

**ECRI GENERAL POLICY  
RECOMMENDATION NO.12**

**ON  
COMBATING RACISM  
AND RACIAL DISCRIMINATION  
IN THE FIELD OF SPORT**

Strasbourg, 19 March 2009





**The European Commission against Racism and Intolerance (ECRI):**

Having regard to Article 14 of the European Convention on Human Rights, Protocol No.12 to this Convention and the case-law of the European Court of Human Rights;

Having regard to the Additional Protocol to the Convention on cybercrime concerning the criminalisation of acts of a racist or xenophobic nature committed through computer systems;

Having regard to the revised European Sports Charter;

Having regard to Recommendation (2001)6 of the Committee of Ministers to member States on the prevention of racism, xenophobia and racial intolerance in sport;

Recalling ECRI's General Policy Recommendation No.2 on specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level;

Recalling ECRI's General Policy Recommendation No.7 on national legislation to combat racism and racial discrimination;

Recalling ECRI's General Policy Recommendation No.11 on combating racism and racial discrimination in policing;

Bearing in mind ECRI's Declaration on the occasion of EURO 2008 "Unite against racism";

Underlining that the fundamental values of sport which include fair play, friendly rivalry, mutual respect and tolerance should be at the heart of any sporting activity;

Emphasising that the protection against racism and racial discrimination is a human right, which must be secured also in the field of sport;

Convinced that the general public should be involved in the fight against racism and intolerance in sport, in a spirit of international solidarity and friendship;

Aware that sport not only has a role in education and socialisation, but that it can also help to explore and celebrate diversity;

Deeply regretting the existence of racism and of racial discrimination in sport and noting that these phenomena concern many sports and can manifest themselves at all levels;

Strongly condemning the manifestations of racism, xenophobia, antisemitism and intolerance which occur during and in relation to sports events and recalling that these phenomena constitute a serious threat to sport and its ethics;

Rejecting any attempt to trivialise racist acts committed during sports events;

Seeking to strengthen the implementation in the field of sport of international and European human rights protection standards;

Recommends that the governments of member States:

**I. Ensure equal opportunities in access to sport for all, and to this end:**

1. gather information on the situation and representation of minority groups in sports, including the collection of good practices in this field;
2. conceive appropriate and effective legal and policy measures, including:
  - a) the adoption of adequate anti-discrimination legislation to prevent discrimination in access to sport;
  - b) the promotion of equal opportunities policies in order to achieve a more balanced representation of minority groups in sports at all levels;
  - c) the removal of legal and administrative barriers for non-citizens to participate in local and national sports competitions, where appropriate;
  - d) the promotion of physical education for all at school;
  - e) the adoption of integration programmes with a special emphasis on promoting access to sport of children from minority backgrounds;
3. invite local authorities:
  - a) to support and facilitate the participation of minority groups in sports, including in the working of local sport structures;
  - b) to advise and support local sports clubs and partners regarding equal opportunity programmes;
  - c) to organise sport-related outreach activities bringing together people from different backgrounds;
4. invite sports federations and sports clubs:
  - a) to adopt diversity and equal opportunity policies in order to ensure balanced representation of minority groups in sports at all levels;
  - b) to take measures to attract supporters of different minority backgrounds to sports events;

**II. Combat racism and racial discrimination in sport, and to this end:**

5. ensure that general and, as necessary, specific legislation against racism and racial discrimination in sport is in place. In particular, the legislator should provide:
  - a) a clear definition of racism and racial discrimination;
  - b) that specific forms of racism and racial discrimination, as necessary, are defined and prohibited;
  - c) adequate and comprehensive anti-discrimination legislation;
  - d) legal provisions penalising racist acts;
  - e) that dissemination of racist material via the internet is prohibited;

- f) that remedies are available for victims of racism and racial discrimination in sport;
  - g) that security regulations allow the police and security personnel to stop, report and document racist behaviour;
  - h) that sports clubs and federations are held responsible for racist acts committed during sports events;
6. ensure that legislation aimed at preventing and sanctioning racist offences in the field of sport is effectively implemented, and to this end:
- a) provide clear elements and guidelines for the identification of racist acts;
  - b) have clear mechanisms in place for reporting and dealing with racist behaviour;
  - c) establish monitoring and data collection systems;
  - d) offer targeted training to persons involved at all levels of the justice system;
  - e) take steps to encourage victims of racist acts to come forward with complaints and to monitor the follow-up given to such complaints;
  - f) ensure the existence and effective functioning of an independent anti-discrimination body competent, inter alia, in assisting victims in bringing complaints of racism and racial discrimination;
7. organise and finance large scale anti-racism awareness raising campaigns in sport at all levels, involving all relevant actors;
8. request that local authorities:
- a) mainstream the fight against racism and racial discrimination in their regular activities, in particular in their work with bodies dealing with sport;
  - b) support movements and initiatives to promote sportsmanship and tolerance, as well as educational and social projects in this field;
  - c) provide the local police force with adequate training for dealing with racist incidents in and outside sports grounds;
9. request that the police:
- a) undergo training on how to deal with racist incidents which occur during sporting events and on how to identify the perpetrators;
  - b) adopt joint strategies with the security personnel of the organisers of sporting events for dealing with racist incidents;
  - c) identify and remove racist, antisemitic or discriminatory leaflets, symbols and banners;
  - d) intervene quickly to stop racist behaviour;
10. invite sports federations and sports clubs:
- a) to recognise that racism is an important problem in sport at all levels and to demonstrate publicly their commitment to combating it;
  - b) to establish internal mechanisms for dealing with cases of racism and racial discrimination;

- c) to adopt and implement self-regulatory, disciplinary and awareness raising measures;
  - d) to train their security personnel on how to prevent and adequately deal with racist incidents on the sport ground;
  - e) to refuse access to sport grounds to persons who distribute or carry with them racist, antisemitic or discriminatory leaflets, symbols or banners;
  - f) to support movements and initiatives to promote sportsmanship and tolerance, as well as educational and social projects in this field;
11. remind athletes and coaches:
- a) to abstain from racist behaviour in all circumstances;
  - b) to report racist behaviour when it occurs;
12. remind referees:
- a) to react appropriately where athletes, technical staff and/or supporters engage in racist gestures or expressions by imposing adequate measures and sanctions;
  - b) to mention in the referee report the occurrence of racist incidents during a sporting event;
13. encourage supporters' organisations:
- a) to adopt supporters' charters, containing anti-racism clauses;
  - b) to organise activities to attract members from minority backgrounds;
  - c) to be vigilant about possible racist content on their websites and fanzines;
14. encourage political actors and opinion leaders to take a firm public stance against racism in sport;
15. encourage the media:
- a) to abstain from reproducing racist stereotypes in their reporting;
  - b) to pay the necessary attention to the image that they convey of minority groups in sports;
  - c) to report on racist incidents taking place during sport events and to give publicity to sanctions incurred by racist offenders;
16. encourage sponsors and the advertising industry:
- a) to avoid giving a stereotyped picture of athletes from minority backgrounds;
  - b) to avoid discriminating against athletes from minority backgrounds;

### **III. Build a coalition against racism in sport, and to this end:**

17. promote cooperation between all relevant actors through:
  - a) the establishment and promotion of consultation mechanisms;
  - b) the adoption of a national framework agreement, outlining the tasks and responsibilities of each actor;
18. promote exchanges of good practices, through:
  - a) the creation of a good practice award for combating racism and racial discrimination in sport;
  - b) the mandating of the national anti-discrimination body with the creation of a database of good practices on combating racism and racial discrimination in the field of sport;
19. provide funding for social, educational and information activities for non-governmental organisations active in the field of combating racism and racial discrimination in sport.





# EXPLANATORY MEMORANDUM TO ECRI GENERAL POLICY RECOMMENDATION No.12 ON COMBATING RACISM AND RACIAL DISCRIMINATION IN THE FIELD OF SPORT

## Introduction

1. This General Policy Recommendation (hereafter: the Recommendation) focuses on combating racism and racial discrimination in the field of sport. It is intended to cover all types of sport, including professional and amateur sports, individual and team sports, as well as all activities related to sport in and outside sports grounds.

2. For the purpose of this Recommendation, ECRI uses the definition of sport as contained in the revised European Sports Charter<sup>1</sup>, according to which:

*"Sport" means all forms of physical activity which, through casual or organised participation, aim at expressing or improving physical fitness and mental well-being, forming social relationships or obtaining results in competition at all levels.*

3. Sport can be a powerful tool for promoting social cohesion and for transmitting important values, such as fair play, mutual respect and tolerance, but sometimes it is also an area in which racism and racial discrimination can thrive, thereby perverting these very values.

4. In its General Policy Recommendation No.7 on national legislation to combat racism and racial discrimination, ECRI defines racism as follows:

*"Racism" shall mean the belief that a ground such as race<sup>2</sup>, colour, language, religion, nationality or national or ethnic origin justifies contempt for a person or a group of persons, or the notion of superiority of a person or a group of persons".*

5. In line with its mandate, ECRI concentrates in this Recommendation on instances of intolerance and discrimination on the grounds of race, colour, language, religion, nationality or national or ethnic origin. However, ECRI is aware that intolerance and discrimination in the field of sport also occurs on other grounds or a combination of different grounds, including gender or sexual orientation. Attention should be drawn to the fact that many of the recommendations contained in this text could be applied *mutatis mutandis* to these other grounds.

6. In the framework of its country monitoring work, ECRI has observed that racism and racial discrimination in sports manifest themselves in many different forms, and that usually only the crudest forms of racial abuse in the most popular sport disciplines come to the attention of the general public. Besides, there is also a tendency to trivialise racist acts taking place during sporting events. Therefore, this Recommendation draws also attention to more hidden forms of racism and racial discrimination in sports and provides concrete examples of unacceptable practices

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<sup>1</sup> Recommendation No. R(92)13 REV on the Revised European Sport Charter, adopted by the Committee of Ministers of the Council of Europe on 24 September 1992 and revised on 16 May 2001.

<sup>2</sup> *"Since all human beings belong to the same species, ECRI rejects theories based on the existence of different "races". However, in this Recommendation ECRI uses this term in order to ensure that those persons who are generally and erroneously perceived as belonging to "another race" are not excluded from the protection provided for by the legislation".*

and behaviour<sup>3</sup>. There is also persuasive evidence that racism and racial discrimination in sport goes beyond the individual or collective behaviour of fans or isolated cases of racist gestures and remarks made, for example, by athletes, coaches or club managers. In fact, institutional racism<sup>4</sup> is also at work in the field of sport. Therefore, this Recommendation also emphasises the question of how to ensure equal opportunities in access to sports for all persons, irrespective of their race, colour, language, religion, nationality or national or ethnic origin.

7. In accordance with ECRI's mandate, this Recommendation is addressed to the governments of all Council of Europe member States, who are responsible for establishing an effective legal and political framework for combating racism and racial discrimination in society in general and in the field of sport in particular. It is their duty to ensure that all the relevant actors in this field, including public authorities and bodies (among others, the legislator, the judiciary, human rights institutions, including national anti-discrimination bodies, the police, governmental bodies responsible for sport, educational institutions and local authorities) and non-governmental organisations (among others, professional and amateur sports federations, sports clubs, local sports associations, athletes' unions, coaching associations, referee unions, supporters' organisations, sponsors and the media) take effective action against racism and racial discrimination in the field of sport.

## **I. Ensure equal opportunities in access to sport for all, and to this end:**

*Paragraph 1 of the Recommendation:*

*"To gather information on the situation and representation of minority groups in sports, including the collection of good practices in this field."*

8. It is important to note that minority groups are well or even over-represented as athletes in certain sport disciplines, while they are usually under-represented among management, administrative and coaching staff. This seems to be partly due to racist stereotypes concerning the sporting capacity and professional competence of athletes of minority background. Furthermore, athletes of minority background sometimes have problems to advance in their careers, because it is difficult for them to gain access to informal networks essentially composed of members of the majority population.
9. In its country monitoring work ECRI is, however, confronted with the fact that in most countries and for most sport disciplines reliable information on the situation and representation of minority groups in sports is not available. This makes it very difficult for governments to devise adequate legal and policy responses for ensuring equal opportunities in access to sport for all members of society. Therefore, ECRI encourages the commissioning of research in the following areas:
  - Research on the conditions of entry/access to the organised practice of sport and physical activity and on the representation of minority groups in different sport disciplines;

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<sup>3</sup> See paragraphs 12, 27 and 40 of the Explanatory memorandum.

<sup>4</sup> According to the Stephen Lawrence Inquiry Report by Sir William Macpherson of Cluny 'institutional racism' is "the collective failure of a [public] organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.

- Research on the career development of athletes from minority backgrounds;
  - Qualitative and quantitative surveys on the situation of sport managers from minority backgrounds;
  - Socio-demographic analyses of the general public following sporting events.
10. The necessary quantitative data for this kind of research is often, however, not easily obtained. This is due to the fact that a vast majority of the member States of the Council of Europe do not collect data broken down by grounds such as national or ethnic origin, language, religion and nationality. This is why ECRI consistently recommends in its country monitoring reports that member States collect such data, in order to monitor the situation of minority groups and identify possible patterns of direct or indirect discrimination they may face in different areas of life. ECRI stresses that these areas should include sport.
11. In addition, special efforts should be made to identify existing good practices for promoting equal opportunities in access to sport, with a view to implementing them on a large scale.

*Paragraph 2 of the Recommendation:*

*“To conceive adequate legal and policy measures”*

12. On the basis of the collected information, ECRI calls on governments to develop and adopt adequate legal and policy measures to ensure equal opportunities in access to sport, among which the adoption of a comprehensive body of anti-discrimination legislation should have a prominent place. ECRI’s General Policy Recommendation No.7 provides valuable guidance in this respect and gives a definition of direct and indirect racial discrimination. In addition to providing these definitions, it enumerates the key elements that effective anti-discrimination legislation should contain, including a prohibition of discrimination in all areas of life in both the public and the private sector and the possibility of adopting temporary special measures for members of disadvantaged groups.
13. The prohibition of racial discrimination should cover the conditions of admission to a sports club; the scouting and recruitment of athletes; the recruitment of management, administrative and coaching staff; and the career development of athletes and management, administrative and coaching staff. The prohibition of racial discrimination should apply to both amateur and professional sports. It is also important to be vigilant against trafficking and exploitation, in particular of young athletes.
14. In order to actively counter any racist and discriminatory practices in access to sport, ECRI recommends that member States promote the adoption of equal opportunity policies among sport governing bodies and sport organisations. Public authorities with responsibilities in the field of sport (e.g. sport ministries, educational institutions, local authorities) should be placed under a public duty to promote equality, including in access to sport. Private sporting organisations should be assisted in the development of equal opportunity policies by providing them with guidelines and information on best practices in this field, which could be, for example, developed and collected by national anti-discrimination bodies<sup>5</sup>.

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<sup>5</sup> The tasks and responsibilities of national anti-discrimination bodies are described in more detail in paragraph 47 of the Explanatory Memorandum.

15. Physical education at school should be used both to raise children's interest in sport and to enhance their awareness of racism and racial discrimination in all its manifestations. This can be achieved, for example, by emphasising the importance of promoting tolerance and non-discrimination in physical education curricula or by encouraging sport teachers and coaches to promote the inclusion of children of minority background.
16. In some countries there exist a certain number of legal and administrative barriers to the participation of non-citizens in local and national sports competitions. As a result, both professional and amateur sports clubs are sometimes reluctant to admit persons who do not possess the citizenship of the country concerned. ECRI is concerned that this can cause problems for young immigrants, whose feelings of rejection might seriously hamper their integration into the host society.
17. Sport can be a powerful tool for promoting integration, ECRI therefore encourages governments to adopt integration programmes with a sport dimension. Special emphasis should be placed on involving children from minority backgrounds in sport activities, both at school and at professional and amateur sports clubs. As regards in particular team sports, ECRI favours mixed teams rather than teams that are composed of only one particular group in order to prevent exclusion and segregation.

*Paragraph 3 of the Recommendation:*

*The role of local authorities in ensuring equal opportunities in access to sport*

18. The closeness of local authorities to their community gives them a key role to play in ensuring equal opportunities in access to sport. Promoting equality in sport can naturally complement their efforts to promote social and cultural integration in their community.
19. Local authorities are best placed to identify the problems and needs of minority groups and to encourage and support them in participating in sport. For this they have to establish close links with minority groups by consulting them on a regular basis and inviting them to take part in the work of local sport councils. Existing barriers to the participation of minority groups in sport should be addressed in this framework.
20. In addition to ensuring the participation of minority groups in formal consultation mechanisms, local authorities should seek dialogue and partnership with a wider range of actors, including sports clubs, migrant associations, minority organisations and minority media. Ideally, this involvement should lead to concrete grass-root level projects promoting the participation of minority groups in sport.
21. More specifically, local authorities should promote and develop the practice of sport in areas where there exist tensions within the community. This can be achieved, for example, by improving the availability and attractiveness of sport facilities in the concerned neighbourhood and promoting the mixing of people from different backgrounds at sporting events.
22. Local authorities also have an important role to play in advising and supporting local sports partners and clubs on how to devise and implement equal opportunity programmes, including by offering equality training for their staff and providing them with information on recruitment programmes inclusive of minority groups.

23. Local authorities should also organise sportive and cultural events, which should bring together people of different ethnic backgrounds, as well as raise their interest in practising sports.

*Paragraph 4 of the Recommendation:*

*The role of sports federations and sports clubs in ensuring equal opportunities in access to sport*

24. Sports federations and clubs can have an important role-model function, if they show a real commitment to combating racism and ensuring equal opportunities in access within their own ranks. In practice, they shape to a great extent the conditions under which sport is practiced. They recruit athletes and other sport staff and closely accompany them during their whole professional or amateur career. It is therefore of utmost importance that sports federations and clubs adopt diversity and equal opportunity policies in their statutes and rules, which should not only stay at the level of intent, but also translate into concrete action.
25. Measures to be adopted in this respect should include to inform sport scouts and recruitment agencies of the organisation's diversity and equal opportunity policy; to ensure that recruitment panels maintain - as far as possible - an ethnic balance; to provide regular equality training to their staff; to give their diversity and equal opportunity policy a prominent place in their staff hand books; to provide special training for sport staff from minority backgrounds under-represented in their sport discipline; to provide mentoring support for individuals from minority backgrounds; and to allocate and/or apply for grants to develop and organise activities with minority groups.
26. At the same time sports federations and clubs should also encourage more diversity among spectators and supporters. In certain sport disciplines the discrepancy between the high number of athletes from minority background and the lack of minorities among the audience is striking and ECRI therefore encourages the adoption of measures to attract supporters from different minority backgrounds to sports events.

## **II. Combat racism and racial discrimination in sport, and to this end:**

*Paragraph 5 of the Recommendation:*

*“Ensure that general and specific legislation against racism and racial discrimination in sport is in place”*

27. Most Council of Europe member States possess legal provisions against racism and racial discrimination. These legal provisions usually take the form of general anti-discrimination clauses in constitutional texts or are part of a body of anti-discrimination law or another legal text covering many fields of life. However, these provisions are not always enough for successfully combating racism and racial discrimination in sport, because the relevant actors are often not aware of their existence and do not know how they are relevant for their daily work. Therefore, it is important to have, as necessary, special provisions against racism and racial discrimination in all the relevant sport regulations and laws.
28. Most importantly, the law must provide a clear definition of racism and racial discrimination that should apply in the field of sport. Specific forms of racism and racial discrimination in sport should also, as necessary, be prohibited by the relevant sport regulations and laws. The definitions contained in ECRI's General

Policy Recommendation No.7 on national legislation to combat racism and racial discrimination should apply in this respect. These definitions are in line with the case law of the European Court of Human Rights, according to which discrimination is differential treatment which has no objective and reasonable justification. Applied to the field of sport, behaviour to be prohibited should therefore include unjustified differential treatment in remuneration, employment conditions and career development, “stacking” (discriminatory practice in team sports, having the practical effect that athletes from minority background are rarely found in outcome or control positions of the game) and discrimination in the selection and nomination for sports competitions<sup>6</sup>

29. These kinds of cases of racial discrimination in sport usually receive limited attention by national legal and policy makers and ECRI therefore wants to draw their attention to these phenomena. This lack of attention is to some extent due to the fact that comprehensive research on racial discrimination in sport is lacking in most Council of Europe member States.
30. The situation is slightly different as regards incidents of racist violence and racist expression at sporting events, which in more recent times have received more attention, in particular in football. In this context, ECRI wants to draw attention to the fact that racism is also present in other sport disciplines, but that awareness of these issues is still under-developed among many of them. This is especially true for amateur sports, but also for professional sports in the lower leagues.
31. Where these problems have been addressed, initiatives for combating racism in sport have often mainly concentrated on fan behaviour and more in particular on hooliganism, even if not all hooligans or members of radical fan groups are necessarily racist. It is important to acknowledge that racist acts are also perpetrated by athletes, coaches and other sport staff, as well as ordinary fans. However, special attention must be given to the activities of extremist Neo-Nazi and right-wing groups, which sometimes use sporting events for recruiting new members.
32. As regards racist behaviour on the part of fans that are not part of organised groups ECRI has observed a certain reluctance to intervene on the part of the police and other security personnel, including stewards. In fact, a certain impunity seems to reign as regards racist expression on many sports grounds. ECRI is deeply worried about this, as it sends a negative message to society as a whole and risks rendering racism in sport and therefore also racism in general, banal and normal. ECRI, therefore, categorically rejects any attempt to justify or trivialise such acts on the pretext that the events at which they occur are highly emotional. It must be clear that “What is illegal outside the stadium is also illegal inside the stadium”.
33. Therefore, ECRI would like to draw the attention of governments to the guidelines contained in its General Policy Recommendation No.7. In this document ECRI recommends to governments that the law should penalise the following acts when committed intentionally:
  - a) public incitement to violence, hatred or discrimination,
  - b) public insults and defamation or
  - c) threats

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<sup>6</sup> Discrimination in access to sport is dealt with in paragraph 2 of this Recommendation.

against a person or a grouping of persons on the grounds of their race, colour, language, religion, nationality, or national or ethnic origin;

- d) the public expression, with a racist aim, of an ideology which claims the superiority of, or which depreciates or denigrates, a grouping of persons on the grounds of their race, colour, language, religion, nationality, or national or ethnic origin;
- e) the public denial, trivialisation, justification or condoning, with a racist aim, of crimes of genocide, crimes against humanity or war crimes;
- f) the public dissemination or public distribution, or the production or storage aimed at public dissemination or public distribution, with a racist aim, of written, pictorial or other material containing manifestations covered by paragraphs 33 a), b), c), d) and e);
- g) the creation or the leadership of a group which promotes racism; support for such a group; and participation in its activities with the intention of contributing to the offences covered by paragraph 33 a), b), c), d), e) and f);
- h) racial discrimination in the exercise of one's public office or occupation.

34. ECRI is aware that the law might not prevent the dissemination of racist ideas in more hidden, insidious ways in and around sports grounds. However, ECRI is of the opinion that special training for the police and other security personnel, including stewards, will help them to identify and to combat more encoded forms of racism as well.

35. In some popular sport disciplines, spectator violence poses a serious problem. ECRI strongly supports instruments and cooperation mechanisms that have been developed to counter violence at sports events, such as the European Convention on Spectator Violence and Misbehaviour at Sports Events<sup>7</sup> and its Standing Committee, since these valuable instruments can also be used to counter racially motivated violence on the sports ground. However, a clear distinction should always be drawn between violent behaviour which is motivated by racism and that which is not. This distinction is important, because ECRI considers that for all criminal offences committed in the field of sport the racist motivation should constitute an aggravating circumstance in legal proceedings.

36. Apart from the sports ground, there is another forum in which sport-related racism can thrive, namely the internet. ECRI therefore recommends that legislation should also cover racist crimes committed via the internet. ECRI's General Policy Recommendation No. 6<sup>8</sup> and the Additional Protocol to the Convention on cybercrime<sup>9</sup> provide very valuable guidance in this respect.

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<sup>7</sup> European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches – European Treaties Series No. 120, adopted by the Committee of Ministers of the Council of Europe on 19 August 1985.

<sup>8</sup> ECRI General Policy Recommendation No.6 on combating the dissemination of racist, xenophobic and antisemitic material via the Internet.

<sup>9</sup> Additional Protocol to the Convention on cybercrime concerning criminalisation of acts of a racist or xenophobic nature committed through computer systems, European Treaties Series No. 189, adopted by the Committee of Ministers of the Council of Europe on 28 January 2003.

37. ECRI considers that the existence of effective remedies for victims of racism and racial discrimination in sport is of central significance. These should include civil and penal remedies before the courts, but also the possibility of lodging complaints with disciplinary boards or commissions of sport governing bodies or with national anti-discrimination bodies. Sanctions and penalties imposed as a result of such proceedings should have a sufficiently deterrent effect, as well as have an educational dimension.
38. In this context, ECRI would also like to stress that sports organisations and clubs, as well as sports ground owners and public authorities have a special responsibility in keeping the sport environment free from racism and racial discrimination. The legislator should therefore foresee sanctions and/or other appropriate means, if they do not take the necessary measures for preventing and controlling racist violence or misbehaviour during and in relation to sporting events.
39. An effective means for preventing and controlling such behaviour is the installation of audio-visual video cameras and CCTV systems (Closed Circuit Television) on the sports ground. Security regulations should therefore foresee their possible use for documenting racist abuse.

*Paragraph 6 of the Recommendation:*

*“To ensure that legislation aimed at preventing and sanctioning racist offences in the field of sport is effectively implemented.”*

40. Comprehensive legislation against racism and racial discrimination is important, but remains a dead letter, if not effectively implemented.
41. Laws and regulations in the field of sport should therefore contain clear and comprehensive guidelines on how to recognise racist acts. According to ECRI, racist behaviour to be prohibited includes racist insults and chanting, the flaunting of racist banners and symbols and the wearing, distribution and selling of racist, antisemitic and discriminatory banners, symbols, flags, leaflets or images.
42. At the same time, rules and regulations in the field of sport should foresee the establishment of mechanisms for reporting and dealing with racist incidents during and in relation to sporting events. For example, special protocols could be adopted, laying down the exact responsibilities of referees, security officers, stewards and the police when racist incidents occur.
43. As already mentioned in other parts of this Recommendation, there is no comprehensive information on the number of racist incidents in the field of sport. This lack of information concerns all sport disciplines in almost all Council of Europe member States. This makes it very difficult to get a real picture of the situation. Racism monitoring systems in line with national legal requirements have therefore to be put into place, which should be operated by the law enforcement authorities, for example, in cooperation with sport organisations, clubs and specialised NGOs.
44. In order to ensure an effective recording and monitoring of racist incidents and that police investigations are carried out in a thorough and satisfactory manner and law enforcement officers do not overlook the racist motivation of ordinary offences, ECRI advocates a broad definition of “racist incident”, as contained in its General



Policy Recommendation No.11, that is “any incident which is perceived to be racist by the victim or any other person”<sup>10</sup>.

45. A racist incident must be strictly distinguished from a racist offence and may only serve as a starting point for further investigations by the concerned law enforcement authorities.
46. The follow-up given to acts of racism and racial discrimination in the field of sport can further be improved by offering targeted training to all persons involved in the justice system, including the police, prosecutors and judges with a view to increasing their knowledge about racism in sport and how such acts can be effectively prosecuted. This training should also include measures to encourage victims of racist acts to come forward with complaints.
47. National anti-discrimination bodies, as described by ECRI in its General Policy Recommendation No.2 on specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level can also play a very important role. Depending on their mandate, they may provide victims with information about their rights, give them legal advice, carry out investigations, negotiate settlements and conduct mediation, take formal decisions or assist them in ordinary court proceedings.

*Paragraph 7 of the Recommendation:*

*“To organise and finance anti-racism awareness raising campaigns”*

48. One of the major problems for combating racism and racial discrimination in sport is the lack of awareness of the existence of these phenomena and of their seriousness. In fact, there are only a few countries and a few sport disciplines, where this problem is acknowledged and addressed and even where it is done, awareness-raising measures mainly address racist fan behaviour. ECRI is, in contrast, convinced that anti-racism campaigns should be devised to address all the different forms of racism and racial discrimination in sport, as described in previous parts of this Recommendation.
49. Governments should either organise or coordinate such awareness-raising campaigns themselves or provide sufficient funding for them to be carried out by other relevant actors in this field, including by international sports federations, European organisations, national sports federations and clubs, educational institutions, national anti-discrimination bodies, minority organisations and anti-racism NGOs.

*Paragraph 8 of the Recommendation:*

*Local authorities*

50. Local authorities should adopt equality or anti-racism action plans, setting out a strategy and concrete measures for integrating the fight against racism and racial discrimination in all their activities.
51. As regards the field of sport, concrete measures should be first discussed within the local bodies dealing with sport, bringing together the relevant politicians, civil servants, sports organisations, sports clubs, sporting ground owners, as well as civil society representatives, including minority groups.

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<sup>10</sup> This definition contained in General Policy Recommendation No.11 is drawn from the 1999 Stephen Lawrence Inquiry Report by Sir William Macpherson of Cluny (Cm 4262, Chapter 47, paragraph 12).

52. Special emphasis should be placed on encouraging and supporting movements and initiatives to promote tolerance and sportsmanship, as well as educational and social projects.
53. Local authorities have also the responsibility to ensure that the local police force receives adequate training in dealing with racist incidents in and around sporting grounds.

*Paragraph 9 of the Recommendation:*

*Police*

54. The police play a vital role in preventing and responding to racist incidents both in and outside sporting grounds. Police officers therefore have to receive regular training on how best to deal with racist incidents and how to identify their perpetrators.
55. In order to successfully prevent and respond to racist incidents related to sporting events, the police have to work in close cooperation with the security personnel of the organisers of such events. The practical terms of this cooperation could be laid down in special agreements between the police and the organisers.
56. In addition, the police should assist the organisers of sporting events in the fight against racism and racial discrimination by providing them in advance with any relevant security related information, collecting the necessary evidence and identifying the perpetrators of racist acts and putting racist incidents on the police record.

*Paragraph 10 of the Recommendation:*

*Sports federations and sports clubs*

57. In the framework of its country monitoring, ECRI has observed a certain attitude of denial on the part of certain sports federations and clubs as regards the existence of racism and racial discrimination in their particular sport discipline. There are of course notable exceptions, but the average level of public commitment to combating these phenomena is rather low among these key actors in the field of sport. This has a variety of reasons, among which fears to destroy the positive image of sport play a considerable role. ECRI can understand these fears, but would like to point out that - if unaddressed - racism is able to fully develop its corrupting power, thereby tainting sport's image and undermining its very values.
58. Sports federations and clubs should therefore take a preventive approach to countering this dangerous phenomenon, including by establishing internal mechanisms for dealing with cases of racism and racial discrimination and by adopting and implementing self-regulatory, disciplinary and awareness raising measures.
59. As regards internal mechanisms for dealing with cases of racism and racial discrimination, sports federations and clubs should nominate a person responsible for combating racism and racial discrimination within their own internal structures. Furthermore, they should develop procedures and enter into agreements to foster the exchange of information concerning racist incidents.
60. As regards self-regulatory measures, sports clubs and federations should include anti-racism and equality clauses in their statutory regulations. They should produce codes of conduct clearly stating their commitment to promoting equality and tackling discrimination and distribute it to all their staff, volunteers, coaches and

sport officials. They should organise regular trainings and awareness-raising sessions for their key staff, volunteers, coaches and sport officials. In addition, they should provide coaches and referees with clear guidelines as to how to deal with racist and discriminatory behaviour.

61. As regards disciplinary measures, they should expel racist offenders from stadiums, cancel their season ticket, pronounce stadium bans on persistent offenders and inform the police. In serious cases of racism committed by athletes, coaches or fans, referees should be able to discontinue sporting events and sports federations should be able to impose fines or withdraw points from the concerned athlete or sport club and/or to decide that future sports competitions are held behind closed doors.
62. As regards awareness raising measures, sports clubs and federations should publish announcements in sports competition programmes that they do not tolerate racism, condemn racist chanting and the displaying of extreme right symbols and salutes, and will take appropriate action. Furthermore, they should make regular stadium announcements against racism and xenophobia on the scoreboard and by the stadium speaker, display anti-racism banners during sport events and, if possible, organise special anti-racism days. Finally, they should integrate the anti-racist message in their communication strategy (e.g. websites, game programmes, fan magazines, billboards).
63. In addition to these self-regulatory, disciplinary and awareness raising measures, they should train their security personnel, including stewards how to prevent and adequately deal with racist incidents on the sporting ground. Part of this training should also be how to recognise racist behaviour, including more coded forms of racism (e.g. Neo-Nazi symbols).
64. The security personnel should be instructed to refuse access to the sporting ground to persons, who display or carry with them racist, antisemitic or discriminatory leaflets, symbols or banners. They also have to prevent the distribution and sale of racist material on or near the sporting ground.
65. Finally, information on racist incidents during sport events should be brought to the attention of the head of security and/or the police, which should give these incidents an appropriate follow-up and draw up an inventory of racist incidents for each sporting event.

*Paragraph 11 of the Recommendation:*

*Athletes and coaches*

66. Athletes and coaches often stand in the limelight of public attention. They are role models for young and old and they should therefore abstain from racist behaviour in all circumstances. At the same time, they should also report such behaviour when it occurs and bring it to the attention of sport governing bodies so that proper action can be taken.
67. In this context ECRI would like to acknowledge and welcome the personal commitment of certain athletes to combating racism and racial discrimination in the field of sport.

*Paragraph 12 of the Recommendation:*

*Referees*

68. Referees have special responsibilities, when racist incidents occur on the sporting ground. It is their duty to protect athletes from racist abuse on the sporting ground during competitions. In order to be able to react appropriately when athletes and/or supporters engage in racist gestures or expressions, they have to be able to identify racist behaviour as described in paragraph 40 of this Explanatory Memorandum. For this they should follow a special training course to improve their knowledge of the problem of racism and racial discrimination. Furthermore, they should be familiar with the anti-racism and equal opportunity policies of the relevant sports governing bodies and clubs involved in a particular competition.
69. In the event of a racist or discriminatory incident, the referee has to react promptly and take all the necessary steps to put an end to these occurrences. As regards more particularly racist shouting or chanting by spectators during a sporting event, a circular of the Belgian Directorate General for Security and Prevention Policy<sup>11</sup> provides very valuable guidance and requests referees to respond in the following manner to such incidents:
- a. they should summon the two captains of the team;
  - b. they should inform them of their intention to make an appeal via the stadium speaker;
  - c. they should ask the captains for their help to calm down the spectators;
  - d. they should summon the persons responsible for the sporting ground and ask them to appeal to the spectators via the stadium speaker;
  - e. they should take the decision to resume the game.

If despite these measures the behaviour is repeated, the Circular foresees that referees should proceed in the following manner:

- a. they should take the decision to momentarily interrupt the game;
  - b. they should ask the teams to go to their dressing rooms;
  - c. they should ask the persons responsible for the sporting ground to make a last appeal via the stadium speaker;
  - d. they should resume the game after ten minutes;
  - e. they should definitely stop the match if the behaviour is repeated, despite a first momentary interruption and after consultation with the security personnel and the police.
70. The referee has also to impose adequate sanctions for racist incidents taking place between athletes. For example, in football by showing the offending player the yellow or red card.

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<sup>11</sup> *Circulaire OOP 40 du 14 décembre 2006 portant des directives à l'encontre des propos et slogans blessants, racistes et discriminatoires scandés en chœur à l'occasion des matches de football.*

71. All racist incidents and referees' responses to them should be mentioned in the referee reports. These reports, which are usually centralised at the corresponding referee unions, should be also used to monitor racist incidents on the sporting ground.

*Paragraph 13 of the Recommendation:*

*Supporters' organisations*

72. Sport organisations and clubs should highly value contacts with their fans. Their love and enthusiasm for sport makes many sporting events a unique experience, but it must not be forgotten that some fans also show racist behaviour at such occasions. An effective means for countering such behaviour is to include anti-racism clauses in supporters' charters, which set out the club's obligations to its supporters and the supporters' obligations towards the club and clearly define each party's rights and duties.

73. In this context, supporters' organisations should be encouraged to take measures to also attract members from minority backgrounds and to be vigilant about possible racist content on their websites and fanzines.

74. Finally, their internal rules should also foresee procedures for excluding members from their organisation, who have engaged in racist or discriminatory acts.

*Paragraph 14 of the Recommendation:*

*Political actors and opinion leaders*

75. ECRI also considers it very important that political actors and opinion leaders take a firm public stance against racism in sports. In particular, ECRI would like to remind politicians that they should not try to trivialise the problem or even try to make electoral gains by making racist remarks about minority groups.

*Paragraph 15 of the Recommendation:*

*The media*

76. The media have a unique position in society and have an important influence on people's attitudes. Media representations of the different groups in society, the way journalists portray relationships between these groups and the way in which they report on events, may, in some cases, fuel stereotypes and prejudices. This is particularly true for the field of sport.

77. National authorities should therefore encourage the media, without encroaching on their editorial independence, to pay attention to the image that they convey of minority groups in the field of sport.

78. In particular, the media should avoid reporting on athlete or crowd behaviour in a manner which could foster confrontation. At the same time, sport journalists should pay special attention to avoid stirring up xenophobic or racist sentiments in their on-the-spot commentaries.

79. ECRI is aware that the media can play a very positive role in combating racism in sport, for example, when they draw attention to the occurrence of racist incidents on sports grounds, put them into the right context and later on also give publicity to the sanctions incurred by racist offenders. ECRI acknowledges and welcomes the positive role that certain media and journalists play in the fight against racism and racial discrimination in the field of sport.

*Paragraph 16 of the Recommendation:*

*Sponsors and advertising industry*

80. ECRI is concerned about the sometimes very stereotyped picture that is given of athletes from minority backgrounds in the advertising industry. There is also some evidence that athletes from minority backgrounds sometimes attract less interest from sponsors and/ or close sponsorship deals which are less advantageous than that of their counterparts from the majority population.

**III. Build a coalition against racism in sport, and to this end:**

*Paragraph 17 of the Recommendation*

*“To promote cooperation between all relevant actors”*

81. Governments should promote the cooperation between all relevant actors in this field, including ministries of education and sport, national and international sports federations, sports clubs, athletes, sports coaching and referees’ unions, supporters’ organisations, local authorities, educational institutions, national anti-discrimination bodies, minority organisations, sports and anti-racism NGOs, sponsors and the media.

82. In fact, in some Council of Europe member States national action plans to promote tolerance and fair play and to eliminate discrimination have been already adopted for this purpose. ECRI welcomes such efforts and appeals to other member States to follow their example.

83. These action plans should be accompanied by national framework agreements, outlining the responsibilities and tasks of each cooperation partner. Such agreements give their commitment to combating racism and racial discrimination a more binding character and also secure funding for anti-racism projects in the longer-term.

*Paragraph 18 of the Recommendation*

*“To promote the exchange of good practices”*

84. Special emphasis should be placed on the promotion of the exchange of good practices in the field of sport. Measures to be adopted in this context include the creation of a good practice award for combating racism and racial discrimination in sports, which could be organised, for example, by international or national sports federations with the financial support of governments and/or private sponsors.

85. ECRI would also like to draw the attention of governments to the fact that national anti-discrimination bodies are often best placed to creating and maintaining a database of good practices on combating racism and racial discrimination in the field of sport.

*Paragraph 19 of the Recommendation*

*“To provide funding for social, educational and information activities”*

86. ECRI has also observed that there is a great problem of under-funding for initiatives aimed at combating racism and racial discrimination in the field of sport. As outlined in other parts of this Recommendation, there is a wide range of measures to be taken in this field and all of them need a sustained financial commitment on the part of governments.



