society did not lead to the disappearance of racist and discriminatory attitudes and incidents either. It appears that players from ethnically different, or foreign, backgrounds can be fully integrated members of the ‘in-group’ (Us) and at the same time aggressively rejected members of the ‘out-group’ (Them). Indeed, the same individual can actually be perceived in two very different ways by the same supporters, depending on context.

Similar observations could be made concerning competitions involving national teams. Some European countries apply the *jus sanguinis* principle in their nationality law, which means that citizenship depends on the nationality of the parents, even though they have been destinations of mass migration for a long time. In these countries, the multi-ethnic teams of other countries like France, Belgium, the Netherlands and England, where nationality is at least partly based on the birthplace (*jus soli*) or can be more easily acquired by immigrants, became the object of intensive and controversial discussion.

The French ‘black-blanc-beur’ World Champions of 1998 were hailed both domestically and all across the world as an embodiment of multicultural society, almost as an ideal to strive for. Of course, some events within France very quickly revealed that this idealised image created by the euphoria of the summer of ‘98 was no more than (self-)delusion.<sup>13</sup> Nevertheless, it had a significant impact, and the French team may even be said to have served as an illustration and rationale in 1999, when the newly-elected German government under Gerhard Schröder campaigned to modify the country’s age-old citizenship law and facilitating the acquisition of German nationality for hundreds of thousands of second and third-generation migrants.<sup>14</sup>

Ten years later, the multi-ethnic German squad at the FIFA World Cup in South Africa was described as ‘United Colours of Germany’ (France Football) and regarded as a model for harmoniously integrating its players coming from eight different origins. That impression that was also confirmed in 2014, when essentially the same team won the World Cup in Brazil.

<sup>9</sup> Anthony King, *The End of the Terraces. The Transformation of English Football in the 1990s*, London: Leicester University Press, 1998.

<sup>10</sup> Cour de Justice des Communautés Européennes, C-415/93, ruling of 15 décembre 1995.

<sup>11</sup> Cf., among many others, Marcus Flory, *Der Fall Bosman – Revolution im Fußball?*, Kassel: Agon, 1997; or the chapter ‘Bosman : A Real Revolution?’ in Pierre Lanfranchi and Matthew Taylor, *Moving with the Ball. The Migration of Professional Footballers*, Oxford: Berg, 2001, p. 213-230.

<sup>12</sup> David Ranc, *Foreign Players and Football Supporters. The Old Firm, Arsenal and Paris Saint-Germain*, Manchester: Manchester University Press, 2012.

<sup>13</sup> Albrecht Sonntag, ‘France 98 – A Watershed World Cup’, in: Kay Schiller and Stefan Rinke (eds.), *The FIFA World Cup 1930 – 2010 : Politics, Commerce, Spectacle and Identities*, Göttingen: Wallstein, 2014, p. 318-336.

<sup>14</sup> Albrecht Sonntag, ‘Le corps de la nation – regards croisés franco-allemands sur l’équipe nationale de l’autre’, *Revue d’Allemagne*, Volume 44 (2012), Issue 4, p.469-484.





It is of course absurd to assume intrinsic superiority of pluriethnic national teams over monoethnic ones - after all, recent World Cup winners Italy (2006) and Spain (2010) did not have a great deal of ethnic diversity. The developments described merely illustrate the changes in the perception of multiethnic teams. In Germany, a major destination of mass migration in Europe, the French team was considered as somewhat bizarre up until the 1980s and, often unwittingly, described with a quasi-racist vocabulary.<sup>15</sup> Since the 1990s this is no longer possible. The (rare) critics of multi-ethnicity in football are right away identified as extreme right-wing ideologists, such as the former head of the National Front party in France, to give just one well-known example. Multiethnic football teams, both as club sides or national teams, that reflect the ethnic and cultural composition of the country in which or for which they play, have become the 'normal' state of affairs, the new standard.

The probably irreversible evolution that has occurred since the 1990s was also made possible and fostered by the emergence and consolidation of several successful initiatives, launched both top-down by football authorities and bottom-up by organised supporter groups.

In 1993, a small independent association named Let's Kick Racism out of Football was created in England by the Commission for Racial Equality and the Professional Footballers' Association (PFA). Four years later it became Kick It Out, now supported by the Football Association (FA), the Premier League, the Football Foundation and the PFA, widening its focus to 'all aspects of inequality and exclusion' in football.<sup>16</sup> Today, Kick It Out has close links with FIFA and UEFA and operates with an international outlook.

In 1996, the educational charity Show Racism the Red Card was established in the UK. This organisation, which is still active today, utilises the 'high-profile status of football and football players to help tackle racism in society'.<sup>17</sup> It offers a range of educational resources and provides training in public workshops.

In 1997, the European Commission funded several football-related projects within the framework of the 'European Year against Racism'. Based on this experience, in February 1999, following a large meeting of football supporters' groups, football players' unions and football associations in Vienna, the FARE (Football

Against Racism in Europe) network<sup>18</sup> was launched as an umbrella organisation for individuals and groups that are committed to the fight against racism and discrimination. FARE has more than 150 institutional members in over 35 European countries. One of the most visible events with which they are associated is the 'Mondiale Antirazzisti' organised in Italy.

The German bottom-up BAFF initiative ('Bündnis Aktiver Fußball-Fans'/ 'Association of Active Football Fans') deserves mention.<sup>19</sup> BAFF was founded in 1993 aiming to promote a healthy fan culture and campaign against neo-Nazi movements and all forms of racism and discrimination in football. Since 1999, its surprisingly successful exhibition on discrimination ('Tatort Stadion') has been shown in over 100 German cities. It may well be said to have triggered a significant change of attitude within the German Football Federation (DFB).

The main contribution of these groups and other similar ones - together with government initiatives such as the Spanish 'Observatorio de la Violencia, el Racismo, la Xenofobia y la Intolerancia en el Deporte' or the Italian 'Osservatorio sul razzismo e l'antirazzismo sul Calcio' - to the fight against racism and discrimination has been the systematic monitoring of discriminatory incidents and the massive increase in awareness among a growing number of football fans.

Unquestionably, the last fifteen years have seen significant change. Racism has been tackled from above and below by a significant number of initiatives, campaigns and concrete actions. Multi-culturalism has become a positively connoted norm, and ethnic exclusion a regrettable abnormality. There is heightened and expanding awareness of the variety of forms that discrimination can take. There is also a strong consensus that football needs to deal with this issue in order to remain the powerful tool for social inclusion and integration that it has always been.

However, racism and discrimination have not disappeared from football. They are present in a variety of forms.

<sup>15</sup> Albrecht Sonntag, 'Up to the expectations. Perceptions of Ethnic Diversity in the French and German National Team', in Başak Alpan, Alexandra Schwell and Albrecht Sonntag, *The European Football Championship: Mega Event and Vanity Fair*, Basingstoke: Palgrave Macmillan (forthcoming 2015).

<sup>16</sup> <http://www.kickitout.org/>

<sup>17</sup> <http://www.srtrc.org/home>

<sup>18</sup> <http://www.farenet.org>

<sup>19</sup> <http://aktive-fans.de/>

## 2.3 Forms of racism and discrimination

Racism and discrimination in football have a variety of facets. They represent a complex phenomenon that is not consistent during a game or a season.<sup>20</sup> There have been several attempts to establish a typology. One appears particularly useful in the context of this report. According to Javier Duran González and Pedro Jesús Jiménez Martín,<sup>21</sup> there are three major forms of racism with which football is concerned. Their distinction between ‘impulsive racism’, ‘instrumental racism’ and ‘institutional racism’ is very useful for understanding the phenomenon and may actually be applied beyond racism to all shades of discrimination.

### Impulsive racism

Impulsive racism is, as the term suggests, a rather uncontrolled, spontaneous unleashing of emotional impulses. It is based on general feelings of frustration and insecurity that have their origins outside of football, in economic distress or often irrational identity anxieties. It is generally expressed through verbal, and sometimes physical, abuse. The football stadium provides a unique space for the expression of impulsive racism: the large crowd seems to provide some anonymity, with a low inhibition threshold and high level of permissiveness towards verbal insult; emotions run high at a football match, ‘aggressiveness’ even may have a positive connotation as a virtue in the sporting contest, the public is actually expected to give voice to it in order to influence the game; and there is (by definition) an opponent to denigrate.

Impulsive racism is at the origin of the most spectacular cases enthusiastically picked up by the media, precisely because they are emotion-based.

### Instrumental racism

Rather than an uncontrolled transgression of rules that are temporarily ignored in the special setting of a football match, instrumental racism is much more of a conscious act. It is a selective use of racist and discriminatory discourse that does not need to be backed up by an ideological conviction or belief. Racist abuse

becomes an ‘instrument’, a rhetorical tool, which is selectively directed against specific persons or groups in the logic of ‘in-group’ consolidation by ‘out-group’ denigration. Football audiences who use instrumental racism are perfectly aware of its transgressive nature. They express it either in a cynical manner – without much consideration for its implications – or, allegedly, in a partially ironic, ‘tongue-in-cheek’ fashion.

The ironic, allegedly ‘joking’ character of discriminatory slogans, banners or chants is often also invoked in attempts to downplay, minimise or trivialise incidents that have been singled out and criticized by media or activists.

Neither impulsive nor instrumental racism are a preserve of the terraces or nowadays, fans’ ends. Both also occur in VIP lounges and even on the pitch itself, as several highly publicised incidents involving top coaches and players like Luis Aragones, John Terry, or Luis Suarez have shown.

### Institutional racism

Institutional racism, xenophobia and discrimination refers to habits and practices that are often implicit and not necessarily intentional and to agreements (mostly tacit) applied within sports organisations that effectively block appropriate participation by minorities. These practices – that are of course far from being limited to sport – have become ingrained in the ‘normal’ everyday operations, running and power struggles of organisations. They have become consolidated over decades and the cultural change required to break these habits is extremely difficult to bring about.

Professional football management boards of professional football give the impression that their composition is protected by an unbreakable glass ceiling, both in terms of gender and ethnic minorities. So is the pool of top-flight coaches and referees. ‘A white establishment is allowing black players to play its white game’,<sup>22</sup> as Jonathan Long and Kevin Hylton summarised it. Moreover, even when this white establishment generously allows ‘exotic’ countries to organise the game’s greatest flagship competition, it finds ways to comment on all organisational aspects with racist undertones, as David Ranc described in an angry blogpost of June 2014 that became viral in Brazil simply because it hit a very sensitive chord of perceived humiliation.<sup>23</sup>

<sup>20</sup> Jon Garland and Michael Rowe, *Racism and Anti-Racism in Football*, London: Palgrave Macmillan, 2001.

<sup>21</sup> Javier Duran González and Pedro Jesús Jiménez Martín, ‘Fútbol y Racismo: un problema científico y social’, *Revista Internacional de Ciencias del Deporte*, Vol. 2 (2006), Issue 3, p. 68-94.

<sup>22</sup> Jonathan Long and Kevin Hylton, ‘Shades of white: An examination of whiteness in sport’, *Leisure Studies*, Vol. 21 (2002), issue 2, p. 87-103. See also Pascal Boniface’s remarks on institutional racism in his ‘White Book’ on French football: Boniface, Pascal (2008), *Le Livre blanc du football*, Paris: FFF, p. 27. Available online at <http://www.iris-france.org/docs/pdf/2008-livre-blanc-football.pdf> (accessed Sept. 2015)

<sup>23</sup> David Ranc, ‘The World Cup 2014 in Brazil: better organised than the Olympics in London 2012?’, *FREE blog*, 26 June 2014, accessible <http://www.free-project.eu/Blog/post/the-world-cup-2014-in-brazil-better-organised-than-the-olympics-in-london-2012-1928.htm>.

As much as racist and discriminatory behaviour may have been to a certain extent comprehensible (though never excusable) in the 1970s and 1980s, it might have been intuitively expected that the massive changes occurring in society and in football since the early 1990s would have resulted in the almost complete elimination of openly racist behaviour within the sport. There is, however, significant evidence to the contrary. Various forms of racism and discrimination persist, at all levels of professional football, 'perhaps in a more covert and surreptitious form'.<sup>24</sup>

## 2.4 Incidents, responses, interpretations

The objective of this report is not to draw an exhaustively inventory racist and discriminatory incidents over the past decades. Activist networks, observatories or civil society initiatives including those mentioned above, are already very efficient in monitoring events. Nevertheless, a look at a few reported incidents from the last two years will help illustrate the different facets of racism and discrimination today in the football stadiums (including the 'silent', unreported ones) as well as the different responses and interpretations that may be given.

### The 2014 FIFA World Cup in Brazil

During football's mega events that the media are particularly sensitive to racist and discriminatory behaviour. This is due not only due to the fact that they are particularly mobilised, with a significantly larger number of journalists than in normal circumstances, but also to the nature of the event. The World Cup brings together all countries and regions that have been at one time or another (gently) called 'football crazy': the Latin part of both the Americas, Europe and Africa, and increasingly also Asia, as its interest for 'the Beautiful Game' is catching up with other continents. As a result, the World Cup is expected to be a peaceful party during which the keywords are friendship, respect and goodwill in fair competition. In such a setting, the ugly face of discrimination is even more disturbing.

The World Cup 2014 in Brazil was no exception. Although it was by and large considered to be a great success, it also had to face the issue of discrimination.

Some incidents were extensively reported in the media.

Chanting from the Mexican fans during the game against Cameroon was perceived as homophobic on the occasion of the game against Cameroon. Every goal kick was met with the shouting of '¡Puto!', which may be construed as a derogatory way to refer to homosexual men, as it was, by a section of the media and anti-discrimination activists. When charged by FIFA, according to the Press Association, the Mexican FA claimed that the reference was not 'insulting' in this specific context.<sup>25</sup> This incident underlines the difficulty of assessing what exactly is insulting or discriminatory; and how contradictory points of view might co-exist.

During the game between Germany and Ghana, at least two racist incidents were reported in the media. The first event involved a number of German supporters who had painted their faces black (some of them wore a tee shirt where Ghana was written with a marker pen). In this case, as in the Mexican one, the usual ambiguity surfaced, beyond the question of the context: it is not certain that the offenders realised that their actions were insulting to the minorities on the receiving end - or how insulting they were.

A second event during the German-Ghana game was much less open to interpretation. A member of the audience rushed onto the pitch; on his chest was painted an email address that unambiguously referred at least to Adolf Hitler, the SS and the concentration camps.<sup>26</sup>

Racial abuse from some England fans to others was also reported twice during the same game (FIFA World Cup Brazil 2014: Uruguay v England) - one instance also involved a physical attack - this caused extensive media uproar in the UK.

Conspicuous though they may be, such events were not overwhelming at the World Cup. The FARE network registered incidents at 12 out of 64 games.<sup>27</sup> They involved supporters of Germany and Mexico (at 2 games each), Russia, the Netherlands, France, England, Belgium, Brazil, Colombia, Croatia (1 each). 6 cases involved references to Nazi Germany, the second Reich or White Supremacy; 3 had to do with the practice of 'blackfacing', 3 with homophobic slurs. It seems discriminatory acts were overwhelmingly committed by European supporters - but a bias might be introduced by the fact that reports came from a Europe-based network,

<sup>24</sup> Cashmore and Cleland (2014), op. cit., p. 78.

<sup>25</sup> Press Association, 'Mexico cleared by Fifa over alleged homophobic chants by World Cup fans'. 23 June 2014. (accessed via [www.theguardian.com](http://www.theguardian.com)).

<sup>26</sup> Simon Rice, 'World Cup 2014: Fifa investigate image of fans wearing black face paint during Ghana vs Germany', The Independent. 23 June 2014. <http://www.independent.co.uk/sport/football/international/world-cup-2014-fifa-investigate-image-of-fans-wearing-black-face-paint-during-ghana-vs-germany-9556535.html>

<sup>27</sup> Fare, 'Discriminatory incidents recorded by the Fare Network at the FIFA World Cup 2014. Brazil.' <http://www.farenet.org/wp-content/uploads/2014/07/Fare-World-Cup-2014-monitoring-report.pdf>







looking at displays of racism which can be understood from a European point of view.

A similar bias might explain something otherwise difficult to account for, perhaps: no misogynistic incident apparently occurred at the World Cup. This is hard to believe, as the tone of the coverage itself may be interpreted as having been surreptitiously dominated by a male point of view. Figures to quantify the phenomenon precisely are lacking, but as seems to have become standard in the World Cups, the audience included slightly more women than the typical league game for a club. More surprisingly, female spectators seem to have received more than their fair share of attention from TV cameras: scantily clad women in their teens or twenties were highly noticeable on television during a number of the games. Arguably good-looking, younger women received more air-time than more average looking, older men. It would probably not be too far-fetched to say that, once more (as previous studies have already demonstrated),<sup>28</sup> women were objectified in media coverage and displayed as objects for sexual desire. It is noteworthy, though, that this media phenomenon is not specific to football: it is also found in other footage of live events which have nothing to do with football – for example concerts, festivals and even ‘royal weddings’.

Discrimination can indeed be very subtle as football author David Goldblatt emphasised in *The Observer*: although it is difficult to know who identifies as white, black or from another ethnic group, the stands certainly looked noticeably whiter than the teams on the pitch (many of which, at least from Europe or Latin America, appeared to be multi-racial).<sup>29</sup> While the World Cup may be played by footballers of very diverse origins: from all continents, all races, most religions and different classes; it seems to remain typically watched by and broadcast for the most affluent, arguably whitest, male elites from the host country and abroad.

### Outside the World Cup

Outside the World Cup, football news in the last two seasons, from 2013 to 2015, carried its usual share of items reporting discrimination surrounding ordinary (usually club) football. Among these, here are a few

examples from all continents that point out the diversity that such incidents can have.

According to a second report from FARE,<sup>30</sup> Legia Warsaw was punished five times for different discriminatory incidents during the 2013-2014 season alone, despite apparent efforts from the club’s management to prevent such incidents. Since these intolerant actions were repeated, the educational value of sanctions (including partial stadium closures, and entire games without spectators) apparently were not effective.

The Confederation of North, Central American and Caribbean Association Football (CONCACAF), one of the confederations organising football on a continental basis, seems to have preferred fines to punish discriminatory behaviour – as did its South-American counterpart, the Confederación Sudamericana de Fútbol (CONMEBOL). For example, the Costa Rican club of Alajuelense was fined an undisclosed amount by CONCACAF for expression of racism by their fans against Dominic Oduro, a player of Impact de Montréal.<sup>31</sup>

Similarly, the Peruvian club of Real Garcilaso was fined by CONMEBOL for racist slurs from its supporters directed against Paulo César Fonseca ‘Tinga’ a Brazilian footballer of African descent playing at Cruzeiro Esporte Clube.<sup>32</sup> In Uruguay, Danubio FC was similarly fined for racist slurs by its spectators against Flavio Córdoba, a player of Club River Plate (Montevideo).<sup>33</sup>

Racism from the crowds has also targeted referees, most famously, in Brazil, referee Márcio Chaga da Silva. In Asia, the most notorious case is probably between two national teams. The Hong Kong Football Association (HKFA), member of the Asian Football Confederation (AFC), was fined by FIFA because of their supporters’ racist behaviour in a game against the Philippines Azkals.<sup>34</sup>

### Different responses

As the type and place of incidents vary, so do responses. The following incidents are examples of the manner in which the authorities, the public, or the individuals

<sup>28</sup> Gertrud Pfister, ‘Sportswomen in the German Popular Press – A Study Carried out in the Context of the 2011 Women’s Football World Cup’, *Soccer and Society*, Vol. 16, Issue 5-6 (2015), pp. 639-656.

<sup>29</sup> David Goldblatt, ‘On the pitch the World Cup has offered a snapshot of global migration: it’s a different story in the stands’, *The Observer*, 22 June 2014. Last accessed 10 April 2015 on [www.theguardian.com/football/2014/jun/22/world-cup-snapshot-global-migration-different-stands](http://www.theguardian.com/football/2014/jun/22/world-cup-snapshot-global-migration-different-stands).

<sup>30</sup> FARE, ‘Fare Observer Scheme in European Football Season 2013-2014 Report’. [www.farenet.org/resources/monitoring-incidents/fare-observer-scheme-european-football-season-2013-2014-report/](http://www.farenet.org/resources/monitoring-incidents/fare-observer-scheme-european-football-season-2013-2014-report/)

<sup>31</sup> SI Staff, ‘CONCACAF punishes Alajuelense for fans’ racism toward Impact’s Oduro’, *Sports Illustrated*. Last accessed 10 April 2015 on: [www.si.com/planet-futbol/2015/04/28/alajuelense-dominic-oduro-racism-concacaf](http://www.si.com/planet-futbol/2015/04/28/alajuelense-dominic-oduro-racism-concacaf).

<sup>32</sup> Anonymous. CONMEBOL fines Peru soccer club for racism. 25 March 2014 Last accessed 11 December 2014 on <http://agenciabrasil.ebc.com.br/es/node/908507>.

<sup>33</sup> Mauricio Savarese, ‘Racism in football racks up new victim: Latin America’, *Russia Today*, 21 February 2014, last accessed 10 April 2015 on: <http://rt.com/op-edge/racism-football-victim-108/>

<sup>34</sup> Olmin Leyba. ‘HK football body fined over slurs vs Azkals’, *The Philippine Star*. Last accessed 1 March 2015 on: [www.philstar.com/headlines/2014/01/20/1280803/hk-football-body-fined-over-slurs-vs-azkals](http://www.philstar.com/headlines/2014/01/20/1280803/hk-football-body-fined-over-slurs-vs-azkals)



concerned have responded (or failed to respond) to an incident:

The throwing of bananas, together with imitating monkey noises, is no doubt one of the most frequent racist abuses directed at black players (although even the German goalkeeper legend Oliver Kahn was regularly greeted in this manner by Bundesliga crowds). In May 2014, a supporter of FC Villareal threw a banana at FC Barcelona defender Dani Alves, who famously picked it up and ate it before carrying out his corner kick.

This apparently very spontaneous response aimed at ridiculing racism received backing from many other top players and was heatedly discussed and commented upon in the social media.<sup>35</sup> Dani Alves's reaction also spontaneous support worldwide, both from the traditional<sup>36</sup> media and on the Internet. The hashtag #SomosTodosMacacos went viral in Brazil, reinforcing previous examples of people or teams standing up for human rights and democracy such as Neymar or Brasileirão team Corinthians São Paulo, a team with a long history of fighting for human rights and democracy.<sup>37</sup>

Despite having made racist remarks (once more involving bananas, with regard to a fictitious player of African origin) Carlo Tavecchio was elected in August 2014 as the President of the Italian Football Association (FIGC). Although initially cleared by FIGC, in autumn 2014 both FIFA and UEFA barred Tavecchio from holding any official position within these two governing bodies for six months.<sup>38</sup>

Racist incidents in football are, not limited to the stadiums. The most notorious recent example is that a group of Chelsea supporters who, on their way to Paris for game against Paris Saint-Germain, prevented a black man from entering a wagon in a Paris metro train, and sang loudly their pride to be racist.<sup>39</sup> They were

probably inspired by John Terry Chelsea's captain, who had previously been found guilty of racist abuse against another player, Anton Ferdinand<sup>40</sup>), but nevertheless called the Paris incident 'unacceptable', ahead of a game his club played to celebrate, inclusion, diversity and equality.<sup>41</sup> With the help of an amateur video, five men were identified and judged in July 2015 at Stratford Magistrates Court in East London.<sup>42</sup>

Racist discrimination is also not necessarily based on ethnicity, but can take the shape of basic xenophobia. During the UEFA Europa League game between Žalgiris Vilnius and Lech Poznan in August 2013, the Polish fans put up a giant banner, saying 'Lithuanian serf, kneel before the Polish master'. The incident reached diplomatic proportions and was officially condemned by both countries' foreign ministries, while UEFA responded with a €5,000 fine and the closing off of part of the Miejski Stadium for Poznan's next European tie. However, it also triggered a bottom-up response during the return match, when the 'Poland Loves Lithuania' movement unfurled a banner with both countries' flags placed side by side in a heart-shaped frame.<sup>43</sup>

The Israeli football association has reportedly asked Beitar Jerusalem to suspend their policy of not hiring Palestinian footballers - apparently for fear that the whole of Israeli football could be suspended by FIFA. This response might be proof that punishments only work if they are imposed - or threatened to be imposed - on organisations which have the power to coerce other agents to act against discrimination.<sup>44</sup>

A racist incident can also be perpetrated involuntarily, as the episode around Willy Sagnol's interview in November 2014 demonstrated. The Girondins de Bordeaux coach and former French international, in describing the ideal mix in a football team, rather naively and ignorantly used stereotypes of 'African' and 'Nordic' players. The incident illustrated

<sup>35</sup> Press Association, 'Luis Suárez joins anti-racism calls after Dani Alves banana incident', <http://www.theguardian.com/football/2014/apr/29/luis-suarez-anti-racism-dani-alves-banana>

<sup>36</sup> See for example: Artur Xexeo, 'Somos todos macacos', O Globo (online), <http://oglobo.globo.com/cultura/somos-todos-macacos-12338913>

<sup>37</sup> <https://twitter.com/Corinthians/status/460854033063108608/photo/1>

<sup>38</sup> Reuters, 'Italian FA president Carlo Tavecchio banned over "banana eaters" comment'. 25 November 2014, <http://www.theguardian.com/football/2014/nov/05/fifa-italian-fa-president-carlo-tavecchio-banana-eaters>

<sup>39</sup> Ronan Folgoas, 'PSG-Chelsea : pris à partie dans le métro, Souleymane témoigne', Le Parisien. 19 February 2015. Last accessed 28 April 2015 on: [www.leparisien.fr/psg-foot-paris-saint-germain/ces-supporteurs-de-chelsea-doivent-etre-punis-19-02-2015-4545887.php](http://www.leparisien.fr/psg-foot-paris-saint-germain/ces-supporteurs-de-chelsea-doivent-etre-punis-19-02-2015-4545887.php)

<sup>40</sup> Anon., 'John Terry banned and fined by FA over Anton Ferdinand incident', BBC Sport. 27 September 2012. Last accessed on 19 February 2015 on: [www.bbc.com/sport/0/football/19723020](http://www.bbc.com/sport/0/football/19723020)

<sup>41</sup> Kieran Gill, 'John Terry labels Paris Metro racism incident "unacceptable" ahead of Chelsea's Game for Equality at Stamford Bridge with Burnley Read', Mail Online. 21 February 2015. Last accessed 22 February 2015 on: <http://www.dailymail.co.uk/sport/football/article-2962905/John-Terry-labels-Paris-Metro-racism-incident-unacceptable-ahead-Chelsea-s-Game-Equality-Stamford-Bridge.html#ixzz3YiyN7Tvc>

<sup>42</sup> André Rhoden-Paul and Angélique Chrisafis, 'Chelsea fans in Paris Metro racism row in court fight against travel bans', The Guardian, 14 July 2015, <http://www.theguardian.com/football/2015/jul/14/chelsea-fans-in-paris-metro-racism-row-in-court-fight-against-travel-bans>.

<sup>43</sup> Robert O'Connor, 'UEFA hide behind an empty fine as Polish and Lithuanian tensions continue', Blog 'Three Match Ban', last accessed 10 April 2015 <http://www.threematchban.com/articles/tensions-between-poland-and-lithuania-continue-but-uefa-again-hides-behind-an-empty-fine>.

<sup>44</sup> James Dorsey, 'Israel chides club for racism in bid to fend off FIFA suspension'. The Turbulent World of Middle East Soccer (blog). 21 April 2015. Last accessed 22 April 2015 on: <http://mideastsoccer.blogspot.fr/2015/04/israel-chides-club-for-racism-in-bid-to.html>



what happens when an individual with low awareness of what constitutes racist discourse is confronted with an environment where public sensitivity has massively increased in recent years.<sup>45</sup> In response to this flagrant mismatch, 'SOS Racisme' and 'Licra' filed a complaint, and Sagnol publicly apologised. A very similar incident happened to former Italian national coach Arrigo Sacchi in February 2015 when he spoke about the composition of Italian youth teams at an award ceremony.<sup>46</sup>

A strong response to a racist incident occurred when German-Ghanaian mid-fielder Kevin-Prince Boateng from AC Milan walked off the field after 26 minutes during a friendly game against 4<sup>th</sup>-tier club Pro Patria after being confronted with constant racist chants from fans.<sup>47</sup> His teammates followed him. Pro Patria was sanctioned by the Italian Lega Pro with a match behind closed doors. More significantly, Boateng and his team were cleared, although teams are normally not allowed to 'stop a game and abandon the pitch without the agreement of the referee or the public safety bodies', as Serie A recalled.

### Different interpretations

There are different ways of looking at such incidences of racism or other discrimination. One is stubbornly optimistic. The Football Association of England sees the increase in the report of racist abuse as a sign that such abuse is no longer socially acceptable (which in turn is a sign of heightened awareness and sensitivity), and that the battle against the expression of racism in the context of football is on the verge of being won.<sup>48</sup>

This vision, which can be defended successfully, call forth a more pessimistic question: what of the unreported discriminations, the 'silent' incidents?

What, for instance, about the daily, probably not entirely voluntary, but nevertheless unacceptable, experience of discrimination against disabled fans, which the 'Centre for Access to Football in Europe' (CAFE) has been fighting against on a long-term basis?<sup>49</sup>

What about the comparative lack of women both as spectators and as players of football (and, also, the history of preventing women from paying football until the 1970s)? What about sexist discourses in practices in both

stadiums and the media, not to mention institutionalised sexism in clubs and football authorities?<sup>50</sup>

What about discrimination on religious grounds, which is not yet a practice that can be observed in top-flight professional football, but which according to one of the experts interviewed for this report might well become a serious issue in the coming years, with increasing Islamophobic incidents reported from outside football? (Not to mention the persistent provocative use of anti-Semitic insults by various fan groups in some countries...)

What about the absence of a single openly gay player in a major football league? Some retired football players have come out: former VfB Stuttgart captain and German international Thomas Hitzlsperger for example. One even resumed playing a minor league (Robbie Rogers joined Major League Soccer club Los Angeles Galaxy after retiring). A former French coach, Olivier Rouyer, came out too, nearly fifteen years after retiring from his last coaching job (and, incidentally, 30 years after playing in the World Cup). However, all of the current football players in a top league appear to be heterosexual men - which, needless to say, is statistically highly improbable.

Another, less optimistic, way of looking at reports of racism and discrimination in the media, is to emphasise the role they have played as catalysts. They made relevant authorities, institutions, conscious of their responsibility to fight what had become a social problem. Ramón Llopis-Goig recapitulates the evolution in Spain in his recent Spanish Football and Social Change:

'The impact of some of these incidents went beyond national borders and caught the attention of the European and international mass media, who did not understand the lack of an institutional response to a phenomenon whose dimensions had increased to the point of becoming a true social problem. Of all of them, three incidents had the most influence on passing the 'Law against Violence, Racism, Xenophobia and Intolerance in Sport' on 11 July 2007 (Law 19/2007), and all three occurred between 2004 and 2006. The first incident was the controversy created by

<sup>45</sup> Jérôme Latta, 'Willy Sagnol dans le piège des stéréotypes', Le Monde Blog 'Une balle dans le pied', last accessed 10 April 2015, <http://latta.blog.lemonde.fr/2014/11/05/sagnol-dans-le-piege-des-stereotypes/>

<sup>46</sup> Greg Lea, 'Arrigo Sacchi and Italian football's ethical dilemma about foreign players', The Guardian, 18 February 2015, last accessed 10 April 2015, [www.theguardian.com/football/these-football-times/2015/feb/18/arrigo-sacchi-italy-football-ethical-dilemma-racism-foreign-player](http://www.theguardian.com/football/these-football-times/2015/feb/18/arrigo-sacchi-italy-football-ethical-dilemma-racism-foreign-player)

<sup>47</sup> BBC, 'Milan and Boateng escape punishment over walk-off', 15 January 2013, last accessed 10 April 2015, <http://www.bbc.com/sport/0/football/21036120>.

<sup>48</sup> David Conn, 'Football Association welcomes a 70% rise in reporting racist abuse', The Guardian, 2 March 2015. Last accessed 5 March 2015 on <http://www.theguardian.com/football/2015/mar/02/kick-it-out-racism-football-fa-david-conn-lord-ouseley>

<sup>49</sup> FREE (Football Research in an Enlarged Europe), FREE Policy Brief No. 2:Football Stakeholders & Governance, 2015, <http://www.free-project.eu/documents-free/Forms/FREE%20Policy%20Brief%202%20-%20Governance.pdf>

<sup>50</sup> FREE (Football Research in an Enlarged Europe), FREE Policy Brief No. 3:Women's Football and Female Fans, 2015, <http://www.free-project.eu/documents-free/Forms/FREE%20Policy%20Brief%203%20-%20Feminisation.pdf>

the words of Luis Aragonés when trying to encourage the Spanish footballer Reyes, in relation to his teammate at the time in Arsenal, the French player Thierry Henry, during a training session of the Spanish national team in October 2004. The second has to do with the xenophobic chants to black English players at the Spain-England match held in the Santiago Bernabéu stadium (Madrid) in November 2004. And the third involved the insults received by Samuel Eto'o at Romareda stadium (Zaragoza) in February 2006. The news coverage of these three events was decisive in making society, governmental authorities, and Spanish football directors aware of the growing seriousness of the racism problem in Spanish football if sufficient measures were not taken quickly.<sup>51</sup>

However, it is very important to put all of these phenomena back into the proper context. There are tens, if not hundreds of thousands of professional games each year. For example, in France alone, 400 games involving top division clubs are played every season. Twice as many games include professional clubs in France alone – 209 countries are registered members of the world governing body FIFA.

## 2.5 The situation today - findings from the survey

The long litany of racist and discriminatory incidents that can be monitored in most of the countries where football is played needs to be put into perspective. This caveat was put forward by a large number of experts interviewed for this survey, who insisted on pointing out that a minority of spectators is at the origin of incidents like the ones described above.

They have a point: if in absolute terms, each individual racist abuse or act of discrimination is of course one too many, and if the list seems rather depressing, these occurrences nevertheless must also be regarded in relation to many games that take place each week all around the world. The number of recorded events of flagrant discrimination pales in comparison.

Football is almost certainly the most popular spectator sport on the planet. It is only logical that it has become the greatest sounding board for these phenomena, giving them more resonance than they would have elsewhere.

Football is not uniformly and entirely plagued by discriminatory behaviour.

### The importance of racism and discrimination

It is clearly a difficult task to assess the presence and impact of a phenomenon present in many different shapes and sizes and that varies significantly according to the places where it is observed and the sensitivity of the observers.

During the qualitative survey carried out for this report, a large majority of the experts and actors that were interviewed agreed on the fact that racism and discrimination still were 'an important issue' in their country. At the same time, when asked to position this 'importance' on a scale from 'zero' (= inexistent) to '10' (= widespread and out of control), the average rating was below 5, sometimes even between 1 and 3.

The assessment of the magnitude of racism very much depends on the national context of the respondent. Those from Germany or France concurred that racism is no longer the most pressing problem while somewhat alarming assessments were made by respondents from Italy or Spain, with Latin American respondents were in a middle ground. Perceptions also depend, of course, on the manner in which respondents are concerned by the issue: it comes as no surprise that anti-racist activists are particularly attuned to the issue and tend to be the most alarmed about it.

The divergence in overall evaluations notwithstanding, with very few exceptions, respondents clearly agreed that expressions of racism and discrimination in football have declined over the past fifteen years (the degree to which they have declined varies between different countries). This observation is commensurate with general findings obtained by opinion polls about the decline of openly racist attitudes in society. It is also the conclusion of the comprehensive inventory of discrimination and anti-discrimination in (European) football fan cultures provided by the very recently published collective volume *Zurück am Tatort Stadion* ('Back at the crime scene football stadium'), whose title is an allusion to the cited German exhibition and whose authors can certainly not be suspected of playing down or minimising the phenomenon.<sup>52</sup>

### The perception of racism and discrimination by the football authorities

In the words of several interviewees, discrimination in professional football has become an increasingly

<sup>51</sup> Ramón Llopis-Goig, *Spanish Football and Social Change: Sociological Investigations*. Basingstoke: Palgrave Macmillan, 2015.

<sup>52</sup> Gerd Dembowski, Jonas Gabler, Martin Endemann and Robert Claus (eds), *Zurück am Tatort Stadion. Diskriminierung und Anti-Diskriminierung in Fußball-Fankulturen*, Göttingen: Verlag Die Werkstatt, 2015.





‘sensitive’ or ‘uncomfortable’ topic in a context where economic stakes are high.

A significant number of interviewees, especially among those who considered racism an ‘important problem’ in their country, felt that football authorities are actively involved in attempting to reduce racism and discrimination and tend to downplay the phenomenon, to ‘trivialise’ it. They are also quick to blame convenient culprits such as specific Ultras groups, for the sake of their reputation (both the game’s and their organisations). “Upsetting the business is not allowed”, as one of the experts regretted. Contrary to the assertion made by Brian Holland for the British context in an article of 1997,<sup>53</sup> none of the interviewees suspected players from ethnic minorities of minimizing racism themselves in order not to ‘rock the boat’ of a business that after all provides them with excellent salaries and celebrity status.

Leadership capacities are also an important issue. Some interviewees clearly pointed to a lack of appropriate leadership by football authorities at all levels, feeling that officials do not possess ‘the competence to develop football in a multicultural society’. In countries where racism is considered to be of low importance, these views are, understandably, not shared.

### Homophobia and sexism

Interestingly, interviewees from countries with a comparatively low level of racism tended to focus more strongly on other discrimination instead, such as homophobia and sexism, both linked to practices of ‘ritualisation of masculinity’<sup>54</sup> and sometimes considered actually more important than racism today. Clearly, forms of discrimination are hierarchised depending on the local context, history and previous fights.

There is, however, a consensus across all countries covered by this survey that homophobia<sup>55</sup> and sexism are serious issues at all levels of football. Several interviewees regretted that the football environment visibly does not seem to allow homosexual players to come out during their active career. Homosexuality in football may be considered a real ‘taboo’, even though, according to the interviewees, general acceptance of homosexuality clearly has risen in most parts of societies (less so, it was pointed out, in rural, traditional or religious communities), as it has in many countries in Europe or Latin America (with the notable exception of Russia).

As one interviewee put it, ‘concerning homophobia, we will have to undergo the same evolution as we did for racism’. Another interviewee pointed out that the fight against homophobia is likely to be more difficult for linguistic reasons, not only because homophobic insults have been part of ‘the stadium vocabulary’ for such a long time, but also because ‘many fans simply do not have the language to talk about the issue’, for instance when one of their own fan group members has come out as gay, lesbian, bi or transgender.

It seems that even the national governing bodies have trouble raising themselves to the linguistic standards required to fight homophobia effectively. Over recent years, the German football association (DFB), for example, has taken a series of commendable initiatives to increase the acceptance of homosexuality in top-flight and grassroots football. At the same time, it sent out a very counter-productive signal when it reduced the six-match ban for Borussia Dortmund’s goalkeeper Roman Weidenfeller to three matches after requalifying a racist insult including the term ‘schwarz’ (black) as a ‘merely’ homophobic one, including the adjective ‘schwul’ (gay).

The fight against homophobia in football suffers from the fact that LGBT/MOGAI<sup>56</sup> people are not a visible minority. Contrary to racist insults in the football stadium, the victims of homophobia are not clearly identifiable individuals but a diffuse group of ‘others’. This topic has been taken up in a very positive manner by many grass-roots movements and initiatives, but it would certainly benefit from being the object of more in-depth empirical research.

### Discrimination against disabled persons

Today, discrimination against disabled persons is considered purely institutional, mainly reduced to issues of access to the stadiums and of opportunity to enjoy a high-quality matchday experience. It is generally believed that governing bodies are in a position to quickly remedy these problems through both pressure and guidelines for implementing best practices. Sensitivity and overall goodwill are estimated to be relatively high. As some recent empirical studies in the framework of the FREE Project<sup>57</sup> have shown, there is still a significant amount of carelessness when it comes to allotting seats or providing adequate facilities. There is also some ignorance concerning the variety of disabilities that exist: too often, the term ‘disabled’ is understood as meaning ‘in a wheelchair’, which of course covers only

<sup>53</sup> Brian L. Holland, ‘Surviving leisure time racism: The burden of racial harassment on Britain’s black footballers’, *Leisure Studies*, Vol. 16 (1997), Issue 4, p. 261-277.

<sup>54</sup> See also the concept of ‘hegemonial masculinity’ in Raewyn Connell, *Masculinities*, Sydney: Allen and Unwin, 1995. Or the empirical anthropological study by Stefan Heissenberger, ‘Entgrenzte Emotionen. Über Fußballer und ihren männlichen Gefühlsraum’, in Christian Brandt et al., (eds) *Gesellschaftsspiel Fußball. Eine sozialwissenschaftliche Annäherung*, Wiesbaden: VS Verlag, 2012, p 209-226.

<sup>55</sup> The term homophobia is used in this context as an umbrella word for discrimination on the grounds of sexual orientation.

<sup>56</sup> MOGAI is an inclusive umbrella term referring to ‘marginalized orientations, gender alignments, and intersex.

<sup>57</sup> FREE means ‘Football Research in an Enlarged Europe’, see [www.free-project.eu](http://www.free-project.eu) for further details.

one sub-group of such football fans, and arguably not the majority of disabled supporters.

There is not, however, a significant cultural problem within the vast majority of spectators and clubs. Things could change relatively quickly in the right direction if, for example, a 'Disability Access Officer' was included in the UEFA licensing system and imposed by national governing bodies. In other words putting an end to this form of discrimination is a simple issue of regulation and of creating the willingness to make the necessary resources available.<sup>58</sup>

### **Football's special position with regard to racism and discrimination**

Ignorance, and 'group-focused enmity'<sup>59</sup> are syndromes that are not limited to football spectators. It seems, however, that football is particularly prone to the expression of racist and discriminatory attitudes and language. The individuals surveyed for this report were unambiguous about the unique situation of football. Explanations vary among the interviewed experts, some of which are given here:

A leading reason for a stronger presence of racism and discrimination in football as compared to other sports is its immense popularity and its place in the media, which provide a unique 'visibility' or 'echo' to individuals and groups that seek public outlets for racist and discriminatory attitudes. Following this reasoning, some of these groups might move to other sports if these guaranteed a similar or even higher degree of resonance. However, this logic is not borne out by the apparently significantly lower degree of discriminatory discourses in the comparably sized crowds of American football, basketball or baseball.

This difference is explained by the strong traditions of 'high permissiveness' and 'low inhibition' that seem to characterise stadiums and crowds of association football. These traditions, over time, have consolidated habits that are now proving difficult to break.

Other interviewees pointed out that in other sports (such as basketball or rugby, for instance) there is a stronger 'culture of fairness', due perhaps to a lesser degree of 'fanaticism' encouraged by the media.

It was also pointed out that more than any other team spectator sport, football has developed an extremely

'high degree of organised fan culture', that functions not only as multiplier or amplifier of rivalries, but also as a powerful 'opportunity for socialisation', with the effect of reproducing traditional habits with a certain degree of inertia.

Lastly, due to a traditional very masculine stadium environment that has only recently begun to become more 'feminised', the atmosphere in football stadiums is believed by several interviewees to be charged with a 'high level of testosterone' that can hardly be found to the same extent in other sports. Clearly, this observation is very much in line with what has been said above on the topic of 'hegemonic masculinity', and unsurprisingly there was a general agreement that on the individual issue of homophobia, football is indeed unique as compared to other sports.

### **Top-flight/professional football vs. amateur/leisure football**

Although there was consensus within the expert panel on the special position of football with regard to racism and discrimination, there was a wide range of opinions concerning the difference or lack thereof between the presence and expression of these phenomena at the different levels of the football pyramid. The range of views can be summarised as follows:

For some, the problem of racism and discrimination is precisely the same in professional or amateur football (including youth football). The same psychosocial 'mechanisms' are at work, the phenomenon is 'just not as visible' in amateur football due to the lack of media presence. There are also fewer sanctions, since amateur referees are less well protected and therefore more reluctant to report incidents that would not go unnoticed in professional football. Discourses are said to 'trickle down' from the football stadium to the youth pitches, and the fact that star players explicitly celebrate their goals with supporter groups that are known to wave racist and discriminatory banners has a 'disastrous' effect on children, as one expert pointed out.

For others, professional and leisure football are not comparable. Especially in Latin America, racism and discrimination are 'not of the same magnitude' on amateur and youth level. This was also said to be the case in European countries where immigrant populations have been participating widely in amateur football, not only in urban but also in suburban and rural

<sup>58</sup> Frederick van Treck, 'In den heutigen Stadien kommen auch Menschen mit Behinderung auf ihre Kosten', interview with Jochen Dohm, president of the Federal Working Group for Disabled Fans, in: Zurück am Tatort Stadion, op. cit., p. 80-89.

<sup>59</sup> 'Group-focused enmity' ('Gruppenbezogene Menschenfeindlichkeit') is a concept developed by the Institute for Interdisciplinary Research on Conflict and Violence at the University of Bielefeld (under the direction of Wilhelm Heitmeyer). It is defined as 'a spectrum of prejudices against a range of very different groups targeted by hostile mentalities (social, religious, ethnic, lifestyle groups)', as 'a syndrome with a shared core of ideology of inequality'. For a comprehensive European report, see Andreas Zick, Beate Küpper, Andreas Hövermann, Intolerance, Prejudice and Discrimination, Berlin: Friedrich-Ebert-Stiftung, 2011. See also the institute's detailed web pages on the topic <http://www.uni-bielefeld.de/%28en%29/ikg/projekte/GMF/>.



environments, and have been for decades.

A third group distinguished between different levels of professional and amateur football. The top-flight leagues of professional football were believed to be increasingly free of openly displayed racism and discrimination, since they have undergone a process of 'gentrification and intellectualisation'. They are also 'under close public scrutiny and professionalisation pressure'. However, the lower divisions of professional football appear to have attracted those individuals that were banned from the top leagues. Regarding amateur football, it was considered that the level of racist abuse from spectators was indeed relatively low, but that the players themselves used racist discourse 'in provocative strategic attitudes of destabilisation' that are simply 'part of the social game'.

One expert stressed that in England the assumption that the lower professional level was more 'infected' with racism and discrimination due to the gentrification of the Premier League was a 'massive cliché'. According to this expert, the general mood in the stadiums was the same and the taboos of certain behaviours had trickled down from the top.

Such conflicting views on a seemingly 'simple' question are a reminder that racism and discrimination in football are not uniform phenomena and that they cannot be easily compared across cultures and across the very different forms football can take. The answers also point to a lack of empirical studies on the ground, including field research with right-wing supporter groups, anti-racist Fanprojekte or youth and amateur teams in multicultural settings. National and regional football governing bodies would be well placed to commission such studies, in order to gather more data and perhaps develop relevant indicators for various forms of discrimination.



Chapter 3

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# Legal measures





The fight against racism and discrimination in football has a variety of origins. On the one hand, distinct phenomena of violence surrounding sport (especially football), lumped together under the catch-all word 'hooliganism' have prompted strong responses from policy makers (especially legislators) since at least the 1970s - and increasingly so after the 1985 Heysel stadium disaster<sup>60</sup> (see also the section on 'The emergence of racism and discrimination in football' in chapter 2). Governments reacted with measures of social control.<sup>61</sup> A progressive criminalisation of hooliganism and, in particular, of behaviour such as racial chanting also took place.<sup>62</sup> Often, measures against racism and other forms of discrimination in sport have therefore been only a postscript of more general 'anti-hooliganism' measures. At an early stage, this led to significant improvements.

In retrospect, however, considering the topic purely or predominantly from the point of view of physical violence may have been detrimental to the fight against racism and discrimination, which belong to the field of symbolic (yet undeniably real) violence. This being said, racism and discrimination have been increasingly fought in the international and national context and, as a result, also in football.

Set within two different contexts (the fights against violence in sport, and against discrimination in society) actions against racism and discrimination in football take place in many ways:

Firstly, there is a flurry of legal norms at various levels, from international conventions to national laws.

Secondly, there are numerous initiatives (of sometimes very dissimilar natures).

These are, thirdly, taken by a variety of actors.

A number of rules are applicable to football spectators and actors (players, managers, club officials...). The focus of the following will be on the legal framework targeting the acts which are discriminatory with regard to the race or ethnic origin of persons. This excludes both the internal regulations of the national and international football governing bodies, and the so called 'Lex sportiva', which refers also to arbitral awards<sup>63</sup>, from the scope of this map. International and supra-national legal sources provide the foundation for much national legislation. A number of countries have been investigated in order to highlight



<sup>60</sup> Anastassia Tsoukala, *Football Hooliganism in Europe - Security and Civil Liberties in the Balance*, London: Palgrave Macmillan, 2009.

<sup>61</sup> Stuart Waiton, 'Football Fans in an Age of Intolerance', in Matt Hopkins and James Treadwell (eds.), *Football Hooliganism, Fan Behaviour and Crime*, London: Palgrave Macmillan, 2014, p. 201-221.

<sup>62</sup> Jon Garland and Michael Rowe, 'The Hollow Victory of Anti-Racism in English Football', in Matt Hopkins & James Treadwell (eds.), *Football Hooliganism, Fan Behaviour and Crime*, London: Palgrave Macmillan, 2014, p. 92-105.

<sup>63</sup> Antoine Duval, 'Lex Sportiva: A Playground for Transnational Law', *European Law Journal*, Vol. 19, n°6, November 2013, 822-842.

possible trends and patterns in the criminalisation of specific racist, xenophobic or discriminatory behaviour.

### 3.1 International Framework

Legislation against various forms of discrimination is to some extent derived from international law and applies to football as well. If there is an issue here, it is certainly not the lack of legal norms whose aim is to fight racism and discrimination. It is more likely to be the difficulty of enforcing them on the ground, in daily life, which does indeed include events in stadiums.

At the broadest level, the principle of non-discrimination is asserted in Article 7 of the **United Nations Universal Declaration of Human Rights (UDHR)**, which states that 'all are equal before the law and are entitled without any discrimination to equal protection of the law'. Among the international agreements related to human rights, a UN Convention is specifically dedicated to the topic: the **International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)**, which entered into force in 1969 and now has 177 parties.

A major 'soft' legal standard of global outreach is the **International Charter of Physical Education, Physical Activity and Sport** (quoted in section 1.3), which revises a former Charter of 1978 and was adopted by the **UNESCO** in April 2015 and will be submitted to the **UNESCO** General Conference for adoption at its 38<sup>th</sup> session in November 2015.

Looking at the example of Europe, it appears very clearly that the principles of the UDHR have formed the basis for more legislation, from both the European Union (EU) and the Council of Europe. **European Union Law** provides general non-discrimination rules that apply in the 28 EU Member-States. The system of EU Law is complex and non-discrimination provisions are established at a number of levels. The "**general principles of EU Law**" were developed by the European Court of Justice (ECJ): in the case of the fight against discrimination, they are based on the human rights provided in the national constitutions of the EU Member States and in ECHR. In addition, in 2000 the EU Member States adopted the **Charter of Fundamental Rights of the European Union** that became legally binding in 2009, when the Lisbon treaty entered into force. On the basis of the Charter's Article 21,

'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'.

Non-discrimination principles are provided also by sources of **EU secondary law** too. In 2000, two directives were adopted and both of them relate to labour law. The **Employment Equality Directive** prohibits discrimination on the basis of sexual orientation, religious belief, age and disability in the area of employment. The **Racial Equality Directive** prohibits discrimination on the basis of race or ethnicity also in the context of employment and in a wider context: accessing the welfare system and social security, as well as goods and services. These directives are particularly important for football: the presence of football players with minorities' background is common in the European Union.

The 1995 **Bosman ruling** of the ECJ stated that professional players should be treated like any other workers, therefore, it banned restrictions on players from other EU member states within national leagues: it is possible to see football clubs where a majority, or even all players are 'foreign' (they don't come from the country where the club is located). Because in sport the Union has only the competence to 'support, coordinate or supplement the actions of the Member States' (Article 6 TFEU), it is not surprising that relevant rules, like in the case of Bosman, have a jurisprudential nature.

The other hand, the **Council of Europe (CoE)** is strongly committed to fighting discrimination in all the forms it can take and with regard to all the aspects of our societies, including sport. First and foremost, the 1950 **European Convention on Human Rights (ECHR)** provides non-discrimination rules that have a direct effect in the 47 Member States of the Council of Europe. Article 14 ECHR prohibits any discrimination on grounds such as 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'. In addition, **Protocol 12 to the ECHR**, opened to signature in 2000, provides a free-standing prohibition of discrimination. However, the Protocol has been ratified by a fairly small number of countries.

The legal norms produced by the CoE on sport, and on the topic of discrimination are numerous as well as fairly detailed. They include (in chronological order):

the 1985 European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches, which focuses solely on violence and does not make specific mention of racial hatred;

the 2000 **Resolution on preventing racism, xenophobia and intolerance in sport**, which reaffirmed the commitment of the CoE Member States to take steps at the national level to prevent and combat racism,



xenophobia and intolerance in sporting events and, specifically, in football matches;

the 2001 **Recommendation on the prevention of racism, xenophobia and racial intolerance in sport**, which argues in favour of the establishment of specific rules against racism in sport offers in its appendix a broad definition of racism and emphasizes the responsibility of public authorities and non-governmental organisations, such as sports associations, in these matters;

the 2003 Resolution on the use of banned access to venues of internationally important football matches, which recognised the effectiveness of banning orders to contain disorders;

the 2007 **Enlarged Partial Agreement on Sport (EPAS)**, which provides a platform for intergovernmental sports co-operation between the public authorities of its Member States. It also encourages dialogue between public authorities, sports federations and NGOs. EPAS's objective is to improve governance in this domain and to ensure that sport conforms to the ethical standards established in the ECHR.

The most interesting of these is the 2009 **General Policy Recommendation N°12 on Combating Racism and Racial Discrimination in the Field of Sport** made by the European Commission against Racism and Intolerance (ECRI), a CoE commission that monitors racist conduct, reviews the Member States' legislation and policies and provides them with recommendations. Policy recommendation n°12 develops the 2001 Recommendation view on specific legislation and suggests several measures to its Member States:

An adequate legislation should include, among others, clear definitions of racism, legal provisions penalising racist acts and suitable compensation for the victims;

Sport clubs and federations should be considered responsible for racist acts committed during sporting events;

Appropriate mechanisms should be introduced to monitor and collect data about racist behaviour, in order to foster increased knowledge of the phenomenon and to react with efficient measures;

Countries should finance a wide range of anti-racism awareness raising campaigns in sport; Special training should be offered to police officials who deal with racist incidents occurring during sporting events;

Specific recommendations concern sports federations, referees, the advertising industry and the media; the latter, in particular, should avoid reproducing racist

stereotypes in its articles and reporting and highlight the penalties incurred by racist offenders.

The case of Europe may be extreme, as this is arguably the most integrated of all continents; thus legal norms are provided by more than one institution. Yet, there is clearly no shortage of international declaration of principles against discriminations, and they undoubtedly apply to sport, including football. However, the fight can only actually take place if national legal norms go into enough detail to ensure that these principles can be enforced. The analysis of the specific legislation provided by a selected group of EU Member States will outline to what extent the above mentioned CoE recommendations have been absorbed at national level.

## 3.2 National legislations

EU Member States adopt a range of approaches in order to fight racism in football. Some of them refer to general rules on non-discrimination, while others directly tackle the problem establishing specific provisions related to football (or, generally speaking, sport). Without any claim of being comprehensive in the limited space and scope offered by this report, the following overviews of the legislations in Italy, France, the UK, Belgium and Spain serve to outline the main principles and the penalties established and allow commonalities and differences between the solutions provided to be pointed out. A general overview of the legal framework of a second group of countries, Brazil, Germany, Hungary and Uruguay is also provided at the end of this section.

### The United Kingdom

In the UK, racist behaviour in football seem to have declined from the 1980s. Yet, as highlighted in a 2012 House of Commons report, the problem remains endemic in British society. The UK therefore provides a salient example of undeniable success in the fight against discriminations in football as well as a case for furthering efforts to combat the issue in society at large.

The UK legislation applicable to football fans is particularly abundant. A wide range of acts are prosecutable as racist and religious crimes. Originally the prohibited behaviour and the penalties were of a general nature, but the peculiarities of racist behaviour in football have led legislators to address this problem directly. Thus very specific acts/facts have been targeted and ancillary orders, in addition to the traditional penalties, have been introduced.

The legislation includes general provisions on discrimination:





A definition of racism is provided in the **Public Order Act 1986** (which provides amendments to the Sporting Events Act 1985 (focusing on acts related to offences in connection with alcohol and sporting events). The definition of racism in the 1986 act is: 'hatred against a group of persons defined by reference to colour, race, nationality (including citizenship) or ethnic or national origins'.

A comprehensive range of acts "**intended to stir up racial hatred**" is also criminalised by the 1986 Act.

A constable may arrest a suspected offender without a warrant; and after trial in court, the sentence is a maximum of 7 years' imprisonment.

**Racially aggravated crime** is defined in the **Crime and Disorder Act 1998** (as amended). Harassment (very topical in the case of football chants, for example) is included in the group of offences considered.

**Inclusion and diversity** are the objects of the Equality Act 2010 as it addresses the problem of socio-economic inequalities and discrimination. Among the key concepts related to equality, the notion of race is specified and includes colour, nationality, and ethnic or national origins. The offence of harassment is a prohibited conduct and is qualified in detail.

The UK legal system also provides a series of provisions related specifically to football:

**Exclusion orders** were introduced in the **Public Order Act 1986**, which referred specifically to the case of offences related to football. **The Football Spectators Act 1989** repealed this section of the 1986 Act but saved the main measures ('exclusion order', now called 'banning orders', by which the Court could prohibit the person convicted for certain offences, including incitement to racial hatred, from entering any premises for the purpose of attending any prescribed football match).

The Football (Disorder) Act 2000 abandoned the distinction between national and international banning orders and widened the number of cases where they can be imposed: imposing them in absence of conviction has been allowed. Consequently, the Act introduces travel bans. Scholars have raised a number of concerns about the imposition of such bans, arguing they do not respect the principle of proportionality.<sup>64</sup> Moreover, it has been

pointed out that banning orders represent civil orders performing a criminal function. They are 'initiated and enforced by the police and supported by criminal law sanctions in the event of a breach'.<sup>65</sup> Breaching a banning order is considered a 'relevant offence' and the suspected person can be arrested by a constable without a warrant. 'Relevant offences' disqualify the convicted offender from becoming or continuing to be a member of the national football membership scheme for five years when a period of imprisonment takes immediate effect, two years in the other cases.

**Two bodies** were introduced by the 1989 Act, i.e. the **Football Membership Authority** implements the national football membership scheme designed to control the admission of spectators at designated football matches and the **Football Licensing Authority** grants a licence to admit spectators to any premises for watching designated football matches. The licence can be revoked or suspended under certain circumstances.

**Indecent or racist chanting** is considered a 'relevant offence' in the Football (Offences) Act 1991. The aim is to address a specific problem, i.e. mass racist chanting within football grounds of the Premier League, the Football League or the Conference League. This legal provision is confirmed in the Football (Offences and Disorder) Act 1999 and the Football (Disorder) Act of 2000.

**Acts "intended to stir up racial hatred"** as defined in the 1986 Act are included in the 2000 Act, if committed on the premises of the football match or on a journey to or from a match (even if the offender did not plan to attend the game).

Despite deployment of this fairly complex set of rules, implementation of the legislation has seemed inconsistent and has raised some concerns. The Crown Prosecution Services have issued a Guidance that highlights the serious implications of racist and religious crimes for society. These crimes can take different forms: they may occur randomly or may be part of continued harassment. Racist behaviour that takes place during football matches is considered as an example of the first group. However, as some scholars have observed, racial chanting is only part of a more general problem. The problem of 'institutional racism' outlined above in section 2.3 is a persistent phenomenon.

Recruitment and co-optation practices have reinforced

<sup>64</sup> Hopkins & Hamilton-Smith, 'Football Banning Orders: The Highly Effective Cornerstone of a Preventative Strategy?', in Matt Hopkins & James Treadwell (eds.), *Football Hooliganism, Fan Behaviour and Crime*, London: Palgrave Macmillan, 2014, 222-247; Geoff Pearson, 'Qualifying for Europe? The Legitimacy of Football Banning Orders "On Complaint" under the Principle of Proportionality', *Entertainment and Sports Law Journal*, Vol. 3 (2005), Issue 1, available online under <http://go.warwick.ac.uk/eslj/issues/volume3/number1/pearson/>.

<sup>65</sup> Mark James & Geoff Pearson, 'Football Banning Orders: Analysing their Use in Court', *Journal of Criminal Law*, Vol 70 (2006), Issue 6, p. 509-530.



'white, middle-aged males in position of power and influence', despite the substantial number of players or members with minority background in the clubs.<sup>66</sup> The 2010 Act does not seem to have changed the situation yet.

Like England and Wales, to which the above provisions apply, Scotland initially had quite general legislation before gradually criminalising football-related violence and discrimination. The criminalisation process started with **basic offences under criminal law, racially or religiously aggravated**.<sup>67</sup> In 2006 the policy-makers transferred the English legislative response to hooliganism to Scotland: the **Police, Public Order and Criminal Justice (Scotland) Act 2006** introduced in Scotland the **football banning orders in Scotland**, on the model of the Football Spectators Act 1989 that applied to England and Wales. These orders have a hybrid nature, both administrative and criminal, and can also be imposed on people who have not been convicted of a criminal offence to prevent the risk of future football-related violence.<sup>68</sup> It has been observed that the legislator had decided to 'import' the banning orders from England although hooliganism in Scotland could not be compared to the hooliganism present in England. The recent Offensive Behaviour and Threatening Communications Act 2012 has introduced two offences: section 1 provides a long list of acts, **including racial hatred and homophobia**, that can be prosecuted, while section 6 focuses on the various forms of communication of threatening materials, which are not only related to football.

The courts have shown some reluctance to apply them; moreover, Scotland has fewer resources to implement the new legislation. All these factors may explain the contrasting situations in Scotland, England and Wales, although the legislation is quite similar. Another similarity between the three 'nations' is clearly the practical difficulty of enforcing the numerous measures.

### Italy

Similarly, Italian Law has provisions against discrimination in general and provisions specifically for football (sporting) events. In 1975, Italian Law n°654 ratified the **International Convention on the**

**Elimination of All Forms of Racial Discrimination (ICERD)**. To implement the Convention, the penalties provided for **acts related to racial hatred** (or incitement to such acts) are: imprisonment for up to one year and six months or fine up to €6,000.

In the Italian legal system the fight against racial hatred is affected by its historical background: the Constitution prohibits the reconstitution of the fascist party and the 1993 Mancino Law forbids any organisation aiming at incitement to discrimination or violence for racial, ethnic, national or religious reasons.<sup>69</sup> It also **prohibits symbols of discriminatory organisations at sporting events**. Moreover, **racial hatred is considered as an "aggravating factor"** and penalties have been increased by up to 50%.

As underlined in the Council of Europe's 2012 European Commission against Racism and Intolerance (ECRI) Report on Italy, racist behaviour often occurs during football matches, in particular verbal attacks against black players. The reaction of Italian legislators has been to modify the existing legislation (Law n°491 of 1989), which now has a wider scope and concerns sport, illegal gambling and protection of fair play during sporting events.

**The National Observatory on Sporting Events**, which seems to focus more on violent behaviour than on racist acts, was established in 2005. This may be due to the general increase in violence during football matches, both national and international, as shown in the 2014 Report of the National Observatory. Important amendments were introduced in 2007. In 2014, the scope of application of banning orders, introduced in 1989, was extended and the penalties were stiffened.

Under current Italian legislation, banning orders (D.A.SPO, i.e. 'divieto di accesso alle manifestazioni sportive') prohibit individuals from entering any premises to attend sporting events; it is an administrative measure for preventive purposes.<sup>70</sup> Such measures can be imposed by the police commissioner on persons who have been accused or sentenced (even without final judgement) during the previous five years for certain crimes. It applies not only to the so-called 'stadium offences' (and, among them, incitement to racial or ethnic

<sup>66</sup> Steve Bradbury, 'Institutional racism, whiteness and the under-representation of minorities in leadership positions in football in Europe', *Soccer & Society*, Vol. 14 (2013), Issue 3, p. 296-314. Jon Garland and Michael Rowe, 'The Hollow Victory of Anti-Racism in English Football', op. cit., p. 102;

<sup>67</sup> John Flint & Ryan Powell, "'We've Got the Equivalent of Passchendaele": Sectarianism, Football and Urban Disorder in Scotland', in Matt Hopkins & James Treadwell (eds.), *Football Hooliganism, Fan Behaviour and Crime*, London: Palgrave MacMillan, 2014, p. 71-91.

<sup>68</sup> Niall Hamilton-Smith & David McArdle, 'England's Act, Scotland's Shame and the Limits of Law', in John Flint and John Kelly (eds.), *Bigotry, Football and Scotland*, Edinburgh: Edinburgh University Press, 2013, p. 130-144.

<sup>69</sup> The Mancino Law was used in the case involving Kevin-Prince Boateng, mentioned in section 2.4.

<sup>70</sup> Florenzo Storelli, 'Il divieto di accesso ai luoghi dove si svolgono manifestazioni sportive', *Il Centro Studi di Diritto, Economia ed Etica Dello Sport*, 2011, <http://www.centrostudisport.it/dettaglio.php?id=12&categoria=dottrina>.

hatred), but also to others, such as offences against public order, violent acts, extortion, production, commerce and detention of narcotic or psychotropic substances, etc. This prohibition has a broad scope: it extends to the journey to the game, and to games taking place abroad. The competent authorities of any EU Member State can also impose such prohibition for specific sporting events that take place in Italy. Banning orders can also be issued with regard to persons who, although not sentenced or accused, during sporting events take part in violent acts or threats representing a danger to public safety or disturbing public peace, alone or in a group, in Italy or abroad, on the basis of mere factual elements. Indeed, they apply to young people under the age of 18 (from the age of 14 years).

In order to verify observance of the rules, the police commissioner may order the person to whom the banning order was issued to report to a police station during the sporting events concerned. This order must be validated by a judicial authority because it limits personal freedom. The duration of these measures is from one to five years; they may be revoked or modified in the event of a change of circumstances. The duration of the measures can also be extended in particular situations: for instance in the case of group conduct, or of repeat offences. If the measures illustrated above are infringed, the penalties are imprisonment from one to three years and a fine ranging from 10,000 to 40,000 Euros. Furthermore, the legislation allows for 'arresto in flagranza differita (postponed arrest in flagrante delicto) also for the individuals who provoke racial or ethnic discrimination, through stadium chants, banners or similar means. This entails the use of videos, photos or other objective elements to extend the notion of 'flagranza' for a certain period of time (established by law) necessary for identification of the perpetrator of the crimes.

The Italian legal system has the advantage of translating administrative football bans into law, whereas in other countries they were initially imposed by the courts.<sup>71</sup> Nevertheless, experts have pointed out shortcomings in the procedure, such as the difficulty of ensuring the right of defence for the person concerned<sup>72</sup> and the conflicts existing between the urgent nature of the banning orders and the notification requirements regarding the initiation of the administrative proceedings, to assure

the transparency of the public administration and the possibility to exercise defence rights. Indeed the police commissioner may avoid the notification for reasons of urgency; while for a part of the jurisprudence the urgent nature of the order is implicit, for another part the police commissioner has to explain the reasons for urgency, otherwise the order may be annulled by the administrative tribunal.<sup>73</sup>

As in the UK, the legal system in Italy provides a well-established set of rules to fight racism in football, and the greatest difficulties concern implementation of the rules. However, research has shown an interesting and innovative development: in 2015, the Atalanta Bergamo club reached an agreement with 40 supporters that they would do social work for the Italian Catholic charity Caritas and withdrew their complaint (*querela*).<sup>74</sup> This is perhaps an intelligent way of combining punishment with education.

### France

The French legal framework provides a **complex and wide-ranging system of rules against discrimination**, generally speaking, and against racism in particular. Among these rules, Article 225-1 of the Penal Code includes the terms 'ethnic group' and 'race' in the general concept of discrimination. The Penal Code establishes penalties for different kinds of **acts related to racial hatred or incitement to racial hatred**. Furthermore, a wide range of specific laws focusses on certain elements, such as the freedom of speech and the press. Since 2003, the penal code considers **racial hatred as an 'aggravating factor'**: for the crimes committed by reason of racism, anti-Semitism or xenophobia, the penalties have been increased.

**A detailed set of rules to fight racist behaviours related to sporting events** is provided by the Sports Code. Chapter two is dedicated to security issues and includes provisions for prosecuting racist acts. In particular, Article L332-6 condemns **any incitement to racial hatred or violence against the referee or his assistants, a player or any other person or groups of individuals**. The penalties provided are one-year imprisonment and a fine of €15,000. The formulation of the provision is quite broad and allows a wide range of behaviour to fall within its scope. The same penalties

<sup>71</sup> Anastassia Tsoukala, *Football Hooliganism in Europe*, op.cit., p. 111.

<sup>72</sup> Giulia Perin, 'Le misure di prevenzione contro la violenza nelle manifestazioni sportive. Le misure adottabili nei confronti del minore straniero', in Paolo Zatti (ed.), *Trattato di diritto di famiglia*, Vol. V - Diritto e procedura penale minorile, Milano: Giuffrè, 2011, p. 130-141.

<sup>73</sup> Giordana Strazza, 'L'obbligo di comunicazione di avvio del procedimento in caso di D.A.SPO.', *Rivista di diritto sportivo*, 2014, 1-9

<sup>74</sup> Anon., 'Atalanta, accordo con gli ultras: ritirata la querela', *La Repubblica*, [http://www.repubblica.it/sport/calcio/serie-a/atalanta/2015/04/20/news/atalanta\\_accordo\\_con\\_gli\\_ultras\\_ritirata\\_la\\_querela-112410806/](http://www.repubblica.it/sport/calcio/serie-a/atalanta/2015/04/20/news/atalanta_accordo_con_gli_ultras_ritirata_la_querela-112410806/), last accessed on 10 April 2015.



are provided in the case of introduction or exhibition, in places where sporting events take place, of banners or symbols representing a racist or xenophobic ideology, or simply any attempt to do so (Article L332-7).

**In the case of crimes related to incitement to racial hatred** during sporting events, registered sports associations, supporters' association, registered associations aiming to prevent violence during sports events and any association that has as its objective the fight against racism, xenophobia and anti-Semitism, in existence for at least three years before the date of the facts, have the right to launch civil actions (cf. the example of 'SOS Racisme' and the 'Licra' in the case of Willy Sagnol in section 2.4). Conversely, French legislation allows disbanding (or suspending for a maximum of twelve months) any association or group supporting a sports society whose members have committed, among others, incitement to racial hatred or discrimination. Maintaining or regrouping disbanded or suspended associations, as well as the participation in prohibited activities of such associations, are punishable by one-year imprisonment and a fine of € 15,000. Organising the continuation or regrouping of such entities, as illustrated before, results in doubling of penalties. Penalties are tripled if the act committed refers to the victim's origin, sexual orientation or identity, sex, membership, and real or assumed membership of a particular ethnic group, nation, race or religion.

**Banning orders** are provided by Articles L332-11, L332-13 and L332-16 and may be of an administrative or judicial nature. Judicial banning orders were introduced in 1993. They can be imposed by penal judges for a maximum of 5 years and they can involve an obligation to report to the police station. The persons concerned are recorded in a register (Fichier national des interdits de stade). Banning orders also apply for sporting events taking place abroad. Breach of the above-mentioned provisions are punished by two-year imprisonment and a fine of €30,000. For foreign citizens residing abroad, a banning order may be replaced by **prohibition of entry into French territory** for a maximum of two years. The banning order is imposed automatically in case of repeat offences.

**Administrative banning orders** were introduced in 2006 by Law n°2006-64: issued by the police (via the prefect) for a maximum of 3 months, they may be accompanied by an obligation to report to the police station during matches. A 2007 administrative circular provided a number of indications for implementation of administrative banning orders. The acts covered are not necessarily offences under the penal code. It is sufficient that the behaviour represents a threat to public order. Nevertheless, merely belonging to supporters' clubs is not sufficient grounds for issuing a banning order. Although requiring that the individual subject to a banning order

should report to the police station is not mandatory, this measure is strongly recommended because it is considered the most effective way to ensure compliance with the order. Under certain conditions, identities of those subject to a banning order can be notified to sports organisations, to supporters' associations and to the authorities of a foreign country hosting a sporting event in which a French team takes part (Art. L332-15, Sport Code).

In 2007 a Report of the French National Assembly on the implementation of these measures highlighted the different aims of the measures introduced in the Sport Code: while the aim of disbanding an association of violent or racist supporters is that it should serve as a deterrent, the aim of banning orders is prevention. Both of them are useful in reducing the deployment of policemen during football matches. The objective of the Law is indeed to distinguish between spontaneous episodes of vandalism and organised and premeditated acts. On the basis of the report, the objective of serving as deterrent was immediately effective, and in one case an association of supporters of Paris spontaneously decided to disband after the publication of the law.

The report points out that violent supporters are usually not confirmed criminals: rather they show violent behaviour only during football matches. In Paris in particular, a reduction in violent acts corresponded to a reduction in acts of racism. Nevertheless, the Report points out that the lower the football division, the easier it is to commit violent acts, because rules and controls are stricter in the top 2 divisions. Indeed, as suggested by some interviewees in section 2.5, the highest number of violent acts is committed at non-professional football matches; they are less organised and are the result of spontaneous behaviour by individuals.

## Belgium

The work of the Belgian legislator to improve the legal instruments in order to fight racism are numerous; one of the fundamental acts is the Law of 30 July 1981, which provides a **broad definition of 'discrimination'**, including any act of direct intentional discrimination and indirect unintentional discrimination based on one of the protected criteria that include nationality, race, skin colour and national or ethnic origin. **Any person inciting to such discrimination, to hatred or violence**, is punished by prison sentences ranging from one month to one year and/or a fine ranging from €50 to €1,000. The same penalties apply in cases of diffusion of racist ideas and of belonging to an organisation advocating discrimination.

More specifically, the 1998 law related to safety during football matches, known as 'Loi foot', introduced rules in Belgium concerning, among others measures, **the**





**fight against racism in football.** The formulation is quite general as it punishes those who, individually or in groups, incite to physical harm, abuse or hatred towards one or more persons, whether in a stadium, within its perimeter or elsewhere (related to the organisation of a football match). Penalties for the organisation of a football match). The penalties for the above-mentioned acts are an administrative fine from €200 to €5,000 and/or a **banning order** ('interdiction de stade') from three months to five years. If mitigating factors exist, fines may be reduced, but cannot be less than €125. The banning order may refer to the perimeter of the stadium too, for the same duration. These penalties also apply to persons ordinarily residing abroad. A banning order may include the supplementary administrative obligation to report to a police station (for a maximum period of three months). In the case of breach of this order, the duration of the supplementary duty is extended for one month, and a fine of €500 is imposed. If the person concerned does not report for at least three times during the same administrative obligation, the penalties provided are a term of prison sentence (from six months to three years) and/or the fine of €25,000.

The text does not seem very detailed but is adequate for the purpose and is completed by the disciplinary regulations of the Royal Belgian Football Union (KBVB), as pointed out by a 2014 ECRI Report. The disciplinary regulations punish all kinds of intolerant behaviour, such as statements and insults, without requiring a specific intent to recognise the existence of the offence. Indeed, the ECRI Report highlights the system of good practices in **reporting case of intolerance and adopting and implementing the disciplinary measures.** In a report of 2006 from the University of Liège, a reduction in the incidents subsequent to the entry into force of the 'Loi Foot' is recorded; nevertheless, the law seems to be only one of the factors that explain such progress and the authors affirm that it has been only partially successful.<sup>75</sup>

### Spain

Article 501(1) of the Spanish Criminal Code punishes the **incitements to discrimination, hatred or violence against groups or associations for racist, anti-Semitic or other reasons** on the grounds of beliefs, religion, family situation or the belonging of their members to an ethnic or racial group, national origin, sex, sexual orientation, or disability. The penalties include imprisonment from one to three years and fines. Although the scope of the provision seems to be very broad, allowing the criminalisation of a wide range of

behaviour, experts have observed that case law existing on the matter is limited.<sup>76</sup>

Spain also has legislation specific to sport (including football). Law 19/2007 provides a broad **definition of racist, xenophobic or intolerant acts in sport**, including **racial chanting**, and has defined racial, ethnic, geographic or social origin, religion, beliefs, disability, age or sexual orientation as grounds for discrimination. It is also forbidden to introduce, display or produce banners, flags, symbols or other signs inciting to violence or racial hatred or causing offence or harassment on the basis of the racial or ethnic origin, religion or beliefs, disability, age, sex or sexual orientation. Indeed, any act that is qualified by the regulations as violent, racist, xenophobic or intolerant is condemned and qualified a serious offences. The penalties that can be imposed also include **banning orders** for a maximum of five years. Specific penalties concern the clubs and the players (such as disqualification, loss of points, fines, etc.). The spectators of sporting events must agree to be subject to controls related to these measures to attend the sporting events.

Taking part in **chanting that is racial or xenophobic**, or that incites to violence or terrorism, or in violation of any other constitutional breach, is prohibited. Anyone infringing such prohibitions can be immediately expelled from the sporting venue, and penalties can also be imposed.

A wide range of **obligations are imposed on organisers of the sporting events**, in order to ensure the control of spectators for safety purposes. In the case of high-risk matches for occurrence of racial incidents and violence, the clubs and persons organising the sporting events must inform the State Commission against Violence, Racism, Xenophobia and Intolerance in Sport and strengthen safety measures. Moreover, the clubs and persons organising the sporting events established by the State Commission against Violence, Racism, Xenophobia and Intolerance in Sport must keep a register containing information about the supporters or associations/groups of supporters. The supporting associations must be registered. In the event of incidents during sporting events, the referee can decide to suspend the match, temporarily or permanently. The Law also includes provisions aiming to abolish obstacles to equal treatment when it comes to the incorporation of immigrants in sporting activities at the non-professional level.

In addition to the above, two **institutions** were created to

<sup>75</sup> Bertrand Fincoeur, Manuel Comeron, André Lemaitre, Georges Kellens, Étude du supportérisme et de manifestation de violence dans et autour des stades de football en Belgique, Service Public Fédéral Intérieur / Université de Liège, 2006, p. 168.

<sup>76</sup> Rios Corbacho (2014), *Violencia, deporte y derecho penal*, Madrid: Rustica, p. 21





deal with this problem. **The Observatory on Violence, Racism, Xenophobia and Intolerance in Sport** was established in 2004 and consolidated in 2007, to carry out a number of tasks related to studying, submitting and monitoring to prevent racist behaviour in sport. It is governed by the Superior Council of Sport, which in turn is controlled by the Presidency of the Government. Secondly, **the State Commission against Violence, Racism, Xenophobia and Intolerance in Sport**, established in 2008, can propose penalties, such as fines or bans, on federations, clubs and supporters. Sanctions are then imposed by the relevant regional administrative authority that is territorially competent. ECRI reports that numerous sanctions have been imposed, in particular against individuals. The act of shouting racist insults at players has been punished using this system, but it is limited to professional competitions in football and basketball. ECRI suggests its extension to all sports.

The 2012 ECRI Report on Spain recognised the efforts made to fight racism and xenophobia in football. In particular, the adoption of Law 19/2007 against Violence, Racism, Xenophobia and Intolerance in Sport introduced specific measures to tackle the problem of hooliganism. The draft of the law took into account ECRI General Policy Recommendation n°12.

### Germany and Hungary

While in Germany **the Constitution** does not have provisions concerning sport, and sports legislation is a competence of the Länder (not of the federal State), in Hungary the Constitution establishes the right to physical and mental health and the Government has to ensure access to sporting activities.<sup>77</sup>

The ECRI Reports on Germany (2014) and Hungary (2009 and its 2011 interim follow-up) do not detail specific regulations to **fight against racism in sport**. From these reports two peculiar situations emerge. In Germany (as in Italy) the fight against racism is linked to the history of the country and the constant fear of a rebirth of Nazi movements (it is significant that the historical reference was spontaneously made by all German interviewees during the survey for this report). In Hungary the problem of the protection and integration of minorities (especially the Romani) is everpresent. In particular, segregation of Romani pupils in schools is a source of deep concern. Both countries refused to ratify Protocol n°12 of the European Convention on Human Rights, but their legal frameworks contain different strong and weak points. The fight against racism has different priorities in each country and therefore calls for tailor-made action.

According to the ECRI report, reunification of Germany, at the beginning of the 1990s led to an increase in racial violence. In the Western part of the country support for extreme right-wing parties decreased, while in the Eastern part the opposite trend emerged. **The definition of racism** provided by German legislation is considered narrow and it mainly concerns organised groups. The Criminal Code prosecutes incitement to violence, hatred or any arbitrary measures, insults and defamation, if such acts are likely to disturb public order (Art. 130). This condition introduces an additional requirement that is considered to cause a higher degree of impunity. Indeed, the provision does not prohibit all incitement to racial discrimination (only any 'arbitrary measure') and does not include the grounds of colour and language. In both 2008 and 2012, attempts to introduce the ground of **racial hatred as an aggravating circumstance** into legislation failed; in 2014 a further attempt was made. Nevertheless, the efforts of Germany to improve its legislation are appreciated by ECRI. In particular, the ratification of the Additional Protocol to the Convention on Cybercrime will incorporate criminalisation of racist and xenophobic acts committed through computer systems. **The Federal Anti-Discrimination Agency**, established in 2006, is committed to carrying out concrete action on the territory, and specialised local agencies exist in several Länder.

**In Hungary** a rise in racist public discourses has been observed, but only a few of them can be prosecuted. The reason is the very high level of freedom of expression guaranteed by the Constitution that makes it impossible, in the opinion of ECRI, to introduce strong legislation against racist expression; therefore **only the most extreme forms of racist expressions, liable to induce immediate violent acts, are currently prohibited**. In particular, the amendments to the Criminal Code introduced by the authorities, to comply with the ECRI recommendations, were declared by the Constitutional Court to be in conflict with the freedom of expression provided by the Constitution (decision 18/2004). Consequently, incitement against specific communities is not prosecuted. In 2008 other amendments adopted by Parliament were considered unconstitutional (decision 236/A/2008). Indeed, under Hungarian **criminal law, racist motivations do not yet represent an aggravating circumstance** for ordinary offences. Beyond these issues related to their legislation, the implementation of the existing rules also appears difficult, because the data available to the authorities is insufficient to identify the priorities for the government to carry out an effective response. Finally, unlike Germany, Hungary did not sign the Additional Protocol to the Convention on Cybercrime.

<sup>77</sup> André-Noël Chaker, Good governance in Sport - A European Survey, Council of Europe, 2004, p. 63-65.

However, some steps have been taken forward in the fight against racism can be highlighted. Since 2003, in Hungary non-governmental organisations can act as plaintiffs in court cases where action is assumed to be discriminatory, even if no individual harm has yet been suffered. Moreover, the burden of proof is shared by the offender and the victim in the cases of discrimination. The legislation prohibits both direct and indirect discrimination on a wide range of grounds, including racial origin, skin colour, nationality, national or ethnic origin, mother tongue and religious convictions. The Hungarian legal system also includes a minority self-government system to protect and enforce the rights of the national and ethnic minorities. Since 2005, the Equal Treatment Authority is responsible for dealing with complaints concerning discrimination.

### Brazil and Uruguay

The situation in Brazil and Uruguay shows similarities with all these European countries. Both article 5 of the Brazilian Constitution and Article 8 of the Uruguayan Constitution proclaim **the equality of everyone before the law**. In particular, the Brazilian constitution tasks the Law with punishing discrimination and qualifies racism as a crime: “the practice of racism is a non-bailable crime, with no limitation, subject to the penalty of confinement, under the terms of the law” (Article 5, XLII).

Law 7716/89 follows up and defines the crimes resulting from the racial and colour prejudice in greater detail. It primarily affects the labour law, focusing on discrimination that concerns, for example, recruitment and promotion. Penalties include fines and imprisonment, but also social service in communities that, for example, raise awareness on topics such as racial equality. Among the discriminatory acts taken into consideration, the law mentions limitation of access to commercial facilities, hotels, restaurants, structures where sporting events take place, transportation, and the refusal to provide services. Racist incitements are punished by imprisonment and fines.

Numerous measures have been adopted by the Brazilian government to fight against discrimination. Bill 7582/2014 contributes to completing this legal framework: it defines the crimes of intolerance and qualifies racial hatred as an aggravating circumstance for common crimes. It specifies that any act causing emotional damage and reduction of self-esteem, such as humiliation, insult, ridicule, etc., constitutes psychological violence. It punishes incitement to racial hatred that manifests itself by the production,

distribution or exhibition of symbols through any means, including the media and the Internet. The Bill assigns specific tasks to the competent authorities to protect the victims of discriminatory behaviours and to promote equality.

It is also worth remembering that the 1988 ‘Pelé’ law (n°9615/1988) had established as one of the basic principles for sport: ‘ensuring conditions of access to sport activities without any distinction or discrimination’.

Thus, the Code of Sports Justice contains two articles that may be used to **fight discriminatory acts and all prejudice based on ethnic origin or colour in sport**: art. 187 and art. 243-g (the latter has been used in recent times). This legal framework is also completed in Brazil by a series of provisions in the Statutes of the Brazilian football association (Confederação Brasileira de Futebol, CBF) and in the Estatuto do Torcedor.<sup>78</sup>

Similarly, Uruguay has a **fundamental law against racism, xenophobia and discrimination** (Ley 17.817, contra el racismo, la xenofobia y la discriminación, enacted by Decree No. 152/006). In particular, the law defines discrimination as any distinction, exclusion, restriction, preference or exercise of moral or physical violence, based on grounds of race, colour, religion, national or ethnic origin, disability, esthetic aspect, sex, sexual orientation and identity, to annul or belittle the recognition or exercise of human rights and fundamental liberties, under equal conditions, in the political, economic, social, cultural or any other domain of public life.



<sup>78</sup> The data on Brazil and Uruguay come from written questionnaires.

### 3.3 Comparative remarks

The previous sections of this necessarily limited overview have shown that the countries reviewed are all well-equipped with legislation to address the problems of racism, xenophobia and intolerance in society, though they present peculiar aspects due to their own history, legal system and policies.

Among those that adopt specific legislation to fight racism in football there is progressive criminalisation of the phenomenon of violence related to sport, and a form of 'spontaneous' harmonisation of the legal instruments provided. Initially, legislation tackles violent acts. As concerns about racial hatred and xenophobic/intolerant behaviour have increased, resulting in specific legislation, other forms of discrimination (including those against women, homosexuals and disabled people) have subsequently been targeted by legislators.

The main tools at the disposal of the legislator so far have been:

Signature of one or more international agreements against discrimination;

Laws specifically banning expression of racial hatred (sometimes including xenophobia and other forms of discrimination);

Laws making discrimination (usually racial) discrimination as an aggravating factor in case of crime (including harassment);

Banning orders for football fans convicted of violent or discriminatory conduct (some are administrative, to prevent trouble - others are judicial, to punish it);

Travel bans (banning orders on some fans for matches abroad);

Both forms of banning orders may include the obligation to report to the police station;

Laws criminalising discriminatory behaviour in the context of sport (sometimes with specific targets such as banners or chants, depending on the socio-cultural environment and supporting practices);

Ad hoc institutions to monitor violence and

discrimination in the context of sport, or specifically in the context of football;

Laws aiming to increase inclusion and diversity.

In all these countries, the principal innovation is represented by banning orders, which constitute the pillar of national legislations. The use of these measures quickly spread across Europe, notwithstanding national divergences. Banning orders may be administrative and/or judicial in nature and mainly consist in the prohibiting entry into venues where sporting events take place, in diverse forms. The apparent purpose is clearly deterrence; nevertheless, they can also be considered to some extent punitive measures, since they deprive supporters of the right to attend sporting events in the name of prevention.

Policy-makers emphasize advantages of these measures, in terms of reduction in the numbers of policemen deployed for football games, as well as fewer in violent/racist incidents. Scholars, however point to dangerous implications with regard to fundamental freedoms (especially the freedom of movement) and rights of defence. Moreover, the spreading use of non-penal sanctions is considered risky because it implies the replacement of judicial authorities by administrative ones.<sup>79</sup> There are alternative measures, with indubitable advantages compared to traditional penalties. In addition to their preventive roles, they can be more effective. Fines can be paid by the families, in certain cases, and imprisonment should be avoided as much as possible, nowadays, to reduce the problem of overcrowded prisons in certain countries and to avoid the risk of radicalisation of criminal behaviour.

Education is obviously the key policy to fight racism effectively at all levels of society. It might therefore be desirable to accompany or, in certain circumstances, replace banning orders with social measures, to reduce the cultural distance between people, especially for the youngest. For example, the requirement to serve for a time in associations carrying out programmes to raise public awareness about racism could be useful. In some cases, such measures could remedy the failures of public education to inculcate young people with respect of the fundamental values of our societies. They have already been introduced in some states (for example Italy), but the practice does not necessarily take place in associations raising public awareness about racism, and it is not widespread. In any case, a strategic role must be played by clubs and football federations. They should, in particular, continue to strongly commit themselves to contributing to a radical change in the football

<sup>79</sup> Anastassia Tsoukala, *Football Hooliganism in Europe*, op. cit., p. 113.



environment. On the one hand they should promote campaigns against racism, and on the other hand they should adopt and implement advanced disciplinary regulations. Existing legal frameworks definitely allow them to do so.

### 3.4 Comments from the survey

Almost all experts interviewed for this report are familiar with the legal measures to fight racism and discrimination in football, at least in their country of residence. Most of them express their satisfaction with the existence of these provisions and with the setting up of monitoring bodies, observatories etc.

They are also critical with regard to the implementation of the laws. Questions regarding the impact of the law triggered numerous comments indicating frustration and exasperation, which deserve to be quoted in full in order to show their consistency across a number of different countries:

‘I don’t think these laws are being used.’

‘I get the impression that there is a large number of laws, but they are not applied.’

‘Laws are not applied with enough consistency against some groups who clearly have a neo-Nazi ideological background and purpose.’

‘Although there are some protocols for hate crimes, security forces receive no training on them. As a result, they don’t report the witnesses’ statements correctly, and the judges don’t consider them.’

‘Laws on racism and discrimination concerning football are actually better than those for society as a whole! But they are rarely applied to their full extent - quite disappointing! People seem to be scared of pointing the finger at the problem.’

‘I think the law has good instruments and very good tools, and my opinion is positive. My opinion regarding implementation is quite different, and I have to say that our law has not been sufficiently implemented.’

‘I think laws are good, indeed there are many options for development, but one thing is the legislative framework, and another thing is to implement it. I think there are still a number of barriers that do not facilitate putting it into practice. (...) It’s a shame when you already have a legal framework that you can take maximum advantage of, and then you don’t do it. Sometimes, I have the feeling that the reactions to the law are superficial.’

‘Laws are fine, but laws always have a provocative character, there will always be someone who breaks them on purpose.’

‘I don’t know if it is because justice works slowly or why, but in the end the feeling is that the law does not do what it should do. (...) Mainly there is a lack of resources, a lack of will to implement. (...) It makes a good impression on society - we are worried about the topic, we are working on it - but truly there is no political will.’

‘The point is to use the law and stop sweeping the problems under the carpet! Very often, cases are closed because the perpetrators cannot be found, but you don’t have to be Sherlock Holmes, sometimes a quick internet research is enough!’

‘The problem is that laws are not known and not fully applied.’

‘Laws should not ask for heroic behaviour by witnesses.’

‘For me, our law is a good law, and its articles allow the adoption of measures that have not been put into action yet.’

‘Of course there are good laws, but beyond these laws, I believe it is important to feel part of a society, to be a citizen, to be a citizen of the world.’

These comments are worrying, especially as stakeholders of football are also singled out for blame: the clubs feel they do not have enough support from the prosecutors; NGOs blame the policy-makers for not providing the necessary resources to implement the laws they created themselves; supporter groups blame clubs for not using their technological resources to make the distinction between different kinds of supporters motivated by very different ideologies. In this context, it is difficult to avoid the impression of a vicious circle prompted by the deficiencies in implementing laws.



## Chapter 4

# **Acting against racism and discrimination in football**



## 4.1 A variety of actors

The persistence of racism and discrimination in football is incompatible with the values that the game is supposed and expected to represent and transmit. A wide range of actors have identified racism and discrimination as a major problem of contemporary football and decided to act against it.

### **Institutional actors**

In addition to the international and national legislators issuing both hard and soft legal norms to promote equality within football, many institutions and people are acting, or expected to act, against various forms of discrimination. Primarily, these are the institutions within the world of football. The most prominent of these are the Fédération Internationale de Football Association (FIFA), the world governing body of football, as well as the different confederations, charged with administering the game on a continental level:

in South America, Confederación Sudamericana de Fútbol (CONMEBOL);

in North America, Confederation of North, Central American and Caribbean Association Football (CONCACAF);

in Africa, the Confédération Africaine de Football (CAF);

in Oceania, the Oceania Football Confederation (OFC);

in Asia, the Asia Football Confederation (AFC);  
and in Europe, the Union of European Football Associations (UEFA).

Continental confederations can be divided into sub-confederations. In the case of AFC, there are East; West; South; Central and ASEAN. The lower level is composed of the national Football Associations (FAs), such as, to quote a few examples, the Fédération Royale Marocaine de Football in Morocco; the Fédération Camerounaise de Football in Cameroon; the Nippon Sakkā Kyōkai in Japan or Asociación del Fútbol Argentino in Argentina.





It is sometimes erroneously assumed that football is organised in a pyramidal structure. This could not be further from the truth. The system is actually designed around the national level. Each FA is typically in charge of every competition within a given national state (professional and amateur football, leagues and cups, for the whole country, or in regional subdivisions). Each FA is, more importantly perhaps, a member and constituent of both its continental association and FIFA. For example, in Poland, the *Polski Związek Piłki Nożnej* is a member of FIFA and UEFA.

FIFA has no real control over continental confederations and cannot impose its will on them. The reason is mostly historical: continental associations were largely developed and organised independently from FIFA, and recognised only very late by the world governing body. Even today, FIFA has notorious disagreements with some Confederations.

It is also possible to argue that FIFA is less central to the world's game than UEFA. The same shift of power is apparent within many countries: officially, the centre of power resides with the (national) Football Associations; but in some places, the professional leagues have conquered a modicum of autonomy. In many places, there is only one professional league (like the *Ligue du Football Professionnel* in France) coexisting with the national FA. However, in some countries, there is more than one professional league: the most complex case is probably that of England. Indeed, England has a Premier League for the top level, the Football League for the lower fully professional divisions (4) and the Conference League for even lower and mostly semi-professional divisions (5). These three Leagues are different legal bodies, incorporated separately and there is little to no hierarchical link between them, apart from the system of promotion and relegation, which means a club loses membership of one and gains membership of the other - and creates an unexpected solidarity between these leagues.

The case of England is extreme (the existence of four separate football associations - and national teams - in the UK is in itself an exception). However, the complexity of the organisation of football at both international and national levels is important when it comes to the fight against discrimination. Without co-ordination between the various bodies, the situation could become confusing and the message blurred. Theoretically, in the same fortnight, a spectator of football may be exposed to a great number of anti-discrimination campaigns from various sources. For example, on the first Sunday it would be the national campaign organised by the League for a top division game; in mid-week, say a UEFA or CONCACAF campaign during the top continental competition; on Saturday, a campaign organised by the national FA for the Cup. The next week, reserved for

international competitions could expose the spectator to a FIFA campaign on the occasion of an international friendly then a continental campaign again in a qualifying game or the Gold Cup or the Euro, etc.

For a marketing expert, such a disparity of seemingly uncoordinated messages on closely related topics is almost a case study of 'what to avoid' in communication campaigns. For the spectator on the recipient end of the communication process, who is not necessarily an expert able to identify the relevant international body for each competition, the multiplicity of similar messages is likely to lead, at best, to a feeling of repetitive, schoolmasterly instruction, and at worst, to a feeling of saturation and boredom. Effects that are certainly not in the intention of the communicators.

And if there are occurrences of racism and discrimination, who has authority to punish these crimes? In the case of a World Cup qualifier, is it FIFA, which organises the World Cup, or the continental confederation, which organises the qualifications, decides the calendar, agrees the venue etc. without FIFA having any right to interfere?

To summarise, anti-discrimination might be relevant for all the following authorities within football.

#### FIFA:

for national teams: FIFA World Cup; FIFA Women's World Cup; the Olympics; the junior World Cups for national selections - and the FIFA Club World Cup

#### Continental Confederations (6):

for senior and junior, men and women's national team and club competitions at continental level (like the Champions League etc.) - more rarely sub-confederations as they are essentially administrative regional divisions of the confederation

#### National FAs (currently 209):

mostly for amateur football and the Cup, which includes both amateur and professional clubs; and for the national team

Professional Leagues (sometimes none, sometimes more than one in a country):

mostly for the top division professional leagues at national level and sometimes the League Cup, for instance in England or France

The mention of the Olympics is not anodyne: outside football, anti-discrimination might be relevant for other bodies with some authority over the sport. The clearest case is indeed the International Olympic Committee: although each Olympics competition is organised by each sport's international governing body (say, IAAF for Track and Field), in the Olympic Charter, the fourth

fundamental Principle of Olympism states that:

‘The practice of sport is a human right. Every individual must have the possibility of practising sport, without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play.’<sup>80</sup>

At the London Olympics in 2012, one Greek athlete (a woman practising the triple-jump) was excluded from her team and banned from participating by the national Olympic committee, Ελληνική Ολυμπιακή Επιτροπή. Although, the International Olympic Committee (IOC) insisted the responsibility lay with the national Olympic committee, this was in direct application of IOC standards. Such a case does not seem to have happened so far, but it might be possible for a football player to be excluded from the Games in the future by either the IOC, or its national committee. Furthermore, during the Olympics, responsibility for campaigning against discrimination is left to the IOC. It seems that the same rules apply in the case of other international competitions. For example, football is present at the Jeux de la Francophonie or the Pan-Arab games. No football continental federation is responsible for either competition, if only because they cut across more than one continent. FIFA does not seem to be involved either - the responsibility for preventing or punishing discriminatory behaviour probably resides with the organisers.

The Tribunal Arbitral du Sport / Court of Arbitration for Sport (TAS) can also be called upon to issue decisions on cases of discrimination that take place during a sporting competition. TAS usually acts as a court of appeal in the last resort for cases involving sports people, or other actors (as opposed to spectators) of a sports event. Although in some cases, the tribunal’s decisions can be seen as non-binding, its decisions are usually final (unless one of the parties wants to take them to court before a non-sporting jurisdiction, when this is legally possible).

TAS has recently played a significant role in a football case which was widely reported in the media, especially in Eastern Europe. The court gave final confirmation to Josip Simunic’s suspension for 10 games (and to his exclusion from the 2014 World Cup). The decision had been first taken then upheld after appeal by FIFA, after Josip Simunic publicly used words and expressions which

were understood to be the war cries of Croatia’s pro-nazi party during the Second World War - the conduct was understandably considered discriminatory<sup>81</sup>

### Non-institutional actors

The action of numerous governing or judicial bodies within the world of football (and sport) are therefore relevant to the fight against discrimination. But this is not a matter for institutions only: it is of the essence for a number of other organisations, be they charities, civil society associations, non-governmental organisations (NGOs), etc. at national or international levels. largely split by discrimination. None seems to be acting at world level, although there is indeed one ‘world class event’, which has been taking place in Italy for almost twenty years: the Mondiali Antirazzisti, organised by UISP - Unione Italiana Sport Per tutti, Italy’s largest organisation campaigning in favour of sports for all, and Progetto Ultrà, an association of supporters from Emilia-Romagna campaigning against racism, xenophobia and other forms of discrimination. The Mondiali event is a non-competitive football tournament that brings together two hundred teams (plus a number of teams from other sports) and is part of a wider anti-racist festival for football fans that includes social events, concerts, debates (one in 2014 was on the topic of keeping the rivalry inside the stadium while fighting against discrimination).

The most conspicuous civil society organisations are actually organised on a continental basis: Football Against Racism in Europe (FARE) or Centre for Access to Football in Europe (CAFE) to name but two. The first one, FARE, fights racism and xenophobia as well as, to a lesser extent, other forms of discrimination based on sex (misogyny) or sexual orientation (homophobia). The second one, CAFE, fights for the inclusion of disabled supporters by ensuring more suitable facilities. Similar organisations exist at national level: for instance, FARE is set up as a network of anti-discrimination associations acting throughout Europe. It claims to have approximately 150 member organisations in 35 countries and to work with “activists in the United States, South Africa, St. Lucia and Brazil”.<sup>83</sup> Thus its scope is actually wider than Europe. There is indeed in Brazil an Observatório da Discriminação Racial no Futebol (Agency monitoring race-based discrimination in football), which successfully published a first report

<sup>80</sup> International Olympic Committee, Olympic Charter in Force as from 8 December 2014. Last accessed 10 April 2015 on: [http://www.olympic.org/Documents/olympic\\_charter\\_en.pdf](http://www.olympic.org/Documents/olympic_charter_en.pdf)

<sup>81</sup> Tribunal Arbitral du Sport, The Appeal of Josip Simunic (Croatia) is Rejected. Last accessed 10 April 2015 on: [http://www.tas-cas.org/fileadmin/\\_migrated/content\\_uploads/Media20Release20EN203562\\_03.pdf](http://www.tas-cas.org/fileadmin/_migrated/content_uploads/Media20Release20EN203562_03.pdf)

<sup>82</sup> From [www.mondialiantirazzisti.org/new/?page\\_id=152&lang=en](http://www.mondialiantirazzisti.org/new/?page_id=152&lang=en) last accessed 15 April 2015

<sup>83</sup> From <http://www.farenet.org/about-fare/sur-fare/> last accessed 22 April 2015







on racial discrimination in Brazilian football in 2014.<sup>84</sup> However, most of the civil society organisations fighting all forms of discrimination are comparatively smaller and their ability to act significantly depends on their link with other institutions, within football, sport or the sphere of State intervention. In England, Kick It Out has made a very noticeable impact because it is a Quasi Autonomous Non-Governmental Organisation (quango), founded by the state-sponsored (and public body) Commission for Racial Equality jointly with the Professional Football Association. It now receives funding from the Premier League (a private body organising the top football competition in England). Smaller, entirely independent bodies like Paris Foot Gay (a gay football team which has become a lobby against homophobia in football) are unlikely to have the same influence, since they can only rely on the media and sponsors outside the world of sport (e.g. fashion company Agnès B. appears to be the main sponsor of Paris Foot Gay). This is one of the reasons anti-discrimination bodies are organised as networks (in the case of homophobia, Football v. Homophobia may end up being that network although, for the moment, it is almost exclusively UK-centred).

Two other types of organisations participate in the fight against discrimination: football supporters' lobbies (for example, Football Supporters Europe, FSE is partner to a number of anti-discrimination initiatives) or players associations (the PFA has been mentioned as a founder of Kick It Out); NGOs working on a specific discrimination and seeing football as a field on which playing would lead to greater exposure (the UK anti-homophobia charity Stonewall, for example leads a high-profile campaign against homophobic discrimination in football).

The range of actors and initiatives is impressive, but it is legitimate to wonder whether their sheer number may not be somewhat counter-productive at times. It is certainly not pertinent to advocate a more centralised approach - which would probably not be beneficial, since all initiatives against racism are of course welcome - but it would probably make sense for all actors to coordinate their action, either to deliver key messages at key moments spread out through the season (to avoid overload), or to organise a coordinated week against discrimination in football when every local, national and international campaign could benefit from broad exposure in the media.

## 4.2 A typology of initiatives

This wide array of actors has resulted in a broad range of initiatives to promote equality, and fight discrimination. The two major types of actions are defined by their aim. These can be prevention and punishment. A third, nascent, type revolves around the idea of inclusion.

### Punishment

Punishment may be, historically, the first type of initiative taken. It includes the **legal tools** laid out in Chapter 3: penalties that are not specific to sport and applied to all forms of offenders found guilty of discriminatory acts or behaviour; and sport/football specific penalties.

General legal penalties that are also applied to football are of two types:

- Fines are typically levied on individual offenders. Although not theoretically impossible, no case of court-mandated fines against an organisation (supporters' association, football clubs, and governing bodies) were found.

- Prison sentences imposed on individuals. These are often short (1 year or less) but may be longer in some contexts. For example, defence of crimes against humanity is punishable by a maximum of 5 years' imprisonment in France).

Legal penalties specific to sport or football include:

- banning orders imposed on individuals by which they are forbidden to enter a football stadium;

- travel bans imposed on individuals by which they are forbidden to travel to a football match abroad;

- obligation to report to the police station (or an administration) at the time of a game, in the case of banning orders and travel bans;

- passport confiscation for offenders under a travel ban;

- disbanding of supporters' associations - so far, this

<sup>84</sup> Available here <http://observatorioracialfutebol.com.br/relatorio-anual-no-combate-ao-racismo-e-lancado/> Last accessed 30 April 2015

has apparently only been used against groups of fans of Paris Saint-Germain, to punish phenomena of violence, not of discrimination.

Additionally, the body of rules decided and applied by sports governing bodies (IOC, FIFA, UEFA, FAs, TAS...) has provisions to punish discrimination (acts and behaviour). Third parties, typically activists fighting discrimination can in some cases press charges in court, or lobby the sporting organisations.

Punishment from inside the sports/football world include:

Fines that they can be levied against actors of the game (players, managers, clubs, coaches, e.g.) and although rarely, spectators or commentators (printed or audio-visual media);

Immediate exclusions from the stadium: players, actors and spectators can be asked to leave or removed from the pitch, the bench or the stands in case of an offence (the laws of the game and the contract between the spectators and the venue, including terms and conditions, make this possible);

Reporting of offences is not a punishment in itself. However, it deserves mention because in England it has facilitated punishment of individuals and led to identification of offenders who might have otherwise not been identified. The FA and other football institutions have developed a sophisticated system of reporting that involves, for example, a smartphone application allowing any member of the public in a stadium to report someone who is displaying racist or discriminatory behaviour. The success of this practice has no doubt been strengthened by new media technology. It is also context-specific. In some countries reporting a fellow citizen to the authorities is reminiscent of the darkest periods of history, and is largely seen as an anti-social behaviour, encouraging reporting is far from being considered as best practice.

Exclusions from the stadium. Although banning orders and travel bans can generally be imposed by administrative and judicial institutions only, there are cases where clubs are able to prohibit some of their supporters from coming back to their own stadium. Some Chelsea fans found guilty of racism in Paris metro incident described earlier were banned from Stamford Bridge by the club but this does not mean they are banned from the games Chelsea plays in other stadiums

(roughly half the games for any club), even if they are banned from taking part in trips organised by the club or its members.<sup>85</sup>

Ban on visiting supporters, Clubs or governing bodies (when relevant) may choose to ban supporters of the away team by refusing to open a dedicated stand for them; refusing to sell them tickets and asking anyone displaying any sign of support for the visiting team to leave the stadium and its vicinity (there is no trace of this being used in cases of discrimination, but is not impossible).

Partial stadium closures. Some stands may be closed for a specific number of games, following discriminatory behaviour from some members of the public in that stand: all spectators from that stand (especially those with a season ticket who are not always able to afford a ticket in another stand, when this is allowed).

Games played without spectators. The whole stadium may be closed and all spectators (from the home team and the away team) are forbidden to attend the game: this is a very strong punishment inflicted not only on the few offenders, but also on the majority of home spectators who are not guilty, visiting fans who are rarely those of the team during which the first incidents were reported, and other innocent bystanders, including players, coaches and managers.

'Sporting fines' These are punishments with the sporting nature environment: for example, games are declared lost on a 3-0 score when they were actually won; points are deducted from the League total for a given club. A club may be prevented from progressing in a Cup, relegated at the end of the season or not registered to play in a competition for which it qualified (for example, a Continental competition like the Champions' League). This seems to be the next step in terms of punishment, if Sepp Blatter's declarations are to be believed; so far there have been no examples of such punishment.<sup>86</sup>

Penalties for offenders are likely to be effective: someone shouting misogynistic abuse in a stadium will no longer be able to repeat this behaviour in a football context, if the person is banned from the grounds, and their vicinity. On the other hand, penalties whereby innocent parties are punished along with offenders pose problems of justice, fairness and effectiveness.

<sup>85</sup> Anonymous. Chelsea bans more fans over racist incident on Paris metro. France24.com Last accessed 30 April 2015 on: [www.france24.com/en/20150219-chelsea-bans-three-fans-over-paris-metro-racism](http://www.france24.com/en/20150219-chelsea-bans-three-fans-over-paris-metro-racism)

<sup>86</sup> Daniela Desantis. 'FIFA president Blatter wants points deductions for racism'. Reuters. 4 March 2015. Last accessed 15 March on [www.sportandglobe.com](http://www.sportandglobe.com)



## Prevention

Prevention revolves largely around the idea of education, but this may be achieved through both campaigning and education.

**Campaigning** is possibly the main form of prevention undertaken in the football world. This can be done directly by a governing body or a club. For example, UEFA has a campaign called 'Respect', developed apparently with advertisers and which is deployed before major UEFA games (the Champions League, the Europa league). In Brazil, clubs often launch 'reactive' campaigns after discriminatory incidents.<sup>87</sup> The form taken by these campaigns is extremely important as it impacts the message: many of these campaigns have met with negative reactions from their purported audience. Participating observation practiced over a number of years has shown two main kinds of reaction. Campaigns that revolve around the assertion of an abstract idea (for example "Racism is bad" or "Diversity is good") seem to only preach to the converted. Their degree of generality means that someone may be convinced that discrimination is bad, yet may at the same time display discriminatory behaviour because of a lack of understanding of what constitutes racism or homophobia, for example. Campaigns that adopt a tone of condemnation (basically summed up as "stop being racist") are ineffective and provoke adverse reactions: as summed up in the words of one supporter "I wasn't racist, but since I stand accused of it, I might as well be". What is often lacking in campaigns that go beyond showing support for a cause (like, for example the rainbow laces worn by football players against homophobia, following an initiative from Stonewall, a generalist LGBT rights campaigning organisation), is the educational aspect.

## Education

Some prevention revolves around the principle of education, taken in its broadest sense.

The most basic kind of education is **training** for professionals, including educators at all levels (from the club manager or the coach and trainer of the club's first team to coaches of small club grassroots football), referees, but also stewards present in the stadium to monitor the crowds, so they are able to identify discrimination in its different guises and adopt the most efficient ways to eradicate it.

**Education of the general audience** public is the most demanding but also the most important form of education: it is the ultimate target of all prevention.

**Trained professionals** can educate their own groups

of spectators: children and young players for club coaches at all levels; spectators or stewards, for example. Instead of vague general messages, education sends specific messages. It is a matter of ensuring people understand why a behaviour (or a set of behaviours), which might previously have been acceptable, is offensive to parts of the population, and constitutes a discriminatory practice. This is clearly the case with sexism: men responsible often emphasise that misogynistic songs are meant in jest; some women join in the chorus - both groups actually fail to see that this 'joke' is unlikely to be taken in good humour by all outsiders, precisely because they are not part of the joke, which they understand as being directed at them.

**The media** also ought to act more generally to educate football's general public and make its members understand why such behaviour is discriminatory when it occurs. Condemning the behaviour is not enough. To give an example, the practice of black facing is often decried as racist - and rightly so. However, there is ample evidence that, often, offenders do not understand that this is essentially different from black people whitening their face, as black facing is associated with a long history of negative depiction of persons with an African heritage through the use of racist stereotypes in the American (and international) media; and with a long history of depriving people with dark skin from employment and empowerment.

It seems that only television or the press have audiences large enough to carry messages against all forms of discrimination to all the interested parties. The role of the media in educating the football public cannot be underestimated. Football and the media live in symbiosis: football's success is largely due to its extensive presence in the media, which in turn benefit massively from football broadcasting and reporting. This interdependence should also be used in a joint effort when it comes to the fight against discrimination.

**National education systems** are the only other institutions able to carry a message to as large an audience. They reach only the younger parts of the population; relying only on schools to educate against discrimination in general, and in sport, football in particular, would require a change of generation before discrimination is eradicated.

**Guidance**, by football authorities can help raise awareness. For example, UK bodies like the FA issue guidance documentation to explain to all British clubs how they can fight discrimination; even among themselves. Guidance is used as much by police services (the Crown Prosecution Services in the UK), as by other institutions to promote inclusion and diversity.

<sup>87</sup> From interviews.





Chapter 5

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# Obstacles



The two previous chapters have reviewed how over the past few decades, both the legislative framework and other initiatives by a range of different actors have been developed in the fight against racism and discrimination in football. There is a consensus that significant progress has been made in recent years. At the same time, there is also regret that a threshold seems to have been reached and that ‘residual’ discrimination seems harder to further reduce.

It is, in consequence, necessary to analyze of the main barriers to further reducing racism and discrimination.





## 5.1 The logic of the game itself

When asked about the incomparable worldwide success of modern football since its creation in 1863, the first explanation that comes to mind is always the simplicity both of its rules and the conditions in which it can be played. Those who elaborate further also cite football's 'tolerance' toward a variety of individual physiques: due to the fact that it is played with feet, the game seems to be able to accommodate significant physical differences among its players. Others point out that the fact that players are not permitted to control the ball with their hands also contributes to a very high level of fluidity throughout the game.

On a more abstract level, football is considered to be the team sport that incorporates probably the highest level of uncertainty, a key element, of course, of the attractiveness of any spectator sport. When asked why so many people are irresistibly attracted to football stadiums around the globe, the legendary German coach Sepp Herberger once dryly remarked, 'because they don't know the outcome'. It has further been stressed that football seems to be an almost perfect 'equilibrium' between simplicity and complexity, between improvisation and organisation, between technical and physical skills, between aestheticism and rationality.<sup>88</sup>

At the same time, as already pointed out in the introduction to this report, football is also one of the most powerful illustrations of the meritocratic ideal of contemporary society, an easily accessible and spontaneously understandable embodiment of the concept of social mobility and the imagined equality of opportunity. Anthropologists have repeatedly laid emphasis on football's almost religious 'ritualistic'

nature, especially related to social functions of religion,<sup>89</sup> but also its closeness to archaic, almost prehistoric rites of hunting.<sup>90</sup>

Finally, and perhaps most importantly in the thematic context of this report, football is celebrated as an 'exemplary drama' of the human condition,<sup>91</sup> always capable of producing endless and often contradictory narratives, myths and legends, as well as the dramatic 'triumphs and tragedies' on which collective memory is built.<sup>92</sup> These interpretations are of course closely linked to the frequent comparison between football and war. When violent incidents are reported from an international football match, George Orwell's metaphor, according to which football is essentially 'war minus the shooting'<sup>93</sup> is often quoted in the media. While the comparison between football and war is often made out of context, just to provide a provocative and sensational quip, it is important to address this seriously in any analysis of the partisanship of football that leads to an often aggressive construction of 'the other' and that is at the heart of racist and discriminatory behaviour in the stadium.

### Norbert Elias's theory of civilization

The configuration of a football game possesses profound analogies with the classical configuration of war. The vocabulary of the game includes, in practically all languages, a variety of terms directly borrowed from the semantic field of war, the military and the battlefield.<sup>94</sup> This is most striking in international matches,<sup>95</sup> but can in fact be applied to any football game.

The semantic and symbolic proximity between football and war is not recent. Invented in an age of 'nationalisation of the masses',<sup>96</sup> when the military spirit penetrated all spheres of European society, from the beginning football has been characterized by a

<sup>88</sup> See for instance the very exhaustive explanation of the 'football mystery' provided in Christoph Bausenwein, *Geheimnis Fußball*, Göttingen: Verlag Die Werkstatt, 1995.

<sup>89</sup> Marc Augé, 'Football - De l'histoire sociale à l'anthropologie religieuse', *Le Débat*, No. 19, février 1982, p. 59-67.

<sup>90</sup> Desmond Morris, *The Soccer Tribe*, Londres, Jonathan Cape, 1981.

<sup>91</sup> Christian Bromberger, *Football, la bagatelle la plus sérieuse du monde*, Paris: Bayard, 1998.

<sup>92</sup> Bernhard Giesen, *Triumph and Trauma*, Yale: Paradigm, 2004. For an application to football, see Albrecht Sonntag, 'Triumphes et traumatismes', *lemonde.fr*, 8 juillet 2014, [http://www.lemonde.fr/coupe-du-monde/article/2014/07/08/bresil-2014-triumpes-et-traumatismes\\_4453366\\_1616627.html](http://www.lemonde.fr/coupe-du-monde/article/2014/07/08/bresil-2014-triumpes-et-traumatismes_4453366_1616627.html).

<sup>93</sup> George Orwell, 'The Sporting Spirit', *Tribune*, 14 décembre 1945.

<sup>94</sup> Christian Bromberger, *Le Match de Football*, op.cit., p. 266-277. See also the fictitious match report made up exclusively by military terms by Eduardo Galeano, *El fútbol a sol y sombra*, op. cit.

<sup>95</sup> Liz Crolley, David Hand and Ralf Jeutter, 'National Obsessions and Identities in Football Match Reports', in Adam Adam Brown (ed.), *Fanatics ! Power, Identity and Fandom in Football*, London: Routledge, 1998, p. 173-185. Neil Blain, Raymond Boyle and Hugh O'Donnell, *Sport and National Identity in the European Media*, Leicester, Leicester University Press, 1993, pp. 77-79; Anke Michels, 'Metaphern in französischen Fußballreportagen', *Metaphorik.de*, No. 02/2002, last accessed 10 April 2015 on <http://www.metaphorik.de/02/michels.htm>.

<sup>96</sup> George L. Mosse, *The Nationalization of the Masses*, New York: H. Fertig, 1975.



vocabulary of warfare used by all sorts of commentators, as historians have often demonstrated.<sup>97</sup>

The most convincing interpretation of this structural affinity between football and war is not to be found in the cheap football-bashing carried out by the media at regular intervals, but in the theory of civilization developed by Norbert Elias. Elias inscribes and retraces the emergence of modern sport in the larger framework of a civilizing process during which the State has acquired the sole legitimacy to use force and, as a consequence, violence has increasingly disappeared (and continues to do so) from social life.<sup>98</sup>

According to Norbert Elias and Eric Dunning, sport – and especially team sports like association football, American football or rugby that include an element of territorial conquest – clearly reproduces combat face-offs ‘between hostile groups’, and enables the channelling of human instincts of antagonistic aggression in a codified re-enactment of war. In other words: football is a way to civilize warmongering instincts and to satisfy archaic social needs that civilization has only covered up but not eradicated in the programming of the human psyche.

For Elias and Dunning, people today counterweigh the pacification of social relations in which ‘spontaneous libidinal, affective and emotional impulses’ are under permanent control with a ‘quest for excitement’ that allows the ‘decontrolling of emotional control’.<sup>99</sup>

It is no doubt simplistic to reduce the theory of Elias and Dunning to a simple equation of ‘sport replaces war in contemporary democratic society’. Contrary to war that by definition seeks the annihilation of the enemy and aims at producing a stable situation of permanent domination, football inherently only seeks a temporary domination in order to reproduce the same excitement between the same opponents.

Nevertheless the ‘cathartic’ function that Elias attributes to football – which various interviewees in our survey alluded to – remains a pertinent concept to explain the persistent need for aggressive disparagement of the opponent and resort to verbal violence with the aim of destabilising the adversary by all means available.

## Binary opposition and group identity

In his path-breaking and detailed anthropological analysis of what today would be called ‘high-risk football matches’ between rival clubs in the Europe of the 1980s, Christian Bromberger looked closely at what happens when xenophobic attitudes and discourses go beyond the usual level of ‘the rhetoric game’ that consists in ‘the conventional demonization of the adversary’. In his explanation he refers to the ‘language of partisan rivalry that is at the heart of the logic of the game’. This logic, firmly rooted in the binary nature of football encounters, requires an ever higher level of denigration of the other side.<sup>100</sup>

It is inevitable that in such a configuration of continuous escalation of verbal aggression certain boundaries fixed by the civilization process and social convention are transgressed. In ‘normal’ circumstances, such transgressions would not be tolerated. However, the particular space of the football stadium serves as a kind of ‘safety valve’ for the ‘decontrolling’ of otherwise forbidden emotions described by Elias.

Moreover, these prohibited emotions are central to the construction of group solidarity and cohesion. The sometimes excessive partisanship that can be observed at football matches is a corollary of emotionally charged processes of group construction that are based, as social psychology has repeatedly demonstrated in research on social identities, on the constitution of an ‘out-group’ with the aim of defining and consolidating the ‘in-group’.<sup>101</sup> It seems to be a universal social need of humans to build and define their own group by identifying and defining existing or imagined ‘others’. In a nutshell: adversity creates collective self-esteem and solidarity.

Football is, according to the French philosopher Paul Yonnet, ‘the sport in which the phenomenon of identification is the most developed, the most tangible, the most constant and the most organised’.<sup>102</sup> Against this backdrop, it is not surprising that football is probably also the sport that produces the most concerns (and headlines) about the transgressive or intolerable nature of some expressions of partisanship that drift towards racist and discriminatory aggression.

<sup>97</sup> See the works of Alfred Wahl, Paul Dietschy, Arthur Heinrich, Christiane Eisenberg and many others.

<sup>98</sup> Norbert Elias and Eric Dunning, *Sport and Leisure in the Civilizing Process*, Oxford: Basil Blackwell, 1986. The larger civilisation theory of Norbert Elias (and on which he started to work at the end of 1930s already) is outlined in *The Civilizing Process. The History of Manners*, Oxford: Basil Blackwell, 1978.

<sup>99</sup> Norbert Elias, ‘Introduction’, in Norbert Elias and Eric Dunning, *Sport in the civilization process*, op. cit., p. 64.

<sup>100</sup> Christian Bromberger, *Le match de football*, op. cit., p. 26.

<sup>101</sup> Henri Tajfel, *Social Identity and Intergroup Relations*, Paris: Maison des Sciences de l’Homme, 1978 ; Muzafar Sherif, *Social Psychology*, New York: Harper and Row, 1969. See also: Dominique Schnapper, *La relation à l’Autre. Au cœur de la pensée sociologique*, Paris: Gallimard, 1998.

<sup>102</sup> Paul Yonnet, *Systèmes des sports*, Paris, Gallimard, 1998, p. 85.

## Territorial discrimination

One particular expression of verbal transgression in the football stadium that deserves to be analysed in more detail can be found in what is nowadays referred to as 'territorial discrimination'. There is a particular controversy over this concept that is mainly used in Italy with regard to insults of xenophobic nature between North and South (or between different cities). However the concept could also be applied, for instance, to sporadic anti-Kurdish chants or banners in the arenas of Istanbul or to the manner in which media heat up the atmosphere before any of these 'clasicos' opposing one team from the capital against a major opponent from a specific region that has a self-perception of being the victim of historical injustice. In fact, 'territorial discrimination' is what 'derbies' or other traditional oppositions are all about.<sup>103</sup>

The debate on territorial discrimination provides an interesting illustration of how relatively aggressive forms of verbal abuse may be both condemned as unacceptable denigration and justified as ritualised expression of rivalry. The view that *il campanilismo*, which encompasses a century-old form of local pride and excessive rivalry with other cities or regions, is simply part of the cultural heritage of Italy and therefore inseparable from football, is shared by practically all actors, even by those who condemn it.

Some representative responses from interviewees deserve to be quoted in full:

'Territorial discrimination is the alpha and omega of our way of life.'

'Campanilismo is part of the history of our country and this territorial discrimination is the salt of our football.' is part of the history of our country and this territorial discrimination is the salt of our football.'

'Territorial discrimination is a fruit of our history, linked to the supporters rather than the players.'

'Territorial discrimination exists, it is part of football culture, based on historical rivalries that have nothing to do with football in principle, it is part of the DNA of the cities and regions.'

'Mixing up territorial discrimination and racism is plain stupid. Provoking people from another region is classical, just fun, we need this confrontation, while

racism is something important that needs to be fought.'

If one replaces the culture-specific term *campanilismo* with a more general 'parochialism', these statements could have been made by supporters from any country. Football rivalries based on local and regional history flourish everywhere and may indeed be considered 'the salt' of the game.

Clearly, the discriminatory nature of parochialism is rather difficult to establish. It is therefore necessary to identify and apply specific criteria.

An initial criterion, is the existence or lack thereof, of institutionalised discrimination. For example, insults against a territory that is clearly disadvantaged by the State, or home to a minority which does not have the same rights as other citizens, are clearly discriminatory.

A second criterion is whether one territory is more systematically attacked than another. For example, if supporters from all clubs in a league target only one territory (let's say 'the South'), then the South is more clearly discriminated against, than if teams from the South ritually attack teams from the North, East, and West, which all verbally attack each other.

Finally, a line needs to be drawn between two different behaviours. In the first case, actions are based on ideological beliefs and are therefore clearly of a racist and discriminatory nature. In the second case, the use of clichés and stereotypes result from the logic of the game itself and are prompted by lack of judgement, crass ignorance, or excessive humour, rather than ideology. Arguably, the line between these two situations is very thin.

In both the academic literature on football rivalries and the interviews carried out for this report, there is a general awareness that the distinction between the two is essential. Bromberger is not alone in warning us that we should not 'overload all this verbal transgression with meaning'. Other observers have also pointed out that the ritualistic character of supporters' use of every possible stigma for symbolically disqualifying the opponent may also be seen as an excessive game in itself in which parody and self-parody, ironic reappropriation of clichés and humorous distantiating are not absent.<sup>104</sup>

Recognising that the repetitive character of these ritual escalations that tend to reach absurd or grotesque dimensions contains an unbuilt irony does not mean that one is trivialising racist and discriminatory

<sup>103</sup> Gary Armstrong and Richard Giulianotti (eds.), *Fear and Loathing in World Football*, Oxford: Berg, 2001. See also the chapter on 'pre-industrial football' in James Walvin, *The People's Game: The History of Football Revisited*, Edinburgh: Mainstream, 1994 p. 11-31.



discourse. It prompts one to take a closer look at the inherent logic and mechanisms of insult as a linguistic act. A better understanding of how verbal inferiorisation functions will allow us to fix priorities and formulate recommendations with regard to territorial discrimination (see section 6.4).

## 5.2 The language of inferiorisation

What is defined as ‘correct’ or ‘polite’, ‘appropriate’ or ‘acceptable’ language of course varies considerably with time, space, and context. The customary practices of ritualistic insult and destabilising disparagement of the opponent that go far beyond what is generally tolerated in social life seem to be directly linked to the space of the football stadium. To a certain extent, there is no doubt that a football match is a very specific context of its own. Like a religious celebration, it takes place according to an overall calendar that is different from the ‘normal’ calendar year, and at very specific moments situated out of the normal course of social time. It is also out of space: football stadiums are spaces that are hermetically closed to their surroundings and ‘turn their back’ on all other activities that might be taking place in the city. The entire configuration produces a context in which ‘normal’ rules of social life do not apply. It stands to reason that in the literally ‘extra-ordinary’ setting of a football stadium, social conventions on the use of language in ordinary life are temporarily suspended.

Against this backdrop it makes sense, in order to obtain a better understanding of the rhetoric of discrimination that is prevalent in football stadiums, to introduce a few concepts from applied linguistics.

### Metaphor and hyperbole

Metaphor, the use of an image in order to make a statement of comparison; has always and in all languages been used in both a positive and a negative manner. It is a traditional rhetorical figure than can be utilised for the celebration and glorification but also for disparagement, criticism and denigration of “others”. It is essential to the verbal construction of ‘out-groups’ and as such is, for

instance, omnipresent in political propaganda.<sup>105</sup>

Football supporters who use racist and discriminatory discourse take inspiration from such propaganda and rhetorical figures. Related to metaphor, but even more useful when discourse becomes truly excessive, is the rhetorical figure of hyperbole. The fundamental principle of hyperbole is overstatement, exaggeration. Hyperbole is generally a subjective evaluation of experiences or human beings that is underpinned by emotions rather than rationality: emotional involvement is why overstatement and exaggeration exist in the first place. Hyperbole is usually ‘face-threatening’ and intended to trigger responses of a similar kind in a process of verbal duelling.

In an exhaustive empirical study on hyperbole in everyday language, the German linguist Claudia Claridge has quantified, on the basis of a large cohort, the different uses of hyperbole by a wide variety of speakers.<sup>106</sup> It appears that 65% of hyperboles are indeed intended to negatively criticise others, especially in the case of absent individuals or groups. At the same time she has identified in such uses of hyperbole a ‘cathartic function’, a term that recalls the ‘decontrolling of emotions’ identified by Elias and Dunning. All these observations are perfectly applicable in the setting of the football stadium, which in addition presents the advantage of having the ‘out-group’ physically distant but within earshot, a rare situation that multiplies the intended effect.

### Dysphemism and insult

While the term ‘euphemism’ is well-known and frequently utilised in everyday language, its counterpart, ‘dysphemism’ is only used in specialised academic literature. In an ordinary context, a dysphemism is tabooed<sup>107</sup> and, by consequence, censored and ideally replaced with a standard word or expression. If the latter is considered unpleasant, a euphemism might be coined and imposed by social convention.

The conscious, intentional use of dysphemisms is ‘generally motivated by fear and distaste, but also by hatred and contempt’: ‘Speakers resort to dysphemism to talk about people and things that frustrate and annoy them, that they disapprove of and wish to disparage,

<sup>104</sup> Christian Bromberger, *Le match de football*, op. cit., p. 265; Andy Smith, *La passion du sport. Le football, le rugby et les appartenances en Europe*, Presses Universitaires de Rennes, 2001, p. 31 et 70; Marc Augé, ‘Football - De l’histoire sociale à l’anthropologie religieuse’, op.cit.; Albrecht Sonntag, *Les identités du football européen*, Grenoble: Presses Universitaires de Grenoble, 2008.

<sup>105</sup> Jonathan Charteris-Black, *Politicians and Rhetoric: The Persuasive Power of Metaphor*, Basingstoke : Palgrave Macmillan, 2005.

<sup>106</sup> Claudia Claridge, *Hyperbole in English. A Corpus-based Study of Exaggeration*. Cambridge: Cambridge University Press, 2011.

<sup>107</sup> Keith Allan and Kate Burridge, *Forbidden Words. Taboo and the Censoring of Language*. Cambridge: Cambridge University Press, 2006; see also Deborah Cameron, *Verbal Hygiene*, London: Routledge, 1995.





humiliate, and degrade.<sup>108</sup> In short: dysphemisms destroy social harmony and contribute to creating opponents and labelling them as (negative, threatening or despicable) ‘others’.

Who defines what is dysphemistic? The Australian linguists Keith Allan and Kate Burridge introduce the concept of ‘the Middle-Class Politeness Criterion’, a kind of default setting of language use that is defined and constantly redefined by the mainstream of society. Interestingly, as quantitative corpus research has proven, the intuition according to which males more easily and more frequently use insults is correct. On average male speakers disrespect the ‘Middle-Class Politeness Criterion’ three times as often as female speakers. Moreover, among adults, both ‘male and female speakers are more likely to swear in the company of same-sex companions’ than when in mixed company.<sup>109</sup>

The traditional setting of the football stadium is a particularly fertile breeding ground for verbal insult or, to put it academically, for a high-density dysphemism environment. Football has a strong and powerful tradition that is decidedly not ‘middle-class’ – for more than a century it has been, in practice but also in discourse, dominated by working class males. In addition, football being ‘a game of failure’, with frequent errors and rare goals, where frustration is much more present than satisfaction, played and watched by millions with a certain ‘masochistic’ pleasure,<sup>110</sup> it is only normal that hyperbolic dysphemism is made use of in order to ‘alleviate anger and frustration’.

Insults are by definition intended to wound the addressee where it hurts most. Which is precisely why they pick on and debase physical appearance or alleged moral and mental defaults. Racist, sexist, or homophobic insults need very little creative and linguistic capital to formulate.

For almost an entire century in modern football’s lifetime, insults were rarely considered shocking. All through the 1970s, non-white German players such as Jimmy Hartwig or Erwin Kostedde – both internationals playing for the Nationalmannschaft – were regularly insulted with racist chants in German stadiums without

any noteworthy response from the media or from officials. It was only in 1981, following pressure from civil society movements that the DFB general assembly approved their first resolution against xenophobia.<sup>111</sup>

The same could be said for the French or British football environment, where sensitivity towards the issue was traditionally low and has only risen since the 1970s.

Today, however, discriminatory insults are clearly no longer compatible with the Middle-Class Politeness Criterion, even in the specific setting of the football match. The general awareness of this fact is the very reason why this report was commissioned in the first place and why, during the very same period in which it was written, both FIFA and UEFA launched important new initiatives in their fight against discrimination of all sorts in football (see in more detail below in section 5.3).

In other words: there may be a large number of individuals and groups in football that have not yet interiorised the changing standards of the ‘Middle-Class Politeness Criterion’, but various trend-setting actors in football have felt that ‘the time was ripe’ to adapt traditional behaviour patterns to new expectations.

Venting anger and frustration is a general, understandable need, but no longer at the price of using dysphemisms that debase minorities in society. Nationalism – outside the realm of race – increasingly falls into the same categories. All human groups, including nation-states, use derogatory terms for several other groups. These are increasingly being tabooed. To give but one example: for obvious historical reasons, there are numerous dysphemisms for the standard term ‘German’, which have become increasingly inappropriate to use, and which are nowadays systematically used with an allegedly or real humorous intention.

Another example for the extension of taboos is the recent incident around the popular British actor Benedict Cumberbatch, who was heavily criticised across the social media for having used the adjective ‘coloured’ when speaking about black colleagues. Even though his statement clearly had an anti-discriminatory

<sup>108</sup> Keith Allan and Kate Burridge, *Euphemism and Dysphemism. Language Used as Shield and Weapon*, Oxford: Oxford University Press, 1991.

<sup>109</sup> Timothy Jay, *Why We Curse: A Neuro-Psycho-Social Theory of Speech*, Philadelphia: John Benjamins, 2000.

<sup>110</sup> Albrecht Sonntag, ‘Le jeu de l’échec’, *lemonde.fr* 19 July 2014, last accessed 10 April 2015 [http://www.lemonde.fr/coupe-du-monde/article/2014/06/19/mondial-2014-le-jeu-de-l-echec\\_4441656\\_1616627.html](http://www.lemonde.fr/coupe-du-monde/article/2014/06/19/mondial-2014-le-jeu-de-l-echec_4441656_1616627.html)

<sup>111</sup> Gerd Wagner, ‘Prävention von Rechtsextremismus und Fremdenfeindlichkeit – die Rolle des DFB und der Verbände’, in: Michaela Glaser and Gabi Elverich (eds), *Rechtsextremismus, Fremdenfeindlichkeit und Rassismus im Fußball. Erfahrungen und Perspektiven der Prävention*. Halle: 2008, pp. 75-87.

intention, he had to apologise publicly for this perceived dysphemism and promised to 'learn from my mistakes'.<sup>112</sup>

Insult is a human and profoundly social phenomenon and probably as old as language itself. In addressing it, a good deal of serenity is most likely very helpful. As Allan and Burridge put it, 'there are probably people who don't swear; but you can bet they have passive knowledge of almost all swear words. Everyone knows how to insult. With insulting, the in-group is defined by the use of ritual insults.'<sup>113</sup>

The tabooing and censoring of specific insults is always imposed by individuals and groups that are outsiders to both the in-group and the context and want to remedy a situation in which language is used, consciously or not, for the humiliation of minorities. As people are generally reluctant to adopt social change, the reaction to growing sensitivity is very often an attempt to trivialise things.

### Ritual insult and political correctness

There are several ways in which the stadium routines of ritual insult are habitually justified, trivialised or minimised even though they are discriminatory:

as a purely symbolic act for the purpose of 'atmosphere' and in-group solidarity, empty of lexical meaning, not to be taken 'literally';

as a 'tongue-in-cheek' re-enactment of 'ancient' rivalries, performed with a distinctly ironical twist (thus placing the blame on the one who does not 'get the joke' and lacks humour);

as a non-negotiable feature of football culture, inseparably linked to the game's rivalries, as exemplified in the above-mentioned controversy on 'territorial discrimination'.

If racism and discrimination in the football stadium are to be further reduced, it is essential to adapt strategies and actions to counter these linguistic 'excuses' and to make perpetrators of all types (including the media) understand that the stadium space is no longer exempt

from the application of the 'Middle-Class Politeness Criterion'.

To put it differently: spectators in the stadium must realise that ritual insult may have had a long tradition, but has no future. In order to develop appropriate strategies of communication on this issue, a better understanding of how 'political correctness' (PC) works is helpful. The report will turn to this point in section 6.4.

## 5.3 The problem of institutional legitimacy

Trust in authorities is declining. This is a general trend that would not be surprising in dictatorial regimes whose legitimacy is based on fear. It is, however, a significant long-term trend that is common to all democracies.<sup>114</sup> It concerns not only national and regional governments, but all institutions that are central to democratic society and that are considered (too) powerful. Neither the media nor the governing bodies of football are exempt from this trend.

In the recent FREE survey among more than 15,000 football fans across Europe, people were asked to express their trust and distrust in different institutions with regard to the regulation and administration of football. Concerning FIFA, 60% of the respondents tended to 'distrust' or 'distrust very much' the world's most important football governing institution, only 21.5% expressed various levels of 'trust'. With regard to UEFA over 51% expressed the same distrust (28% having trust).<sup>115</sup>

Given the effort that both institutions put into organising the game, these results can only be disappointing. It is clear that concerning the fight against racism and discrimination the campaigns launched by both bodies - and without any doubt motivated by a sincere commitment - can only suffer from their sheer lack of legitimacy and credibility.

<sup>112</sup> Kunal Dutta, 'Benedict Cumberbatch apologises after "coloured actors" comment', *The Independent*, 26 January 2015, last accessed 10 April 2015 on <http://www.independent.co.uk/news/people/news/benedict-cumberbatch-apologises-for-coloured-actors-comment-10004176.html>

<sup>113</sup> Keith Allan and Kate Burridge, *Forbidden Words*. op.cit, p. 89.

<sup>114</sup> Russell J. Dalton, *Democratic Challenges, Democratic Choices: The Erosion of Political Support in Advanced Industrial Democracies*. Oxford University Press, 2004. See also Joseph Nye, Philip Zelikow and David King, D. C., *Why people don't trust government*. Harvard University Press, 1997; or more recently, Roberto Foa and Yascha Mounk, 'Across the Globe, a Growing Disillusionment With Democracy', *The New York Times*, 15 September 2015, available under [http://www.nytimes.com/2015/09/15/opinion/across-the-globe-a-growing-disillusionment-with-democracy.html?\\_r=0](http://www.nytimes.com/2015/09/15/opinion/across-the-globe-a-growing-disillusionment-with-democracy.html?_r=0)

<sup>115</sup> The FREE (Football Research in an Enlarged Europe) survey of European football supporters, 2014. Key findings to be published in 2015.



## FIFA

FIFA is a complex organisation. The excellent work of many of its employees in the service of the worldwide administration of the game is systematically overshadowed by the permanent headlines in all mainstream media on corruption allegations concerning members of FIFA's governing bodies. Given the massive reporting on these issues and the judicial significance they have taken on recently, it is not surprising that FIFA as a whole suffers from a negative image in many countries and is generally met with distrust.

In the context of this report, the disastrous image FIFA has (deservedly or not) accumulated over recent years is a very secondary matter. What is all the more regrettable, however, is that any public action directly linked to its name is tainted by this image.

As a consequence, laudable initiatives from FIFA do not find the response and the echo that they deserve. These initiatives include:

the 'anti-discrimination day' held at one of FIFA's events each year since 2002;

the anti-discriminatory 'code of ethics' approved in 2004;

the strategic alliance with the FARE network launched in 2006;

the Resolution on the Fight against Racism and Discrimination taken at the 63<sup>rd</sup> FIFA Congress in 2013;

the creation of the FIFA Task Force Against Racism and Discrimination in 2013;

the creation of the position of Diversity and Anti-Discrimination Manager in the Sustainability Department in 2014;

the distribution among all member federations of the Good Practice Guide to be released in July 2015 and to be improved in a permanent feedback loop with the help of the members;

the ambitious FIFA Anti-Discrimination Monitoring System launched in May 2015 and expected to implement the recommendations of the Task Force.<sup>116</sup>

This last initiative deserves more detail. As an umbrella organisation, FIFA always depends on its member federations for the implementation of initiatives or recommended actions in the field of fighting discrimination. As a result, despite a credible tradition of fighting racism and discrimination, it has always been limited to being a 'communication-oriented organisation' rather than an actor in its own right. With the new 'FIFA Anti-Discrimination Monitoring System' this is changing. Not only does this new initiative imply a major budgetary outlay,<sup>117</sup> but it also represents a change of attitude and method.

The system is based on close collaboration with the FARE network (already mentioned in sections 2.2 and 4.1). FARE is tasked with appointing anti-discrimination match observers throughout the World Cup 2018 qualifiers at a large number of previously identified 'risk matches' on all continents. Within 24 hours, an evidence-based match report will be delivered and disciplinary cases opened if necessary. Moreover, the system explicitly aims at 'raising awareness among FIFA key staff, match officials, venue teams' and at 'promoting self-regulation within fan groups'. It is stressed that the 'FIFA Anti-Discrimination Match Observers' appointed by FARE are 'not part of the official FIFA delegation'.<sup>118</sup>

Over the last two years FIFA has intensified its fight against racism and discrimination, and there is reason to believe that the organisation's reinforced stance against these phenomena are not only based on pressure from economic partners but underpinned by a sincere vision of what the game should be. Unfortunately, with the media focus on integrity and corruption issues at the top of the FIFA pyramid - which is likely to remain in the spotlight for years to come - the day-to-day work of the organisation will probably not only suffer from the overall lack of credibility of the organisation and poor brand image attached to its name, but it may also not receive the attention it deserves.

## UEFA

Concerning UEFA, the situation is slightly different. In its fight against racism and discrimination, UEFA has undoubtedly accumulated an excellent record in recent years. Actions like the following are welcome by all observers, including critical media:



<sup>116</sup> FIFA media release 'Discrimination monitoring to be introduced at 2018 FIFA World Cup™ qualifiers', 12 May 2015, <http://www.fifa.com/sustainability/news/y=2015/m=5/news=discrimination-monitoring-to-be-introduced-at-2018-fifa-world-cuptm-qu-2604235.html>

<sup>117</sup> The exact cost of the new monitoring initiative is confidential, but it is reasonable to believe the investment will be in the two-digit million Euro range.

<sup>118</sup> See summary download on [http://resources.fifa.com/mm/document/afsocial/anti-racism/02/60/42/16/fifaanti-discriminationmonitoringsystem\\_summary\\_may2015\\_neutral.pdf](http://resources.fifa.com/mm/document/afsocial/anti-racism/02/60/42/16/fifaanti-discriminationmonitoringsystem_summary_may2015_neutral.pdf)

a 'No to Racism' campaign promoted in all Champions League stadiums;

special anti-discrimination events on some match days of European club competitions and Euro qualifiers;

the 'Women in Leadership' programme and the 'Respect Diversity' conference in 2014;

the general support of grassroots initiatives.

UEFA also launched an ambitious new programme named 'Captains of Change' in September 2014.<sup>119</sup> The innovative nature of this initiative is that rather than referring to discrimination in the stadium, it explicitly targets administration and management, thus referring to the phenomenon named 'institutional discrimination' in the typology developed in section 2.3. Michel Platini made this very clear in a recent interview given to the Sport and Citizenship Review:

'I believe there is an underrepresentation of all minorities in football management and administration. We need more women, we need more people of different ethnic backgrounds, and we need more people who are disabled. We need everyone to feel that they can work in football.'<sup>120</sup>

'Captains of Change' is not a communication campaign, but an educational project. It proposes training for project leaders from all member federations and from civil society on the basis of project proposals aiming at more diversity in their organisation in one or several of the five 'implementation areas' that were identified: disability, gender, religion and ethnicity, sexual orientation, and diversity in general. The programme is likely to set a virtuous circle of good practices in motion and will encourage benchmarking across Europe and beyond.

UEFA is also unambiguous in its official declarations. Both the UEFA Executive Committee and the Professional Football Strategic Council (PFSC), which includes representatives from member organisations, leagues, clubs and players, are emphatic about the need to discipline racist incidents,<sup>121</sup> allowing referees to stop, suspend or abandon a game when it is accompanied by racist behaviour.

From the survey carried out for this report, it appears, however, that there is a lack of trust in UEFA's action.

This is not so much a matter of lack of legitimacy and credibility, but a problem directly linked to the type of sanctions typically imposed following racist incidents. Some examples from just the last twelve months illustrate this:

in July 2014 UEFA ordered the partial closure of Ferencvárosi TC Stadium during the next UEFA competition match in which Ferencvárosi TC would play as a host club because of monkey chants and racist banners during the matches between Sliema Wanderers FC vs. Ferencvárosi TC (1 July 2014 in Malta and 10 July 2014 in Hungary);

in August 2014 UEFA ordered the partial closure of Feyenoord Rotterdam's stadium for the next UEFA competition match, at which it was to play as host club, due to the racist behaviour of Feyenoord supporters during the Champions League qualifying match against Beşiktaş Istanbul (30 July); in October 2014 UEFA ordered CSKA Moscow to play their next three European home games behind closed doors because of the racist behaviour of their supporters;

in November 2014 UEFA ordered the partial closure of the FC BATE Borisov stadium during the next UEFA competition match in which BATE was to play as the host club, because of the racist behaviour of Borisov supporters during the match vs. FC Shakhtar Donetsk played on 21 October in Belarus;

in December 2014 UEFA ordered Legia Warszawa to play its next two UEFA competition matches as host club behind closed doors because of the racist behaviour of its supporters;

in February 2015 Steaua Bucharest was punished for the racist behaviour of the Romanian champions' fans, having to play their next two home matches in the Champions League or Europa League in an empty stadium;

in March 2015 UEFA ordered the partial closure of the NSK Olimpiyskiy stadium during the next UEFA competition match which FC Dynamo Kyiv would play as the host club; the reason for this punishment was racist behaviour during UEFA Europa League, Round of 16, second leg between FC Dynamo Kyiv and Everton FC played in Ukraine on 19 March;

in April 2015 UEFA ordered the Croatian Football Association to play its next UEFA competition match

<sup>119</sup> See UEFA's website <http://www.uefa.org/social-responsibility/news/newsid=2145259.html#captains+change>.

<sup>120</sup> Interview in the Sport and Citizenship Review, Issue 30 (spring 2015) on 'Sport and Diversity', pp. 4-5.

<sup>121</sup> UEFA, 'UEFA maintains stand against racism', 13 May 2014, <http://www.uefa.org/video/videoid=2105507.html>.



as host association behind closed doors (against Italy on 12 June) due to racist incidents during the European Qualifiers Group H match between Croatia and Norway, which was played in Zagreb on 28 March.

All these sanctions are collective ones directly concerning a large number of individuals many of whom are in no way responsible for any racist or discriminatory behaviour. Collective punishment is not only ethically debatable, but most of all it is ineffective and counter-productive.

If the overall aim of a policy is to educate the target public concerned and to hold persons accountable for what they say and how they behave and increase their sense of responsibility, collective sanctions are totally counter-productive. Why should any individual put his/her behaviour into question if he/she is not sanctioned for what he/she has done, but for what he/she is, as member of a very large group? Founded on the simple fact of belonging to a group, collective sanctions are in essence themselves a 'discriminatory' act.

It is therefore not surprising that UEFA's sanction policy does not meet with any approval from the large majority of football fans across the continent and fuels the dislike and distrust of many towards the organisation. 'There is no way fans will have understanding for UEFA's anti-racism policy', as one of the interviewed experts put it. Another speculated that in the light of these collective sanctions, all of UEFA's anti-racism campaigns are perceived as 'pure marketing' which was altogether 'useless'.

If the purpose of this report is to go beyond what is already done, precisely because all current efforts still do not seem to produce the desired results to the satisfaction of all the actors involved, then one of our recommendations (section 6.5) can only be to put an end to the systematic collective sanctioning of incidents of a racist nature. This will require a 'culture change' within UEFA.

#### **FARE**

In 2015, more than fifteen years after its inception, the FARE network enjoys an excellent reputation as a civil society organisation dedicated to fighting racism and discrimination in the beautiful game. Its close collaboration with both FIFA (as mentioned above in the context of the new Monitoring System) and, traditionally, with UEFA (where it also plays an important role in the new 'Captains of Change' programme) gives evidence

of its performance, its outreach and its consistently-growing influence.

FARE must, however, be aware that the proximity with the world's most important institutional actors is not without risk for its own legitimacy. Without mentioning the risk of capability overstretch, the proximity with international governing bodies that are regularly accused of lack of integrity and in which both football supporters and the general public have very little trust, may cause harm to its own credibility. It also runs the risk of being perceived as entirely dependent on its big partners and of being accused, sooner or later, of turning the organisation's original cause into a 'business'. The risk of losing touch with grassroots supporters exists, and FARE would be well advised to be aware of it. Needless to say that the de-legitimation of such an important civil society actor would be a very regrettable, counter-productive side-effect of its empowerment.

## **5.4 Racism accusations as rhetorical weapon in the media**

At the end of this Chapter, dedicated to the main obstacles in the fight against racism and discrimination, another phenomenon, observed in the media deserves mention as it raises serious concerns.

Since racism has been tabooed in mainstream society, accusations of racism have become a rhetorical weapon in public debate. A perfect example of this was provided by the FIFA president himself in summer 2014. Sepp Blatter responded to allegations against African members of his organisation by saying:

'Once again there is a sort of storm against Fifa relating to the Qatar World Cup. Sadly there's a great deal of discrimination and racism and this hurts me. It really makes me sad.'<sup>122</sup>

Using 'racism' against individuals who very clearly have no racist intent is generally counter-productive and results in a devaluation and even trivialisation of the term itself.

In Germany, where for historical reasons the media's sensitivity to racist and discriminatory discourse is very high, a certain uneasiness is felt with regard to alleged cases of racism that, on closer scrutiny appear artificially construed by specific political or social groups. According

<sup>122</sup> Owen Gibson, 'Sepp Blatter launches broadside against the "racist" British media', The Guardian, 9 June 2014, last accessed 10 April 2015, <http://www.theguardian.com/football/2014/jun/09/sepp-blatter-fifa-qatar>

to Ingo von Münch, a reputed professor of constitutional law, racism charges have become a dubious tool in short-term political conflicts. Used for forming hegemonic or 'monopolistic' opinions, they threaten to undermine a vital principle of liberal democracies.<sup>123</sup>

Allegations of racism are unfortunately also exploited with the aim of damaging the reputations of persons or influencing ordinary power struggles in football organisations. A case in point is that of Oliver Kahn, who was wrongly accused of having insulted Jonathan Akpoborie in a racist manner.<sup>124</sup> Another is that of Johan Cruyff, who in autumn 2011 allegedly said to Edgar Davids in an Ajax supervisory board meeting: 'You are sitting here because you are black'. Although Cruyff could credibly explain that the context gave the sentence a totally different meaning than the one reported in the press, the racism charges that ensued were difficult to dissipate.<sup>125</sup>

Rather than reinforcing the legitimate fight against racist and discriminatory attitudes, the hasty denunciation of racist or discriminatory discourse - whether based on sincere convictions or cynical exploitation - that eventually turns out to be biased or plain wrong, may have very regrettable counter-productive side-effects. Media reports on racism and discrimination in football are a double-edged sword: they may raise awareness, but they may also dilute the fundamental intention and key message of the fight against racism and discrimination by blurring the lines and weakening the semantic effectiveness and weight of the concepts they use. In other words: by accusing individuals of racism indiscriminately, they run the risk of damaging the credibility of campaigns and initiatives.



<sup>123</sup> Ingo von Münch, *Rechtspolitik und Rechtskultur. Kommentare zum Zustand der Bundesrepublik Deutschland*. Berlin: Berliner Wissenschafts-Verlag, 2011, p. 212.

<sup>124</sup> Nils Havemann, *Samstags um halb 4. Die Geschichte der Fußballbundesliga*. Munich: Siedler, 2013, pp. 470f.

<sup>125</sup> 'Johan Cruyff desmente comentários racistas', *Diario de Noticias*, 22 November 2011. See also Ewan Murry, 'Johan Cruyff explains alleged racist remark towards Edgar Davids', *The Guardian*, 22 November 2011.



## Chapter 6

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# **Beyond the well-trodden paths: recommendations**





At a recent meeting in Brussels on a ‘culture of fairness in sport’, Johannes Axter, co-founder and leader of the NGO streetfootballworld summarised the experience of his organisation in a very simple sentence: ‘Football can lead to behaviour change’.

This is confirmed over and over again: football should not be seen primarily as a social activity, where people (the supporters) need to be educated, but which is in itself a very powerful educational tool. Its popularity, its accessibility, its simplicity turn each football pitch and stadium into a potential classroom for civic education.

Many actors in the field of football are aware of this and want to make the best possible use of football’s potential in order to achieve social change. Based on a sincere effort, many positive and potentially effective ideas have been produced. In identifying and listing what we consider a representative sample of best practices, we recommend that all actors concerned with the issue of fighting discrimination of all kinds be inspired by the following ideas and actions.



## 6.1 Best practices: England

There is a whole system approach used in England to fight discrimination. It has several characteristics, and has showed its efficiency: although (as pointed out earlier) racism remains wide-spread and a source of much concern in England, its expression in football has considerably decreased over the course of the past 40 years.

The system is integrated with co-operation between all actors fighting discrimination.

One institution can claim leadership in the fight against discrimination, and after consultation with others, impose standards that apply across the board to all institutions. This leadership does not mean that actors lose the freedom to act: initiatives are not discouraged; they are simply coordinated and fit within an overarching framework. Both the FA and the Premier League (PL) claim to be the leading institution for their sector of the game and issue mutually-agreed guidance documents.

Activists fighting racism are part of the system. Described as 'our guilty conscience' by the Premier League or by the FA as pushing them to make ever-increasing efforts against all forms of discrimination, the charity Kick It Out is de facto in charge of all the campaigning carried out concerning English football. Kick It Out is also almost exclusively funded by a number of football institutions (among which the Players Football Association, the FA and the Premier League).

This situation is likely to raise at some point the question of Kick It Out's independence (for instance, could 'Kick It Out' severely criticise their main funders and risk becoming penniless?). On the other hands there are advantages: the civil society organisation working against discrimination is not a bystander, it is a real actor (in addition to its campaigning, Kick It Out is an adviser for the establishment of guidance documents).

An independent commission is set up by the Premier League to assess how the PL's guidance documents are implemented in clubs. Although the source of funding for this commission is not clear, the principle of an external audit, independent from both the activists and the institutions, by people who are not from the football world is certainly worth considering elsewhere. Real independence can be guaranteed in various ways (for example, positions in the French Conseil National de l'Ethique are entirely voluntary and unpaid, and a mandate in any football institution in the country, even

the smallest of them is prohibited for members).

For some experts interviewed, England is clearly the example to follow. As one pointed out: 'The situation today in England is proof that it is possible to root out racism from the football stadium.'

Another best practice observable in England is to make symbolic gestures, by which clubs send a message without frontally opposing the fraction of their audience which exhibits and is guilty of discriminatory behaviour.

A typical example is a mitigation gesture: the point is to ensure that more than one voice is heard, when discriminatory voices are hard to silence. For example, Arsenal is aware that anti-Semitic chants have been sung at Highbury and at the Emirates. Arsenal has sent positive messages to the Jewish community, typically on the occasions of religious holidays: for example the club tweeted 'Happy Hanukkah from everyone at Arsenal' on 17 December 2014. Although reactions were mixed it ensures that a discriminatory, anti-Semitic, message is not the only one seen by club fans and makes the position of the club unambiguously non anti-Semitic.

Other symbolic gestures may be made in the absence of precise discriminatory behaviour, or simply to establish the values of the club. For example, a club may decide to nominate a black player as captain to show their commitment to diversity and inclusion. A club could also ostensibly demonstrate a change of attitude in favour of diversity and self-awareness by opening its board to unrepresented minorities. Such gestures would have the most notable impact if there is a diffuse culture of racism, sexism etc. among supporters. However, it would also make sense in the absence of racism, simply to state 'we fight racism and promote diversity, and we practise what we preach'.

## 6.2 Best practices: France and Italy

The French case has also brought to light at least two important best practices.

The first is a sustainable and actively pursued mid-term France has developed a mid-term development plan for women's football, which includes promoting excellence for women (therefore creating female role models in football and increasing the profile of women's football); inclusion from grassroots football to the highest level possible especially through training; empowerment through education and training in order to allow women to hold positions of authority within football such as, referees, coaches, managers, board members, etc. The

plan no longer focuses on just one sector (for example: sporting excellence) but aims to rapidly create a complete change of culture allowing gender equality.

There are training tools (Programme Éducatif Fédéral) that teach inclusivity to all children in all of the country's football clubs that wish to take part. The tools will be implemented in all primary and secondary schools of the national school system, through a Convention signed by the French FA, the Sports and Education Ministers and François Hollande, President of the French Republic, signalling the social and political importance of the matter at the highest level.<sup>126</sup>

Another best practice comes from Italy:

According to the laws applicable in football, the punishment received by a football club can be reduced if the club takes clear action against racism and discrimination. Typically, these would be in the form of campaigns. In Bergamo, the club similarly decided to withdraw a complaint against supporters suspected of discriminatory behaviour after negotiating that they would perform charity work. These two examples would certainly be even better practices if the campaigns or the work were performed with or within charities involved in the fight against discrimination.

Italy, as Spain and Brazil has established a special authority to systematically monitor discrimination from actors and spectators of the game, but also from pundits (the media treatment of discrimination is a matter of importance, especially when media reporting sounds sexist or homophobic, voluntarily or not). Brazil, Spain and Italy have such observatories; the one in Brazil has even published a report on the topic.<sup>127</sup> These institutions need to be given maximum legitimacy (through the credibility of the individuals that serving in them, of course, but also through unwavering financial and moral support from both the government and the football governing bodies).

## 6.3 Best practices: Germany

Germany is considered by many as a forerunner when it comes to working directly with the supporters. Four initiatives are particularly worth mentioning:

The Julius-Hirsch Award, launched by the DFB in 2005 and attributed on a yearly basis, awards persons and organisations that have an outstanding commitment to tolerance and humanism in football. Julius Hirsch was a German Jewish international player of Jewish faith who was excluded from his club in 1933 and murdered in Auschwitz in 1943. Often the prize of €20,000 is awarded to grass-roots fan movements and initiatives.<sup>128</sup>

All levels of coaching qualification now include a mandatory 'integration and diversity' module that aims at raising awareness of the implications of multiculturalism in grassroots football clubs. Topics like acting against stereotypes within the team and its environment, drinking and eating habits, respect for religious celebrations, etc., are thus part of the basic know-how and toolbox of each coach, from youth level.

The German Football Federation (DFB) published, at the end of 2013, of a very comprehensive and detailed 'Sustainability Report'<sup>129</sup>, following a Global Reporting Initiative (GRI) that encompasses the concept in all its different dimensions and includes sections on diversity and integration (p. 56-59), as well as responsibility towards disabled persons (p. 68-69). This initiative was commissioned under the leadership of Theo Zwanziger during his term in office as DFB president and may be considered as a best practice when it comes to disseminating attitudes and raising awareness. It remains to be seen, however, if this commitment to self-scrutiny is part of a long-term strategy or remains a one-shot initiative not followed up by the current leadership of the organisation.

DFB collaborates closely with the German government on topics of integration and diversity. A recent example is the joint initiative 'Welcome to the club!' that provides grassroots football clubs with concrete help and advice for dealing with practical

<sup>126</sup> For a press release, see: <http://www.fff.fr/actualites/141068-551633-convention-foot-a-lecole-signee-par-les-presidents>; for the Convention, see: [http://www.education.gouv.fr/pid25535/bulletin\\_officiel.html?cid\\_bo=79800](http://www.education.gouv.fr/pid25535/bulletin_officiel.html?cid_bo=79800)

<sup>127</sup> Available on: [www.observatorioracialfutebol.com.br](http://www.observatorioracialfutebol.com.br) last accessed 15 April 2015.

<sup>128</sup> See the presentation of the award (in German) on the DFB homepage <http://www.dfb.de/news/detail/dfb-von-a-bis-z-julius-hirsch-preis-114381/>, and the complete list of all prize winners since 2005 on wikipedia under <http://de.wikipedia.org/wiki/Julius-Hirsch-Preis>

<sup>129</sup> Deutscher Fußball-Bund, Fußball ist Zukunft. Der Nachhaltigkeitsbericht des Deutschen Fußball-Bundes, Frankfurt/Main, 2013. Downloadable under [http://www.dfb.de/fileadmin/\\_dfbdam/17182-DFB\\_NB\\_2013.pdf](http://www.dfb.de/fileadmin/_dfbdam/17182-DFB_NB_2013.pdf).



issues when welcoming international refugees after their arrival in Germany and while their asylum request is being processed.<sup>130</sup> The guide was jointly published by DFB President Wolfgang Niersbach and Aydan Özoğuz, state minister in the chancellor's office for migration, refugees and integration.

Created in 1993, the Koordinationsstelle Fanprojekte in Frankfurt (KOS). Created in 1993, KOS accompanies bottom-up supporter projects and initiatives on the basis of the 'National Concept for Sport and Security'. It is co-financed by the Federal Ministry for Families, Senior Citizens, Women and Youth and the DFB. Currently 60 projects are being monitored and supported in 54 different cities. KOS seeks to stimulate, through events or international exchange programmes or other initiatives, a creative fan culture as antidote to discrimination and violence. KOS also serves as consultant for both football bodies and the ministry.

These best practices from Germany, especially with regard to relations with supporters, demonstrate not only a sustained long-term vision, but also a change of perception: supporters are stakeholders, and federations, leagues and clubs must work with them, not against them, if the overall aim is to use football's capacity to reach young people and foster their citizenship in the broadest sense of the word.

## 6.4 Recommendation: Drawing lessons from the success of political correctness

Political correctness is a relatively recent phenomenon. It emerged in the 1970s, concomitant to the increasing presence of women in public life and condemnation of consciously or unconsciously sexist or misogynist speaking habits. In a nutshell, political correctness aims to achieve social change by raising language awareness. The term is used here without the ironical or pejorative connotation that it has acquired (or which has been attributed to it) since the mid-1990s. The more sensitive use of language is obviously only one element or facet of political correctness, but it is an essential one.

Political correctness is debatable like other measures taken to redress unfair and unjustifiable handicaps for minorities, such as for instance gender quotas in organisations, or 'affirmative action' by authorities. In its impact on the use of language, it may be compared to a kind of 'brainwash' and criticised for a naïve

understanding of language according to which the use of language had a direct impact on behaviour and attitudes. Several interviewees raised the question of whether scratching the surface of language use with the hope of deep attitude change was an efficient means to combat racism and discrimination in football.

Political correctness may however also be praised for what it has achieved over recent decades. By drawing attention to form, it forces everyone to become aware of what is acceptable and what is no longer appropriate in a changing society. It forces us to acknowledge that the assumptions on which language is based have evolved, and to challenge prejudice. In requiring and finally imposing new standards, it has been remarkably effective in getting people to change their habits, significantly more effective in any case than moral prescriptions. Political correctness has established a climate of tacit self-censorship concerning what might hurt others, and it has been criticised not for this principle of respect and peaceful coexistence, but for excessive exaggerations by some of its promoters.

But tacit self-censorship is exactly what is needed with regard to changing the traditional football rhetoric, which is so firmly anchored in the game itself, as sections 5.1 and 5.2 of this report have shown. No other instrument is more efficient than self-regulation by the supporters themselves. Several interviewees insisted on this positive development. As one of them put it, 'The times when everything was permitted in the stadium, are over. Today, among many supporter groups, you make yourself ridiculous and you earn raised eyebrows if you make racist remarks.'

The history of political correctness is a history of increasing self-regulation with a little help from the gentrification, feminisation and diversification of the public space. If clubs manage to continue increasing the percentage of female spectators, and to attract a more diverse public in all parts of the stadium, they will find out that the 'politically incorrect' will become increasingly ostracised, isolated and ridiculed by his/her presumed peer-group.

The report therefore recommends reinforcing the efforts of clubs to provide a family experience that is enjoyable for the largest possible number of female spectators and to recruit, with appropriate and innovative marketing tools, new spectators that represent the diversity of society and call directly into question the artificial hegemony of white males.

Moreover, the history of political correctness also shows

that humour is an extremely efficient response to discriminatory acts. Humorous reactions like the one by Dani Alves, mentioned in section 2.4, have positive impact in several ways:

humour reaches a large number of people;

it attracts attention, is quickly spread and well memorised;

it ridicules the perpetrator by indicating his/her backwardness ('has-been'), and lack of social attractiveness;

it is marked as creative, and creativity is extremely positively connoted in all circles.

Clubs, leagues, federations and civil society actors should reflect on innovative and humorous manners to reveal the extent to which racism and discrimination are out-of-sync with a moving and changing society. They should do so ideally when engaging supporters. Ridicule imposed by what was expected to be a peer-group is a very strong motivation for change.

In this context, the phenomenon of territorial discrimination (dealt with extensively in section 5.1) remains difficult to address. Opinions on how to fight it diverge significantly. In principle, there is no reason why this type of discrimination should not be fought by all football stakeholders. On the other hand, a pragmatic approach would however suggest that collective insult on the basis of territorial origin (in the same state or nation) will be unlikely to be eradicated with the help of prohibition and sanctions. As one renowned expert and activist feared, supporters will simply not understand and, as a result, become less receptive to improving their self-regulation on the use of discriminatory, sexist or racist vocabulary. After all, he pointed out, 'territorial discrimination is 80% of white men insulting 80% of white men', wondering whether this is really the most pressing target of anti-discrimination.

In conclusion, the wisest decision concerning territorial discrimination would probably be to tolerate for the time being these traditional forms of cathartic insult that do not address minorities that suffer from various forms of exclusion. At the same time, situations differ significantly from one national/regional culture to another, which makes it impossible to provide a 'one size fits all' recommendation on this specific issue.



## 6.5 Recommendation: Introducing the systematic individualisation of sanctions

As pointed out in section 5.3, collective sanctions are banned in the judicial and educational systems of well-developed democracies. They are considered ethically wrong, illegal and counter-productive. It is difficult to see why they should be effective in the world of football.

to make maximum use of the technological possibilities that surveillance cameras in the stadiums now allow, in order to identify the individuals that may be held responsible for racist and discriminatory behaviour;

to attempt to collaborate as closely as possible with the competent authorities in order to accelerate the processes and shorten the time between racist acts and judicial consequences for the perpetrator;

to avoid fines and impose sanctions such as charity work that keep perpetrators from their workplace - having to explain to one's employer that one is unable to work because of a condemnation is likely to have a more deterrent effect than fines.



The entire responsibility in individualising sanctions does not lie with the clubs, the leagues or the federations alone, but needs support from local and national authorities, who have an opportunity to show how committed they are to helping the clubs to stamp out racism and discrimination.

Saying that this individualisation of sanctions is not only applicable to anonymous supporters, but also to prominent individuals in the VIP lounges or in leadership positions, as well as to players should also be superfluous, but it is certainly worth repeating. A club that does not sanction one of its administrators, VIP partners or players found guilty of racist or discriminatory remarks, loses all credibility in its fight against the phenomenon, whatever its communication efforts. As every teacher in every classroom of the world learns very quickly: punishments are accepted as long as they are coherently applied, even to 'role models'.

## 6.6 Recommendation: Taking the education imperative seriously

The importance of education in the fight against racism and discrimination is widely understood.

Clearly this concerns not only school education, but also education in the football context of the club and the team. Children in a team sport are likely to be extremely sensitive to messages in favour of diversity and acceptance of difference, especially if promoted and practised on a sustainable basis.

In its 'Gioca con me' initiative ('Play with me', in English), Juventus works together with the UNESCO centre of Turin and local state schools, with the explicit aim of 'mixing children from very different upbringings' and 'breaking down dangerous prejudices'. As Juventus Chairman Andrea Agnelli pointed out at the 'Respect Diversity' conference in Rome, seeing friendships emerge that are 'irrespective of wealth and race' is 'education in its purest form'.<sup>131</sup>

The initiative by Juventus is based on the same spirit as the partnership between UNESCO and Malaga FC between 2011 and 2015. Under the overall theme

'Imagining Peace', it combined communicational and educational actions against discrimination and racism, as well as against doping. The partnership became very well-known through its slogan "Colour? What Colour? Say No to Racism!" and the fact that the official team jersey of Malaga FC prominently features UNESCO's name.<sup>132</sup>

Yet Juventus and Malaga FC are not alone in their endeavour. Other clubs and federations make sincere efforts to address the issue in educational projects. They do so in their local context, the city, which is probably the most suitable environment to act efficiently, as suggested for instance the 2012 UNESCO Report on Fighting Racism and Discrimination, which provides a state-of-the-art overview on best practices from a large network of cities.<sup>133</sup>

Educational goals in football could, however, go even further. There is, most notably, relatively little emphasis on the need to challenge the ultra-competitive model of sport that seems to prevail even in youth football, and on all levels of practice.

It may sound somewhat naïve, but the following question must be asked in this context: why should a major achievement of education in early childhood - learning how to lose a board game or card game etc. and still taking pleasure in playing it again - be inoperable on the football pitch? Is it impossible to teach children that in a football match, the idea is not to win 'at all costs' or 'at any price'? Is it absurd to remind children that 'trash talk' on the pitch is simply not acceptable? Football educators should place at a critical distance from the success and competition imperative.

The pressure of the environment (most notably the parents) may be difficult to resist, but national and regional federations that are in charge of coaching qualifications should be able to provide assistance with the conceptualisation of adequate educational approaches notably giving the priority to the development of self-esteem and solidarity rather than purely competitive and performance-oriented learning objectives.



<sup>131</sup> Andrea Agnelli, presentation at the UEFA 'Respect Diversity' conference in Rome, 10 September 2014.

<sup>132</sup> [http://www.unesco.org/new/en/media-services/single-view/news/unesco\\_and\\_malaga\\_football\\_club\\_team\\_up\\_to\\_imagine\\_peace/#.Vc3F2NogGSM](http://www.unesco.org/new/en/media-services/single-view/news/unesco_and_malaga_football_club_team_up_to_imagine_peace/#.Vc3F2NogGSM)

<sup>133</sup> UNESCO, Fighting Racism and Discrimination Identifying and sharing good practices in the International Coalition of Cities, Paris: UNESCO, 2012. (<http://unesdoc.unesco.org/images/0021/002171/217105E.pdf>)



## 6.7 Recommendation: Developing a sustainable concept of ‘civic brand management’

Professional football clubs have become brands. The top-flight of European clubs that dominate the Champions League places have obtained the status of globally known brands whose ‘brand value’ is assessed by the market in the same way as for consumer goods or legendary company names. When Florentino Perez at the end of the 20<sup>th</sup> century started to use the language of brand management in speaking about the development of Real Madrid, the terms he used were still met with bewilderment or even scorn by journalists and readers alike. Today this semantic turn has been fully embraced by professional football.

From simple names and visual markers whose initial role was merely one of unambiguous identification, club names and emblems have become semiotic, discursive and narrative superstructures that create value among actors in a marketplace and provide meaning and continuity to the product they represent.<sup>134</sup>

In the branding process, football clubs are in a very strong position. As compared to ‘normal’ brands, they have an incredible advantage when it comes to the ‘bonding’ of their clients: while normal brands need to create a community in order to transform volatile consumers into loyal ‘members’,<sup>135</sup> football clubs are already by definition founded on the unwavering loyalty of their fans. They can mobilise powerful emotions such as collective feelings of belonging, worship of place and memory, and the ‘shared collective belief’<sup>136</sup> of the community in its identity.

Over the last fifteen years, football clubs have first intuitively, then in an increasingly professional manner, seized the opportunities offered by this situation. They have done so mainly with the aim of maximising the fan base, exploring opportunities outside their domestic market, increasing their appeal for premium corporate

partners and developing sales of branded merchandise. In other words they are maximizing their revenues.

What football clubs have not exploited sufficiently is the extraordinary potential of this ‘branding process’ when it comes to exerting the ‘corporate civic responsibility’ that comes with increased economic power. Despite a sincere dislike of racist and discriminatory behaviour and discourse, they have not taken sufficient measures to ban them completely and unambiguously from the core of their brand.

There is no doubt that the clubs’ declarations in favour of diversity, inclusion, and intercultural open-mindedness are sincere. However, contrary to their assimilation of contemporary branding techniques when it comes to marketing their visual identity and other brand assets, they have not applied the same reasoning with the same consistency to the fundamental ethical values that underpin their very existence as sports clubs.

Beyond isolated actions, initiatives and declarations, clubs need to give their stance for diversity and against discrimination more sustainability and more consistency. In practice, this implies a much greater effort in both conceptualisation and concrete implementation.

### Conceptualisation

In order to reinforce their efforts in favour of diversity in a sustainable manner, clubs need to take the time to unite stakeholders behind a formalised, long-term action plan. Rather than thinking in a short-term public relations perspective, they should proceed towards a fundamental conceptualisation on which an action plan can be built.

This conceptualisation should start within the club before reaching out to external stakeholders. It must begin by giving civic values a prominent place in the very statutes of the club. There are a variety of ways for achieving this. One of them could be a baseline that engraves the club’s profession of faith for diversity in its very DNA and is communicated on a permanent basis, making it clear that racist and discriminatory behaviour and discourse are simply incompatible with the club’s essence. The message that needs to be communicated over and over again is ‘You can only declare yourself

<sup>134</sup> Roland Barthes, *L’aventure sémiologique*, Paris: Seuil, 1985; Benoit Heilbrunn, ‘Marque’, in : Patrick Joffre and Yves Simon (eds.), *Encyclopédie de la gestion*, Paris: Economica, 1997, p. 1972-2007; Naomi Klein, *No Logo*, Toronto: Alfred Knopp, 2000.

<sup>135</sup> Jean-Noël Kapferer, *Re-marques*, Paris: Editions d’Organisation, 2000; Renaud Degon, *La marque relationnelle*, Paris: Vuibert, 1998; Alan Webber, ‘What Great Brands Do’, in : *Fast Company*, no. 10, 1997; Marie-Claude Sicard, *La métamorphose des marques*. Paris: Editions d’Organisation, 1997 ; Georges Lewi, *L’Odyssée des marques. Les marques, mythologies contemporaines*, Paris: Albin Michel, 1998.

<sup>136</sup> Jean-Noël Kapferer, *Les Marques - Capital de l’Entreprise*, Paris: Editions d’Organisation, 1995.

a fan or member of this community if you embrace diversity as a fundamental value’.

This internal conceptualisation could be carried out with the help of a number of external advisers, from academia, NGOs or consultancies specialised in CSR.

Having thus consolidated and formulated the basic conceptual philosophical framework of its civic identity, the club should proceed with engaging stakeholders’ support for its objective.

### Implementation

These stakeholders include a variety of actors, mainly those who are firmly rooted in the local home environment of the club. These are municipal and local state authorities, relevant NGOs or citizens’ initiatives, local and regional media, but most of all organised supporter groups. These actors need to be on board for a sustained implementation of the concept and express their commitment to a long-term strategy.

Implementation of the concept should be as holistic as possible:

It would of course include awareness-raising actions towards and with fans/supporters, in short: a variety of Fanprojekte, to use the German term for the good practices that are already known and being implemented, especially with regard to fostering and supporting bottom-up ideas and initiatives.

It would of course mobilise the public relations resources of the clubs, not only in order to communicate the central messages through channels of all sorts, but also to reap the benefits in terms of reputation and brand awareness of the different actions that are carried out.

It would, however, also include a series of internal measures. To what extent does the club itself represent diversity? How does it encourage gender equality and ethnic diversity in its own ranks, especially in leadership positions? To what extent are the principles that have been conceptualised and should be considered non-negotiable assimilated by employees and collaborators at all levels? To what extent are these principles extended to suppliers of the club? What happens when an employee fails to meet the standards of the club? In other words: the club must show that it is determined to practise what it preaches.

In a nutshell, successful implementation of a holistic diversity concept will depend on activation, credibility and exemplarity.

### Further recommendations

Beyond these basic elements of a viable long-term strategy, other, more ambitious avenues of action could be envisaged.

Rather than mandating the national league to carry out actions on their behalf, clubs should take the initiative to go forward. A manner in which they can show serious, sustainable commitment to values of diversity and inclusion is to create a ‘quality stamp’ or ‘label’ that rewards certain standards of corporate civic responsibility and that is based on voluntary self-assessment. Such standards could include ‘classical’ public actions against racism and discrimination, but also communication habits (‘practise what you preach’), collaboration with municipal and regional authorities, specific training for employees and collaborators at all levels, fan projects targeted at particularly vulnerable groups etc. Clubs could entrust an independent non-profit entity (composed of academics and practitioners) with delivering a ‘diversity excellence label’ on the basis of a sincere and critical self-assessment report giving evidence of a commitment to continuous improvement. Launched by a relatively small group of ‘iconic’ clubs, such an initiative could quickly develop interesting snowball dynamics.

Clubs need to re-think the role of brand ambassadors and increase the involvement of supporters in communicating the values of the club. They should empower those supporter groups - even those categorised as ‘Ultras’ - that represent and defend values of diversity and inclusion. Turning supporters into the standard-bearers for the clubs’ civic engagement makes sense. They are role models that others can easily identify with. They are multipliers in the community and can trigger a virtuous circle of self-regulation by supporters. Most of all, contrary to players and managers, they never change their allegiance but are faithful for life.

Clubs need to work with the media on how to deal with racism and discrimination. As shown in this report, media sometimes have both the tendency to downplay or trivialise racism when it suits them and the temptation to use it as a rhetorical weapon, in a somewhat exaggerated manner (as described in section 5.4).

It is important to establish an atmosphere of mutual trust with the media. Media, especially local media, need to be made aware of their responsibility on the issue of racism and discrimination and persuaded towards developing a willingness to cooperate on this issue for the sake of society. Clubs should establish an alliance with them, with the objective of working together, avoid using racism and discrimination as a rhetorical tool



(as described in section 5.4), and stick to a common definition of what kind of behaviour must be fought as a priority. It must of course be understood that the media retain a total freedom concerning all other reporting on the club (results, players' transfers, management decisions, etc.). Of course, media will only cooperate in this endeavour when the club appears credible in its own actions, submitting for instance a clearly formulated plan as suggested in this section.

The authors of this report, and the experts interviewed who support the ideas outlined above, are not naïve. They are aware that all these efforts require resources. They require substantial and sustained funding, shared and lasting commitment to fundamental ideas, and willingness to invest a considerable amount of energy by all involved. In other words, they require financial and human resources that the majority of football clubs tend to claim they lack.

Given the financial management traditions of most professional football clubs, it will be difficult for football's governing bodies to impose the allocation of increased financial and human resources on a 'peripheral' issue like 'corporate civic responsibility'. The latter only makes sense from a very long-term perspective, while daily football business operates on an increasingly short-term basis.

This is why the initiative should lie with a group of innovative clubs that are willing and capable of developing a long-term vision, independent of next weekend's or next season's results. Chances are that such a pioneer group will reap substantial reputation benefits and nudge others to follow in their footsteps.





Chapter 7

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# Conclusion



Racism and discrimination will not disappear from the football stadium by magic. As this report has tried to show, they may be further reduced by systematic, coherent, and co-ordinated action by those who share the objective of promoting a football of cultural diversity and social inclusion.

The best practices and recommendations for further action laid out in chapter 6 are ambitious, but social change is also supported by small details. The interviews carried out in preparation for this report have provided quite a few such more modest propositions, and the conclusion of the document is a good place to list them in a somewhat haphazard manner, with the aim of provoking reflection. Here are some of the ideas that emerged from the interviews:

White players should be more involved in educational actions. When a black player visits a school or other institution to speak about his experiences and promote diversity, the impact is generally very positive. However, the statement of a white role model, with regard to his non-white teammates' experience and the added value of diversity and multi-culturalism, could be even stronger.

Use statements made by or in collaboration with the players instead of asking team captains to read anti-racist statements they seem to discover when they read them before kick-off. Many spectators perceive this as utterly artificial. Credibility and impact would be significantly increased if statements by the captains (or other players, who might be better suited for the task) were made spontaneously, using their own words.

Avoid 'overdoing' it. Being permanently confronted with anti-racist messages from competing sources can also be very confusing and tiring for those who do not feel concerned at all, especially if they themselves feel that racism and discrimination have declined.

Replace negative expression - such as 'anti-racism', 'anti-discrimination', 'no to racism', 'kick racism out' - by explicitly positive messages expressing commitment in favour of inclusion, integration, diversity, collaboration across cultures, win-win situations etc. The 'respect' campaign is a good example of using a positive connotation, as was the German video clip showing a barbecue party that brought together a very multi-cultural group of parents of current German internationals. UEFA also deserves praise for the terminology used in the 'Captains of Change' programme (section 5.3), which



applies almost exclusively terms like ‘change’, ‘diversity’ and ‘inclusion’ that have positive connotations.

Feminise refereeing. Federations should do what they can to recruit and train female referees and take ‘the risk’ of letting them referee men’s games. This opportunity for breaking the vicious circle of ‘hegemonic masculinity’ was already mentioned by Pascal Boniface in his 2008 White Book on French football<sup>137</sup>, but continues to be ignored by the football authorities.

Be explicit. Explain, in appropriate channels such as the stadium bulletin, the Facebook page and other outlets, why discrimination is no longer acceptable in the stadium environment, and why it is no longer possible to trivialise ritual insults of a racist or discriminatory character.

We would like to conclude with three final messages that have emerged from our work on this report and that we summarise as follows:

The overall message to clubs, leagues and federations that emerges from many interviews is: take the majority of supporters seriously. Supporters are your allies in this fight against racism and discrimination, they are not a nuisance. Self-regulation is definitely the most promising path for sustainable improvement.

Think out of the box, even if the routines are difficult to overcome. Take the risk of seeking advice from outside the football community. Open some of your working groups or committees to representatives from civil society.

Break down barriers with academia. Clubs, leagues and federations are often uncomfortable when working with university researchers. The latter are often considered as disconnected from real life, but so are, involuntarily and inevitably, large parts of professional football management. An idea for further research in this field could be to support a research project that accompanies a pilot group of voluntary clubs with a strong social and civic commitment (or ready to engage on such a track) over a period of two seasons, and organise a conference - without any ‘competitive element’, in which these external observers draw conclusions. Research can provide consultancy of a different (and less expensive) kind, not aiming at maximising profits, but at improving procedures, opening avenues of thought, and raising standards overall.

All experts interviewed for this report agreed on the fact that eliminating racism and discrimination will not be a ‘walk in the park’, but requires sustained and combined efforts from all sides. There was also a strong consensus that a lot of ideas have been tried and put into practice, and that the results overall were not as satisfying as expected. One frequent way to start a statement in the conversations was the expression ‘What does not work, is...’, followed by an example of an action, a method, an initiative that has been tried and is still being pursued, but which has only limited effectiveness.

Sometimes it is necessary to redesign the entire machine in order to achieve progress. Sometimes re-adjusting or re-arranging some nuts and bolts is sufficient. From within the machine it is difficult to judge, but from the outside, things may appear in a different light. This is exactly what this report has provided: by bringing together various perspectives from inside and outside football, it has attempted to produce analyses and recommendations from a different angle.

<sup>137</sup> Boniface, Pascal (2008), *Le Livre blanc du football*, op. cit., p. 28.

# List of interviewees

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Interviews were carried out face-to-face, either on site or, where indicated, using Skype.

Interview partners in alphabetical order were:

1. Gerald **Asamoah**, former German international of Ghanaian origin, Gelsenkirchen.
2. Darren **Bailey**, Director of Football Governance and Regulation, Football Association (England), Wembley.
3. Carlo **Balestri**, organiser of the ‘Mondiali Antirazzisti’ and director of the ‘Progetto ultra’, Rome.
4. Tanil **Bora**, publisher, journalist and football author, Istanbul (using skype).
5. Michal **Buchowski**, anthropologist at the Adam Mickiewicz University, Poznan.
6. William ‘Bill’ **Bush** Director of Policy, Nic Coward, General Secretary and Cathy Long Head of Supporter Services at The Premier League, London.
7. Claudia **Claridge**, professor of linguistics, University of Essen-Duisburg, Essen.
8. **Claudio**, alias “Bocia”, leader of an ultras group in Bergamo.
9. Robert **Claus**, consultant, PhD candidate at the University of Hanover, Berlin (using skype).
10. Marco Polo **Del Nero**, president of the Brazilian Football Confederation, Rio de Janeiro (written questionnaire).
11. Gerd **Dembowski**, social scientist, author on football fandom, and long-standing anti-discrimination activist, Berlin (using skype)
12. Javier **Duran**, president of the Spanish Observatory against Racism, Xenophobia and Intolerance in Sport, Madrid.
13. Susanne **Franke**, international manager, founder of the anti-racist ‘Fan-Initiative Schalke’, Cologne.
14. Paolo **Frigo**, leader of an Ultras group in Vicenza.
15. Angel **Galan**, activist in the ‘Movement against Intolerance’ NGO, Valencia.
16. Eugen **Gehlenborg**, Vice-president for social issues for the German football federation (DFB), Frankfurt.
17. Brigitte **Henriques**, General Secretary of the French Football Federation, Paris.
18. Stefan **Heissenberger**, PhD researcher in anthropology, specialised in homophobia, Vienna.
19. Rogério **Hamam**, National Secretary of Football and the Rights of Football Supporters in Brazil, Brasilia.
20. Esteban **Ibarra**, president of the Spanish ‘Movement against Intolerance’, Madrid.
21. Ernesto **Irujeta**, National Director of Sport in the Ministry for Sport and Tourism of Uruguay, Montevideo.



22. Rainer **Kalb**, independent Franco-German journalist and sports writer, Paris.
23. Simon **Kuper**, columnist at the Financial Times and renowned football author, Paris.
24. Dariusz **Lapinski**, Supporters Liaison Officer at the Polish Football Federation, Warsaw (using skype).
25. Ramon **Llopis-Goig**, sociologist at the University of Valencia, Valencia.
26. Wiktor **Marszałek**, leader of the NGO 'Never Again' (Stowarzyszenie 'Nigdy Więcej'), Poznan.
27. Romuald **Nguyen**, Responsable des affaires institutionnelles, Fédération Française de Football (French football association), Paris.
28. Andrea **Petta**, leader of an ultra group in Livorno.
29. Gertrud **Pfister**, sport historian and sociologist at the University of Copenhagen.
30. Igor **Protti**, former professional footballer, now engaged in UNICEF projects, Livorno.
31. Sue **Ravenlaw** Head of Equality and Child protection at the Football Association (England), Wembley.
32. Salvador **Rodriguez Moya**, journalist and author of the book *Tarjeta negra al Racismo*, Madrid (using skype).
33. Catherine **Swann-Bruneteaux**, brand management consultant, Paris.
34. Bartosz **Skwiercz**, marketing and communication advisor Lech Poznan, Poznan.
35. Nina **Szogs**, PhD researcher in anthropology, specialised in migrant/diaspora supporters and football rivalries, based at the University of Vienna.
36. Damiano **Tommasi**, former professional footballer, head of the Italian footballer's union, Rome.
37. Renzo **Ulivieri**, football coach and director of the coaching section of the Italian Football Federation (FIGC), Rome.
38. Mauro **Valeri**, sociologist and psychotherapist, former director of the National Observatory of Xenophobia, now director of the Observatory on Racism and Antiracism in Football, Rome.
39. Carles **Viñas**, activist against racism in Spanish football and football author, Barcelona.
40. Hans-Joachim **Watzke**, executive director of BVB 09, Dortmund.
41. Pierre **Weiss**, sociologist at the University of Luxemburg, Strasburg (using skype).
42. Roisin **Wood**, director of Kick It Out (by phone)

In addition, Olivier Jarosz, membership services manager at the European Club Association and Tomasz Zahorski Proxy of the Management Board for International Matters and Sports Administration at Legia Warszawa also provided time and information on the topic.