



# Racism, ethnic discrimination and exclusion of migrants and minorities in sport:

A comparative overview of the situation  
in the European Union

October 2010

This report addresses matters related to the freedom to choose and occupation and right to engage in work (Article 15), the principle of non-discrimination (Article 21), and the freedom of movement and residence (Article 45) falling under the Chapters II 'Freedoms', III 'Equality' and V 'Citizens' rights' of the Charter of Fundamental Rights of the European Union.

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# **Racism, ethnic discrimination and exclusion of migrants and minorities in sport:**

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## **Foreword**

Sport brings together millions of people, regardless of their sex, colour, gender, age, nationality or religion, and has thus the potential to play an important role in creating an inclusive society. Sports activities ranging from the local to the national and international level, embracing leisure as well as competitive sport, can support the integration of migrants and persons belonging to minorities into society as whole. In other words, sport events could be an ideal platform to foster inclusion, acceptance of diversity and mutual respect while combating racism, discrimination and exclusion.

This potential of sports to convey human values is of increasing interest for the European Union. With the entry into force of the Treaty of Lisbon in December 2009, the European Union holds now an explicit competence in the field of sport. Union actions shall aim to develop "the European dimension in sport, by promoting fairness and openness in sporting competitions and cooperation between bodies responsible for sports, and by protecting the physical and moral integrity of sportsmen and sportswomen, especially the youngest sportsmen and sportswomen". The new Treaty also introduces a horizontal clause that obliges the Union to combat discrimination on the grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation in all contexts – that is, whenever the Union is "defining and implementing its policies and activities".

Against this background, the European Union Agency for Fundamental Rights (FRA) has carried out research on racism, discrimination and exclusion in sport, focusing on different sports and levels of practice. The findings show that despite significant progress made in past years, sport continues to face a number of challenges related to racism and ethnic discrimination. Incidences of racism and ethnic discrimination affect sport at professional as well as at amateur level. Particularly at amateur level, there is reluctance to recognise such incidents. Moreover, few Member States have established effective monitoring systems to record racism and racial discrimination in sport.

Policy makers are increasingly interested in the role of sport in combating racism and discrimination. This report provides some useful assistance in their efforts to explore the rich potential of sport for promoting equality.

**Morten Kjaerum  
Director**



# Table of contents

Foreword .....	3
List of abbreviations and acronyms.....	6
Executive summary.....	7
Opinions.....	9
Introduction .....	10
<b>1. The European level: actors and measures .....</b>	<b>13</b>
<b>1.1. The European Union and sports .....</b>	<b>13</b>
<b>1.2. Awareness of racism and ethnic discrimination in European sport .....</b>	<b>14</b>
<b>1.3 EU level initiatives and debates regarding nationality restrictions in sport .....</b>	<b>18</b>
<b>1.4 European and international regulations and measures against racism and discrimination in sport.....</b>	<b>19</b>
<b>1.5. European models of good practice .....</b>	<b>25</b>
<b>2. The national level .....</b>	<b>28</b>
<b>2.1. Racist incidents and related discrimination .....</b>	<b>28</b>
<b>2.2. Under-representation of persons belonging to minorities in sport .....</b>	<b>45</b>
<b>2.3. Legal and administrative barriers to equal participation in sports.....</b>	<b>53</b>
<b>Conclusions .....</b>	<b>58</b>

## List of abbreviations and acronyms

CEV	European Volleyball Confederation
EAA	European Athletic Association
ECC	European Cricket Council
ECRI	European Commission against Racism and Intolerance (Council of Europe)
EHF	European Handball Federation
FARE	Football Against Racism in Europe
FIBA	International Basketball Federation
FIFA	Fédération Internationale de Football Association
FIFPro	International Federation of Professional Footballers' Associations
FIS	International Ski Federation
FSE	Football Supporters Europe
IIHF	International Ice Hockey Federation
IKF	International Korfball Federation
IOC	International Olympic Committee
LISA	Liga für Integration, Sport und Antirassismusarbeit
NFL	National Football League (United States of America)
NHRI	National Human Rights Institutions
NOC	National Olympic Committee
UEC	European Cycling Union
UEM	European Motorcycyle Union
UEFA	Union of European Football Associations

# Executive summary

This report provides data and information on the occurrence and different forms of racism, ethnic discrimination and exclusionary practices in sports in the European Union (EU). While the focus of the research is on ethnic minorities and migrants, attention is also paid to gender and age in relation to sport. The report draws on the findings of 27 studies conducted in all EU Member States by the National Focal Points (NFPs) of the RAXEN network of the European Union Agency for Fundamental Rights (FRA). These studies were based on interviews with relevant experts and stakeholders, and on secondary data and information covering the period 2003-2008. In addition, input was provided by stakeholders at European and national level including national sport federations. The research examined professional and amateur sports engaging men, women and children or youth. Football and athletics were examined in all Member State; in addition, a third sport, different for each Member State depending on its national popularity, was also covered.

## Main findings

### Racist incidents

Incidents of racism, anti-Semitism and anti-Gypsyism were identified in football and basketball across the EU. In particular in Germany and Italy, experts warn that right-wing extremists are becoming active in amateur leagues. No data were available for athletics and almost no data for the various sports examined within the national context of each Member State, with the exception of basketball. Only 10 EU Member States monitor systematically incidents of racism in sports and mainly relating to men's professional football, although racist incidents also occur frequently in men's amateur football.

In football, fans are primarily the perpetrators of racist incidents in men's professional and amateur football. However, a considerable number of racist incidents concerned children's and youth football. Racist incidents were also recorded among players, particularly in amateur football, but there is a tendency to ignore them in amateur sports. Referees and club officials were involved in some racist incidents. No data were available for women's amateur and professional sport.

### Regulations and sanctions

Beyond the general legal provisions against racist crime and discrimination on grounds of racial or ethnic origin that exist in all EU Member States, some Member States have introduced specific legal provisions regarding sport.

In at least 16 Member States, equality bodies and other institutions, such as National Human Rights Institutions (NHRIs) take action in cases of racist incidents and ethnic discrimination in sport.

European football federations include anti-racist clauses or provisions in their statutes as well as disciplinary regulations and two thirds of European football federations specifically penalise racist incidents, for example racist abuse and abusive spectator behaviour. However, only two athletics federations explicitly address the issue of racism or related intolerance in their statutes or regulations. The number of racist incidents, where action was taken by football federations was very low in the reference period 2003-2008.

### Barriers to equal participation in sports

Little attention is paid to the issue of under-representation of persons belonging to minority ethnic groups. Relevant data are available only in five EU Member States showing that minorities and migrants and, in particular, of women and girls with minority or migrant background, are generally underrepresented in sport. In some countries social exclusion, as well as geographical isolation, can affect Roma and Travellers participation in sport.

The research also found some evidence suggesting that in several Member States the participation rate of youth belonging to ethnic minorities – especially second generation youth – in some sports is lower at youth and amateur level than in professional sports.

Quota regulations limiting the access of non-nationals to professional and amateur sports leagues and competitions in combination with restrictive citizenship laws can negatively impact the participation of permanent residents, who do not have citizenship, in both amateur and professional sports. Although such restrictions do not constitute discrimination in a legal sense, they could affect perceptions of social exclusion.

### Anti-racist provisions among sports organisations

Statutes or similar documents of European and international sports organisations include references to anti-racism or anti-discrimination provisions, but few follow the example of football and cricket organisations that have clear disciplinary procedures against racist or discriminatory behaviour. In this regard it is worth noting the excellent practices of the Union of European Football Associations (UEFA) in combating racism and

ethnic discrimination. Further good practice at EU level can be found in several other initiatives, for example, the fan network Football Supporters Europe (FSE), the anti-racism network Football Against Racism in Europe (FARE) and the International Federation of Professional Footballers' Associations (FIFPro).

### **Considerations for policy development**

The research shows that a number of measures could be useful in the fight against racism and discrimination on grounds of racial or ethnic origin in sport. Such measures that also enhance the potential of sport for the social inclusion and integration of migrants and minorities could, for example, include awareness-raising

campaigns, initiatives to increase diversity in sports, identifying barriers to equal participation in sport, and encouraging athletes, players, officials and fans to take a stance against racism and intolerance. In addition, a more effective monitoring of racist incidents would provide valuable information to authorities and sports bodies for improving their policies.

European Union institutions, in particular the European Parliament and the European Commission, could explore the possibilities provided by the Lisbon Treaty to reinforce their role in fighting racism and discrimination in sport. In this respect guidelines are provided in General Policy Recommendation No. 12 of the Council of Europe (European Commission against Racism and Intolerance, ECRI).

# Opinions

## **Reinforcing awareness and improving diversity**

More targeted awareness-raising activities in close cooperation with sports governing bodies, federations and clubs are necessary. Such activities could include, for example, the promotion of diversity programmes to encourage the participation of migrants and ethnic minorities, including the removal of barriers to accessing leadership positions. Special attention should be given to initiatives increasing the participation in sports of girls and women with a minority ethnic background.

## **Effective monitoring**

National and local authorities are encouraged to develop effective monitoring of racist incidents and discrimination in sport in close cooperation with sports federations to improve the recording of incidents, and also to facilitate lodging individual complaints.

## **Maximising the role of Equality Bodies**

National governments are encouraged to maximise the potential of Equality Bodies and National Human Rights Institutions (NHRIs) in addressing racial discrimination in sport. This could include support for developing awareness-raising activities, providing support to potential victims and, where this is permitted, participating in legal action against perpetrators. These bodies could also assist sports federations and clubs in providing support to potential victims.

## **Stronger regulation and enforcement**

The Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law is an important legal instrument that could effectively be used to combat racism in sport events.

Sports governing bodies need to elaborate and implement effective anti-racism regulations and equality measures, supported, as appropriate by EU institutions, for example by the European Commission, which could also play an important role in coordinating the exchange of good practice between Member States.

## Introduction

### Objective and scope

This research aims to identify, examine and analyse the data available and other evidence regarding racism, ethnic discrimination and exclusion of migrants and minorities in sports in the European Union Member States. It seeks to support EU institutions as well as Member States in developing relevant policy responses to fight racism and related discrimination in sports.

The report (<sup>(1)</sup>) draws on information provided by the Agency's RAXEN network of National Focal Points (NFPs) in all EU Member States, which included:

- secondary data and information from official and unofficial sources;
- academic research and online media archives covering the reference period 2003-2008;
- a minimum of seven semi-structured interviews in each Member State with key experts and stakeholders in sports, such as representatives of sport federations, athletes' organisations and non-governmental organisations (NGOs). The interviews included questions on the level of awareness about racism and hatred affecting the sport under examination; the level of involvement of migrants and ethnic minorities in the respective sport; the existence of anti-discrimination or equality measures; the existence of regulations affecting the participation of migrants and ethnic minority groups in the particular sport; and whether any initiatives were taken to promote integration and diversity in the sport examined;
- questionnaires sent to key stakeholders governing sports at European and national level, including the national sport federations of those sports under examination in this research. European sports organisations were asked to assess whether racism and ethnic discrimination is an issue affecting European sports and whether their organisation had implemented anti-discrimination or equality

(<sup>(1)</sup>) The comparative analysis was carried out by the Vienna Institute for International Dialogue and Cooperation (VIDC) in cooperation with Kick it Out (KIO) and the academic researchers Georg Spitaler (University of Vienna, Austria) and Salomé Marivoet (University of Coimbra, Portugal). The comparative report was written by Elisabeth Kotvojs (FairPlay-VIDC), Georg Spitaler and Salomé Marivoet, with contributions from Piara Powar, Alison Vaughan (KIO) and Michael Fanizadeh (VIDC). FairPlay-VIDC and KIO are members of the network *Football Against Racism in Europe* (FARE), and a number of FARE experts were also consulted: Jean-Marc Alingue (Liiikkuaa! Ry, Finland), Bojan Jurovic (Institute of Fair Play and Tolerance in Sport, Slovenia), Valeriu Nicolae (Roma Initiatives – Open Society Institute, Romania), Rafal Pankowski (Never Again Association, Poland), Raf Willems (Redhetvoetbal, Belgium), Michal Riečansky (Ludia Proti Rasizmu, Slovakia). Additional expertise was provided by Jacco van Sterkenburg (Utrecht University, Netherlands), Nikos Tsafaris (VIDC, Greece) and Gerard Horvath (Johannes Kepler University Linz).

measures to combat racism and ethnic discrimination in sports. The questionnaire sent to the national sports federations was divided into two parts asking for information on the situation in a particular sport with regard to racism, anti-Semitism and ethnic discrimination, on the one hand, and on good practice examples, on the other hand.

Direct quotes from both interviewees and respondents of the questionnaire are used in the report to illustrate some of the most relevant findings.

The research considers different levels of sports practice in the EU Member States, ranging from adult professional and organised amateur sports to grassroots sport activities for men, women and children, as well as youth sport for girls and boys. The report provides an overview of actors and measures taken at the European level. It also highlights models of good practice at national and European level.

To limit the scope of this research, the analysis focuses on a reduced number of sports. It examines the incidence of racism, discrimination and exclusion in two sports – football and athletics – in each of the 27 Member States. A third sport was chosen for every Member State depending on national popularity.

### Football

Football is one of the most popular 'national sports' in all EU Member States. 'National sport' refers to those sports that are particularly popular and, at professional level, engage large audiences as spectators, many of whom may also practice the sport at amateur level. Another reason for choosing football as one of the sports examined in this research relates to the fact that, in the past decades, the discourse on racism in European sports has predominantly focused on this sport. This has particularly been the case since the 1980s, when the appearance of a growing number of successful black football players in Belgium, France, Germany, the Netherlands and the UK often led to widespread racist abuse by spectators during games.

### Athletics

Athletics was chosen by the FRA as a second sport on which this research should focus. It is a core Olympic discipline and, like football, it is performed at professional level attracting high media attention. Besides the professional level, athletics is also widely practised at amateur level in all EU Member States. It appears that

discrimination against persons belonging to ethnic or religious minorities is a relevant issue in athletics, for example, regarding access to services or the availability of athletic facilities.

### A popular national sport

A third sport was chosen for each Member State depending on its popularity in the country. The decision to focus on popular sports at national level was based on the assumption that the under-representation of ethnic minorities and immigrants in popular national sports is limiting their chance to fully participate in a given society. This, in turn, is based on the premise that popular national sports and the symbolic construction of national identity are closely intertwined.

**Table 1: Selected popular national sports, by country**

Sport	Member State
Alpine skiing	Austria, Slovenia
Basketball	Belgium, Cyprus, Estonia, Finland, Greece, Italy, Lithuania, Malta, Spain
Cricket	United Kingdom
Cycling	Luxemburg
Handball	Denmark, Germany, Portugal, Romania
Hurling / Camogie	Ireland
Ice hockey	Czech Republic, Latvia, Slovakia, Sweden
Korfball	Netherlands
Speedway racing	Poland
Tennis	France
Volleyball	Bulgaria
Water polo	Hungary

## Background and key concepts

### Increasing diversity and persisting racism

Throughout history, sport has relied in principle on the ethos of the 'level playing field' to guarantee equality of competition. The visible application of this principle is important, and one can see a symbolic representation of diversity, inclusion and solidarity in the line-ups of many popular European sport teams today, as well as in the team work of players and athletes from different ethnic, religious and social backgrounds.

Yet, significant levels of exclusion and discrimination are also evident, as the same team players and athletes who are celebrated for their sporting success may also face racist abuse.

Discrimination on grounds of racial or ethnic origin manifests itself in sport at different levels, targeting different groups of people such as professional non-national athletes, domestic and migrant ethnic groups and religious minorities in both amateur and professional sports.

### Manifestations of and responses to racism and discrimination

Racism and ethnic discrimination is a complex phenomenon and can manifest itself in different ways, for example, racist abuse of migrant or ethnic and religious minority athletes by spectators, other athletes, coaches or officials on the field, in the dressing rooms, on the training ground or in other areas of sport practice. Such actions and incidents include racist, xenophobic, anti-Semitic, Islamophobic or anti-Gypsy chants and insults directed at athletes belonging to minorities. Racist abuse might also be directed against other actors involved in sports and sport events, such as fans, club representatives or referees. It can include the display of banners and symbols in and around stadiums, as well as the dissemination of racist or discriminatory messages and racist stereotypes in sports media discourse.

Such behaviours can be qualified as discrimination or harassment or even as a criminal incitement to racist or xenophobic violence or hatred.

As to the incitement to violence or hatred, since 6 December 2008 the EU Member States are under an obligation to forbid certain acts of racism and xenophobia by means of criminal law. They have to implement the EU Framework Decision on combating certain forms and expressions of racism and xenophobia by 28 November 2010. From this point of time onwards, the Member States have to punish certain acts, including the conduct of public incitement "to violence or hatred directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin".<sup>(2)</sup> The Framework Decision also obliges EU Member States to ensure that racist or xenophobic motivation is considered an aggravating circumstance or may be taken into account in the determination of penalties. In connection with sport events, for instance, this provision is of relevance in the case of racist violence targeted at other individuals or property.

As regards civil law, the EU legal system offers a solid shield of protection against harassment and discrimination on the basis of ethnic origin. The

<sup>(2)</sup> Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, available online at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:328:0055:01:EN:HTML> (All hyperlinks in this report have been accessed on 10 September 2010.)

Racial Equality Directive (³) not only covers the area of employment (including selection criteria and promotion or membership in any “organisation whose members carry on a particular profession”), but also many other areas of life. This includes the “access to and supply of goods and services which are available to the public”, such as access to fitness clubs, swimming pools or other sports facilities. (⁴) The EU Member States that formed part of the EU prior to enlargement in 2004 had to implement the Racial Equality Directive by 19 July 2003 and new EU Member States by their date of accession. It is worthwhile noting that the directive not only applies to the relationship between individuals and the public authorities, but also – and most importantly – to the “horizontal” relationship between people. This aspect is a crucial characteristic of the EU anti-discrimination regime since it renders ethnic discrimination that, for instance, takes place between a football coach and a player illegal.

The Racial Equality Directive also provides a definition of direct and indirect discrimination and of harassment, with the latter being an “unwanted conduct related to racial or ethnic origin tak[ing] place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment”. (⁵)

Besides these legal definitions of racism, harassment, and direct and indirect discrimination, different sociological perspectives explain the low representation of minority groups in sports, for example, through the effect of negative social attitudes and behaviours, but also argue that active participation in sports may be hindered due to economic and social factors. In this sense, the under-representation of migrants or ethnic minorities in many sports can be seen as a form of ‘structural discrimination’. (⁶)

### Sport as a means to foster social participation and inclusion

In 2004, a special Eurobarometer on *The Citizens of the European Union and Sport* showed that almost three in four European Union citizens (73%) share the opinion of sports as “promot[ing] the integration of immigrant populations by developing a dialogue between different cultures”. Some 64 per cent of respondents agreed with

the statement that “you can fight against any form of discrimination” through sport. (⁷)

In several Member States, sport is perceived as a tool for fostering social inclusion and the social participation of marginalised groups, among them ethnic minorities and immigrants. Nonetheless, Member States have different policy approaches, ranging from *non-intervention* to targeting ‘generally disadvantaged population groups’ or, increasingly, by using sport as a means for ‘integrating’ migrants and minorities. Other Member States have developed sport policy approaches that are based on concepts of interculturalism or multiculturalism. According to the findings of studies commissioned by the European Commission, these concepts link the term ‘integration’ to social participation and, more specifically in relation to sports, to the need of national sports institutions to adapt to the diverse immigrant and post-colonial societies of today’s Europe. (⁸)

Several sports sociologists in France and the United Kingdom (UK) have taken a more critical stand towards the integrative potential of sports, in particular of competitive sports at the national and European level. In France, the critical theory of sport emerged at the end of the 1960s, reflecting on the nature of competitive sports and the role of the body in today’s societies. Sport, in particular professional sports at national and international level, is considered as a key commodity of society shaping public opinion in an ideological way. (⁹) The UK sport sociologist Richard Giulianotti is among those who believe that sport should not be seen *a priori* as achieving positive social outcomes. (¹⁰) The paradox of sports – producing modes of both inclusion and exclusion at the same time – points to the need to carefully analyse the various contexts in which sport is practised. Moreover, there is a need to establish clear criteria for determining good practice (¹¹) and existing positive examples, in order to design and assess European policies aimed at tackling racism and ethnic discrimination in sports.

(³) European Commission (2004) *The Citizens of the European Union and Sport*, Special Eurobarometer 213, Brussels: TNS Opinion & Social, pp. 23-25, available online at: [http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_213\\_report\\_en.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_213_report_en.pdf).

(⁴) PMP/Institute of Sport and Leisure Policy Loughborough University (2004) *Studies on education and sport, sport and multiculturalism (Lot 3) Final Report*, European Commission, Directorate General for Education and Culture, pp. 7-9, available online at: <http://www.isca-web.org/files/Sport%20and%20Multiculturalism%20EU%202004.pdf>.

(⁵) See, for instance, J.-M. Brohm (1976) *Sociologie politique du sport*, Nancy: Presses Universitaires de Nancy; J.-M. Brohm (1993) *Les meutes sportives*, Paris: L’Harmattan, as well as several issues of the journal *Quasimodo*, in particular ‘Sport et nationalisme’, No. 1, October 1998 and ‘Nationalismes sportifs’, No. 3-4, Spring 1997.

(¹⁰) R. Giulianotti (2006) ‘Human Rights, Globalization and Sentimental Education: The Case of Sport’, in: R. Giulianotti and D. McArdle (eds.) *Sport, Civil Liberties and Human Rights*, London and New York: Routledge, p. 63.

(¹¹) The identification of examples of ‘good practice’ acknowledges the value of a practice and contributes to supporting a culture of continuous progress. However, the identification as ‘good practice’ does not imply that the respective practice has been directly scrutinised in depth by the Agency.

(⁶) Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, available online at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CEL-EX:32000L0043:en:HTML>.

(⁷) See Article 3 of the Racial Equality Directive.

(⁸) See Article 2 paragraph 3 of the Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services. Official Journal L 373, 21/12/2004 p. 0037 – 0043.

(⁹) P. Lappalainen, (2005) *Det Blågula Glashuset – strukturell diskriminering i Sverige*. Statens Offentliga Utredningar, Stockholm, p. 41-42.

# 1. The European level: actors and measures

This chapter provides an overview of the governing bodies and relevant actors in the field of European sports and their policies against racism and ethnic discrimination. It sets out with an outline of the EU competences in sport and the respective implications for anti-racism policies. It then highlights the level of awareness and the current policies of different governmental actors, sport organisations, fan networks and athletes' organisations.

Overall, the chapter focuses on the question whether European stakeholders in sports have adopted any measures and regulations against racism and ethnic discrimination and, if so, how these have been implemented. Furthermore, it explores whether there are any models of good practice in combating racism and ethnic discrimination in sports at the European level.

## 1.1. The European Union and sports

Before the entry into force of the Treaty of Lisbon (12) in December 2009, EU sport policy could not rely on an explicit competence base in the Treaties. However, due to the increasingly international nature and the considerable economic dimension of sports, the EU took a variety of relevant measures in the context of sport long before the entry into force of the Lisbon Treaty. The EU also delivered what some call 'indirect sport policies': these are "measures and regulations which [...] are unrelated to sport but actually end up having an impact on the field of sport because of their superior importance, if and when sport falls within the European Union's remit in any of its diverse manifestations, for instance, as an economic factor, a media object, an employer or an integral part of education". (13)

One of the key aspects of the EU's indirect sport policy is the protection of the Single European Market principles in the field of professional sport. The four fundamental freedoms, including the freedom of movement for workers or the freedom to provide services, forbid to discriminate on the basis of nationality. This prohibition only covers nationals of EU Member States and does not address the issue of different treatment for third-country nationals. Certain rules laid down by sport governing bodies restrict athletes coming from an EU country in their choice of free movement, by having quota

(12) The Treaty of Lisbon amends the founding treaties of the European Union, namely the Treaty on European Union and the Treaty establishing the European Community.

(13) W. Tokarski, D. Steinbach, K. Petry, B. Jesse (2004) *Two Players – one goal? Sport in the European Union*, Oxford: Meyer & Meyer, p. 61.

regulations in place. Such quota regulations limit the number of non-national players that a club may field in an official match. Since these quota regulations also apply to EU citizens, EU law has an impact in the field of sport. The Court of Justice of the European Union (CJEU, previously European Court of Justice (ECJ)) ruling in the Bosman case (14) in 1995 made particularly clear that the single market has a considerable impact on international and national transfer regulations of professional athletes as well as of nationality restrictions laid down by governing bodies in sports. (15) The Bosman ruling stipulated that the regulations at stake are unlawful since they place a restriction on the free movement of athletes and players. In this sense, EU law can serve as an important legal tool to challenge established rules in a system, which introduces barriers to equal participation – in this case, to equal participation of non-nationals in different national professional sports leagues, especially in football.

Where the EU sport policy was considered 'direct', it was characterised by a 'soft law' approach which, instead of being based on legally binding regulations, works "by raising awareness, by way of negotiation, networking and concluding voluntary agreements". (16) In fact, according to some researchers, the weak competence base in the EC Treaty has limited the outreach of the EU sports policy. Measures that were implemented include the European Year of Education through Sport in 2004, which provided funding for initiatives and research promoting, among other objectives, "the social inclusion of disadvantaged groups". (17) The European Year of Intercultural Dialogue in

(14) CJEU, Case C-415/93 *Union royale belge des sociétés de football association and others v. Jean-Marc Bosman*, ECR I-4921. In the Bosman case, the Belgian football player Jean-Marc Bosman brought action in a Belgian court against his club Royal Club Liégeois. After the end of his contract, the club had offered him an unfavourable new contract which he refused to sign. A transfer to the French football club of Dunkerque failed and the player was suspended by his former club. The Appeal Court Liège referred to the ECJ for a preliminary ruling on the compatibility of the international transfer system with the Articles 39, 81 and 82 [48, 85 and 86] of the EC Treaty.

(15) R. Parrish (2003) *Sports law and policy in the European Union*, Manchester / New York: Manchester University Press, pp. 61-79; R. Parrish/S. Miettinen (2008) *The Sporting Exception in European Union Law*, The Hague: Asser Press, pp. 171-204.

(16) M. Groll, M. Gütt and J. Mittag (August 2008) *Political aspects of sport in the European Union. Status Report within the framework of the project "Sport in Europe – Social, Political, Organisational, Legal Transparency in Europe"*, Cologne: German Sport University, Institute of European Sport Development and Leisure Studies, p. 13, available online at: [http://www.sport-in-europe.eu/images/stories/PDFFiles/politische%20aspekte\\_final\\_end\\_1201.pdf](http://www.sport-in-europe.eu/images/stories/PDFFiles/politische%20aspekte_final_end_1201.pdf).

(17) For an overview of measures and initiatives, see: K. Petry, J. Sanchez, A. Haasner, W. Tokarski (October 2008) *Social aspects of sports in the European Union. Status Report as part of the project "Sport in Europe – Social, Political, Organisational, Legal Transparency in Europe"*, Cologne: German Sport University, Institute for European Sport Development and Leisure Studies, available at: [http://www.sport-in-europe.eu/images/stories/PDFFiles/soziale%20aspekte\\_final.pdf](http://www.sport-in-europe.eu/images/stories/PDFFiles/soziale%20aspekte_final.pdf), pp. 17-29.

2008 was also linked to sport, and sport was perceived as an area that could contribute to such dialogue. (18)

The Treaty of Lisbon changes the picture in a twofold way. For the first time, the issue of sports was provided with a specific base in EU primary law. (19) Secondly, the Treaty of Lisbon establishes a clear cut obligation to fight discrimination also in this new explicit policy area. In Article 165 of the Treaty on the Functioning of the European Union (TFEU) – the Treaty that replaced the former Treaty establishing the European Economic Community (EC Treaty) – it reads as follows: "The Union shall contribute to the promotion of European sporting issues, while taking account of the specific nature of sport, its structures based on voluntary activity and its social and educational function". European Union actions shall be aimed at "developing the European dimension in sport, by promoting fairness and openness in sporting competitions and cooperation between bodies responsible for sports, and by protecting the physical and moral integrity of sportsmen and sportswomen, especially the youngest sportsmen and sportswomen". (20)

The measures to be adopted under this new legal base are limited to "incentive measures" and can definitively not include "any harmonisation of the laws and regulations of the Member States". (21) In this sense, the new competence base introduced by the Treaty of Lisbon can be considered as a rather weak one. As in the case of the protection and improvement of human health, culture or tourism, the European Union's role and competence are limited to "carry[ing] out actions to support, coordinate or supplement the actions of the Member States". (22)

Regarding the obligation to combat ethnic discrimination, this is to be found in Article 10 of the TFEU. This new horizontal clause obliges the European Union to "aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual

(18) Joint declaration of the Slovenian Presidency of the European Council, the Presidents of the National Olympic Committees of the European Union Member States, representatives of the Executive Committee of the European Olympic Committees and the European Commissioner responsible for sport on "Social Significance and Dialogue in Sport" (17 March 2008); see also K. Petry, J. Sanchez, A. Haasner, W. Tokarski (October 2008) *Social aspects of sports in the European Union. Status Report as part of the project "Sport in Europe – Social, Political, Organisational, legal Transparency in Europe"*, Cologne: German Sport University, Institute for European Sport Development and Leisure Studies, available at: [http://www.sport-in-europe.eu/images/stories/PDFFiles/soziale%20aspekte\\_final.pdf](http://www.sport-in-europe.eu/images/stories/PDFFiles/soziale%20aspekte_final.pdf), p. 3.

(19) For an overview of legal developments in the field of sport, see, for instance, M. Groll, M. Gütt and J. Mittag (August 2008) *Political aspects of sport in the European Union. Status Report within the framework of the project "Sport in Europe – Social, Political, Organisational, Legal Transparency in Europe"*, German Sport University Cologne, Institute of European Sport Development and Leisure Studies, available at: [http://www.sport-in-europe.eu/images/stories/PDFFiles/politische%20aspekte\\_final\\_end\\_1201.pdf](http://www.sport-in-europe.eu/images/stories/PDFFiles/politische%20aspekte_final_end_1201.pdf), p. 22.

(20) See TFEU, Article 165 paragraphs 1 and 2.

(21) See TFEU, Article 165 paragraph 4.

(22) See TFEU, Article 6.

orientation" whenever "defining and implementing its policies and activities".

Within the European Commission, issues of sport are handled by the Sport Unit – a sub-unit of the Directorate-General for Education and Culture. The unit was established in 1997 and contributes to "political cooperation among EU Member States in the field of sport, while also maintaining a structured dialogue with the sports movement". (23)

Within the European Parliament, the Committee on Culture and Education is responsible for the development of a sports and leisure policy. (24) In recent years, the Sports Intergroup, (25) a working group of members of the European Parliament (MEPs) from different political fractions, met on a regular basis and served as a "communication and cooperation interface between the members of the European Parliament and the sport organisations". (26)

## 1.2. Awareness of racism and ethnic discrimination in European sport

Over the past decade, the perception and awareness of racism and discrimination in sport have considerably changed at European level, with an emerging need for action. Several documents issued by European and international actors and stakeholders active in the field of sport corroborate this development of a more active approach against racism and discrimination in sports.

Since the late 1980s, academic research and media reports have highlighted the problem of racism in European sports, particularly in football, and the urgent need for action. (27) However, at the time, this was rarely reflected in documents or measures of the European sports governing bodies or the European Union.

This is, for example, reflected in the reaction to the Heysel tragedy in 1985, when 39 people died in the Heysel-

(23) M. Groll, M. Gütt and J. Mittag (August 2008) *Political aspects of sport in the European Union. Status Report within the framework of the project "Sport in Europe – Social, Political, Organisational, Legal Transparency in Europe"*, Cologne: German Sport University, Institute of European Sport Development and Leisure Studies, available at: [http://www.sport-in-europe.eu/images/stories/PDFFiles/politische%20aspekte\\_final\\_end\\_1201.pdf](http://www.sport-in-europe.eu/images/stories/PDFFiles/politische%20aspekte_final_end_1201.pdf), p. 28.

(24) [http://ec.europa.eu/sport/who-we-are/doc129\\_en.htm](http://ec.europa.eu/sport/who-we-are/doc129_en.htm).

(25) [http://www.sportsintergroup.eu/en/page/about\\_epsi/?menu=161](http://www.sportsintergroup.eu/en/page/about_epsi/?menu=161).

(26) M. Groll, M. Gütt, J. Mittag (August 2008) *Political aspects of sport in the European Union. Status Report within the framework of the project "Sport in Europe – Social, Political, Organisational, Legal Transparency in Europe"*, Cologne: German Sport University , Institute of European Sport Development and Leisure Studies, available at: [http://www.sport-in-europe.eu/images/stories/PDFFiles/politische%20aspekte\\_final\\_end\\_1201.pdf](http://www.sport-in-europe.eu/images/stories/PDFFiles/politische%20aspekte_final_end_1201.pdf), p. 26.

(27) See among others: D. Hill (1989) *Out of his Skin. The John Barnes Phenomenon*, London: Faber & Faber; G. Jarvie (ed.) (1991) *Sport, Racism and Ethnicity*, London/New York/Philadelphia: Falmer Pr.; Verlag die Werkstatt (eds.) (1993) *Fussball und Rassismus*, Göttingen: Verlag die Werkstatt.

Stadium in Brussels while trying to escape in panic from fan riots, and to other stadium disasters of the 1980s. The increased awareness of rising violent actions in sports was mostly confined to the issue of spectator violence in football – a problem that was often implicitly connected with the issue of racism. A report issued by the European Parliament highlighted the presence of right-wing extremist groups in the Heysel stadium disaster.<sup>(28)</sup> However, the Council of Europe's 1985 *European Convention on Spectator Violence* did not make any explicit reference to racism or ethnic discrimination.<sup>(29)</sup>

This changed significantly in the 1990s. The Olympic Charter of the International Olympic Committee (IOC) defined in its version of 1991 anti-discrimination as a fundamental principle of the Olympic Movement.<sup>(30)</sup> The 'Mission and Role' section stipulates in paragraph 2.6. "to act against any form of discrimination affecting the Olympic Movement".<sup>(31)</sup> In a similar way, the Council of Europe European Sports Charter, adopted in 1992, states in Article 4.1 that

"[n]o discrimination on the grounds of sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status, shall be permitted in the access to sports facilities or to sports activities."<sup>(32)</sup>

In 1992, the Council of Europe approved a *Code of Sports Ethics*, which it revised in 2001. The code of conduct does not explicitly refer to racism or ethnic discrimination; 'fair play', however, is defined as incorporating issues such as eliminating "unequal opportunities".<sup>(33)</sup>

In 1996, a European Commission-funded, comparative study on *Racism and Xenophobia in European Football*

<sup>(28)</sup> European Parliament (1986) *Report drawn up on behalf of the Committee of Inquiry into the Rise of Fascism and Racism in Europe on the findings of the Committee of Inquiry* (Evgenijs report), A2-160/85, p. 48. In 1990, another report by the European Parliament referred to links between the skinhead movement and football fans, stating that "the major figures behind British football violence have far right and racist links"; see European Parliament (1990) *Report drawn up on behalf of the Committee of Inquiry into Racism and Xenophobia on the findings of the Committee of Inquiry* (Ford report), A3-195/90, p. 42.

<sup>(29)</sup> Council of Europe (19 August 1985) *European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches*, European Treaty Series (ETS) No. 120, Strasbourg: Council of Europe, available at: <http://conventions.coe.int/Treaty/EN/Treaties/Html/120.htm>.

<sup>(30)</sup> The Olympic Charter already referred to anti-discrimination as a fundamental principle in its revised version of 1991.

<sup>(31)</sup> IOC (2010), *Olympic Charter*, Lausanne: IOC, available at: [http://www.turin2006.com/Documents/Olympic%20Charter/Charter\\_en\\_2010.pdf](http://www.turin2006.com/Documents/Olympic%20Charter/Charter_en_2010.pdf). In 2004, the explicit reference to discrimination 'with regard to a country or a person on grounds of race, religion, politics, gender or otherwise' was deleted in this paragraph and remained only in the fundamental principles of the Olympic Movement.

<sup>(32)</sup> Council of Europe, Appendix to Recommendation No. R (92) 13 European Sports Charter, 24 September 1992.

<sup>(33)</sup> Council of Europe, Recommendation No. R (92) 14 REV of the Committee of Ministers to Member States on the revised *Code of Sports Ethics*.

presented an ambivalent and rather negative picture of the situation. The study found that "a significant increase in racist, xenophobic and anti-Semitic abuse and violence" had occurred in all investigated countries. It further revealed that awareness of racist and xenophobic actions in sports varied widely among national stakeholders and sports associations – with some countries and sports associations denying or downplaying the existence of racism in sport.<sup>(34)</sup>

The European Year Against Racism in 1997 provided funding and political support for civil society and fan initiatives in sports and thus played a significant role in the establishment of anti-racism initiatives in the field, according to a representative of the Football Against Racism in Europe (FARE) network. In 1999, the seminar 'Networking Against Racism in European Football' gathered representatives of anti-racist football projects and fan organisations in Vienna with the aim of initiating

"the implementation of a decentralised European network among anti-racist campaigns, football supporters, fan projects and football institutions across Europe with strong grass-roots orientation".<sup>(35)</sup>

This was the founding moment of the FARE network. The participants also adopted the Vienna Action Plan, which included the following "demands towards the institutions which control the game":<sup>(36)</sup>

- recognise that racism and other forms of discrimination are a problem in football;
- take responsibility by adopting and publishing anti-racist policies;
- make full use of the integrative and intercultural potential of football;
- enter into a dialogue and establish a partnership with all organisations committed to kick racism out of football, in particular with supporter groups, migrants and ethnic minorities;
- specifically address the issue of the rise of the extreme right, and their manifestations in football stadiums, in eastern Europe.

In general, the late 1990s can be considered the time when European institutions started to see racism and ethnic discrimination in sport as a serious problem. In 2000, the Council of Europe's Resolution on preventing racism, xenophobia and intolerance in sport documented the European sport ministers' concern

<sup>(34)</sup> U. Merkel (1996) 'Introduction: Racism and Xenophobia in European Football – The Project', in: U. Merkel, W. Tokarski (eds.) *Racism and Xenophobia in European Football*, Aachen: Meyer & Meyer, p. 7.

<sup>(35)</sup> FairPlay, Different Colours, One Game (2000) *Report Networking against Racism in European Football* (NAREF), Vienna Seminar 31 January – 2 February 1999, Vienna: VIDC, p. 3.

<sup>(36)</sup> *Ibid*, pp. 28-32.

about "recent outbreaks of racist behaviour at sport events".<sup>(37)</sup> In their recommendations to the Member States, the Council of Europe Committee of Ministers stated in 2001 that racism

"can affect all sports and can manifest itself at several levels, in amateur sport and at institutional and international levels, as well as in the media. It can occur at local level particularly, but not exclusively, in the interaction (for real or imagined reasons of colour, religion, nationality or ethnic origin) between or against players, teams, coaches and spectators and also against referees. It can include the abuse of teams or even whole groups."<sup>(38)</sup>

The document stated that "racism in sport is not a phenomenon confined to football grounds", but public discourse in Europe focused predominately on this sport. By 2001, the governing bodies in football began to react to the growing criticism of NGOs for their passive role in the fight against racism in sport.

In a declaration issued at its World Conference against 'Racism, Racial Discrimination, Xenophobia and Related Intolerance' in Durban in 2001, the United Nations (UN) called on the international sports federations together with national states and intergovernmental organisations to intensify the fight against racism in sport. Following the UN conference, the Fédération Internationale de Football Association (FIFA) adopted its Buenos Aires *Resolution against racism*, in which the delegates "noted with deep concern the current infiltration of racist elements into football stadiums and other activities connected with football".<sup>(39)</sup> The resolution also required

"all football bodies at all levels to ensure racial equality in the employment, appointment and election of individuals in all areas of activity and to work with ethnic groups to involve them more closely in football activities."<sup>(40)</sup>

This new impetus at FIFA, dating from 2001, is to be seen in the context of the legal requirements adopted at European level, notably the Racial Equality Directive (2000/43/EC).<sup>(41)</sup>

<sup>(37)</sup> Council of Europe, Resolution on preventing racism, xenophobia and intolerance in sport (No 4/2000).

Most recently, in September 2010 the Council of Europe issued a book on *Sport and discrimination in Europe*, including an interview with the former French national football player Lilian Thuram on education to prevent racism.

<sup>(38)</sup> Council of Europe, Committee of Ministers, Recommendation Rec (2001) 6 of the Committee of Ministers to Member States on the prevention of racism, xenophobia and racial intolerance in sport, adopted by the Committee of Ministers on 18 July 2001.

<sup>(39)</sup> FIFA Extraordinary Congress, *Resolution against Racism*, Buenos Aires, 7 July 2001, documented in: Olympic Review, 2001, XXVII, 41, 5, p. 29-30.

<sup>(40)</sup> *Ibid.*

<sup>(41)</sup> In relation to the Racial Equality Directive and its impact, see also the FRA reports on *The impact of the Racial Equality Directive – Views of trade unions and employers in the European Union* (May 2010), *The effectiveness of the*

The Union of European Football Associations (UEFA) began their partnership with the FARE network in 2001. This cooperation led to a number of measures and documents dealing with the issue of racism in football, such as the 2002 *10-Point Action Plan to fight racism in football*. The action plan provided guidelines for football clubs,<sup>(42)</sup> which included the recommendation to "adopt an equal opportunities' policy in relation to employment and service provision". The 2003 UEFA guide to good practice *Unite against racism in European football* also included references to the term 'institutionalized racism'.<sup>(43)</sup> The 2006 guide for football clubs, entitled *Tackling Racism in Club Football*, broadened the scope regarding discrimination, by also referring to forms of discrimination such as homophobia and sexism. Furthermore, the 2006 guide stated that racism "occurs at all levels of an industry or organisation – within football it may range from fans hurling racial abuse to exclusionary practices by governing bodies of all levels, clubs or other partners of the game". The guide also referred to the under-representation of ethnic minorities in football, noting "a lack of equal representation of minorities in the game".<sup>(44)</sup>

In the same year, the European Parliament adopted a *Declaration on tackling racism in football*, "recognising the serious incidents of racism that have occurred in football matches across Europe", and recommending "the excellent work that organisations such as UEFA and FARE (Football Against Racism in Europe) have done in tackling these problems".<sup>(45)</sup>

This focus on football and football audiences was also implicitly echoed in the section on preventing racism and violence in sport in the European Commission *White Paper on Sport* and the *Action Plan Pierre de Coubertin*.<sup>(46)</sup> The White Paper includes references to the continuing promotion of "dialogue and exchange of best practices in existing cooperation frameworks such as the Football against Racism in Europe network (FARE)".<sup>(47)</sup>

The General Policy Recommendation on combating racism and racial discrimination in the field of sport,<sup>(48)</sup> issued by the European Commission against Racism and

*Racial Equality Directive* (forthcoming) and a synthesis report (forthcoming November 2010).

<sup>(42)</sup> UEFA (2000) *10-Point Plan of Action for Professional Football Clubs*, available at: <http://www.farenet.org/default.asp?intPageID=37>.

<sup>(43)</sup> UEFA (2003) *Unite against racism in European football. A guide to good practice*, available at: <http://www.uefa.com/newsfiles/82716.pdf>.

<sup>(44)</sup> UEFA (2006) *Tackling racism in club football. A Guide for Clubs*, available at: [http://www.uefa.com/MultimediaFiles/Download/uefa/KeyTopics/448328\\_DOWNLOAD.pdf](http://www.uefa.com/MultimediaFiles/Download/uefa/KeyTopics/448328_DOWNLOAD.pdf)

<sup>(45)</sup> European Parliament (14 March 2006) *Declaration on Tackling Racism in Football*, P6\_TA(2006)0080.

<sup>(46)</sup> European Commission (11 July 2007) *White Paper on Sport*, Brussels, COM (2007) 391 final and *Action Plan Pierre de Coubertin*, Brussels: European Commission.

<sup>(47)</sup> European Commission (11 July 2007) *White Paper on Sport*, Brussels, COM (2007) 391 final.

<sup>(48)</sup> European Commission against Racism and Intolerance (ECRI) (2008), General Policy Recommendation No.12 on combating racism and racial discrimination in the field of sport, adopted on 19 December 2008 CRI(2009)5.

Intolerance (ECRI) (<sup>49</sup>) of the Council of Europe in 2008, offers an excellent evaluation of current European trends in the discourse on racism in sport. With its explicit references in the Explanatory Memorandum to "more hidden forms of racism" and "institutional racism", the Recommendation can be seen as a European document that is closely linked to insights from scholarly research and the expertise of involved stakeholders. (<sup>50</sup>) The Explanatory Memorandum highlights existing deficits and problems of the discourse on racism in sport in Europe. It states:

"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. [...]

[Furthermore,] 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." (<sup>51</sup>)

The findings of this FRA research corroborate this view, according to the responses of the international and European umbrella associations or federations governing the various sports under examination in this research. In total, nine sports associations responded to the questionnaire, while several other European and international sports associations did not reply to the FRA questionnaire, including the European Athletic Association (EAA), the Gaelic Athletic Association Europe (GAA Europe), the European Cricket Council (ECC), the

(<sup>49</sup>) Established in 1993, ECRI serves as a body of the Council of Europe that is "entrusted with the task of combating racism, racial discrimination, xenophobia, anti-Semitism and intolerance in greater Europe from the perspective of the protection of human rights, in the light of the European Convention on Human Rights, its additional protocols and related case-law" (Council of Europe Committee of Ministers, *Resolution Res(2002)8 on the statute of the European Commission against Racism and Intolerance*).

(<sup>50</sup>) See selected research on European football, especially in the British context: L. Back, T. Crabbe and J. Solomos (2001) *The changing face of football. Racism, identity and multiculture in the English game*, Oxford: Berg; D. Burdsey (2007) *British Asians and Football: Culture, Identity, Exclusion*, London: Routledge Chapman & Hall; M. Fanizadeh and M. Pinter (2002) 'Rassismus und Antirassismus im goldenen Zeitalter des Fußballs', in: M. Fanizadeh, G. Hödl and W. Manzenreiter (eds.) *Global Players. Kultur, Ökonomie und Politik des Fußballs*, Frankfurt/M.: Brandes&Apsel, pp. 257-274; J. Long et al (2000) *Part of the Game?: An Examination of Racism in Grassroots Football*, London: Kick It Out; J. Van Sterkenburg, J. Janssens and B. Rijnen (eds.) (2005) *Football and Racism. An inventory of the problems and solutions in eight West European countries in the framework of the Stand Up Speak Up campaign*, Brussels: W.J.H. Mulier Instituut, Arko Sports Media.

(<sup>51</sup>) ECRI (19 December 2008) General Policy Recommendation No.12 on combating racism and racial discrimination in the field of sport, CRI(2009)5.

International Korfball Federation (IKF) and the European Motorcycle Union (UEM).

Both governing bodies in football, FIFA und UEFA, documented their awareness of racist and discriminatory actions in football. Among the other sports examined in this research, only the European Handball Federation (EHF) indicated that there are problems of racism and discrimination in their sport. According to the EHF response, instead of "classical' racism problems" handball faces "political" issues of nationalism and these

"are mostly linked to the creation of new independent states [...] the Balkan war and all political and geographical consequences that have been resulting from those events until now [...] or other countries with common history still suffering political and/or ethnical problems (i.e. Cyprus/Turkey [...], Hungary-Romania)".

Incidents in handball related to the above described problems range from "sometimes violent reactions of [...] supporters against the guest team" inside and outside the gyms, to "rude behaviour of the spectators during the line-up procedure", as well as teams that refuse to respect the line-up procedures to stress their "disapproval of the opponent".

Other sports associations surveyed expressed a different perspective in their responses. For instance, the European body of the International Basketball Federation, FIBA Europe, claimed that they "have never had any reported cases of problems and issues" with racism, xenophobia and ethnic discrimination. So far, FIBA Europe has not included any declaration referring to discrimination or racism in their regulations. FIBA Europe further stated that it is "fortunate" that neither racism nor xenophobia or any other ethnic discrimination are an issue within their sport. In addition, the federation underlined that it would "immediately take extreme measures against the offenders", if any racist or related incidents occurred. However, several stakeholders reported racist incidents in European basketball during their interviews (see section 2.1.3).

Table 2 outlines some of the statements included in the responses to the questionnaire by European and international sports associations.

**Table 2: Statements by European and international sports associations indicating their level of awareness concerning racist and discriminatory actions, by sport**

Sport	Umbrella organisation	Level of awareness
Basketball	European Basketball Federation (FIBA Europe)	"Never had any reported cases of problems and issues."
Cycling	European Cycling Union (UEC)	"The stated problems, fortunately, are non-existent in the realm of cycling sport."
Football	Fédération Internationale de Football Association (FIFA)	"FIFA has been aware of the racism problem for some time but recent events, especially in Europe, have given the need for concerted action an added urgency." (FIFA news release, 'FIFA against racism' 11 May 2007).
	Union of European Football Associations (UEFA)	"Problems deriving from society are brought into football. The aim is to fight these socially deeply rooted problems with an essential contribution from football."
Handball	European Handball Federation (EHF)	"Political' issues of nationalism tangible in Handball."
Ice hockey	International Ice Hockey Federation (IIHF)	"Only affected in single cases."
Skiing	International Ski Federation (FIS)	"Has not known or reported incidents or cases of racism, xenophobia and related intolerance."
Tennis	European Tennis Federation	"These problems are not really an issue in European tennis."
Volleyball	European Volleyball Confederation (CEV)	"We have no negative information from one or more member federations concerning racism, ethnic discrimination and related problems."

### 1.3 EU level initiatives and debates regarding nationality restrictions in sport

In the context of sport, one of the European Commission's main concerns is to safeguard the freedom of movement among professional athletes and avoiding discrimination against EU citizens. While acknowledging the right to select national athletes for national team competitions, the European Commission also calls on "EU Member States and sport organisations to address discrimination based on nationality in all sports. It will combat discrimination in sport through political dialogue with the Member States, recommendations, structured dialogue with sport stakeholders, and infringement procedures when appropriate".<sup>(52)</sup> In 2009, the European Commission launched infringement procedures against several Member States for rules limiting the access of non-nationals in team sports. At the same time, it launched a study on the equal treatment of non-nationals in individual sports competitions.<sup>(53)</sup>

However, the safeguarding of freedom of movement and the related deregulation of the European player market since the 1990s did not remain unchallenged. It was questioned by a number of European actors, including both the European and international football associations UEFA and FIFA.

UEFA's arguments centred on the assumption that the Bosman ruling as well as other decisions by the CJEU have led to financial instability and competitive imbalance between European football clubs. UEFA argues that the

need of football clubs to invest in the training of local youth players has declined and that the links between fans and their local teams have been weakened through the absence of local players at these clubs.<sup>(54)</sup>

At their Ordinary Congress in April 2005, UEFA adopted a 'home grown players' rule' for its club competitions.<sup>(55)</sup> Football clubs' 25-player squad lists have to include a certain number of 'locally trained players',<sup>(56)</sup> starting with four players in the 2006-2007 season and totalling four club-trained players and four association-trained players since the 2008-2009 season. In order to comply with European Union law, UEFA has been careful to avoid any direct reference to nationality in the home-grown players' rule. UEFA interprets its regulation as 'balanced' and non-discriminatory, with quotas that give all players a chance to play, according to an interview with its social responsibility manager.<sup>(57)</sup>

Following negotiations with UEFA, the European Commission has accepted the home-grown players' rule in its current form. However, an increase to the required

<sup>(54)</sup> R. Parrish and S. Miettinen (2008) *The Sporting Exception in European Union Law*, The Hague: Asser Press, pp. 196-197.

<sup>(55)</sup> R. Parrish and S. Miettinen (2008) *The Sporting Exception in European Union Law*, The Hague: Asser Press, pp. 196-197.

<sup>(56)</sup> A 'locally trained player' is defined as "a player who has been registered for a minimum of three seasons with the club between the age of 15 and 21, whereas an association-trained player is one who has been registered for at least three seasons by the club or by other clubs affiliated to the same association between the age of 15 and 21", available at: <http://www.uefa.com/>.

<sup>(57)</sup> In 2006, the Independent European Sport Review backed this view in a report, arguing that it "should be seen as compatible with European Community law", see *Independent European Sport Review 2006. Final Version*, p. 49, available at: [http://www.independentfootballreview.com/doc/Full\\_Report\\_EN.pdf](http://www.independentfootballreview.com/doc/Full_Report_EN.pdf).

<sup>(52)</sup> European Commission(11 July 2007) *White Paper on Sport*, Brussels, COM (2007) 391 final, Brussels: European Commission, p. 14.

<sup>(53)</sup> See [http://ec.europa.eu/sport/news/news792\\_en.htm](http://ec.europa.eu/sport/news/news792_en.htm).

quota for 'locally trained players' or a different application at the national level could lead to a different view, according to an interview with the deputy head of the European Commission's Sport Unit in 2009.

FIFA also designed its own measures to protect 'local talent' which, in contrast to UEFA's regulation, explicitly refer to nationality. In 2006, FIFA and FIFPro issued a Memorandum which included the plan for the "protection of national teams by FIFA introducing, over several seasons, the 6+5 system regarding eligibility for national teams". This regulation, which requires "clubs to field at least six players qualified to represent the national team<sup>(58)</sup> in the association in which they play", was approved but not implemented by the FIFA Congress in 2007.<sup>(59)</sup> FIFA then commissioned an expert opinion report which came to the conclusion that the 6+5 rule "can be implemented in conformity with European Community law".<sup>(60)</sup> Other experts, however, insist "that nationality rules in professional sports have never been found justified on the facts of any decided case before the ECJ [now CJEU], and that it seems increasingly unlikely that, given its harsh view of the rule in the Bosman case, a similar rule could survive such as the 6+5 rule proposed by FIFA".<sup>(61)</sup> On 10 June 2010, the British Broadcasting Corporation (BBC) reported that FIFA "will scrap plans for a minimum of six 'home-grown' players in clubs' starting line-ups".<sup>(62)</sup>

Apart from the question, whether or not nationality restrictions are compatible with the common market rules, it is important to underline that quota regulations may not be applied in a way that they lead to indirect discrimination on the basis of ethnicity.

## 1.4 European and international regulations and measures against racism and discrimination in sport

When looking at the impact of governmental anti-racism and anti-discrimination policies in European sport, it is important to distinguish between binding laws or regulations and non-binding declarations or resolutions. In the case of sports associations, their statutes or codes of ethics may be broken without consequences if they are not accompanied by detailed disciplinary measures. This will be illustrated in the following section with an

<sup>(58)</sup> Basic rules for being qualified to represent a particular national team are that the player holds the citizenship of the respective country and that the player did not play for the national team of another country.

<sup>(59)</sup> R. Parrish and S. Miettinen (2008) *The Sporting Exception in European Union Law*, The Hague: Asser Press, p. 197.

<sup>(60)</sup> Institute for European Affairs (INEA) (2008) *Expert Opinion regarding the Compatibility of the "6+5 Rule" with European Community Law*, Düsseldorf: INEA, p. 184, available at: [http://inea-online.com/download/regel/lang\\_eng.pdf](http://inea-online.com/download/regel/lang_eng.pdf). See also U. Battis, A. Ingold and K. Kinert (2010) 'Zur Vereinbarkeit der "6+5" Spielregel der FIFA mit dem Unionsrecht', in *Europarecht*, No. 1, 2010, pp. 3-29.

<sup>(61)</sup> R. Parrish and S. Miettinen (2008) *The Sporting Exception in European Union Law*, The Hague: Asser Press, p. 198.

<sup>(62)</sup> See: <http://news.bbc.co.uk/sport2/hi/football/8733164.stm>.

overview of relevant actors and stakeholders in the field of European sport and their most important regulations and measures.

### 1.4.1. Supranational and intergovernmental institutions

#### At European level

##### The European Commission

In the reference period 2003-2008, the European Commission's most important document in the domain of sports was the *White Paper on Sport*, presenting its policy goals. The accompanying Action Plan Pierre de Coubertin contains a chapter on 'Prevention of and fight against racism and violence in sport'<sup>(63)</sup> setting out the following goals:

"(18) [...] promote dialogue and exchange of best practices in the existing cooperation framework.

(19) Promote, in accordance with national and EU rules applicable, the exchange of operational information and practical know-how and experience on the prevention of violent and racist incidents between law enforcement services and with sport organisations."

In the area of anti-racism and anti-discrimination, the European Commission's Sport Unit has established cooperations with sport associations and civil society actors, such as UEFA and FARE, and has supported initiatives to combat racism in sport, such as the FARE action week.<sup>(64)</sup> Within the framework of the 'European Year Education through Sport' 2004, the Directorate-General (DG) for Education and Culture of the the Sport Unit is part has also commissioned a European-wide comparative research on 'Sport and Multiculturalism'.<sup>(65)</sup> In 2008, the DG for Education and Culture provided funding for a European-wide TV-spot against racism in football which was broadcast during the 2008 UEFA European Football Championship (Euro 2008) and the UEFA Champions League season 2008-2009.

#### The Council of the European Union

Within the framework of the Council of the European Union, the Member States' Sport Ministers hold informal

<sup>(63)</sup> Action Plan Pierre de Coubertin, available at: [http://ec.europa.eu/sport/white-paper/index\\_en.htm](http://ec.europa.eu/sport/white-paper/index_en.htm).

<sup>(64)</sup> J. Van Sterkenburg, J. Janssens and B. Rijnen (eds.) (2005) *Football and Racism. An inventory of the problems and solutions in eight West European countries in the framework of the Stand Up Speak Up campaign*, Brussels: W.J.H. Mulier Instituut, Arko Sports Media, p. 16.

<sup>(65)</sup> PMP/Institute of Sport and Leisure Policy Loughborough University (2004) *Studies on education and sport, sport and multiculturalism (Lot 3) Final Report*, European Commission DG Education and Culture, available at: <http://www.isca-web.org/files/Sport%20and%20Multiculturalism%20EU%202004.pdf>, pp. 7-9.

meetings on a regular basis. According to a study on political aspects of sport in the European Union, "no decisions are adopted at the two-day meetings, recommendations are merely issued".<sup>(66)</sup>

In terms of indirect policy, however, a number of legally binding EU norms are applicable in the field of sport. Legislation addressing racism was enacted after 1999 when the Treaty of Amsterdam had provided for a new broad competence in the area of anti-discrimination.<sup>(67)</sup> In 2000, the Council adopted the Racial Equality Directive (2000/43/EC) on implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and the Employment Equality Directive (2000/78/EC). In Article 13, the Racial Equality Directive stipulates that "Member States shall designate a body or bodies for the promotion of equal treatment of all persons without discrimination on the grounds of racial or ethnic origin".<sup>(68)</sup> This directive is applicable to professional sport within the European Union. In 2002, a Council decision was taken in order to address the issue of security including violence at international football matches.<sup>(69)</sup> In 2008, the Council adopted the Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law (2008/913/JHA). This new piece of legislation addresses the area of criminal law and requires Member States to create respective anti-racism legislation.

### The European Parliament

The Parliament exercises, together with the Council of the European Union, the legislative function in the EU institutional structure. With the entry into force of the Treaty of Lisbon, codecision became the so called "ordinary legislative procedure".<sup>(70)</sup> This means that, where not stated otherwise, the Parliament is put at equal footing with the Council of the European Union in the legislative process. However, for the policy area of anti-discrimination, the European Parliament – which under the former Article 13 TEC was only to be consulted – is still not a fully-fledged co-legislator since it only has the power to "consent" to a draft legislative act.<sup>(71)</sup> In fact, most measures by the European Parliament that are related to anti-racism in sport remain at the level

<sup>(66)</sup> M. Groll, M. Gütt and J. Mittag (August 2008) *Political aspects of sport in the European Union. Status Report within the framework of the project "Sport in Europe – Social, Political, Organisational, Legal Transparency in Europe"*, German Sport University Cologne, Institute of European Sport Development and Leisure Studies, available at: [http://www.sport-in-europe.eu/images/stories/PDFFiles/politische%20aspekte\\_final\\_end\\_1201.pdf](http://www.sport-in-europe.eu/images/stories/PDFFiles/politische%20aspekte_final_end_1201.pdf), p. 26.

<sup>(67)</sup> Article 13 of the Treaty establishing the European Community (now Article 19 TFEU).

<sup>(68)</sup> Council Directive 2000/43/EC (29 June 2000).

<sup>(69)</sup> Council Decision of 25 April 2002 concerning security in connection with football matches with an international dimension, in OJ L 121 of 8.5.2002.

<sup>(70)</sup> See TFEU, Articles 289 and 294.

<sup>(71)</sup> See TFEU, Article 19 paragraph 1 (former Article 13 TEC). Note that the ordinary legislative procedure applies where legislation does not aim at any harmonisation but only supports action taken by the Member States (TFEU, Article 19 paragraph 2).

of non-binding declarations and resolutions: in 2006, a group of MEPs<sup>(72)</sup> launched the Declaration on tackling racism in football which was adopted by the European Parliament on 14 March 2006. The Declaration strongly condemns "all forms of racism at football matches, both on and off the field" and emphasises the European Union's objective under Article 13 of the EC Treaty to "protect against discrimination based on ethnic origin and nationality".<sup>(73)</sup>

In the European Parliament Resolution of 8 May 2008 on the White Paper on Sport, the Parliament considered "the sporting arena the working place of the professional athlete and calls on the Commission and Member States to ensure a workplace free of discrimination".<sup>(74)</sup>

Furthermore, in its Resolution the European Parliament "[c]alls on the Commission and all the Member States to transpose and implement Council Directive 2000/43/EC of 29 June 2000 on implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation effectively".<sup>(75)</sup>

In 2009, the European Parliament Resolution on the situation of fundamental rights in the European Union – underlining "the important role of sport in promoting tolerance [and] mutual respect" – again called on "national and European sports bodies to continue their efforts in the fight against racism and xenophobia and encourages the launching of new, stronger and more far-reaching initiatives to build on measures currently in place".<sup>(76)</sup>

### The Court of Justice of the European Union

Since the 1990s, the decisions of the Court of Justice of the European Union (CJEU, previously the European Court of Justice, ECJ) have contributed distinctively to the shaping of EU sport policies. This also applies to the issue of anti-discrimination, particularly in rulings against the discrimination of professional athletes through nationality clauses.

As early as 1976, the CJEU had found in the *Doná* case that

"rules or national practice, even adopted by a sporting organisation, which limit the right to take part in

<sup>(72)</sup> Emine Bozkurt, Claude Moraes, Christopher Heaton-Harris, Cem Özdemir and Alexander Alvaro.

<sup>(73)</sup> Declaration of the European Parliament on tackling racism in football P6\_TA(2006)0080 (14 March 2006).

<sup>(74)</sup> European Parliament Resolution on the White Paper on Sport (2007/2261(INI)) (8 May 2008).

<sup>(75)</sup> *Ibid.*

<sup>(76)</sup> P6\_TA-PROV(2009)0019 Situation of fundamental rights in the European Union 2004–2008, European Parliament resolution on the situation of fundamental rights in the European Union 2004–2008 (2007/2145(INI)) (14 January 2009).

football matches as professional or semi-professional players solely to the nationals of the state in question, are incompatible with article 7 and, as the case may be, with Articles 48 to 51 or 59 to 66 of the treaty, unless such rules or practice exclude foreign players from participation in certain matches for reasons which are not of an economic nature, which relate to the particular nature and context of such matches and are thus of sporting interest only".<sup>(77)</sup>

Since the 1970s, there had been several negotiations, including two agreements in 1978 and 1991 between UEFA and the European Commission intended to harmonise the international transfer system with the freedoms guaranteed in the EC Treaty. These agreements did not hold before the CJEU and were challenged by the CJEU in the Bosman Case.<sup>(78)</sup> The Court found that "provisions which preclude or deter a national of a Member State from leaving his country of origin in order to exercise his right to freedom of movement therefore constitute an obstacle to that freedom"<sup>(79)</sup> and thus the existing transfer system "constituted a restriction prohibited by Article 39" of the EC Treaty.<sup>(80)</sup>

After the Bosman case, FIFA and UEFA adjusted their transfer systems in terms of transfer regulations<sup>(81)</sup> and nationality restrictions.

Subsequent judgments by the CJEU extended the prohibition of discrimination in the field of professional sport also to third-country nationals whose countries have entered into an association agreement with the European Union. For instance, in the case Deutscher Handballbund e.V. v. Maros Kolpak (C-438/00) – a case concerning the association agreement concluded with Slovakia before its accession to the EU – the Court made clear that the agreement precludes the application to a professional sportsperson of Slovak nationality, who is lawfully employed by a club established in an EU Member State, of a rule under which clubs are authorised to field,

during league or cup matches, only a limited number of players from non-member countries.<sup>(82)</sup>

## **Regional intergovernmental organisations**

### **The Council of Europe, Standing Committee and ECRI**

Since the adoption of the European Sport for All Charter in 1975, the Council of Europe (CoE) has been an important pan-European actor in the field of sport policy, with 47 Member States in western, central and eastern Europe. With regard to binding regulations in sport, two conventions have been adopted by the Council of Europe Member States – the Anti-Doping Convention and the Convention against Spectator Violence<sup>(83)</sup>. The latter has been ratified by 41 countries,<sup>(84)</sup> and as a legally binding agreement "has become the law of the land in the national legal framework" in these countries.<sup>(85)</sup> However, the Convention against Spectator Violence does not explicitly cover the issue of racism.

In 1996, as a result of the first roundtable on 'Sport, Tolerance and Fair Play', more than half of the CoE Member States appointed national Ambassadors for Sport, Tolerance and Fair Play with the task to "foster tolerance and respect for others within sport in their respective home countries and to establish programmes to achieve this end".<sup>(86)</sup>

Documents explicitly related to anti-racism include the General Assembly's Resolution on preventing racism, xenophobia and intolerance in sport in 2000<sup>(87)</sup> and the Council of Europe Committee of Ministers' Recommendation to Member States on the prevention of racism, xenophobia and racial intolerance in sport in 2001 (see section 1.2.).<sup>(88)</sup> In 2004, the conference on the 'Contribution of Sport to Intercultural Dialogue' in Istanbul, organised by the Council of Europe, adopted a

<sup>(77)</sup> CJEU, *Gaetano Donà v Mario Mantero*, Case 13-76 [1976] ECR 1333.

<sup>(78)</sup> CJEU, *Union Royale Belge Sociétés de Football Association and others v. Bosman*, Case C-415/93 [1995] ECR I-4921. In the Bosman case, the Belgian football player Jean-Marc Bosman brought action in a Belgian court against his club Royal Club Liégeois. After the end of his contract, the club had offered him an unfavourable new contract which he refused to sign. A transfer to the French club Dunkerque failed and the player was suspended by his club. The Appeal Court in Liège referred the case to the CJEU for a preliminary ruling on the compatibility of the international transfer system with Articles 39, 81 and 82 of the former EC Treaty.

<sup>(79)</sup> CJEU, *Union Royale Belge Sociétés de Football Association and others v. Jean-Marc Bosman*, Case C-415/93 [1995] ECR I-4921, paragraph 96.

<sup>(80)</sup> R. Parrish and S. Miettinen (2008) *The Sporting Exception in European Union Law*, The Hague: Asser Press, p. 174.

<sup>(81)</sup> It was not before July 2001, however, that FIFA adopted international transfer rules that fully met the European Commission's demands in respect to transfers of players between clubs from in and outside of the EU. See R. Parrish and S. Miettinen (2008) *The Sporting Exception in European Union Law*, The Hague: Asser Press, pp. 174-175.

<sup>(82)</sup> See also the cases C-265/03 *Igor Simutnenkov v. Ministerio de Educación y Cultura, Real Federación Española de Fútbol* and C-152/08 *Real Sociedad de Fútbol SAD, Nihat Kahveci v. Consejo Superior de Deportes, Real Federación Española de Fútbol*.

<sup>(83)</sup> ETS 120, European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches, Strasbourg (19.8.1985).

<sup>(84)</sup> <http://conventions.coe.int/treaty/Common/ChercheSig.asp?NT=120&CM=8&DF=3/19/2009&CL=ENG>.

<sup>(85)</sup> A.-N. Chaker (1999) *Study on national sports legislation in Europe*, Strasbourg: Council of Europe Publ., p. 68.

<sup>(86)</sup> J. van Sterkenburg, J. Janssens and B. Rijnen (eds.) (2005) *Football and Racism. An inventory of the problems and solutions in eight West European countries in the framework of the Stand Up Speak Up campaign*, Brussels: W.J.H. Mulier Institute, Arko Sports Media, p. 19.

<sup>(87)</sup> Council of Europe, Resolution on preventing racism, xenophobia and intolerance in sport (No 4/2000).

<sup>(88)</sup> Council of Europe, Committee of Ministers, Recommendation Rec. (2001) 6 of the Committee of Ministers to Member States on the prevention of racism, xenophobia and racial intolerance in sport, adopted by the Committee of Ministers on 18 June 2001.

number of recommendations for the areas of sport for all and elite sport, as well as spectators and fans.<sup>(89)</sup> Within the framework of the Enlarged Partial Agreement in Sport (EPAS) established by the Council of Europe in May 2007,<sup>(90)</sup> the Governing Board of EPAS agreed in October of the same year to include the anti-racism awareness-raising campaign for combating racism and racial discrimination in sport in its 2008 and 2009 activities.

In recent years, ECRI has also been active in the production of policy-relevant documents with regard to racism and ethnic discrimination in sport.

ECRI has issued a Declaration on the occasion of Euro 2008 ‘Unite against racism’<sup>(91)</sup> and the General Policy Recommendation No. 12 on Combating racism and racial discrimination in the field of sport (see section 1.2).

The Council of Europe’s European Youth Campaign ‘All different all equal’ – originally launched in 1995 and relaunched in 2006<sup>(92)</sup> – has been used to support several sport-related projects in CoE Member States.

**Table 3: Documents referring to anti-racism in sport issued by European and international organisations**

#### European Union

Document	Institution	Goal	Legal nature
Action Plan Pierre de Coubertin (accompanying the <i>White Paper on Sport</i> ) (2007)	European Commission	Contains a chapter on ‘Prevention of and fight against racism and violence in sport’ and also a proposed action for ‘combat[ting] discrimination based on nationality in all sports’	Non-binding
<i>White Paper on Sport</i> (2007)	European Commission	Outline of EU sport policy	Non-binding
Declaration on tackling racism in football (2006)	European Parliament	Condemning racism on and off the football field	Non-binding
European Parliament Resolution of 8 May 2008 on the <i>White Paper on Sport</i> (2008)	European Parliament	Calling on the European Commission and the EU Member States to implement the Racial Equality Directive and Employment Equality Directive in sport.	Non-binding
European Parliament resolution on the situation of fundamental rights in the European Union (2009)	European Parliament	Underlines the role of sport for social inclusion; stronger and further-reaching activities to fight racism and xenophobia in sport should be implemented.	Non-binding

#### Instruments addressing racism but not explicitly sport

Racial Equality Directive (2000/43/EC)	European Commission/Council	Prohibition of direct or indirect discrimination on grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation applicable to professional sport and access to services.	Binding; applicable to professional sport and access to services
Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law (2008)	Council	Racist or xenophobic speech, as well as public incitement to violence or hatred are punishable; racist or xenophobic motivation shall be taken into account when determining the penalties to be applied	Binding

<sup>(89)</sup> Council of Europe, *The Istanbul Declaration*, Conference on ‘The Contribution of Sport to Inter-cultural Dialogue’, Strasbourg, 14 September 2004 T-RV (2004) 13, p. 50.

<sup>(90)</sup> Until 2005, the Council of Europe Sport Department was formed by the Committee for the Development of Sport (CDDS) and the Standing Committee. Since 2007, the CDDS is replaced by the Enlarged Partial Agreement in Sport (EPAS).

<sup>(91)</sup> ECRI, ‘Unite against Racism’, Declaration on the occasion of Euro 2008, Strasbourg, 13 May 2008.

<sup>(92)</sup> <http://alldifferent-allequal.info/?q=node/35>.

## Regional organisations

Document	Institution	Goal	Legal nature
European Sport for All Charter (1975)	Council of Europe	Make sport accessible for everyone	Non-binding
The European Sports Charter (1992)	Council of Europe	Code of Sport Ethics with reference to anti-discrimination	Non-Binding
Resolution on preventing racism, xenophobia and intolerance in sport (2000)	Council of Europe	Documents the European sport ministers' concern about racism in sports	Non-binding
Recommendation to Member States on the prevention of racism, xenophobia and racial intolerance in sport (2001)	Council of Europe Committee of Ministers	List of recommendations with general observations on racism in all sports	Non-binding
The Istanbul Declaration – The Contribution of Sport to Inter-cultural Dialogue (2004)	Council of Europe	Recommendations in the areas Sport for All, elite sport, spectators and fans	Non-binding
Declaration on the occasion of Euro 2008 'Unite against racism'	ECRI/ Council of Europe	Declaration and recommendations on the occasion of the UEFA Euro 2008	Non-binding
General Policy Recommendation No. 12 on Combating racism and racial discrimination in the field of sport (2008)	ECRI/ Council Europe	Evaluation of European trends and recommendations for combating racism in sport	Non-binding

## International organisations

Document	Institution	Goal	Legal nature
International Charter on Physical Education and Sport (1978)	UNESCO/ UN	Preamble refers to discrimination in sport	Non-binding
World Conference Declaration against Racism, Racial Discrimination, Xenophobia and Related Intolerance (2001)	UN	Calls the international sports federations, states and intergovernmental organizations 'to intensify the fight against racism in sport'	Non-binding
Global efforts for the total elimination of racism and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (2006)	UN General Assembly	Concern at the increasing incidence of racism in various sporting events. Invites Member States to 'demonstrate greater commitment to fighting racism in sport' Highlights efforts during the FIFA World Cup 2006	Non-binding

### 1.4.2. European and international non governmental sports organisations

Among the European and international umbrella organisations governing the sports under examination, almost all have adopted anti-racism or anti-discrimination clauses in their statutes or similar documents.

As an example, the Constitution of the European Athletics Association (EAA) which has been in force since 16 October 2005, states in Article 2 (b) the intention "[t]o promote fair play and other ethical values in sport and to fight against all forms of doping as well as racial, religious, political or other kinds of discrimination in Athletics".<sup>(93)</sup>

The emphases of such statutes vary. While the International Korfball Federation demands a written declaration against racism and discrimination from their members and designated members, other federations merely state that racism and ethnic discrimination would not be tolerated in their sport or they stress that the

practice of their sport is open to everyone without any racial, religious or other discriminating constraint.

A number of European or international sports associations have also introduced Codes of Ethics which include the rejection of racist or discriminatory behaviour. A model for these can be found in The International Olympic Committee Code of Ethics, which states that "[t]here shall be no discrimination between participants on the basis of race, sex, ethnic origin, religion, philosophical or political opinion, marital status or other grounds".<sup>(94)</sup>

Twelve of the 13 sports examined in this research have anti-racism or anti-discrimination clauses in their statutes, constitutions, codes of ethics or codes of good practice. The European Basketball Federation (FIBA Europe) abides the general statutes and internal regulations of the International Basketball Federation (FIBA), similar to the European Cricket Council (ECC) which fully recognises the authority of the International Cricket Council. Only the European Cycling Union (UEC) does not include any specific anti-racism provisions in its statutes; nonetheless,

<sup>(93)</sup> EAA Constitution (October 2005), p. 4; available online at: [http://www.european-athletics.org/files/constitution/eaa\\_constitution.pdf](http://www.european-athletics.org/files/constitution/eaa_constitution.pdf).

<sup>(94)</sup> IOC, IOC Code of Ethics (2003), p. 1, available at: [http://multimedia.olympic.org/pdf/en\\_report\\_1295.pdf](http://multimedia.olympic.org/pdf/en_report_1295.pdf).

Article 3.1 of the UEC statutes calls on its members "to respect the equality [...] of all sportsmen".<sup>(95)</sup>

It is important to note that most of these provisions are not substantiated by detailed disciplinary measures in case of infringement of the respective statutes, constitutions or codes of ethics. In general, they refer to negative sanctions which would follow infringements of any anti-racism clauses. The positive exceptions in this regard are football and cricket, which have clear and detailed disciplinary regulations in place in case of infringement of their anti-racism clauses.

Accordingly, Article 58 of FIFA's Disciplinary Code<sup>(96)</sup> states that:

"1.a) Anyone who offends the dignity of a person or group of persons through contemptuous, discriminatory or denigratory words or actions concerning race, colour, language, religion or origin shall be suspended for at least five matches. Furthermore, a stadium ban and a fine of at least CHF [Swiss Franc] 20,000 shall be imposed. If the perpetrator is an official, the fine shall be at least CHF 30,000.

b) Where several persons (officials and/or players) from the same club or association simultaneously breach par 1 a) or there are other aggravating circumstances, the team concerned may be deducted three points for a first offence and six points for a second offence; a further offence may result in demotion to a lower division. In the case of matches in which no points are awarded, the team may be disqualified from the competition.

2. a) Where supporters of a team breach par. 1 a) at a match, a fine of at least CHF 30,000 shall be imposed on the association or club concerned regardless of the question of culpable conduct or culpable oversight.

b) Serious offences may be punished with additional sanctions, in particular an order to play a match behind closed doors, the forfeit of a match, a points deduction or disqualification from the competition.

3. Spectators who breach par 1 a) of this article shall receive a stadium ban of at least two years."<sup>(97)</sup>

Similarly, Europe's football governing body UEFA also imposes negative sanctions for acting contrary to Article 2 (1b) of its Statutes in the Disciplinary Regulations and to Article 11bis Discrimination and similar conduct:

"(1) Anyone who insults the human dignity of a person or group of persons, by whatever means, including on grounds of colour, race, religion or ethnic group, shall incur a suspension for five matches or for a specified period.

(2) Any member association or club whose supporters engage in the behaviour described in paragraph 1 shall incur a minimum fine of EUR 20,000.

(3) If particular circumstances so require, the disciplinary body may impose additional sanctions on the member association or club responsible, such as the playing of one or more matches behind closed doors, a stadium closure, awarding of a match by default, deduction of points or disqualification from the competition.

(4) Any form of extremist ideological propaganda is banned before, during and after matches. The sanctions laid down in paragraphs 1 to 3 above apply."<sup>(98)</sup>

Furthermore, Article 6 (1) of UEFA's 2008 Disciplinary Regulations explicitly states that member associations and clubs must take responsibility for their supporters, members and officials.

<sup>(95)</sup> Union Européenne de Cyclisme (April 1993), Statutes, p. 3.

<sup>(96)</sup> Before the 2006 World Cup, FIFA had revised the Disciplinary Code, then Article 55 (now Article 58) to include more rigorous steps against racist incidents. Article 55 was so severely formulated that FIFA came to the conclusion that the Article had to be modified – namely a paragraph focusing on the automatic deduction of points if any player, or association and club official or spectator acted in any kind discriminatory. Legal representatives of UEFA and FIFA concluded that neither football clubs nor national teams could be subjected to this automatic fine; see C. Kassimieris (2008) *European Football in Black and White. Tackling Racism in Football*, Lanham: Lexington Books, pp. 118-119.

<sup>(97)</sup> FIFA Disciplinary Code (2009) p. 34; available online at [http://www.fifa.com/mm/document/affederation/administration/50/02/75/disco\\_2009\\_en.pdf](http://www.fifa.com/mm/document/affederation/administration/50/02/75/disco_2009_en.pdf).

<sup>(98)</sup> UEFA Disciplinary Regulations (Ed. 2008), p.5; available at [http://www.uefa.com/multimediafiles/download/regulations/uefa/others/72/95/88/729588\\_download.pdf](http://www.uefa.com/multimediafiles/download/regulations/uefa/others/72/95/88/729588_download.pdf).

**Table 4: Documents referring to anti-racism in sport issued by umbrella organisations**

Sports	Umbrella Organisations	Anti-racism/discrimination clause in statutes and/or code of ethics	Implementation in detailed disciplinary regulations
Olympics	International Olympic Committee (IOC)	Olympic Charter Code of ethics	-
Athletics	International Association of Athletic Federations (IAAF)	Constitution Code of ethics	-
	European Athletic Association (EAA)	Constitution	-
Football	Fédération Internationale de Football Association (FIFA)	Statutes Code of ethics	Disciplinary code
	Union of European Football Associations (UEFA)	Statutes	Disciplinary regulations; licensing regulations
Basketball	European Basketball Federation (FIBA Europe)	General statutes and internal regulations of FIBA	-
Camogie/ Hurling	Gaelic Athletic Association Europe (GAA Europe)	Code of best practice in youth sport Inclusion and integration strategy	-
Cricket	European Cricket Council (ECC)/ International Cricket Council (ICC)	ICC Global Development Programme ICC Anti-racism code and ICC Code of conduct	ICC Anti-racism code ICC Code of conduct
Cycling	European Cycling Union (UEC)	-	-
Handball	European Handball Federation (EHF)	Statutes Code of conduct	Negative sanctions for "unsportsman-like conduct" in arbitration regulations
Ice Hockey	International Ice Hockey Federation (IIHF)	Statutes	-
Korfball	International Korfball Federation (IKF)	Statutes Membership declaration	General disciplinary sanctions in disciplinary regulations
Skiing	International Ski Federation (FIS)	Statutes	-
Speedway	European Motorcycle Union (UEM)	Statutes	-
Tennis	Tennis Europe (European Tennis Federation)	Constitution	-
Volleyball	European Volleyball Confederation (CEV)	Code of discipline	General disciplinary sanctions in Code of discipline

## 1.5. European models of good practice

To identify examples of good practice in sports, six criteria were defined for this research.

- **Anti-discrimination** – Does the initiative target discrimination, either by attempting to change the attitudes or practices of those who might discriminate, or by empowering minorities to resist discrimination?
- **Sustainability** – Is the initiative more than just a 'once off' activity? Does it have the potential for continuing in the future, or for becoming established in an organisation's routine?
- **Effectiveness and impact** – Is there any evidence that the initiative has either a short term measurable output or a longer term impact?
- **Transferability** – Does the initiative have the potential to be one that others can copy, and that can be transferred to other settings and/or Member States?
- **Review and assessment** – Does the initiative have review and assessment built into it?
- **Participation of beneficiaries** – Are beneficiaries and other stakeholders involved in the design, planning, evaluation, review, assessment and implementation?

The following examples have been identified as good practice in this regard:

### 1.5.1 Governing body in European sports

#### UEFA

When compared with the other sports under examination in this research, the actions taken by the governing body of European football in combating racism and ethnic discrimination in sport can be considered as an example of good practice.

With respect to sustainability, UEFA has had racism and ethnic discrimination on its Corporate Social Responsibility agenda since 2000-2001.

UEFA has established partnerships with other beneficiaries and stakeholders, such as the FARE network. FARE, on the one hand, functions as a consulting partner and, on the other, it organises and implements activities and initiatives financed by UEFA. The cooperation between UEFA and FARE has led to the organisation of three 'Unite Against Racism' conferences with the participation of UEFA, representatives of national

federations and clubs, politicians and FARE organisations. The last conference took place in March 2009 in Poland.

Together with FARE, UEFA has developed the *10-Point Plan of Action for Professional Football Clubs* (<sup>99</sup>), as well as the two handbooks *Unite Against Racism in European Football: A UEFA Guide to Good Practice* (<sup>100</sup>) and *Tackling Racism in Club Football – A Guide for Clubs*. (<sup>101</sup>)

In 2008, UEFA also revised its club licensing regulations to introduce Article 23 'Racial Equality Practice' as an obligatory provision, commanding licence applicants to "establish and apply a policy [...] in line with UEFA's 10-point-plan on racism". (<sup>102</sup>)

The effectiveness and impact of UEFA's regulations can be assessed by examining its actual implementation:

Between the 2003-2004 and 2008-2009 seasons, negative sanctions for racist behaviour in European Cup Competitions or European Championship Games were imposed at least 41 times on clubs and football federations, including fines or stadium suspensions. (<sup>103</sup>) In comparison, FIFA has imposed fines on member associations in relation to Article 58 of its Disciplinary Code twice in the past five years (among them one European federation). (<sup>104</sup>)

### 1.5.2. Fan and NGO network organisations

According to the network coordination spokesperson of Football supporters Europe (FSE), the "most effective way for tackling discrimination in the stands and on the pitch in football is proactive involvement of supporters and the encouragement of self-policing". Again, examples of good practice at European level can be found predominantly in football.

#### Football Supporters Europe

Football Supporters Europe (FSE) (<sup>105</sup>) was founded by British, Dutch, German and Italian organisations in 2001 as a loose network of European football fans in

(<sup>99</sup>) UEFA (2000) *10-Point Plan of Action for Professional Football Clubs*, available online at: <http://www.farenet.org/default.asp?intPageID=37>.

(<sup>100</sup>) UEFA (2003) *Unite against racism in European football. A guide to good practice*, available online at: <http://www.uefa.com/newsfiles/82716.pdf>.

(<sup>101</sup>) UEFA (2006) *Tackling racism in club football. A Guide for Clubs*, available online at: [http://www.uefa.com/MultimediaFiles/Download/uefa/KeyTopics/448328\\_DOWNLOAD.pdf](http://www.uefa.com/MultimediaFiles/Download/uefa/KeyTopics/448328_DOWNLOAD.pdf)

(<sup>102</sup>) UEFA (2008) *Club Licensing Regulations*, p. 14, available online at: [http://www.uefa.com/multimediasfiles/download/regulations/uefa/others/77/40/04/774004\\_download.pdf](http://www.uefa.com/multimediasfiles/download/regulations/uefa/others/77/40/04/774004_download.pdf).

(<sup>103</sup>) Racist Incidents, UEFA Disciplinary Services, 29 June 2009; Disciplinary Cases – Racist Behaviour (unpublished list provided by FARE).

(<sup>104</sup>) Written response to the authors by Patrick Stamm, FIFA (20 August 2009). However the overall number of international games under FIFA's supervision is lower than the number of European matches governed by UEFA.

(<sup>105</sup>) Originally founded as Football Supporters International (FSI), the group was re-named Football Supporters Europe (FSE) at the Second European Football Fans' Congress in July 2009.

2001, including the Football Supporters' Federation (FSF), Landelijk Informatiepunt Supportersprojecten (LIS), Fan Project Coordination Centre at the German Sports Youth (KOS) and Progetto Ultra; Fancoaching Suisse (FaCH) joined soon after FSE's establishment. In the meantime, FSE became a structured membership organisation, with 189 members from 27 European countries in September 2009. It also comprises 48 local and 27 national fan organisations, according to its network coordination spokesperson.

Since its formation, the network has taken a strong stance against any form of discrimination, as highlighted by its coordination spokesperson in the stakeholder interview:

"Tackling racism and discrimination has been an important core principle of all activities of all members of FSE."

FSE's awareness of discrimination in football comprises the under-representation of certain groups among spectators in football, including women, lesbian and gay people, and ethnic minorities. In terms of discrimination, the network is also aware of an under-representation of minority groups in football governing bodies, racist and Islamophobic incidents on the pitch and in the stands, display of symbols supporting right-wing extremist ideologies by supporters, homophobia at all levels of football and the marginalisation of issues relevant to disabled fans.

Preliminary statutes included the consent and proactive support of anti-discrimination. Furthermore, every participant of each open event organised by FSE needs to declare their consent to and proactive support of the network's anti-discrimination measures. Any contravention to this regulation leads to an immediate expulsion from the event. FSE cooperates closely with FARE, to the extent that at least one representative of FARE is involved in the decision making entities of FSE.

In the course of FSE's first European Football Fans' Congress (2008), a workshop on anti-discrimination took place. Another workshop on anti-discrimination was held at the second congress in 2009. Furthermore, FSE seeks to intensify its cooperation with minority fan groups. One of the outcomes of FSE's current structuring process is the establishment of a sub-department on anti-discrimination.

#### Football Against Racism in Europe

In 1999, several European organisations and initiatives that had previously launched regional projects against racism in football banded together to establish the Football Against Racism in Europe (FARE) network as part of the European Union 'Networking against racism' project (see section 1.2).

Since its founding, the network has grown continually. An increasing number of groups and organisations participate in FARE activities, such as the annual FARE Action Week Against Racism, which is held in 40 countries. Clubs at all levels (youth, amateur and professional), the UEFA Champions League, fan clubs, youth organisations and schools participate in the Action Week with different activities. (<sup>106</sup>)

The 'Mondiali Antirazzisti', a large anti-racist non-competitive football festival in Italy, attracts thousands of fans every year.

Measures aimed at fighting racism and discrimination in football involve the lobbying against and raising awareness about access restrictions for non-nationals to play in national teams and leagues when it comes to official games (see section 2.3.). Furthermore, FARE measures also seek to promote the participation of migrants and ethnic minorities in football, including the removal of barriers to accessing positions of authority.

In 2009 and 2010, FARE focused on its Unite Against Racism project in eastern Europe, with a particular emphasis on capacity building and structure. According to the February 2009 issue of its magazine, FARE is also broadening its focus on other forms of discrimination like homophobia.

### 1.5.3. Athletes' organisation

#### **International Federation of Professional Footballers' Associations**

As regards the commitment of athletes' organisations to fight against racism and ethnic discrimination in sports, football may serve again as a model of good practice.

In 2006, the International Federation of Professional Footballers' Associations (FIFPro), representing professional football players worldwide, participated in an Anti-Racism Working Group together with representatives of FARE, UEFA and European clubs and leagues. The working group drew up recommendations for anti-racism activities and measures within professional football, which address both political authorities and football bodies.

FIFPro had already cooperated with the UK Organisation Show Racism the Red Card, which works with professional football players to collect testimonials to combat racism. One of their recent joint publications is the educational DVD 'Show Racism the Red Card' featuring top players like Thierry Henry or Samuel Eto'o taking a stance against racism. (<sup>107</sup>)

In 2007, the cooperation between FARE and FIFPro intensified, as stated by a representative of the FARE coordination. FIFPro was one of FARE's and UEFA's official partners in the large-scale anti-racism campaign 'Unite Against Racism', which was implemented at the UEFA European Championship 2008 in Austria and Switzerland. FIFPro was also an official partner at the 'Unite Against Racism' conference in Warsaw in 2009.

FIFPro's mission statement asserts that "FIFPro makes no distinction on the basis of nationality, religion, political convictions, race or gender. FIFPro is against all forms of racism and violence and will oppose these at all times". (<sup>108</sup>)

In its statutes, FIFPro declares that:

"The objects of the Federation are: a. to bring together all the footballers' associations in the world, regardless of their nationality, religion, political conviction, race or gender and thus; b. to increase the solidarity between professional football players within the leagues, organised interest groups or other organisations throughout the world' (Art. 2)."'

Nine good practice initiatives on combating racism, ethnic discrimination and the exclusion of migrants and minorities in sports are presented in a separate FRA publication, a *Handbook of Good Practice*. These initiatives were selected according to a set of good practice criteria: the anti-discriminatory character of measures undertaken by the project, its sustainability and transferability to other settings and contexts, the effectiveness and impact of the project, review and assessment within the project and finally the participation and involvement of beneficiaries in all phases of the project.

(<sup>106</sup>) FARE Magazine 2009 (February 2009), p. 8.

(<sup>107</sup>) See <http://www.srtrc.org/home>.

(<sup>108</sup>) See <http://www.fifpro.org/index.php?mod=plink&id=3317>.

## 2. The national level

This chapter addresses the different manifestations of racism, discrimination and exclusion of migrants and minorities in sports at national level. It is divided into three main parts: the first part discusses the problem of data availability, the second part discusses the situation regarding the under-representation of persons belonging to minorities in sport; and the third part addresses the issue of legal and administrative barriers to equal participation of minorities and migrants in professional and organised amateur sports.

### 2.1. Racist incidents and related discrimination

Systems monitoring racism in sports exist in a number of Member States. Some are more advanced and capture more racist incidents than others, but on the whole there is clearly a need for more comprehensive data collection. For example, in the Netherlands, the Anti-Discrimination Agencies (ADAs) have developed a database that also registers complaints from sport. In addition, surveys on experienced discrimination (including in sport) are conducted for the *National Report on Racial Discrimination*. However, according to a 2006 report on discrimination on the grounds of race, the number of complaints registered by the ADAs "are the proverbial tip of the iceberg" and only "around 5% of people who have experienced racial discrimination report this to an ADA".<sup>(109)</sup> The same might hold true for other recording systems, such as the *Spanish State Commission against Violence in Sport*, which registers cases from men's football and basketball.

#### 2.1.1. Awareness of racism in sport

The information in this section is based on interviews with various stakeholders in sports and the answers to the questionnaire sent to all national federations of the sports analysed in the 27 Member States. In addition, information gathered in descriptions of national discourse has also been included in this section.

Overall, awareness of racism in sport is limited – for many Member States it can be stated that there is no official awareness at all. For Germany, it was reported that in the course of hosting the Football World Cup 2006 an increased interest in racism and discrimination in football was recognisable. Similar developments could be observed for Portugal and Austria during the UEFA European Football Championships 2004 and 2008. However, as stated by a representative of the Austrian

Ligue for integration, sport and antiracism work (*Liga für Integration, Sport und Antirassismusarbeit*, LISA), the level of awareness regarding racism and discrimination in sport declined again after the tournaments. The preparations for the upcoming UEFA European Championship 2012 in Poland and the Ukraine made racism and anti-Semitism in football an issue of public debate in Poland.

*"People ignore situations until it becomes serious and only then do they say – 'Oh, we have to do something'. Or also – this situation is bothering that group of people, but it does not bother me. This is the way how it happens."*  
*(Interview with a former Afro-Latvian basketball player, Latvia)*

Three EU Member States – Belgium, the United Kingdom and recently Ireland – apply a multicultural policy approach covering different areas of society. Therefore, governmental institutions in all three countries generally show a certain level of awareness of racism in sport.

Compared with the football federations, athletics federations and many of those representing the popular national sports under examination in this research show almost no awareness about issues relating to racism and discrimination. Nonetheless, some umbrella organisations in these sports have recognised the need for action and put forward anti-racist and anti-discriminatory rules. For instance, the Gaelic Athletic Association in Ireland implemented an intercultural programme and will amend their regulations to include anti-racist and anti-sectarian provisions. The English and Welsh Cricket Board also implemented an equality policy and follows the anti-racism policy of the International Cricket Council.

The national federations of the sports examined in Cyprus, Greece, Italy and Spain (all basketball), and in Slovakia (ice hockey) do not exhibit strong awareness about issues related to racism and discrimination, even if a number of racist incidents were identified in these sports in these countries.

Several NGOs and minority representatives in many Member States are aware about racist and discriminatory incidents in sports. However, they only seem to marginally influence the public discourse and awareness of political stakeholders in some Member States.

#### 2.1.2. Different faces of racism and related discrimination

Within the scope of this research, various racist incidents and cases of ethnic discrimination have been identified.

<sup>(109)</sup> I. Boog (ed.) (2006) *Monitor Rassendiscriminatie 2005*, Rotterdam: Landelijk Bureau ter bestrijding van Rassendiscriminatie.

They include denied access to services in the sport sector, biased application of negative disciplinary sanctions in sport competitions and manifestations of right-wing extremism, anti-Semitism, Islamophobia and anti-Gypsm.

### **Access to services**

Information on cases of denied access to services<sup>(110)</sup> was only provided with respect to six Member States. In Belgium, Finland and Sweden, Muslim women and girls were affected by such discriminatory treatment, involving fitness clubs, swimming pools and karate clubs. In all of these cases, the prohibition of headscarves or 'burqinis'<sup>(111)</sup> was used to legitimate the discriminatory rejection.

Other cases involved young men with ethnic minority backgrounds in Belgium, who were denied access to a fitness club (referring to the age of the applicants) or to basketball clubs.

In Lithuania, the representative of a Roma community association outlined how private sports clubs refused to sign agreements with his organisation. In Hungary, according to information by the Roma Anti-discrimination Costumer Service of the Hungarian Ministry of Justice and Law Enforcement, some cases were reported where applications from Roma teams were denied in local amateur football tournaments. In Estonia, the access to some specialised sport schools is difficult for young ethnic Russians since these schools operate, with few exceptions, in the state language of Estonian.

*"A favourite technique of racist manifestations in golf relates to the manipulation of membership lists. Inquiries from Asian golfers are often met with the news that the membership list is full... A steward at one golf club told me that not only would I never be able to join, neither would my children's children." (Interview with an Asian-British golf player, UK) (112)*

### **Unequal employment conditions**

In some sports at professional or semi-professional level, persons belonging to minority groups or with an ethnic minority background are discriminated against in terms of their employment conditions. Reports from several Member States indicate that foreign professional football players, mainly from African countries, sometimes face precarious employment conditions and are treated

differently by their clubs than domestic players.<sup>(113)</sup> In some cases reported from Belgium, Greece and Poland, the football clubs did not apply for working permits in time or did not support their players to clear their residency status. In Cyprus, some players in the second football league were registered as 'amateurs' and were thus not paid correctly or not paid at all. In all of these cases, the affected football players faced the threat of legal sanctions, ranging from arrests to deportation.

### **Disciplinary sanctions**

To date, research is limited into whether migrant or ethnic minority players or athletes are treated equally on the field by referees or by the governing bodies of their sport compared to their non-migrant colleagues. In Finland, for example, a report by the NGO *Liukua ry* stated that referees 'give approximately 30 per cent more warnings to migrant footballers than to native Fins'.<sup>(114)</sup> In Germany, several studies were carried out examining decisions by regional sport tribunals. As regards rulings in the Hesse province between 2001 and 2004, migrant athletes were not penalised more often than 'native' Germans; however, they tended to receive stiffer sentences for the same types of offences.<sup>(115)</sup> Another research project, carried out by the University of Hanover in cooperation with the Lower Saxony football association, the football association Hanover and a social worker of Kurdish origin, reached similar conclusions:

*"In cases of assault [by players] in combination with injuries, for example, 54 per cent of players of German origin have been suspended for less than four weeks and 20 per cent for more than six weeks; 50 per cent of the convicted migrant players, however, received a suspension of more than six weeks and only 25 per cent of less than four weeks." (116)*

According to the same research, the tendency for more severe sanctions was "particularly strong", if players were members of ethnic minority clubs.<sup>(117)</sup> The research identified a number of explanations for this discriminatory treatment:

<sup>(113)</sup> On the situation of African football players in Europe, see also R. Poli (2006) 'Africans' Status in the European Football Players' Labour Market', in: *Soccer & Society*, Vol. 7, No. 2, pp. 278-291.

<sup>(114)</sup> *Liukua ry* (2008) *Report on the Situation of Racism and Discrimination within the Sports-sector in Finland* (unpublished).

<sup>(115)</sup> Information presented on a hearing at the Parliamentary Committee on Sport [*Sportausschuss des Deutschen Bundestages*] in November 2008, available online at: [http://www.kos-fanprojekte.info/news/200805/Fragenkatalog\\_Sportausschuss\\_Bundestag\\_12-11-2008.pdf](http://www.kos-fanprojekte.info/news/200805/Fragenkatalog_Sportausschuss_Bundestag_12-11-2008.pdf).

<sup>(116)</sup> See G. A. Pilz (2002) 'Rote Karten statt Integration? Eine Untersuchung über Fußball und ethnische Konflikte', Speech delivered at the exposition *Sport als Mittel der Integration* [Sports as a means of integration], Duisburg, 25 June 2002, online available at: [http://www.sportwiss.uni-hannover.de/fileadmin/sport/pdf/onlinepublikationen/pil\\_eth.pdf](http://www.sportwiss.uni-hannover.de/fileadmin/sport/pdf/onlinepublikationen/pil_eth.pdf).

<sup>(117)</sup> *Ibid.*

<sup>(110)</sup> The data presented below draw on information provided by the national Equality Bodies and the interviews with key stakeholders, as well as media research.

<sup>(111)</sup> A burqini (or burkini) swimsuit is a type of swimsuit that covers the whole body except the face, the hands and the feet (enough to preserve Muslim modesty), while being light enough to enable swimming.

<sup>(112)</sup> <http://www.buzzle.com/articles/132767.html>

"[F]irst, some sport tribunal judges have xenophobic attitudes themselves which affect their decisions [...]; secondly, migrant players usually appear alone before the sport tribunal and are not briefed by club officials, whereas non-migrant football players are accompanied by their coach or even the sport club's chairperson. Moreover, migrant players sometimes do not fully understand the court proceedings and thus do not behave as they required, for instance, lacking respect towards the judge."<sup>(118)</sup>

In Belgium, two ethnic minority teams filed complaints with the Centre for Equal Opportunities and Opposition to Racism (CEOOR) since they had been expelled from competition on the grounds of the number of infringements to football rules occurring at their games.

### Racism against people with dark skin

Racist incidents in men's amateur and professional sport were reported in all EU Member States, with the exception of Latvia. It appears that most incidents affect people with dark skin in football and in basketball.

*"Racist attacks and behaviour of fans towards Black players include chants, personal offences and gorilla-like gestures." (Interview with a former Italian basketball player from the United States, Italy)*

According to the information provided by RAXEN, racist abuse takes different forms in sports, including:

- racist chants and slanders by fans and spectators against players of the opposing team but also against players of their own team;
- monkey sounds directed at black players whenever they touch the ball;
- bananas and other objects thrown onto the pitch;
- spitting at players and pouring beer on them;
- verbal and symbolic threatening of players;
- physical assault of players by fans;
- incitement to racist violence or hatred on websites related to fan clubs.

Players and athletes are the primary targets of racist abuse; however, referees and club officials are also sometimes targeted. The main perpetrators of racist action are spectators. Nevertheless, there are reported incidents of racist abuse among players, particularly at amateur level, as well as from club and federation officials and referees. For instance, the Vice-President of the Viennese football association and Board member of the national football federation was dismissed of his functions following racist abusive language towards an African football player.<sup>(119)</sup>

*"As for my person, there were monkey chants, abusive language, or throwing of bananas." (Interview with a football player of African origin with EU citizenship, Slovakia)*

### Ethnocentrism and nationalism

In addition to racist abuse targeted at black athletes, there is a significant incidence of abusive discriminating behaviour along ethnic lines (ethnocentrism<sup>(120)</sup>) that affects especially the lower league level in football.

Most affected are members of larger migrant communities within EU Member States, such as people from Turkey or with a Turkish background in Austria, Belgium and Finland,<sup>(121)</sup> and people from Albania or with an Albanian background in Greece.<sup>(122)</sup>

Such ethnocentric, often violent incidents are frequently reported with so-called 'ethnic' clubs.<sup>(123)</sup> Teams of these clubs in Austria, Finland and Germany<sup>(124)</sup> have reported that when playing against other teams they often have to endure ethnocentric and discriminating slanders and conflicts on the pitch.

In Cyprus, ethnocentric abuse is directed towards Turkish Cypriots.<sup>(125)</sup> In Romania, sport events are often the stage for nationalist outbursts between the Romanian majority and the Hungarian minority population. Here, incidents of verbal abuse and banners with explicit content are reported in football, handball and ice hockey.<sup>(126)</sup> A similar situation is reported for

<sup>(120)</sup> Ethnocentrism refers to making ones cultural uniformity and values an absolute. See C. Lutter and M. Reisenleitner (1999) *Cultural Studies. Eine Einführung*, Vienna: Turia + Kant, p. 12. This includes the classification of one group of people ('they') by another group of people ('we') on the basis of the 'we' groups' own cultural values, which frequently leads to an assumed superiority over the 'they' group. See: A. Gingrich (1998) *Ethnizität für die Praxis. Drei Bereiche, sieben Thesen und ein Beispiel*, pp. 102-103, in: K. R. Wernhart and W. Zips (ed.) *Ethnohistorie. Rekonstruktion und Kulturkritik. Eine Einführung*, Vienna: Promedia, pp. 99-111.

<sup>(121)</sup> FairPlay. Viele Farben. Ein Spiel (s.a.) *FairPlay Report – Rassistische Vorfälle im österreichischen Fußball seit dem Jahr 2000* (unpublished manuscript), quoting *Wiener Sport am Montag*, No. 31/03, 28 July 2003.

<sup>(122)</sup> See Παρέμβαση εισαγγελέα για τα επεισόδια στα γήπεδα και τις χειρονομίες του Μπούσι, available online at: <http://www.in.gr/sports/mail.asp?IngArticleID=794767>.

<sup>(123)</sup> Football clubs formed by members with migrant background and mostly run along ethnic lines.

<sup>(124)</sup> S. Brux (2008) 'Wenn Fußball keinen Spaß mehr macht', available online at: <http://www.mut-gegen-rechte-gewalt.de/news/meldungen/berliner-tagung-ueberrechtsextremismus-und-antisemitismus-im-fussball> (March 2009).

<sup>(125)</sup> A. Kapardis, C. Loizou and N. Peristianis (2006) 'Hooliganism in Cyprus' in: *Monatsschrift für Kriminologie und Strafrechtsreform*, Vol. 06, No. 3, pp. 206-217. The study refers as a source the book by N. Karydes, P. Avraamides and P. Nicolaou (eds.) (1986) *Ιστορία του Κυπριακού Ποδοσφαίρου, 1932-1962*, Nicosia: Stavrinides Press. C. Kyrris (1978) 'Οι Μάντηδες της Λάρνακας', Rousounides, A. (ed.) *Πρακτικά του Πρώτου Συμποσίου Λαογραφίας* [Minutes of the First Symposium of Folklore], Limassol, 20-25 May 1978, p. 56.

<sup>(126)</sup> CN. Macoveanu, CF. Asztalos (eds.) (2005) *Culegere de hotărâri ale Colegiului Director*, Bucureşti: Guvernul României Consiliul Național pentru Combaterea Discriminării, pp. 137-139. V. Negru (2005) 'Şeful Consiliului Național pentru Combaterea Discriminării are un dublu standard' [The

<sup>(118)</sup> Ibid.

<sup>(119)</sup> 'Wegen rassistischer Äußerungen entlassen', in: *Volksgruppen@ORF.at*, available online at: <http://volksgruppen.orf.at/diversity/stories/46496/>.

Slovakia. When teams of the Hungarian ethnic minority play Slovakian majority teams sometimes both sides mutually abuse each other. (127) According to media reporting, in the course of sports events in Slovenia mutual insults and physical attacks between Slovenian and Croatian fans took place. (128)

### Racist and xenophobic extremism

According to the information provided, racist and xenophobic extremist movements seek to infiltrate football club fan scenes (Austria, (129) Cyprus, Germany and Portugal), or that fan clubs are closely related to such organisations (Czech Republic, Denmark, Germany, Greece, Portugal, Romania and Spain). (130) Part of it involves the displaying of fascist or neo-Nazi symbols and the singing of racist, anti-Semitic and right-extremist chants.

Another facet is the display of symbols and the open commitment to former fascist regimes like those in Italy, Romania and Spain, which often goes hand in hand with the exhibition of Nazi symbols.

For Germany, it was reported that right-wing extremist activists have attempted to gain positions in football and other sport clubs or establish their own sports clubs. (131)

In the course of the 2006 Football World Cup in Germany, the right-wing extremist NPD party "designed and distributed a World Cup brochure. [...] The brochure's cover bore the number 25 and the slogan 'White – more

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chief of the National Council for Combating Discrimination has a double standard], in *Gardianul*, 13 September 2005.

(127) Primary information source was: Enough (2008) *Ultras 2007*, a study created in cooperation with People Against Racism. This publication contains monitoring of racist incidents during 2007.

(128) See: [http://www.rtvslo.si/modload.php?&c\\_mod=rnews&op=sections&fun\\_c=read&c\\_menu=8&c\\_id=178184](http://www.rtvslo.si/modload.php?&c_mod=rnews&op=sections&fun_c=read&c_menu=8&c_id=178184) and [http://www.rtvslo.si/sport/modload.php?&c\\_mod=rnews&op=sections&func=read&c\\_menu=10&c\\_id=17629](http://www.rtvslo.si/sport/modload.php?&c_mod=rnews&op=sections&func=read&c_menu=10&c_id=17629).

(129) See, for example, Bundesministerium für Inneres, *Verfassungsschutzbericht 2008*, p. 26.

(130) See, among others, N. Westberg, T. Rask Laursen and K. Simonsen, 'Hædefulde hooligans: Vi slås for et racerent Danmark' (Hooligans full of hate: We fight for a pure-bred Denmark), in *Ekstra Bladet*, 05 October 2008, p. 12; Nepper-Rasmussen 'Stadig flere ballademagere' (Still more troublemakers), *Fyens Stiftstidende*, 16 October 2005; G. Dembowski (2007) 'Rassismus: Brennglas Fußball'; in: W. Heitmeyer (ed.) *Deutsche Zustände Folge 5*, Frankfurt/Main: Suhrkamp, pp.217- 225; S. Dobbert and Ch. Ruf, 'Die Rassisten sind immer da' (Racists are always there), in: *Spiegel online*, 17 February 2007, available at: <http://www.spiegel.de/sport/fussball/0,1518,465887,00.html>; news.in.gr, Εισβολή της «Γαλάζιας Στρατιάς», 7 September 2004, available online at: <http://www.in.gr/news/article.asp?IngEntityID=564653&IngDirID=244>; A. Rodríguez Díaz 'Los jóvenes ultras del fútbol andaluz', in *Anduli; Revista Andaluza de Ciencias Sociales*, No. 2-2003, pp. 107-124, available online at: <http://www.sociologiasevilla.es/images/documentos/2003.2.pdf>.

(131) P. Roth (2008) 'Braune Jungs beim Heidelauf', available at: <http://www.netz-gegen-nazis.com/artikel/braune-jungs-beim-heidelauf> (10.03.2009); Germany/Bundesministerium für Familien, Senioren, Frauen und Jugend (2008) *Kompetent für Demokratie*, Infobrief 1/2008, p. 6-7; G. Bücker (2008) 'Dem Rechtsextremismus keine Chance – Präventionsauftrag für den organisierten Sport', in: M. Glaser and G. Elverich (eds.) *Rechtsextremismus, Fremdenfeindlichkeit und Rassismus im Fußball. Erfahrungen und Perspektiven der Prävention*, Halle: DJI, pp. 88-94 (here: pp. 89-90).

than just the colour of the jersey – for a real NATIONAL team' in reference to the white shirts of the German football team and the number 25 of the black national team player Patrick Owomoyela. (132) The German Football Association (Deutscher Fussballverbund, DFB) took legal action." (133)

Right-wing extremism amongst fans pervades professional and amateur football throughout Europe, but with varying intensity. In Hungary, Poland and Slovakia, right-wing extremism is an urgent problem in professional football. In Germany, (134) experts observe a movement of right-wing extremists away from professional leagues to amateur leagues. Similar observations were reported for Italy from a representative of the Italian Panafrica Association.

### Anti-Semitism

Anti-Semitism in sport and again especially in football takes on different manifestations and targets not only Jewish communities: (135)

- players for Jewish teams have been subjected to anti-Semitic slanders and threatening by players of other teams or spectators in Austria, (136) Belgium, (137) Denmark (138) and Germany; (139)
- insults from the opposing fans on anti-Semitic grounds, using the word 'Jew' and 'Jewish' in a derogatory sense; (140)

(132) G. Dembowski (2007) *Rassismus: Brennglas Fußball*, in: W. Heitmeyer (ed.) *Deutsche Zustände Folge 5*, Frankfurt/Main: Suhrkamp, pp. 217- 225.

(133) The proceedings are pending, according to reporting in the *Sueddeutsche Zeitung* on 14 January 2009.

(134) G. Dembowski (2007) 'Rassismus: Brennglas Fußball'; in: W. Heitmeyer (ed.) *Deutsche Zustände. Folge 5*, Frankfurt/Main: Suhrkamp, pp. 217- 225, (here: p. 220); M. Riepl (2006) *Veranstaltungsbericht Fairplay im Stadion – Rassismus auf den Rängen*, seminar organised by the Heinrich Böll Foundation on July 6 2007, available at: [http://www.migration-boell.de/web/integration/47\\_630.asp](http://www.migration-boell.de/web/integration/47_630.asp) (10 March 2009), German Football Association (DFB), press release (21 August 2008), available at: [http://www.dfb.de/index.php?id=505764&tx\\_dfbnews\\_pi1\[showUid\]=15463&chHash=f050d478d6](http://www.dfb.de/index.php?id=505764&tx_dfbnews_pi1[showUid]=15463&chHash=f050d478d6) (10 March 2009).

(135) See D. Schulze-Marmeling (ed.) (2003) *Davidstern und Lederball. Die Geschichte der Juden im deutschen und internationalen Fußball*, Göttingen: Verlag die Werkstatt; J. Mann and J. Cohen (no date) *Antisemitism in European Football. A Scar on the Beautiful Game*, London: The Parliamentary Committee Against Anti-Semitism.

(136) Interview with a player of *Maccabi Wien*, 18 February 2009.

(137) [http://www.antisemitisme.be/site/event\\_detail.asp?eventId=684&catId=3&language=FR](http://www.antisemitisme.be/site/event_detail.asp?eventId=684&catId=3&language=FR), consulted 27-01-2009.

(138) Cases registered by the Danish Documentation and Advisory Centre on Racial Discrimination (DADoRD).

(139) T. Schlesinger (2008) 'Die Stimmung ist unerträglich', in: *Jüdische Allgemeine* No. 9 (28 February 2008), p. 11, available online at: <http://www.juedische-allgemeine.de/epaper/pdf.php?pdf=..//imperia/md/content/ausgabe/2008/ausgabe09/11.pdf> (10 March 2009); A. Geisler (2008) 'Hitlergruß am Spielfeldrand', in: *taz* (30 May 2008); G. Ismar (2008) 'Antisemitismus nimmt zu' in: *n-tv.de* (03 June 2009), available at: <http://www.n-tv.de/973777.html?tpl=druck> (10 March 2009).

(140) United States Department of State (2008) *Contemporary Global ANTI-SEMITISM: A Report provided to the United States Congress*, p. 16, available at: <http://www.state.gov/documents/organization/102301.pdf> (15.03.2009).

- anti-Semitic slanders and chants directed at fans and players of clubs that have or once had a Jewish background or roots in the Jewish community like Ajax Amsterdam in the Netherlands; (<sup>141</sup>) FK Austria Vienna (<sup>142</sup>) or Tottenham Hotspur in England; (<sup>143</sup>)
- references to the Holocaust in graffiti, chants or banners directed at fans and players of opposing teams, such as in Poland (<sup>144</sup>) and Slovakia (<sup>145</sup>) or anti-Semitic slanders and remarks expressed by neo-Nazis;
- anti-Semitic references to the Palestine conflict. (<sup>146</sup>)

### **Islamophobia**

Hardly any data on explicit Islamophobic incidents in sport have been registered by national monitoring systems. However, France and the Netherlands have witnessed an increase in racist abuse directed towards Muslim communities:

In France, persons with a Northern African background are highly targeted by racist and Islamophobic incidents – around 40% of incidents reported over the five year period targeted such persons. Similar observations are made in the Netherlands where Dutch citizens with Moroccan and Turkish background and of Muslim denomination are exposed to more discriminatory behaviour and incidents. (<sup>147</sup>)

### **Sectarianism**

The conflict between Catholics and Protestants in Ireland, Northern Ireland and Scotland is defined as sectarianism.

In Northern Ireland, there is a recognisable division with regard to denomination in sport: Catholics predominantly support Gaelic games, while Protestants predominantly favour rugby and cricket. Nevertheless,

some Protestants also participate in Gaelic games. One of them, a hurler and Gaelic footballer, continuously experienced sectarian slurs during his career. During a match in 2005, he left the pitch after he had been repeatedly abused; he then publicly announced that sectarianism is inherent to this sport. After the incident, the Gaelic Athletic Association apologised and launched an investigation on the situation. (<sup>148</sup>)

Football is also popular in Northern Ireland and attracts members of both religious communities. A small number of sectarian incidents in football have been recorded, typically when Northern Irish teams came to play in Ireland. Mainly fans of the Northern Irish teams have been involved and provoked clashes with the police or other fans.

In 2006, the Scottish Executive concluded "that sectarianism is still deeply engrained in many areas of Scottish society", including football. (<sup>149</sup>) In the same year, a 'Sectarianism in Football Working Group' was established, involving the Scottish Football Association, the Scottish Premier League, the Scottish Football League, *sportscotland* and the Association of Chief Police Officers in Scotland. (<sup>150</sup>) This Working Group was part of the Scottish government's Action Plan on Tackling Sectarianism in Scotland, which focuses on education, faith, sport and marches and parades. (<sup>151</sup>) In its strategy paper, entitled 'Calling Full Time on Sectarianism', the Scottish government outlined the background for its Action Plan:

"In recent years concerted efforts have been made to tackle sectarianism by football authorities, clubs and supporters' groups, campaigning groups and the police. Particular progress has been made [...] with significant programmes of activity undertaken by the Old Firm (<sup>152</sup>) clubs." (<sup>153</sup>)

In the course of the Action Plan, a 'fan consultation' took place to gather their views on the issue of sectarianism. (<sup>154</sup>)

(<sup>141</sup>) J. Janssen (2005) 'The Netherlands', in J. van Sterkenburg, J. Janssen and B. Rijnen, (eds.): *Football and Racism. An inventory of the problems and solutions in eight West European countries in the framework of the Stand Up Speak Up campaign*; Nieuwegein: Arko Sports Media.

(<sup>142</sup>) 'Fans im rechten Zwielicht', in: [www.sportnet.at](http://www.sportnet.at) (10 March 2009), available at: [http://www.sportnet.at/fans\\_im\\_rechten\\_zwielicht.urla.](http://www.sportnet.at/fans_im_rechten_zwielicht.urla;); 'Fan-Rassismus: Bundesliga-Chef Pangl reagiert', in: [www.sportnet.at](http://www.sportnet.at) (11 March 2009), available at: [http://www.sportnet.at/fan-rassismus\\_bundesliga-chef\\_pangl\\_reagiert.urla](http://www.sportnet.at/fan-rassismus_bundesliga-chef_pangl_reagiert.urla), there are several anti-Semitic incidents registered by the initiative FairPlay which were directed towards supporters of FK Austria Wien, at the same time, supporters of Austria Wien do not refrain from directing anti-Semitic slanders at supporters of other clubs.

(<sup>143</sup>) [http://jta.org/news/article/2007/03/08/100450/soccerchant;\\_http://thomasdunmore.com/football/?p=24.](http://jta.org/news/article/2007/03/08/100450/soccerchant;_http://thomasdunmore.com/football/?p=24.)

(<sup>144</sup>) Never Again Association, *Brunatna Księga 2002* [Brown Book 2002], available at: [http://nigdywieczej.org.pl/index.php?option=com\\_content&task=view&id=37&Itemid=20](http://nigdywieczej.org.pl/index.php?option=com_content&task=view&id=37&Itemid=20) (15 March 2009).

(<sup>145</sup>) Interview with a representative of the Slovakian Jewish Religious Community.

(<sup>146</sup>) [http://www.antisemitisme.be/site/event\\_detail.asp?eventId=160&catId=17&language=FR](http://www.antisemitisme.be/site/event_detail.asp?eventId=160&catId=17&language=FR), (27-01-2009); [http://www.volkskrant.nl/binnenland/article190865.ece/ADO-fan\\_krijgt\\_celstraf\\_voor\\_beledigend\\_spreekkoor\\_\(accessed 14 March 2009\).](http://www.volkskrant.nl/binnenland/article190865.ece/ADO-fan_krijgt_celstraf_voor_beledigend_spreekkoor_(accessed 14 March 2009).)

(<sup>147</sup>) Boog, I. (ed.), *Monitor Rassendiscriminatie 2005* (Rotterdam: Landelijk Bureau ter bestrijding van Rassendiscriminatie, 2006).

(<sup>148</sup>) See news BBC news, 'GAA Player Quitting Over "Abuse"', 1 August, 2007, available online at: [http://news.bbc.co.uk/1/hi/northern\\_irland/6925977.stm](http://news.bbc.co.uk/1/hi/northern_irland/6925977.stm) and Belfast Telegraph, 'GAA probe over Protestant player who says bigotry forced him to quit', 2 August 2007, available online at: <http://www.belfasttelegraph.co.uk/news/local-national/gaa-probe-over--protestant-player-who-says---bigotry-forced-him-to-quit-13463973.html>.

(<sup>149</sup>) The Scottish Executive (2006) *Calling Full Time on Sectarianism*, Edinburgh: The Scottish Executive, available online at: <http://www.scotland.gov.uk/Resource/Doc/160254/0043618.pdf> (05 March 2010) and <http://www.scotland.gov.uk/Publications/2006/12/11144623/2> (05 March 2010).

(<sup>150</sup>) See <http://www.actiononsectarianism.com/aos/30.html>.

(<sup>151</sup>) See <http://www.scotland.gov.uk/Publications/2006/01/26134908/0>.

(<sup>152</sup>) The two football clubs Glasgow Celtic and Glasgow Rangers.

(<sup>153</sup>) The Scottish Executive (2006) *Calling Full Time on Sectarianism*, Edinburgh: The Scottish Executive, available online at: <http://www.scotland.gov.uk/Resource/Doc/160254/0043618.pdf> (05 March 2010) and <http://www.scotland.gov.uk/Publications/2006/12/11144623/2> (05 March 2010).

(<sup>154</sup>) Fan Consultation on Sectarianism within Scottish Football on: <http://www.scotland.gov.uk/Publications/2006/11/fan-consultation-execsum> (04 March 2010)

## Anti-Gypsyism

Incidents of anti-Gypsyism have been identified throughout Europe.<sup>(155)</sup> Derogatory terms referring to Roma are also directed towards any fans of opposing teams. For example, in Slovenia anti-Gypsy chanting is reported to be a common type of incident. In general, this practice does not target Roma individuals, but is directed, for example, against referees or rival players and fans.

*"We experienced racist insults because we were Roma when we were young and played in the 2nd league. I often heard shouting at me which called me a black dog. Today, not many Roma play football or participate in the highest competition. The question is why." (Interview with a former Roma player, Slovakia)*

Anti-Gypsyism is a serious problem in central and south-eastern European Member States. In Bulgaria and Hungary, according to the information available Roma athletes and players are under-represented in sport. For Slovakia and especially Romania<sup>(156)</sup> there are reports of incidents of anti-Gypsyism in football.

In Romania, the Roma population is heavily affected by anti-Gypsy insults in sport. Anti-Gypsy slanders include name calling, verbal threatening from the stands, incitements to murder and, comparable to anti-Semitic incidents, references to the pogrom and extermination of Roma population during the Nazi and Romania's fascist regimes.<sup>(157)</sup>

Although the situation has improved during recent years, due to a broad awareness-raising campaign, the representative of a Roma NGO stated, 'every time when Steaua plays Rapid there are anti-gypsy chants and when players of Roma origin play badly there are anti-gypsy chants.' After the recent murder of a Romanian handball player in Hungary by a group of presumably ethnic Roma, more banners displaying anti-Gypsy statements were again visible in stadiums.

## 2.1.3. Sports most affected by racist incidents

### Football

The sport most affected by racist incidents in the EU seems to be football, according to the information collected. It should be noted, however, that the availability of data depends on the mode of data collection in a respective sport. Small numbers of recorded racist incidents, therefore, do not necessarily indicate that racist incidents in another sport are less common than in football.

The reason for such differences in recorded incidents may also be due to the popularity of a sport, notably of football, in attracting thousands of spectators; this generates the opportunity for both organised racist action and spontaneous racist outbursts. However, greater reporting on racist incidents and discrimination in football could also be related to:

- an increased awareness among the football governing bodies FIFA and UEFA;
- increased awareness of NGOs, networks, fan clubs and initiatives that take a stand against racism in football;
- high media attention and media coverage of the sport.

The following tables give an overview on the number of reported racist incidents in men's professional and amateur football for the time period 2003-2008. The documented incidents refer to racist chants, slanders or verbal abuse by fans and spectators, and include racist harassment on and off the pitch between players, coaches, referees or officials. The tables provide figures reported by police, Equality Bodies, sport federations and/or NGOs on racist incidents in men's professional football in the period 2003-2008. They do not claim to be complete and rely on information, including secondary data, collected through the FRA RAXEN network.

<sup>(155)</sup> See, for instance, Racist incidents registered by the Austrian NGO FairPlay during Euro 2008, Bündnis Aktiver Fußballfans e.V.(BAFF), press release on 09 September 2005, and S. Astrup 'FCK fanklub bestyrtet over racisme' (FCK fanclub dismayed over racism), in *Politiken*, Sport section, 8 November 2006, p. 14.

<sup>(156)</sup> M. Udrea, O. Cojocaru 'Steaua Legionară/ Legionary Steaua' in *Evenimentul Zilei* (15 April 2005), 'Steaua reclamată la FIFA și UEFA/ Steaua brought before FIFA and UEFA' in *Presa-Zilei.ro*, (25 May 2006) available at: <http://www.presa-zilei.ro/stire/2675/steaua-reclamata.html> (09 March 2009), V. Nicolae: 'Racism in Romanian Football' in *romanetwork.org* available at: <http://www.theredcard.ie/news/2006/racism-in-romanian-football/> (09 March 2009).

<sup>(157)</sup> M. Udrea, O. Cojocaru "Steaua Legionară/ Legionary Steaua" in *Evenimentul Zilei* (15 April 2005).

**Table 5: Number of racist incidents recorded by police, equality bodies, sport federations and/or NGOs in men's professional football, 2003-2008** <sup>(158)</sup>

	Racism	Anti-Semitism	Islamophobia	Anti-Gypsyism	Xeno-phobia	Right-Wing Extremism	Incidents that involved various forms of
Austria <sup>(159)</sup>	26	3				2	7
Belgium <sup>(160)</sup>	18	2			3	3	
Bulgaria <sup>(161)</sup>	9						
Cyprus <sup>(162)</sup>	25						
Estonia <sup>(163)</sup>	1						3
Finland <sup>(164)</sup>	16						
France <sup>(165)</sup>	70	5					
Italy <sup>(166)</sup>	9			1		1	
Malta <sup>(167)</sup>	2						
Netherlands <sup>(168)</sup>	385 complaints were registered by the Dutch Anti-Discrimination Agency in the category 'sport and recreation' in the period 2003-2007; in 2008 it registered 33 complaints in the category sport.						
Poland <sup>(169)</sup>	97						
Portugal <sup>(170)</sup>	4						
Romania	6 incidents were treated by the Romanian Football Federation, 2 by the National Council for Combating Discrimination and 1 by the UEFA.						
Slovakia	24 incidents were reported by the association <i>Enough</i> from 2007 to beginning of 2008.						
Spain <sup>(171)</sup>	57						

<sup>(158)</sup> For all countries that are not listed in the table either no figures for racist incidents were available for the reporting period or information was mainly based on media reports and not on information provided by police, equality bodies, sport federations and/or NGOs.

<sup>(159)</sup> Racist incidents registered by the NGO FairPlay in the period 2003-2008 and the NGO ZARA in the period 2003-2007. There are also 11 racist incidents registered by the Zentrum für Sportangelegenheiten of the Austrian Ministry for Interior Affairs for the period 2003-2008. As it is not clear if these incidents are the same as the ones registered by FairPlay and ZARA they are not included in the table.

<sup>(160)</sup> Complaints filed with the Belgian federal equality body Centre for Equal Opportunities and Opposition to Racism] (CEOOR) in the period 2003-2008.

<sup>(161)</sup> Nine incidents were reported and treated by the disciplinary committee of the Bulgarian Football Association in the period 2003-2008.

<sup>(162)</sup> The incidents were registered by the Cyprus Football Association in the period 2003-2008.

<sup>(163)</sup> The incidents were reported by the Estonian police.

<sup>(164)</sup> Most of the incidents reported (12) were reported and treated by the disciplinary committee of the Football Association of Finland. The Ombudsman for Minorities and the NGO Liikkukaa reported the other four incidents.

<sup>(165)</sup> Incidents registered by the NGO LICRA in the period 2003-2008.

<sup>(166)</sup> Cases reported and treated by the court (Giudice Sportivo) of the Italian Football Federation. The monitoring initiative of the association Panafrica recorded, in the professional leagues in 2005 / 2006 season, a total of 51 cases of racist / monkey chants and 24 cases of racist banners displayed. In the following season, the figures stood at 43 and nine respectively while a total of 26 clubs in 2005- 2006 season and 29 in 2006 – 2007 season had had their players racially insulted. M.Valeri (2008): *Attacco Antirazzista Rapporto su Razzismo e Antirazzismo nel calcio, Campionato 2005-2006 e 2006/2007*. Roma, Associazione Culturale Panafrica.

<sup>(167)</sup> Cases reported and penalised by the Malta Football Association.

<sup>(168)</sup> The Dutch Anti-Discrimination Agency collects data on racist incidents in 'sport and recreation' but does not subdivide into different sports and different levels of practice.

<sup>(169)</sup> The figure is based on information published in the *Brown Book – List of Incidents* published every year by the NGO Never Again Association. The number is an overall total of racist incidents and does not provide in detail what forms of racism and related intolerance are concerned.

<sup>(170)</sup> The incidents were reported by the NGO SOS Racismo.

<sup>(171)</sup> The State Commission against Violence, Racism, Xenophobia and Intolerance in Sport penalised the following number of racist or related incidents in amateur and professional football: 2004-05: 8 incidents, 2005-06: 16 incidents, 2006-07: 11 incidents, 2007-08: 22 incidents.

**Table 6: Number of racist incidents registered by equality bodies, sport federations and/or NGOs in men's organised amateur football, 2003-2008<sup>(172)</sup>**

	Racism	Anti-Semitism	Xenophobia	Right-Wing Extremism	Incidents that involved various forms of intolerances
Austria <sup>(173)</sup>	1	1	1	2	1
Belgium <sup>(174)</sup>	4	2			
France <sup>(175)</sup>	38				
Germany <sup>(176)</sup>	1		1	1	2
Ireland <sup>(177)</sup>	5				
Poland <sup>(178)</sup>	1	1		14	
Spain <sup>(179)</sup>	3				
United Kingdom <sup>(180)</sup>	1				

The available data indicate that racism based on skin colour is the most frequent form of racist incidents recorded in men's professional and amateur football throughout Europe. Anti-Semitic incidents were identified in 10 of the 27 EU Member States.

As a general trend, the number of racist incidents in professional football is higher than in amateur football, which does not mean that amateur football is free of racism. This rather suggests that monitoring is often confined to professional football.

## Athletics

In general, little information is available on racism, xenophobia and related intolerance in athletics, with almost no incidents reported in this sport, with the exception of Romania and Sweden. In the latter EU Member State, representatives of the Stockholm Athletics Club highlighted a case of racist abuse of a black athlete, while in the former Member State interviewees indicated a case of racist abuse of a Hungarian athlete. In contrast, representatives from

national athletics federations interviewed in Belgium and Hungary claim that they have never heard of any incident nor received any complaints in this regard. Furthermore, they argued that due to the rather small number of spectators racism is not a problem in their sport. Even if no racist incidents have been recorded in athletics, it does not necessarily mean that racism does not occur in this sport.

Representatives of the Czech, Hungarian and Latvian Athletics Federations stated that the athletes respect each other and show respect for their individual, precisely measurable performances. This is countered by a statement from an Italian athlete with a Moroccan background who stresses that subtle forms of racism are present in the sport, namely when the achievements and good performances of athletes are ascribed to their 'African' origin and therefore an alleged natural predisposition to running faster. Such stereotypes debase the athlete's achievements.

## Popular national sports under examination

Regarding the third national sport examined in this research, which was chosen for every EU Member State on the basis of its popularity (see Introduction for list of sports), information on racist incidents and related discrimination is rather scarce. However, most of the information provided relates to basketball, where racist incidents take the form of racist chanting, name calling and other verbal racist abuse.

Some incidents were also documented in handball. In Germany's men's professional league, a black player experienced racist insults and foreign players from one club were insulted in a xenophobic and racist way by fans in the course of a series of lost games, according to the daily Sport Bild.<sup>(181)</sup> In Hungary's professional women's handball one incident of racist chanting by

<sup>(172)</sup> For all countries that are not listed in the table either no figures for racist incidents were available for the reporting period or information was mainly based on media reports and not on information provided by equality bodies, sport federations and/or NGOs.

<sup>(173)</sup> The racist incidents were registered by the NGO FairPlay in the period 2003-2008 and the NGO ZARA in the period 2003-2007.

<sup>(174)</sup> The incidents reported are based on the Belgian federal equality body Centre for Equal Opportunities and Opposition to Racism (CEOOR) for the period 2003-2008.

<sup>(175)</sup> The incidents were reported by the French Football Federation. Data were only available for the season 2008-2009.

<sup>(176)</sup> The figures are based on tribunal decisions during the period 2003-2008.

<sup>(177)</sup> The incidents were reported by the Football Association of Ireland for the period 2007-2008.

<sup>(178)</sup> The incidents were reported by the NGO Never Again Association for the period 2003-2008.

<sup>(179)</sup> The State Commission against Violence, Racism, Xenophobia and Intolerance in Sport penalised the following numbers of racist or related incidents in amateur and professional football: 2004-05: 8 incidents, 2005-06: 16 incidents 2006-07: 11 incidents, 2007-08: 22 incidents.

<sup>(180)</sup> The incident was reported by the Cornwall County Football Association. Research revealed that racism is prevalent at this level of practice; however, there was no information on an approximate number of racist incidents.

<sup>(181)</sup> Sport Bild online (03 April 2008).

fans was identified, (182) and an unknown number of incidents in French handball have been recorded by the NGO LICRA. Apart from that, an amateur French women's team experienced racist chants when playing in Romania. (183) Incidents were identified in Romanian women's amateur handball when fans directed racist chants towards members of the Hungarian minority and Hungarians fans reciprocated the chants. (184)

Table 10 outlines the number of racist incidents in men's basketball that were identified by the Agency's RAXEN network. Comparing the information with that provided for other sports under examination in this research, basketball shows a greater number of recorded racist incidents. Racist incidents were also recorded in five Member States where another sport than basketball was examined.

All identified incidents refer to black basketball players; most of them concern verbal racist insults, name calling and racist chanting by spectators. There are six identified incidents of physical assault on black players outside the sporting facilities in the public sphere. There is no reported incident involving racist insults amongst players.

Compared to other Member States the highest number of racist incidents in this sport was identified in Lithuania. Since there is no monitoring system in place, the Lithuanian Study draws their information from local media reports. Representatives of the Lithuanian Basketball Federation mark these incidents as isolated and insignificant cases, and blame the media for 'unnecessary exaggeration of such cases.'

Basketball is an audience-oriented sport that in some countries also attracts football fans who may transfer their attitudes and behaviour into basketball, such as Ultrà groups with right-wing attitudes. This phenomenon is described by a representative of the Never Again Association for Poland.

Table 10 provides figures reported by sport federations, sport clubs and/or NGOs on racist incidents in men's basketball in the period 2003-2008. The table does not claim to be complete and relies on information that was collected by the NFPs.

(182) 'Női kézilabda NB I: megbüntették a debreceni kézicsapatot', available at: <http://www.nemzetisport.hu/kezilabda/noi-kezilabda-nb-i-megbungettetek-a-debreceni-kezicsapatot-203838.html?archiv=1&next=20> (13 March 2009).

(183) Reported by the French NGO LICRA in 2007.

(184) S. Simion, (2008) 'Şovinism și răsim maghiar din partea galeriei formației ACS Odorheiu Secuiesc/ Hungarian racism and chauvinism from the supporters of the ACS Odorheiu Secuiesc team' in Ziare.ro, available online at: [http://www.ziare.ro/1205268955-Sovinism\\_si\\_rasism\\_maghiar\\_din\\_partea\\_galeriei\\_formatiei\\_ACS\\_Odorheiu\\_Secuiesc](http://www.ziare.ro/1205268955-Sovinism_si_rasism_maghiar_din_partea_galeriei_formatiei_ACS_Odorheiu_Secuiesc).

**Table 7: Number of racist incidents registered by sport federations, sport clubs and/or NGOs in men's basketball, 2003-2008 (185)**

	Men amateur	Men professional
Belgium (186)	Some incidents	5
Cyprus (187)		2
Finland (188)	2 incidents without specification of level	
Lithuania (189)		10 (4 assaults in public)
Malta (190)	1	
Romania (191)	1 assault in the street	
Slovenia (192)		Some incidents of racist chants
Spain (193)		1

#### 2.1.4. Levels of sport most affected by racist incidents

According to the collected data, men's professional sport and to a lesser extent men's amateur sport is most affected by racist incidents.

#### Men's organised amateur and professional levels

For football, many studies confirm severe and frequent racist incidents on the amateur level. Interviews with players and unofficial data give enough reason to believe that racism, xenophobia and related intolerances are a common and an urgent problem in men's amateur football.

According to the information provided, in recent years a recognisable shift in racist and anti-Semitic incidents has taken place in Germany from the professional leagues to amateur leagues and from incidents in the stadiums to incidents outside and in the vicinity of the stadiums. (194) Similar observations have been made in Belgium and Italy.

(185) For all countries that are not listed in the table either no figures for racist incidents were available for the reporting period or information was mainly based on media reports and not on information provided by sport federations, sport clubs and/or NGOs.

(186) The incidents were reported by the Belgian Centre for Equal Opportunities and Opposition to Racism.

(187) The incidents were reported by the Cyprus Basketball Association.

(188) The incidents were reported by the Finnish Basketball Association.

(189) The incidents have been reported by the Lithuanian Basketball League.

(190) The incident has been reported by the Maltese Basketball Association in 2006.

(191) The incident has been reported by the Romanian Basketball Federation.

(192) Reported by the Slovenian Peace Institute.

(193) The incident has been reported by the MMT Estudiantes club in 2007.

(194) G. Dembowski (2007) 'Rassismus: Brennglas Fußball', in: W. Heitmeyer (ed.) *Deutsche Zustände. Folge 5*, Frankfurt/Main: Suhrkamp, pp. 217-225, here: p. 220; M. Riepl (2006) *Veranstaltungsbericht Fairplay im Stadion – Rassismus auf den Rängen*, seminar organised by the Heinrich Böll Foundation on July 6 2007, available at: [http://www.migration-boell.de/web/integration/47\\_630.asp](http://www.migration-boell.de/web/integration/47_630.asp) (10 March 2009); German Football Association (DFB), press release (21 August 2008), available at: [http://www.dfb.de/index.php?id=505764&tx\\_dfbnews\\_pi1\[showUid\]=15463&cHash=f050d478d6](http://www.dfb.de/index.php?id=505764&tx_dfbnews_pi1[showUid]=15463&cHash=f050d478d6) (10 March 2009).

For France, representatives of NGOs and sport federations point to an 'everyday' racism that is common in amateur sport (football, rugby and other team sports), especially when urban teams that are characterized by ethnic diversity play teams from rural areas that are rather homogeneous in their lineups.

Interviews with a representative of a Belgian football supporter federation, an official of an amateur football club, a representative of the Flemish basketball league and a representative of the French speaking basketball league indicate that racism and related intolerance are common in men's amateur football in Belgium.<sup>(195)</sup> Statements by representatives of the Football Association of Finland and the Finnish Multicultural Sports Federation point to a similar situation in Finland. Cases of intolerance in men's amateur football have also been reported from Italy<sup>(196)</sup> and Malta. Studies in the United Kingdom have revealed that on football's amateur level a high percentage of black and Asian players experienced racist abuse, both physically and verbally, which remained unpunished by the match officials.<sup>(197)</sup>

The Finnish Football Association has carried out research on the number of racism-related red cards given in football matches. According to its findings, the number of racism-related red cards was seven times higher in the fourth division of amateur football than in the Finnish Premier League and 13 times higher in the fifth division of amateur football. On the basis of this research, the Finnish Football Association estimated an approximate number of 800 racist incidents on the pitch annually. The Disciplinary Committee of the Finnish Football Association deals with approximately 50 cases a year.<sup>(198)</sup>

### **Women's organised amateur and professional levels**

With regard to women's amateur and professional sport hardly any information was provided by national monitoring systems or other sources. Cases of racist incidents (predominantly involving spectators) were reported in Austria (football), Belgium (professional athletics), Cyprus (amateur football), Italy, (professional basketball), Poland (professional basketball), Slovakia (professional basketball), Hungary (professional handball) and Romania (amateur handball).

### **Children's and Youth levels**

There is information on a considerable number of racist and xenophobic incidents in children's and youth football. Again, precise numbers and detailed data are not available but racism and related intolerance are reported to be pervasive in both boys' and girls' sport through all age groups. The perpetrators are children and youngsters, coaches, referees and spectators, and those affected are to a large part children and youngsters.

In France, the NGO LICRA has pointed out that racism is a severe problem in youth sport, and estimates that the majority of those affected by racism are under 18 years of age and about 10 per cent are even under ten years of age.<sup>(199)</sup>

A survey conducted in Lower Saxony in Germany among football players between the ages of 13 and 17 revealed that Turkish players claimed twice as often as German players that they had been verbally provoked during the game, partly in a racist manner.<sup>(200)</sup>

Experts interviewed in Belgium (representative of the Basketball League), Denmark (representative of the Olympic Committee; representative of the Sports Confederation), Germany (representative of the DFB Commissioner for Security; representative of the German Sports Youth), and Italy (representative of the Italian Football Association) observed incidents involving parents of players and coaches who shouted racist comments on the pitch towards children and young people with migrant backgrounds.<sup>(201)</sup> Recalling his experiences in children's and youth football, an Italian footballer with a migrant background underlined the frustration he and other younger players experienced hearing racist language from adults. As noted by a representative of the Italian Football Federation, 'support and cheering even at those levels tends to be characterised by denigration of rivals rather than boosting the moral of one's favourite player. Thus, during youth games and races some parents tend to provide support to their sons and daughter by shouting racist insults against the black and ethnic minority rivals.'

A representative of LISA reported about homophobic and anti-Semitic statements of children towards other children. There were anti-Semitic incidents reported for

<sup>(195)</sup> See also: K. Van Uytvange (31 October 2008) 'Ik werd hier behandeld als een aap. Het miraculeuze levensparcours van Elimane Coulibaly, spits van KV Kortrijk.' In Het Nieuwsblad, p. 36.

<sup>(196)</sup> G. Ferretti (2008) 'Razzismo allo stadio: dopo i proclami il silenzio colpevole', Ilsole24ore (07 March 2008). available at: [http://www.ilsole24ore.com/art/SoleOnLine4/Sport/vigilia-campionato/vigilia-campionato-razzismo\\_2.shtml](http://www.ilsole24ore.com/art/SoleOnLine4/Sport/vigilia-campionato/vigilia-campionato-razzismo_2.shtml) (10 March 2009).

<sup>(197)</sup> See, for example: J. Long, K. Hylton, J. Dart and M. Welch (2000) *Part of the Game? An examination of racism in grass roots football*, London: Kick It Out.

<sup>(198)</sup> <http://www.rasistionreppana.fi/> (16.03.2009).

<sup>(199)</sup> LICRA, *Rapport d'activité*, Commission Sport, 2008.

<sup>(200)</sup> G. A. Pilz (2002) *Rote Karten statt Integration? Eine Untersuchung über Fußball und ethnische Konflikte*, speech delivered on 25 June 2002 in Duisburg; online available at: [http://www.sportwiss.uni-hannover.de/fileadmin/sport/pdf/onlinepublikationen/pil\\_eth.pdf](http://www.sportwiss.uni-hannover.de/fileadmin/sport/pdf/onlinepublikationen/pil_eth.pdf).

<sup>(201)</sup> See also M. Glaser and G. Elverich (2008) 'Einführung: Das Handlungsfeld "Fußballsport" in der Rechtsextremismus- und Rassismusprävention', in: M. Glaser and G. Elverich (eds.) *Rechtsextremismus, Fremdenfeindlichkeit und Rassismus im Fußball. Erfahrungen und Perspektiven der Prävention*, Halle: DJI, pp. 5-15, here: p. 6.

Denmark (202) and Belgium. (203) In Belgium, a youth team harassed a Jewish youth team, made the Hitler-salute and shouted 'Heil Hitler'. In Germany, 13 to 15-year old spectators chanted anti-Semitic and xenophobic insults during a match. (204)

A representative of the Football Association of Ireland reported that after a referee had ordered a 12-year old Sikh boy to take off his patka (head cover) the boy finally left the pitch on his own accord but "[h]e was [...] nervous and distressed after the referee shouted at him".

A representative of the Roma Public Policy Institute in Slovakia reported that a Slovakian youth team with approximately 50 per cent of its players of Roma background and 50 per cent with other backgrounds dissolved after the latter players had refused to wear the clothing that had been worn by the Roma players and to use the same locker rooms. After arrangements concerning the use of the showers had been introduced, the Roma players finally left the team, leading to its dissolution.

Incidents in Finland involved players (male and female) in U19 (under 19 years of age) and U20 (under 20 years of age) teams who insulted other players or referees in a racist manner as well as spectators who directed racist insults at migrant players. (205) In Malta one case was recorded in which two youth players had been racially abused by spectators; (206) in Portugal a similar incident was identified where a spectator insulted a black youth player after he had scored. (207)

The only racist incident not related to football was found in Northern Ireland: members of an Indian Cricket youth team touring through the United Kingdom were chased through a Northern Irish city by local youth. (208)

### 2.1.5. Who are the perpetrators?

#### Spectators/fans

The majority of the recorded racist incidents come from the stands and from the spectators' side.

(202) Incidents registered by the Danish Documentation and Advisory Centre on Racial Discrimination (Dacord).

(203) [http://www.antisemitisme.be/site/event\\_detail.asp?eventId=213&catId=1&language=FR](http://www.antisemitisme.be/site/event_detail.asp?eventId=213&catId=1&language=FR), consulted 27-01-2009.

(204) H. Baldauf (2001) 'Rechtsextremismus auf dem Fußballplatz', in: *Telepolis* (22 January 2008), available at: <http://www.heise.de/tp/r4/artikel/27/27114/1.html> (10 March 2009).

(205) Information on incidents obtained from the Football Association of Finland on 05 June 2008.

(206) Maltafootball.com (2006) 'News Archive, November 2006', (11 November 2006), available at: <http://www.maltafootball.com/archive/news/2006-11.shtml> (12 February 2009).

(207) <http://www.record.pt/noticia.aspx?id=00813451-3333-3333-0000000813451&idCanal=00000004-0000-0000-0000-000000000004> (12 March 2009).

(208) [http://news.bbc.co.uk/1/hi/northern\\_ireland/5074526.stm](http://news.bbc.co.uk/1/hi/northern_ireland/5074526.stm) (28 July 2010).

There were hardly any data about fans abusing other fans with migrant backgrounds, apart from Greece (209) and France. (210) However, there is the practice throughout Europe of addressing fans of opposing teams with abusive racist and nationalistic terms.

#### Officials of Clubs and Federations

Some of the representatives of football federations, who were interviewed in the course of this research, trivialised racist slanders and fans' chants. They interpreted them as 'a proof of rivalry' or claimed that such action is 'caused by the emotional excitement of the fans and not displays of direct racism and xenophobia.'

Club officials can be involved in racist incidents on both the men's amateur and professional levels. Examples from men's professional level include:

In Austria, the former president of SK Sturm Graz, a First League club, insulted his coach, who is from Bosnia, as well as several of the team's players with ex-Yugoslavian backgrounds. The coach immediately cancelled his contract and filed a claim to receive financial compensation for the loss of income. The Court decision was in favour of the coach. (211)

The owner of the Romanian club Steaua Bucharest repeatedly used racist comments towards members of the Hungarian community in Romania, as well as Islamophobic and anti-Gypsy comments. (212) In one case the Romanian Football Federation refrained from penalising him on the argument that as a club owner he does not hold an official position in the club. In another case he was penalised by the Federation and 'considered this sanction to be a good thing because it would give him the aura of a martyr, especially in the eyes of the supporters and potential voters'. (213)

(209) In Greece, Albanian fans were verbally and physically assaulted by other football fans, Pantelis Boukalas, Γηπεδικός Πατοιμός, In: Kathimerini.gr (07.02.2007) [http://news.kathimerini.gr/4dcgi/\\_w\\_articles\\_columns\\_206198\\_07/02/2007\\_215013](http://news.kathimerini.gr/4dcgi/_w_articles_columns_206198_07/02/2007_215013), Eleftherotipia, 19.04.2007, 27.04.2007, Kathimerini, 20.04.2007, news.kathimerini.gr/4dcgi/\_w\_articles\_columns\_571287\_20/04/2007\_224049.

(210) According to the information provided from France, in the case of the club Paris Saint-Germain there is one stand in the stadium – the 'Virage Boulogne' or 'Boulogne Kop' – which is the base for PSG fan clubs with right-wing extremist affinities and where members of minorities would risk being attacked if they entered. Recently a more diverse group of supporters have formed themselves on the stand opposite 'Virage Boulogne'.

(211) Austria/Oberster Gerichtshof/90bA42/05z (22 February 2006).

(212) M. Udrea, O. Cojocaru 'Steaua Legionară / Legionary Steaua' in Evenimentul Zilei (15 April 2005); C. Hubali (2005) 'Steaua plătește oalele sparte de Gigi Becali. /Steaua is paying for the mistakes of Gigi Becali' in Evenimentul Zilei, (13 September 2005) available at: <http://www.9am.ro/stiri-revista-presei/Sport/18354/Steaua-plătește-oalele-sparte-de-Gigi-Becali.html> (09 March 2009), D. Udrea (2008) 'Musulmanul interzis. / The forbidden Muslim', in Gazeta Sporturilor (13 December 2008) available at: <http://www.gsp.ro/fotbal/liga-1/musulmanul-interzis-113510.html> (09 March 2009).

(213) 'Federația Română de Fotbal i-a luat lui Becali boii de la Maybach' in Evenimentul Zilei (11.11.2006) available at: <http://www.presa-zilei.ro/stire/5068/fotbal-becali.html> (09.03.2009).

Racist comments were also registered from the former coach of the Spanish national side (214) and from coaches in Denmark. (215)

## Players/Athletes

There have been a considerable number of racist incidents recorded among players especially, on the amateur level. At this level there is a trend to ignore such incidents. Often instead of recording them, they are resolved internally or the incidents end up being explained as misunderstandings and poor communication, and no disciplinary action is taken.

Moreover, very often the burden of proof is with the player who was insulted in a racist way. In Germany, for instance, players accused of racist insults typically deny this charge. Additionally other players on the pitch seldom take notice of the insults when uttered to the affected player, or do not admit to noticing them.

## Referees

Some racist incidents were reported that involved referees: both when referees with migrant backgrounds were affected by racism (216) and when a referee addressed a fouled African player in a racist way. (217)

In Italy a referee of Moroccan origin was offended by supporters during a match. He informed the Federation about this in his match report but no negative sanctions occurred. It turned out that the match report had been manipulated and references to the racist incident had been deleted. The same referee experienced other discriminatory incidents within the Italian Federation. (218)

Another problem arises when referees tend to punish the unsportsmanlike reaction of players who were provoked in a racist way, but refrain from punishing the actual racist abuse. (219)

(214) During a training session the Spanish coach had referred to a player as a "bloody nigger", see: <http://news.bbc.co.uk/sport2/hi/football/internationals/4055395.stm> (28.07.2010).

(215) L. Hendel 'Min store test' (My big test), *B.T.*, Sports section, 7 December 2008, p. 6.

(216) Liikkukaa ry (2008) *Report on the Situation of Racism and Discrimination within the Sports-sector in Finland 2008*. (Unpublished).

(217) Never Again Association, *Brutalna Księga* (2001) [Brown Book 2001], available at: [http://nigdywiecje.org.pl/index.php?option=com\\_content&task=view&id=36&Itemid=20](http://nigdywiecje.org.pl/index.php?option=com_content&task=view&id=36&Itemid=20) (15 March 2009).

(218) F. Ferri, (2009) 'Un avvocato per la dignità dell'arbitro offeso' // *Tirreno* (24 February 2009).

(219) See, for example: Παρέμβαση εισαγγελέα για τα επεισόδια στα γήπεδα και τις χειρονομίες του Μπούσι (16 April 2007) available at: <http://www.in.gr/sports/mail.asp?InqArticleID=794767>; P. Boukalas, Γηπεδικός Ρατσισμός, In: Kathimerini.gr (07 February 2007) available at: [http://news.kathimerini.gr/4dcgi/\\_w\\_articles\\_columns\\_206198\\_07/02/2007\\_215013,Eleftherotipia,19.04.2007,27.04.2007,Kathimerini,20.04.2007,news.kathimerini.gr/4dcgi/\\_w\\_articles\\_columns\\_571287\\_20/04/2007\\_224049](http://news.kathimerini.gr/4dcgi/_w_articles_columns_206198_07/02/2007_215013,Eleftherotipia,19.04.2007,27.04.2007,Kathimerini,20.04.2007,news.kathimerini.gr/4dcgi/_w_articles_columns_571287_20/04/2007_224049).

## The Media

Another important actor involved in the production of racist discourse in European sport is the sports media. Academic research has pointed to the way national stereotypes and 'banal', everyday nationalism are constructed through media sport texts. With regard to the production of racist stereotypes and nationalistic discourse two main topics seem to be prevalent in the European context:

- the representation and discourse on black athletes;
- the critique of the engagement of foreign athletes in local (professional) teams.

## Media images of athletes with black skin colour

Research on sports media discourse in Europe and the role of race and ethnicity in sport have shown that "black athletes tend to be represented more often as 'natural' athletes with great physical power than are white athletes. (220) White athletes, on the other hand, tend to be described more often in terms of intellect, perseverance and hard work than black athletes are". (221)

The successes of black athletes in sports are frequently explained by their natural bodily constitution. Such biologistic approaches are, in turn, taken to perpetuate a prevailing hegemonic social order: "Since (white male) dominance in western societies is usually based on a hierarchy in which mental qualities are valued above physical qualities, this discourse primarily supports the privileged social position of white men." (222)

European media images of the athletic black body often still represent a form of visible 'otherness' that constructs and naturalises difference. In these representations, analogies are drawn to animality and, in the case of sportsmen, often (subtle) references to their sexuality and sexual potency are made; in the case of sportswomen, their femininity is questioned. (223)

## Critique of the engagement of 'foreign players':

In the past years, the increased engagement of 'foreign players' has been strongly debated and contested

(220) K. Hylton (2009) *'Race' and Sport: Critical Race Theory*, London and New York: Routledge, pp. 81-105.

(221) J. van Sterkenburg, A. Knoppers (2004) 'Dominant Discourses about Race/Ethnicity and Gender in Sport Practice and Performance', in: *International Review for the Sociology of Sport* Vol. 39, No 3, p. 3; See also: McCarthy et al. (2003) 'Constructing Images and Interpreting Realities: The Case of the Black Soccer Player on Television', in: *International Review for the Sociology in Sport* Vol. 38, No 2, pp. 217-238; H. D. Simons (2003) 'Race and Penalized Sports Behaviours', in: *International Review for the Sociology of Sport*, Vol. 38, No. 1, pp. 5-22.

(222) J. van Sterkenburg and A. Knoppers (2004) *Dominant Discourses about Race/Ethnicity and Gender in Sport Practice and Performance*, in: *International Review for the Sociology of Sport* 39/3, p. 303.

(223) S. Hall (1997) *Representation. Cultural Representations and Signifying Practices*, London, California, New Delhi: SAGE Publications.

throughout European sport, as can be seen by the attempts to implement new quota regulations for players from abroad.

For instance, according to representatives of the Estonian Basketball Federation and the Estonian Athletic Association, there is an ongoing media debate in Estonia about appropriate participation of "legionnaires" (i.e. foreign players and athletes) in Estonian sport, especially in athletics and in basketball.

Often, such discussions centre on sport only on the surface, but are in fact articulated as part of political discourse.<sup>(224)</sup> For example, in Austria, a debate on the engagement of 'legionnaires' in football has been ongoing. Hand in hand with the weak performance of the national side in recent years, this debate gained new dynamic when some leading politicians of the right-wing populist FPÖ party 'called for the protection of the local young players'.<sup>(225)</sup>

### 2.1.6. Regulations and negative sanctions

The following section describes anti-discrimination regulations and anti-racism provisions within statutes and constitutions of national sports federations. The binding character of these provisions as well as the existence and execution of negative sanctions in cases of violation can be seen as a decisive factor for evaluation.

Provisions in the Penal Code, Criminal Code, Acts or Laws are applicable to sport in most Member States. Ten EU Member States (Belgium, Bulgaria, Cyprus, Czech Republic, France, Italy, Luxembourg, Portugal, Romania, Spain) have introduced special legislation on racism in sport. A legal focus on the prevention of violence especially amongst football fans may have led to the inclusion of racism into this legislation, though sometimes as an extension of anti-violence provisions than as a principal focus. Several provisions prohibit signs and symbols displaying racist and related contents in sports facilities or during sporting events. There are Acts that explicitly hold organizers of sporting events responsible to undertake everything possible to prevent any form of racial discrimination.

Alongside the national legal measures transposing the Racial Equality Directive there are other national legal tools in most Member States that could be applied to certain aspects of direct and indirect discrimination in sport – ranging from general constitutional provisions guaranteeing equal treatment to special laws designed

for the field of sports. In the latter case, however, such laws mostly focus on racist incidents in the context of spectator violence.

### Concrete sanctions imposed by authorities and Courts

Negative sanctions for infringement vary from fines to imprisonment. According to the information provided, in at least three countries (Estonia, France and the UK) anti-racism and anti-discrimination legislation was enforced against spectators in sport by public authorities. In Estonia, the police fined some fans who had been shouting racist slurs towards a player of a Swedish team on the basis of the Criminal Code ('breach of public order').<sup>(226)</sup> Additionally, Estonian police removed banners in stadiums on the basis of the respective provision concerning incitement of political, racial and religious hatred in the Penal Code.<sup>(227)</sup>

In France, fans who exhibited racist and anti-Semitic behaviour have been charged and sentenced on the basis of the Penal and Criminal Code, as well as on the basis of a special sport law which prohibits signs and symbols related to racism at sports facilities. Between 2004 and mid 2009, some 62 persons have been arrested by the police for racist acts in the second and premier football league.<sup>(228)</sup>

In the UK, the Football Disorder Act prohibits racist abuse and chanting. Individuals are likely to be arrested and fined (or jailed if they have a previous record) and given a football banning order prohibiting entry to a football match at home or abroad for three years. All of those with banning orders are required to report to police during England away fixtures.<sup>(229)</sup>

In many cases, however, the prohibition of discrimination is not adequately enforced in the area of sports. Besides the work of Equality Bodies and similar entities, data from the national studies provided information about court cases tackling structural forms of discrimination in four Member States:

In Estonia, a case regarding the Chess Association's rules of distributing youth funds was also handled by a District court: A chess sport club had contested the rules as violating the Estonian constitution (Article 12: ban of discrimination on the ground of social origin), but the court decided that 'it is permissible to apply citizenship criterion in (re)distribution of public funds aimed at sport development'.<sup>(230)</sup>

<sup>(226)</sup> Written communication no. PA-1.11.2/1527 between the Police Board and the Estonian RAXEN National Focal Point, 7 April 2009.

<sup>(227)</sup> Written communication no. PA-1.11.2/1527 between the Police Board and the Estonian RAXEN National Focal Point, 7 April 2009.

<sup>(228)</sup> *Plan National d'Information sur le Football* collected the data on racist incidents.

<sup>(229)</sup> Email correspondence with Kick it Out, 6 October 2009.

<sup>(230)</sup> Tallinna Ringonakohus/Tallinn District Court, 4 July 2008.

In Finland, a district Court sentenced the chairman of a dance sport club for discrimination on the grounds of ethnic origin (refused enrolment of a Russian woman to a dance course) to pay 45 day-fines (270 Euros in total).<sup>(231)</sup>

In Italy, there have been three court cases where quota regulations of the Football Federation have been challenged: One case (already in 2000) involved a Nigerian player whose team was relegated to Division C – a league that was considered amateur by the federation and where no third-country nationals were allowed to play. The Federation refused to register the player, but a Tribunal declared that the Football Federation's regulation was unlawful because it 'contrasted with Article 43 of Legal Decree nr.286/98 which prohibits discrimination in access to employment or conditions of work, on grounds of racial or ethnic origin, nationality and religion'.<sup>(232)</sup> Two other cases dealt with young third-country national football players who were denied registration because of the ban of non-EU players from amateur football. In both cases the Tribunals ruled in favour of the players, again stating that the Federation's regulations were unlawful and conflicted with Article 43 of Legal Decree nr.286/98.<sup>(233)</sup>

In the United Kingdom, there was a 2001 case involving a football referee of Asian ethnic origin who was not reappointed to a national list of referees. The National Review Board claimed that this was because of bad marks; however, the Employment Tribunal decided that he was 'unlawfully discriminated against on racial grounds'.<sup>(234)</sup>

## **Equality Bodies**

Equality Bodies required by the Racial Equality Directive 2000/43/EC and other institutions with comparable tasks,<sup>(235)</sup> such as National Human Rights Institutions (NHRIs)<sup>(236)</sup>, are active in 16 Member States in cases of ethnic discrimination in sport. Not all Equality Bodies have the same competences. Only a few are in the position to penalise or take perpetrators of racist incidents to court, whereas others are limited to issuing recommendations.

<sup>(231)</sup> Porin käräjäoikeus/Pori District Court (R 08/884).

<sup>(232)</sup> Ordinance of the Tribunal of Reggio Emilia 2 November 2000, Ekong vs. FIGC.

<sup>(233)</sup> Armine Khazari vs. FIGC, 24 February 2004, Tribunale di Bolzano (Tribunal of Bozen); M. G. Vs FIGC, 14 July 2006, Tribunale di Verona (Tribunal of Verona).

<sup>(234)</sup> Singh vs. National Review Board (Unreported, 3 December 2001) (ET).

<sup>(235)</sup> Hungary: the Parliamentary Commissioner for the Rights of Ethnic and National Minorities (Minority Ombudsman) and the Roma Anti-Discrimination Costumer Service of the Ministry of Justice and Law Enforcement; the Netherlands: the Anti-Discrimination Agency; Poland: Commissioner for Civil Rights Protection; Spain: the Equality Body does not operate yet, monitoring in sport is done by the State Commission Against Violence, Racism and Xenophobia in Sport and the Observatory Against Violence, Racism and Xenophobia in Sport.

<sup>(236)</sup> See the FRA report on *National Human Rights Institutions in the EU Member States: Strengthening the EU fundamental rights architecture I*, Luxembourg: Office for Official Publications of the European Communities, 2010.

With regard to the implementation of specific football/sports legislation, the Belgian case can be seen as a comprehensive model. The Belgian Minister for Home Affairs released a Circular Letter, which addressed several stakeholders within the Belgian football federation, police and local political authorities. 'It clarifies provisions of the 1998 Football Law, and aims at tackling racist chanting in football stadiums, as well as racist, xenophobic, anti-Semitic and homophobic insults.'<sup>(237)</sup> Besides this quite restrictive law the Circular Letter also included tasks and duties of clubs, the Football Federation and referees. The letter included examples of preventive initiatives and encouraged stakeholders to implement them<sup>(238)</sup> in order to tackle racism effectively. The guidelines for this model were set up in cooperation with the Belgian Equality Body CEOOR. This Authority is also authorized to impose negative sanctions and to take perpetrators to court, has been active in about 20 cases related to sport.

The Dutch Anti-Discrimination Agency, which only records racist incidents, listed 33 complaints in 2008 that deal with discrimination on grounds of race and religion in sport, half of which refer to (verbal) abuse. The Spanish State Commission Against Violence, Racism and Xenophobia was involved in 57 incidents between 2004 and 2008 and imposed negative sanctions.

Available data reveal only three Member States where sanctions (fines) were imposed in the case of access to services (Belgium,<sup>(239)</sup> Ireland,<sup>(240)</sup> Sweden<sup>(241)</sup>). In Romania and Spain, fines were imposed only in cases of racist incidents. In Austria, Cyprus, Finland and Poland the Equality Body was active in only one or two sports-related cases during the reporting period. The Equality Body of the United Kingdom is active in sport; numbers of cases were not made available.

## **Anti-Racism provisions and policies in the sports under examination**

Statutes or Constitutions are the collected norms of a sports federation. Within these documents,

<sup>(237)</sup> Circulaire OOP 40, 14 décembre 2006, portant des directives à l'encontre des propos et slogans blessants, racistes et discriminatoires scandés en chœur à l'occasion des match de football. Moniteur belge 02 juillet 2007 / Omzendbrief OOP 40 houdende richtlijnen aangedaande kwetsende, racistische en discriminerende uitletingen en spreekkoren naar aanleiding van voetbalwedstrijden, Belgisch Staatsblad 02 July 2007.

<sup>(238)</sup> Circulaire OOP 40, 14 décembre 2006, portant des directives à l'encontre des propos et slogans blessants, racistes et discriminatoires scandés en chœur à l'occasion des match de football. Moniteur belge 02 juillet 2007 / Omzendbrief OOP 40 houdende richtlijnen aangedaande kwetsende, racistische en discriminerende uitletingen en spreekkoren naar aanleiding van voetbalwedstrijden, Belgisch Staatsblad 02 July 2007.

<sup>(239)</sup> In a case of denied enrolment to a fitness club the gym was ordered to pay 2,500 Euros for each future offence (the Appeal Court later ruled that the ruling was not well grounded).

<sup>(240)</sup> 5,000 Euros compensation was granted for the case of denied membership to the Referees Society.

<sup>(241)</sup> In both cases, courts imposed fines on the perpetrators following legal action by the office of the Ombudsman.

anti-discriminatory or explicit anti-racist provisions tend to be stated as guiding principles. For the actual rules and regulations, federations often implement very detailed Codes of Conduct or Disciplinary Regulations that may include references to racist behaviour and negative sanctions in case of infringement of these regulations.

The more explicit and elaborate such regulations are formulated the more effectively they will be executed, provided that there is real concern to fight discrimination.

### **Existence of anti-racism provisions/policies in football**

There is a vast difference between football and the other analysed sports with regard to the existence of anti-discriminatory regulations for both racist incidents and other forms of discrimination. Following the UEFA and FIFA examples, almost all of the national football federations in the Member States have introduced provisions establishing the principle of anti-discrimination or anti-racism within their statutes or similar documents.

Both FIFA and UEFA implemented anti-racism provisions in their disciplinary regulations and a catalogue with negative sanctions in case of infringement (see Chapter 2 section 2.3.2.). For the national Football Federations, the implementation of these regulations is not binding. Nevertheless, several national federations apply them or refer to them within their own regulations. Disciplinary sanctions focus predominantly on racist abuse and spectator behaviour, however, with just a few federations having developed elaborated concepts on other issues, such as tackling the under-representation of ethnic minorities within the governing bodies.

Thus, there is a discrepancy between very general mission statements without explicit reference to anti-racism and anti-discrimination, as for instance in the statutes of the Czech Football Federation ('to create universal and equal conditions for football at all levels'),<sup>(242)</sup> on one end of the spectrum, to Federations that include references to UEFA's or FIFA's regulations within their official documents, such as the Dutch Federation's requirement that its members follow UEFA's ten-point-plan of action (which, in principle, includes the recommendation to adopt an equal-opportunities policy in relation to employment and service provision), to the small number of Federations with clear anti-discrimination or 'integration' concepts, such as the German Football Federation's *Integration Concept*,<sup>(243)</sup> the appointment of an *Intercultural*

<sup>(242)</sup> The Disciplinary Code of the Czech FA does not provide any protection against racism or discrimination, only a provision defining 'misconduct against a rival, team member, coach, official, organiser or audience' as 'gross offences, threatening, verbal attacks defaming a race, nation or ethnicity, other actions violating civic coexistence and others'. <http://www.fotbal.cz/c/cmfs/legislativa/legis101.asp> (14.03.2009).

<sup>(243)</sup> Deutscher Fußball-Bund (2008): *Integrationskonzept des Deutschen Fußball-Bundes*, available at: <http://www.dfb.de/uploads/media/Integrationskonzept04-07-08.pdf> (11.03.2009).

*Programme Coordinator* by the FAI in Ireland or the *Racial Equality Standard for Professional Football Clubs* that has been implemented (on a preliminary basis) by 32 professional clubs in England and Wales by March 2009.

The statutes and provisions of the German Football Federation are an example of a convincing incorporation of anti-racist and anti-discriminatory principles. In its statutes (Article 2), the German Football Federation 'stands up against racist, anti-constitutional and xenophobic tendencies and any other discriminatory and inhumane behaviour'.<sup>(244)</sup> To make sure that this basic principle is not only lip service there is a range of implemented measures: Misdemeanours and negative sanctions were adapted and adjusted according to FIFA's anti-racism regulations. Article 9 says:

"a person who hurts someone else's dignity through derogative, discriminatory and vilifying statements with regards to race, skin colour, language, religion or origin or who behaves in any racist or inhuman way, will be suspended for at least five weeks".

In addition, the person is to be banned from the stadium and sentenced to a fine between EUR 12,000 and EUR 100,000. If a club official is found guilty, the minimum fine is EUR 18,000 (Article 9, sub-section 2). If fans of a team display banners with racist slogans or behave in a racist manner in the stadium, the respective club or the German football association member federation is to be sentenced to pay a fine between EUR 18,000 and EUR 150,000 and will be obliged to carry out one game without spectators in an empty stadium.<sup>(245)</sup>

The German Football Federation issued a directive concerning temporary bans in case of "behaviour that hurts other people in their human dignity with regards to race, skin colour, language, religion, sex or origin, in particular through derogative, discriminatory and vilifying statements or respective wording on banners".<sup>(246)</sup> This directive is binding for all clubs affiliated with the German football association.

Table 11 outlines the number of enforced negative sanctions in cases of infringement of anti-racism regulations in football, according to the information provided by the Agency's RAXEN network.

<sup>(244)</sup> See [http://www.dfb.de/uploads/media/02\\_Satzung-2010.pdf](http://www.dfb.de/uploads/media/02_Satzung-2010.pdf).

<sup>(245)</sup> DFB Rechts- und Verfahrensordnung § 9, par. 2.

<sup>(246)</sup> Deutscher Fußball-Bund (2008) *Richtlinie zur einheitlichen Behandlung von Stadionverboten*, available online at: [http://www.dfb.de/uploads/media/SV\\_RiLi\\_ab\\_31032008\\_01.pdf](http://www.dfb.de/uploads/media/SV_RiLi_ab_31032008_01.pdf) (11 March 2009).

**Table 8: Football federations – enforcement of negative sanctions in cases of infringement of anti-racism regulations by the end of 2008**

Bulgaria	There have been a few incidents that were penalised, but compared to the maximum fines, the actual imposed fines are low
Cyprus	6 clubs were penalised on 15 occasions
Denmark	1 incident penalised
Finland	18 incidents penalised
France	4 cases penalised
Germany	8 incidents penalised
Italy	18 incidents penalised
Luxemburg	1 incident penalised
Malta	2 incidents penalised
The Netherlands	2 incidents penalised
Poland	3 exemplary negative sanctions
Romania	At least 5 incidents penalised; negative sanctions are not applied consistently, maximum fines not applied
Slovenia	1 incident penalised (in 2004 by the Disciplinary Body of the Association of Football Clubs of the First Slovenian Football League, since 2007 penalising is the competency of the Football Association of Slovenia )
Spain	4 incidents penalised
United Kingdom	At least 1 incident penalised by the Scottish Football Association and one incident penalised by the English FA. At a grassroots level negative sanctions have been applied by regional County FAs. Figures are not publicly released.
All other EU countries	No information on the enforcement of negative sanctions in the reporting period

### Existence of national anti-racism provisions/policies in athletics

In contrast to football, the number of national athletic federations in the Member States that have references to anti-discrimination (in a broad sense) within their statutes or other documents is limited (only five out of 27). (247)

Some of these provisions are formulated in a very general way, in two cases without any explicit reference to racism and ethnic discrimination. The statutes of the Italian Federation declare that activities should be conducted under 'conditions of equality and equal opportunity', and the Rules of the Finnish Athletic Federation state that activities should be based on 'ethical principles of sport, fair play principles and equality'. (248) In contrast, the Romanian Federation quite clearly states in its statutes that 'discrimination of any kind [...] based on ethnicity, sex, language, religion, political orientation or any other reason is strictly forbidden' and will be penalised in accordance with the regulations of the Federation and the IAAF. (249)

Similar to football, the elaborate 'UK Athletics Welfare policy' goes beyond the statements and measures of other Federations. It states as a principle, among other points, that 'Athletics is committed to eliminating discrimination and encouraging diversity within our sport.'

Our aim is that our workforce will be truly representative of all sections of society and each person feels respected and able to give of their best'. (250)

In Ireland, Athletics Ireland has co-ratified a 'Charter against Racism in Sport' that was designed by the *National Consultative Committee on Racism and Interculturalism*.

There is no information on negative sanctions for violations of the Regulations for athletics for any of the Member States.

### Existence of national anti-racism provisions/policies in the popular national sports under examination

Compared with athletics, there is a slightly higher proportion of federations of the popular national sports examined that have anti-discrimination or anti-racism paragraphs or statements within their official documents (15 out of 27 federations). Nonetheless, the statements are broad in scope, ranging from general mission statements such as 'members are equal in their rights' (with reference to the charter of FIBA) from Estonia's Basketball Federation (251) to more elaborated codes of conduct such as that of the Dutch Korfball Federation. Its Code of Conduct aims to create "an atmosphere where there is space for participation of

(247) Representatives of the Slovenian and the Czech Athletics Federation pointed to the 'binding' character of the IAAF constitution which would make it unnecessary to adopt own provisions in the national statutes.

(248) Rules of the Finnish Athletic Federation, Article 2.

(249) Statute of the Romanian Athletics Federation (2008), Article 13.

(250) See: [http://www.smrac.org.uk/Equality\\_Policy\\_Doc\\_2006%5B1%5D%5B1%5D.doc](http://www.smrac.org.uk/Equality_Policy_Doc_2006%5B1%5D%5B1%5D.doc) (28.10.2010).

(251) Estonian Basketball Association, *Põhikiri*, Section 2.5. The German Handball Federation only refers to regulations of the IHF: Sections 13 and 15 of the DHB statutes.

all target groups [...] specifying that discrimination on the grounds of ethnic background, belief, skin colour, disability etc. should not occur'. It also asks its members to respect cultural differences.<sup>(252)</sup>

Similarly, in Ireland, the GAA (Gaelic Sports) has a Code of Ethics, including a statement on equality. However, as the Irish NFP notes, 'such codes are not very detailed on the issue of racism and ethnic or religious discrimination, nor do they stipulate how a racist incident should be handled'.<sup>(253)</sup>

A number of national federations in the team sports of basketball (Finland, Italy, Malta, Spain) and handball (Portugal, Romania) have provisions in their statutes and disciplinary codes that mainly focus on racist incidents.

Tables 12-16 provide an overview of the existence of anti-racism provisions in the statutes and/or regulations of the federations of the national sports examined or any other references to explicit anti-racism policies and regulations with binding character. It should be noted that some federations stick to the regulations of their respective international umbrella associations or consider regulations of their National Olympic Committee or other national umbrella associations as binding.

No information was available regarding anti-racism provisions for Tennis in France, nor for Ice hockey in Sweden.

**Table 9: Anti-racism provisions: Basketball**

Statutes/ constitution	Disciplinary regulations/ Competition and general regulations	Abiding regulations of international umbrella associations	No references to racism
Italy	Belgium Finland Italy Malta Spain	Estonia	Cyprus Greece Lithuania

**Table 10: Anti-racism provisions: Handball**

Statutes/ constitution	Disciplinary regulations	Abiding regulations of international umbrella associations	No reference to racism
	Portugal Romania	Germany	Denmark

**Table 11: Anti-racism provisions: Ice hockey**

Statutes/ constitution	Disciplinary regulations	Abiding regulations of international umbrella associations	No reference to racism
Czech Republic			Latvia Slovakia

<sup>(252)</sup> <http://www.knkv.nl/web/show/id=235119> (13 March 2009).

<sup>(253)</sup> Starting in 2009, however, the GAA has launched a more detailed *Integration and Inclusion strategy*.

**Table 12: Anti-racism provisions: Alpine skiing**

Statutes/ constitution	Disciplinary regulations	Abiding regulations of international umbrella associations	No reference to racism
		Slovenia	Austria

**Table 13: Anti-racism provisions: Other national sports under examination**

Statutes/ constitution	Disciplinary regulations	Abiding regulations of international umbrella associations	No reference to racism
	Netherlands/Korfball Poland/Speedway (since 2009) Ireland/Camogie and Hurling (since 2010)	United Kingdom/Cricket	Bulgaria/Volleyball Hungary/Water Polo Luxemburg/Cycling

## 2.2. Under-representation of persons belonging to minorities in sport

Persons belonging to minorities are not represented in sports as their number would suggest. The low level of representation, particularly at management level in sports organisations, might be explained by various factors hindering equal participation in sports. Such factors include "rules, norms, routines, patterns of attitudes and behaviour in institutions and other societal structures that represent obstacles to ethnic or religious minorities in achieving the same rights and opportunities that are available to the majority of the population".<sup>(254)</sup>

These factors not only establish a 'glass ceiling' in sport associations and clubs leading to an under-representation of migrants and minorities at certain levels of sport. They also prevent sport from having a more positive impact on social cohesion and integration of European societies.

In addition to the 'glass ceiling' in sport associations and clubs, migrants and minorities are also affected by the unequal allocation of premises. In some Member States, for instance, the lack of sport facilities in under-developed regions disproportionately disadvantages the ethnic minorities who live in these areas. This is particularly true for Roma people. Again, there seems to be a lack of data; information is only available from Hungary, Poland and Romania. For example, in Estonia, according to a representative of the Estonian athletic club Kalev-Sillamäe, the lack of infrastructure in the Ida-Viru county is seen as a negative factor for the participation of Russian speaking minorities.

Regarding the under-representation of persons belonging to minorities and migrants in sport, it needs to be underlined that reliable data are unavailable in most EU Member States. Only few exceptions exist in some sports or for some levels of sport practice. At the same time, the under-representation of minorities in many sports, particularly in positions of authority but also as players/athletes, club members or spectators, is an 'open secret' in European sport. However, it cannot easily be proven given the lack of existing data. Most of the information presented in this section is therefore based on qualitative interviews conducted by RAXEN National Focal Points. Where data are available, they are presented in greater detail.

### 2.2.1. Awareness of exclusion and discrimination among stakeholders

Overall, the awareness among national stakeholders of various forms of discrimination and exclusion in sports, as well as of the under-representation of ethnic minorities and migrants, is less pronounced than for racist incidents. Moreover, existing discourse on the participation and representation of ethnic minorities in sport seems to mainly focus on the perceived positive role of sport as a tool for social integration.

With regard to awareness of exclusion and discrimination on the part of governmental institutions, it is interesting to note that those Member States where existing awareness was reported (Finland, Germany, Ireland, Netherlands, United Kingdom) all share intercultural/multicultural policy approaches (or conflicting discourses in the case of the Netherlands).

With regards to national governing bodies in sport, one conclusion is that awareness of exclusion and

<sup>(254)</sup> P. Lappalainen, (2005) *Det Blågula Glashuset – strukturell diskriminering i Sverige*. Statens Offentliga Utredningar, Stockholm, p. 41-2

discrimination is much higher in football than in all the other researched sports. In athletics, there is a predominant view in most Member States that this sport is not affected by racism or discrimination and therefore no need for action is given. This situation is similar in most of the national focus sports that were analysed in this study. Only in Ireland (Gaelic Sports), the Netherlands (Korfball) and the United Kingdom (Cricket) were questions of under-representation of ethnic minorities significantly addressed by the federations or clubs. Considering the clear under-representation in a number of popular 'national' sports the non-existent awareness in most Member States is striking.

## 2.2.2. Overall participation in sport

As will be pointed out in more detail below, participation rates of migrants and minorities in sport differ between Member States and between different levels of sport and positions within sport.

Data on the overall participation of ethnic minorities and migrants in (amateur) sport were provided for five Member States, pointing to a general under-representation of migrants, especially among women and girls.

In Denmark, a number of studies were conducted on the municipal level with a focus on youth participation. In 2007, 68 per cent of students in grade 5 with parents born in Denmark were members of sport associations. Students with immigrant parents were under-represented, with a membership rate of 49 per cent.<sup>(255)</sup> In grade 9 the gap was smaller, with 41 per cent of students with Danish parents compared to 39 per cent with immigrant parents. The main result of another comparative study in four Danish municipalities was the 'remarkable differences related to gender, age and ethnicity concerning children's choice of sport': While ethnic minority girls tended to be under-represented, ethnic minority boys 'participate in football, martial arts and basketball to the same degree as ethnic majority boys, whereas there are few children and young people from an ethnic minority background participating in what is called "traditional Danish sports" such as handball, dance and riding.'<sup>(256)</sup>

In Germany, a survey among 13,000 sport clubs (out of total 90,000) identified 2,760,000 members with migrant backgrounds, representing 10.1 per cent of all members. This points to clear under-representation since the overall

share of the migrant population<sup>(257)</sup> in Germany adds up to almost 20 per cent.<sup>(258)</sup>

'Some 55,000 migrants are actively involved as volunteers (2.6 per cent of all volunteers); among those 38,100 on the (lower) operational level (0.4 per cent of all volunteers on this level) and 16,900 on the (higher) management board level (0.2 per cent).'<sup>(259)</sup>

Similar to the Danish situation, also in Germany the participation of migrant girls and women seems to be especially low, even though 'migrant women are generally interested in (organised) sport activities'.<sup>(260)</sup>

In the Netherlands, this under-representation of migrant women – especially from non Western ethnic minorities – is highlighted in the 2008 Sport Report. According to this report, 65 per cent of native Dutch women are active in sports compared to 43 per cent of women from non-Western ethnic minorities. For men, the gap is smaller, with 62 per cent native Dutch and 57 per cent non-Western ethnic minorities; the same is true for young people.<sup>(261)</sup> Again, there are differences with respect to the kind of sports being practiced: Non-Western ethnic minorities are under-represented in individual sports but are 'more likely to play football'.<sup>(262)</sup>

<sup>(257)</sup> The German Federal Statistical Office defines a 'person with a migrant background' as follows: 'Zu den Personen mit Migrationshintergrund gehört die ausländische Bevölkerung - unabhängig davon, ob sie im Inland oder im Ausland geboren wurde - sowie alle Zugewanderten unabhängig von ihrer Nationalität. Daneben zählen zu den Personen mit Migrationshintergrund auch die in Deutschland geborenen eingebürgerten Ausländer sowie eine Reihe von in Deutschland Geborenen mit deutscher Staatsangehörigkeit, bei denen sich der Migrationshintergrund aus dem Migrationsstatus der Eltern ableitet. Zu den letzteren gehören die deutschen Kinder (Nachkommen der ersten Generation) von Spätaussiedlern und Eingebürgerten und zwar auch dann, wenn nur ein Elternteil diese Bedingungen erfüllt, während der andere keinen Migrationshintergrund aufweist. Außerdem gehören zu dieser Gruppe seit 2000 auch die (deutschen) Kinder ausländischer Eltern, die die Bedingungen für das Optionsmodell erfüllen, d.h. mit einer deutschen und einer ausländischen Staatsangehörigkeit in Deutschland geboren wurden.' See <http://www.destatis.de/jetspeed/portal/cms/Sites/destatis/Internet/DE/Content/Statistiken/Bevoelkerung/MigrationIntegration/Migrationshintergrund/Begriffserlaeuterungen/PersonenMigrationshintergrund;templateld=renderPrint.psm1> (24.03.2010)

<sup>(258)</sup> Ch. Breuer and P. Wicker (2008) *Sportvereine in Deutschland. Sportentwicklungsbericht 2007/2008. Analyse zur Situation der Sportvereine in Deutschland*, available at: [http://www.bisp.de/cln\\_090/nn\\_16030/DE/Aktuelles/Nachrichten/2008/Sportentwick\\_2007\\_08.html?\\_\\_nnn=true](http://www.bisp.de/cln_090/nn_16030/DE/Aktuelles/Nachrichten/2008/Sportentwick_2007_08.html?__nnn=true).

<sup>(259)</sup> Ch. Breuer and P. Wicker (2008) *Sportvereine in Deutschland. Sportentwicklungsbericht 2007/2008. Analyse zur Situation der Sportvereine in Deutschland*, available at: [http://www.bisp.de/cln\\_090/nn\\_16030/DE/Aktuelles/Nachrichten/2008/Sportentwick\\_2007\\_08.html?\\_\\_nnn=true](http://www.bisp.de/cln_090/nn_16030/DE/Aktuelles/Nachrichten/2008/Sportentwick_2007_08.html?__nnn=true).

<sup>(260)</sup> Germany/Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration (2007) *Siebter Bericht der Beauftragten der Bundesregierung für Migration, Flüchtlinge und Integration über die Lage der Ausländerinnen und Ausländer in Deutschland*, p. 124; U. Boos-Nünning, Y. Karakasoglu (2004) *Mädchen mit Migrationshintergrund und sportliches Engagement*, available at: [www.bmfsfj.de/bmfsfj/generator/RedaktionBMFSFJ/Abteilung5/Pdf-Anlagen/maedchen-migrantinnen-sport,property=pdf,bereich=bmfsfj,sprache=de,rwb=true.pdf](http://www.bmfsfj.de/bmfsfj/generator/RedaktionBMFSFJ/Abteilung5/Pdf-Anlagen/maedchen-migrantinnen-sport,property=pdf,bereich=bmfsfj,sprache=de,rwb=true.pdf).

<sup>(261)</sup> K. Breedveld, C. Kamphuis, A. Tiessen-Raaphorst (2008) *Rapportage Sport 2008*, Den Haag: Sociaal en Cultureel Planbureau/W.J.H. Mulier Instituut, p. 79-80.

<sup>(262)</sup> K. Breedveld, C. Kamphuis, A. Tiessen-Raaphorst (2008) *Rapportage Sport 2008*, Den Haag: Sociaal en Cultureel Planbureau/W.J.H. Mulier Instituut, p. 86.

<sup>(255)</sup> Københavns Kommune (2008) *Statusrapport 2008, Integration – et fælles ansvar, Beskæftigelses- og integrationsforvaltningen*, pp. 28-29.

<sup>(256)</sup> Ibsen og Nielsen (2008) *Kommunale forskelle på børns idrætsdeltagelse* (Difference in children's participation in sports in different municipalities), Idrættens Analyseinstitut.

'People from non-Western ethnic minorities are also less likely to be members of a sports club in comparison to native Dutch people. Whereas 38 per cent of native Dutch people are members of a sports club, 24 per cent of people from non-Western ethnic minorities have joined a club'.<sup>(263)</sup>

Similar results can be found in Ireland, where the Irish Sport Monitor<sup>(264)</sup> points to the fact that people 'from outside the EU and from non-English speaking countries are less than half as likely to play sport in Ireland, compared with Irish nationals'; whereas there is no evidence that immigrants from inside the EU are under-represented in sport participation.<sup>(265)</sup>

In Sweden, according to media research, only six per cent of all board members in the Swedish National Sports association have immigrant backgrounds. At the level of local sports clubs, the situation is much worse, with only 0.5 per cent of board members.<sup>(266)</sup>

### 2.2.3. Football

Compared to the other analysed sports, ethnic minorities and migrants seem to be better represented in football. However, this conclusion can only be drawn for active participation as athletes, and for men and boys. There is some evidence that women and girls with migrant and/or minority background are under-represented in female football. Furthermore, migrants and minorities are rarely to be found in leadership positions in football clubs and associations.

#### Athletes and players

There are a number of Member States where ethnic minorities might even be over-represented in certain levels of the sport. This is, for example, true for the Netherlands, with an overall participation of non-Western ethnic minorities of 12 per cent compared to six per cent of native Dutch players in football.<sup>(267)</sup> In Luxembourg, according to a representative of the Luxembourgish Football Federation 'migrants and mainly Portuguese are highly overrepresented': Similarly, older data from Sweden also point to the over-representation of migrant boys in football.<sup>(268)</sup>

<sup>(263)</sup> K. Breedveld, C. Kamphuis, A. Tiessen-Raaphorst (2008) *Rapportage Sport 2008*, Den Haag: Sociaal en Cultureel Planbureau/W.J.H. Mulier Instituut, p. 93.

<sup>(264)</sup> A large telephone survey with 9,200 telephone questionnaire representative for the age group 16 and over.

<sup>(265)</sup> The Irish Sports Council (2008) *The Irish Sports Monitor. First Annual Report*, 2007, p. 4.

<sup>(266)</sup> Bergling, A., F. Nejman: 'Den vita sportens fall', in: *Focus* 2008-08-22b, available at: <http://www.fokus.se/2008/08/den-vita-sportens-fall/>.

<sup>(267)</sup> Population between 15-79 years, 2006; K. Breedveld, C. Kamphuis, A. Tiessen-Raaphorst (2008) *Rapportage Sport 2008*, Den Haag: Sociaal en Cultureel Planbureau/W.J.H. Mulier Instituut, p. 86.

<sup>(268)</sup> National Sports Association (2002) *Idrott och integration: en statistisk undersökning*.

In Germany, a large study in the Mannheim region pointed to the over-representation of some age cohorts of migrant players (born between 1971 and 1980) in local football. Older players (born prior to 1966) tended to be under-represented, especially in the higher amateur leagues.<sup>(269)</sup>

In Austria, the percentage of male foreign-national football players resembles more or less their overall percentage of the population, with approximately 11 per cent as players, compared to 9.5 per cent of the overall population in 2004. The percentage of female players with a migrant background is smaller, at approximately four per cent.<sup>(270)</sup> The study points to a clear bias of under-representation, however, when it comes to membership in clubs and representative positions:

'The share of non-playing members who are foreigners in the clubs was less than one per cent. About five per cent of the full-time employees and two per cent of the part-time employees in the clubs were foreigners'.<sup>(271)</sup>

On the professional level, teams and clubs in most Member States tend to reflect the globalised players market with a high percentage of non-national athletes in the team line-ups.<sup>(272)</sup> In the United Kingdom, Asian minorities still tend to be under-represented on the professional level.<sup>(273)</sup>

#### Spectators and fans

Very little data are available on the representation of ethnic minorities and immigrants among football fans and audiences in the stadiums. Most of it points to the clear under-representation of these groups. In Belgium, some data are available for professional football (season tickets), where native Belgian men are dominant by far:

'The overwhelming majority of season ticket holders are male (at least 83 per cent, in all clubs) and native Belgian (foreigners or people of foreign origin do not exceed the proportion of 3 per cent in most clubs). Furthermore, in

<sup>(269)</sup> Younger players tended to be represented according to their overall proportion in the general population; F. Kalter (2003) *Chancen, Fouls und Abseitsfallen. Migranten im deutschen Ligefußball*, Wiesbaden: Westdeutscher Verlag, pp. 33-35.

<sup>(270)</sup> Based on a survey conducted among 2,182 football clubs, see: B. Felderer, D. Groza-Helmenstein, C. Helmenstein, A. Kleissner, A. Schnabl, R. Treiler (2005) *Fußball in Österreich, Endbericht: Studie im Auftrag des Österreichischen Fußball-Bundes*, Vienna, pp. 57-59.

<sup>(271)</sup> B. Felderer, D. Groza-Helmenstein, C. Helmenstein, A. Kleissner, A. Schnabl, R. Treiler (2005) *Fußball in Österreich, Endbericht: Studie im Auftrag des Österreichischen Fußball-Bundes*, Vienna, pp. 57-59.

<sup>(272)</sup> P. Lanfranchi, M. Taylor (2001) *Moving with the ball. The Migration of Professional Footballers*, Oxford/New York: Berg; Recent data are provided by the Professional Football Players Observatory, see: <http://www.eurofootplayers.org/>.

<sup>(273)</sup> Long, J., Hylton, K., Dart, J. and Welch, M. (2000) *Part of the Game? An examination of racism in grass roots football*, London: Kick It Out; D. Burdsey (2007) *British Asians and Football. Culture, Identity, exclusion*, London and New York: Routledge.

clubs that do have the 3 per cent proportion of ethnic minority season ticket holders, those appeared to be mostly third generation immigrants of Italian origin, who can hardly be considered as migrants anymore.'<sup>(274)</sup>

In England, less than one per cent of season ticket holders in Premier League clubs in the early years of the millennium were black or Asian.<sup>(275)</sup> Current numbers for *englandfans*, the official fan club of the English national team, are 3 per cent of members with an ethnic minority background.<sup>(276)</sup> The same – estimated – numbers (3 per cent) are given by the Hungarian Football Federation for the percentage of migrants and ethnic minorities as audience members or fans in Hungarian football.<sup>(277)</sup>

### **Leadership positions**

Even if athletes with ethnic minority backgrounds might be well represented on the field, their share among leadership positions in football – as in most other sports – is small. This 'glass ceiling' phenomenon is observed in all Member States where information is available on the issue.

*"It is very difficult to prove discrimination, because no one would ever tell you that you would not get a job because you come from a minority." (Interview with a former football player originally from an African country, Slovakia)*

Exact numbers are scarce, though, with the exception of research from the United Kingdom, where, in 2004, a survey of all 92 league clubs, 43 county football associations and national governing bodies revealed that 'less than 1% of individuals from ethnic minority backgrounds held governing body, boardroom, management and coaching positions'.<sup>(278)</sup> In Denmark and Hungary, estimated figures were provided by the Football Federations. According to the Danish FA, no migrants or ethnic minorities are to be found in leadership positions of the federation,<sup>(279)</sup> in Hungary, the FA presumes that migrants and ethnic minorities account for approximately one per cent of the leadership positions at football clubs and two per cent within the Football Federation.<sup>(280)</sup>

*"I remember the case of a Roma coach who got from the 5th league to the 4th and then immediately to the 3rd, but was then dismissed without any explanation... It is hard for a Roma coach to get higher than the 3rd league."*  
*(Interview with a former football player, Slovakia)*

### **2.2.4. Athletics**

In athletics, the simple lack of data make it difficult to draw an overall picture on the participation of ethnic minorities and migrants. In the post-colonial societies of Portugal and the United Kingdom there are high proportions of black athletes within the sport. In Portugal, without considering Portuguese athletes with an African background, 141 out of 243 foreign male athletes are from African Portuguese countries.<sup>(281)</sup> In the United Kingdom, numbers are available for the late 1990s, when 24 per cent of top athletes who received grants were of African or Caribbean origin (with an overall proportion of 2 per cent of the population) and blacks represented 48 per cent of all athletes 'who are focusing on their training and not simultaneously pursuing academics'.<sup>(282)</sup>

In Luxembourg, according to information by the Fédération Luxembourgeoise d'Athlétisme (Luxembourgish Athletics Federation), non-national athletes are under-represented, with a percentage of 14.92 among athletes with competition licences, 6.85 with leisure-licences and an overall percentage of 42 per cent of the resident population. Estimates by the Danish Athletic Federation count a maximum of 100 athletes from an ethnic minority out of 3.000-4.000 active members countrywide.

In Italy, the number of foreign athletes added up to approximately one per cent of all registered athletes during the period 2004 to 2008.<sup>(283)</sup> This can be partly explained by the restrictive national quota system for third-country nationals and the specific citizenship law on the national level. This also applies for the small participation of migrant youth.

Data on the representation of audience/spectators at athletic competitions in the Member States are not available, but there seems to be little reason to question the fact that ethnic minorities are under-represented here as well. The same can be stated for leadership positions, with a lot of evidence from qualitative interviews pointing to this conclusion.

<sup>(274)</sup> Belgium/ FOD Binnenlandse Zaken, Algemene Directie Veiligheids- en Preventiebeleid, Beleid Integrale Veiligheid (2008) *Diversiteit bij voetbalclubs uit de eerste klasse en de K.B.V.B.*

<sup>(275)</sup> S. Bradbury (2002): *The New Football Communities: A Survey of Professional Football Clubs on Issues of Community, Ethnicity and Social Inclusion*, University of Leicester, Sir Norman Chester Centre for Football Research.

<sup>(276)</sup> According to the English Football Association (E-Mail, 1 April 2009).

<sup>(277)</sup> Information from the Hungarian Football Federation (email, 2 March 2009).

<sup>(278)</sup> M. Welch, K. Spracklen and A. Pilcher (2004) *Racial Equality in Football: A survey*. Leeds, Leeds Metropolitan University.

<sup>(279)</sup> Information from the Danish Football Federation (email, 24 February 2009).

<sup>(280)</sup> Information from the Hungarian Football Federation (email, 2 March 2009).

<sup>(281)</sup> In total, the Portuguese Athletics Federation has 3,500 registered athletes, and 443 of them are non-nationals.

<sup>(282)</sup> Otchet, A. (1999) 'Hidden Hurdles of Colour', available at: [http://www.unesco.org/courier/1999\\_04/uk/dossier/txt17.htm](http://www.unesco.org/courier/1999_04/uk/dossier/txt17.htm).

<sup>(283)</sup> Information provided by the Italian Athletics Federation FIDAL to the Italian NFP, FRA (2009)

## 2.2.5. National sports under examination

### Players/Athletes and club members

Although the sports listed in this category are diverse – ranging from individual sports to team sports – the under-representation of ethnic minorities in active participation seems to be a shared pattern in most of them, especially on the amateur level. In some team sports (e.g. basketball in Estonia, Greece and Italy, handball in Germany, or ice hockey in Sweden), non-national players play an important role in the professional leagues, but there is not necessarily a link to higher overall participation of ethnic minorities and second-generation immigrants in these national sports. (284)

For instance, whereas the percentage of foreign players in Italian professional basketball ranged between 40 per cent and 47 per cent in the 2005-06 to 2008-09 seasons, the participation of non-nationals in amateur Basketball reached only an average of two per cent from 2004 to 2008. (285)

The Bulgarian Volleyball Federation estimates the participation of migrants and ethnic minorities to be approximately five per cent (which points to the under-representation of Roma, Turks and other minorities). (286) In Hungary, the Water Polo Federation specifies the share of ethnic minority athletes at zero per cent. (287) In Luxemburg, according to representatives of the Luxembourgish Cycling Sports Federation, 80 per cent of members in local cycling clubs are Luxembourgers (compared to 58 per cent of the resident population). In the Netherlands, a representative of the Dutch Korfball Federation stated that members of korfball clubs tend to be white, with just 'few people from ethnic minority groups'.

There is just a small number of Member States where interviews point to a better representation of ethnic minorities in national sports. Exact data are not available in most of these Member States, but the respective federations in Belgium and Portugal argue that within their sports, there is no under-representation of ethnic minorities: A representative of the Flemish Basketball Federation in Belgium only suspects a smaller participation of Arab or Muslim girls. The president of the Portuguese Handball Federation sees 'a strong presence of players with an African background in every category'. In the case of (amateur) cricket in the United Kingdom,

the participation of ethnic minorities such as British Asians seems to be considerable. (288)

### Spectators and fans

Similar to athletics, there are limited data on the representation of ethnic minorities and migrants as spectators/fans in the audience-oriented national sports. The few available sources and qualitative interviews from countries such as Estonia, Greece, Ireland and the Netherlands point to the under-representation of these groups. In the Netherlands (Korfball), there are only few fans with an ethnic minority background according to a representative of the Korfball Federation. In the case of Estonian basketball, the proportion of ethnic minority and migrant fans is estimated by the Estonian Basketball Federation to be approximately three per cent, which points to the under-representation of ethnic Russians. (289)

### Leadership positions

With respect to leadership positions, all available data document the glaring under-representation of ethnic minorities and migrants. Again, statistics are not available, but there are estimates for some Member States: The Bulgarian Volleyball Federation notes that there are no migrants or ethnic minority members in leadership positions in clubs or in the federation itself. (290) Similarly, the Estonian Basketball Federation puts the number of ethnic minority members in leading positions within the Federation at zero per cent, and estimates the percentage in clubs to be 10 per cent. (291) In Italy and Luxemburg, the participation of non-nationals in the national governing bodies in Basketball (Italy) and Cycling (Luxemburg) is limited due to regulations that confine such official positions to national citizens.

## 2.2.6. Sports journalism

It was already outlined how sports media can be involved in the production of racist discourse, racist abuse and of stereotypes about 'race', ethnicity and gender. However, sports journalists can also be engaged in challenging such racist stereotypes. In this respect, a higher representation of ethnic minorities among sports journalists themselves could lead to a change of perspective and to more sensibility and understanding among this group for issues of anti-racism and anti-discrimination. Unfortunately, all data point to a massive under-representation of ethnic minorities or migrants among sports journalists in Europe, where the proportion of minorities seems to be even smaller than in other areas of journalism.

(284) In the very specific context of Speedway in Poland, foreign riders also play a significant role, with a percentage of 45.66 among all athletes signed by Polish clubs.

(285) Information by the Italian Basketball Federation FIP.

(286) Information from the Bulgarian Volleyball Federation (E-Mail, 13 March 2009).

(287) Information from the Hungarian Water Polo Federation (E-Mail, 25 February 2009).

(288) Information by the Media Relations Officer at the England and Wales Cricket Board (ECB).

(289) Information by the Estonian Basketball Federation (email, 24 March 2009).

(290) Information by the Bulgarian Volleyball Federation (email, 13 March 2009).

(291) Email 24 March 2009 from the Estonian Basketball Federation.

Statistics are only available for a few Member States, such as Germany, where the percentage of migrant sport journalists is "currently negligible".<sup>(292)</sup> In the Netherlands, data are available from the year 2002, when ethnic minorities only accounted for 1.6 per cent of all sports journalists.<sup>(293)</sup> In Slovakia, according to a representative of the Slovakian Roma Public Policy Institute (RPPI), there are sports journalists with Hungarian ethnic backgrounds but 'no sports journalist in Slovak mainstream media reporting [with] Roma origin'. In Lithuania, according to a representative of the Lithuanian Sport Journalist Federation only one member of the Lithuanian Sport Journalist Federation is of a non-Lithuanian background. In the case of Italy, until 2005 there was the specific barrier that members of the National Union of Journalists had to be Italian citizens.

#### 2.2.7. Research on the under-representation of minorities

In general, academic research on the causes of the under-representation of ethnic minorities and immigrants in European sport is still limited and there is a great lack of studies on the subject. In more than half of all Member States there seems to be no academic research on the subject at all. Only in a few countries are there a considerable number of studies dealing with different aspects of the problem (among them Denmark, Germany, Netherlands and the United Kingdom).

#### Explaining under-representation through administrative restrictions

As will be outlined in more detail in the following section, quota regulations of the sports' governing bodies on the participation of foreign athletes – comprising EU citizens as well as third-country nationals – in amateur and professional sport are rather frequent. In combination with restrictive migration legislation and lack of a naturalisation/citizenship path for second and third generation immigrants, such quota regulations may contribute to aggravate the situation of low participation and representation levels of persons belonging to minorities in sports, particularly in competitive sports at professional and amateur level. This could be argued for Member States such as Estonia, Italy and, to some extent, Denmark, where specific citizenship regulations make it difficult for ethnic minorities or migrants to fully participate in professional and amateur sports. The same holds true for people

with a precarious residential status in many EU Member States, such as asylum seekers.<sup>(294)</sup>

#### Socio-economic explanations

Various studies have established a connection between participation in sport and socio-economic indicators and lifestyles: Overall, higher social, cultural and economic capital correlates with higher participation in sport.<sup>(295)</sup>

Since immigrants and persons belonging to ethnic minorities often find themselves on the lower end of the social stratum, they are affected by these social patterns. This is also true for the financial costs that have to be paid for practicing many sports. In some sports the enrolment fee to a club, the needed equipment and the membership fees can be perceived as a basic form of indirect discrimination.

Social class also partly determines the area of residence. Thus, migrants and ethnic minorities who live in underprivileged regions and neighbourhoods face a limited availability of sport facilities in some Member States.

In many Member States, these effects can especially be observed for Roma people. Roma communities tend to be de facto limited in their participation in sport on the basis of their social-economic position. The social as well as territorial isolation and exclusion of Roma is evident in a number of EU Member States, according to the information provided. This also includes the limited ability of many Roma to afford sports equipment, as is the case in Hungary:

"[L]imited financial sources may limit the fulfilment of personal ambitions in sports. Territorial aspects should be taken into account as well: a great proportion of Roma live in the underdeveloped rural regions of the country, where poor infrastructure and the lack of proper sport facilities may object sport careers."<sup>(296)</sup>

<sup>(294)</sup> In relation to asylum procedures in EU Member States, see also the two 2010 FRA reports on *The duty to inform applicants: the asylum-seeker perspective* and *The access to effective remedies: the asylum-seeker perspective*, available online at: [http://fra.europa.eu/fraWebsite/research/publications/publications\\_per\\_year/pub\\_asylum-seekers\\_en.htm](http://fra.europa.eu/fraWebsite/research/publications/publications_per_year/pub_asylum-seekers_en.htm).

<sup>(295)</sup> European Commission (2004) *The citizens of the European Union and Sport*, Special Eurobarometer 213, [http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_213\\_report\\_en.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_213_report_en.pdf), p. 6 (19 August 2009); R. Horak, O. Penz, I. Peyker (2005) *Soziale Bedingungen des Spitzensports*, Münster: LIT; A. Thiel and K. Cachay (2006) "Soziale Ungleichheit im Sport", in: W. Schmidt, I. Hartmann-Tews, W.-D. Brettschneider (eds.) *Erster deutscher Kinder- und Jugendsportbericht*, Schorndorf: Verlag Hofmann (second edition), pp. 275-295 (here: 289); S. Braun (1999) *Elitenrekrutierung in Frankreich und Deutschland. Sporteliten im Vergleich zu Eliten in Politik, Verwaltung und Wirtschaft*, Cologne: Sport und Buch Strauß; P. Mignon, G. Truchot (2002) *Les Pratiques sportives en France*, Paris: INSEP.

<sup>(296)</sup> I. Kemény, B. Janky (2003) 'A 2003. évi cigány felnémérésről', in: E. Kállai (ed.) *A magyarországi cigány népesség helyzete a 21. század elején*, Budapest: MTA Etnikai-Nemzeti Kisebbségekutató Intézet, pp. 7-26.

<sup>(292)</sup> R. Geißler, K. Enders and V. Reuter (2009) 'Wenig ethnische Diversität in der Medienproduktion', in: R. Geißler and H. Pöttker (eds.) *Massenmedien und die Integration ethnischer Minderheiten in Deutschland Bd. 2: Forschungsbefunde*, Bielefeld: transcript, pp. 79-117.

<sup>(293)</sup> I. Claringbould, A. Knoppers and A. Elling (2004) 'Exclusionary Practices in Sport Journalism', in: *Sex Roles*, Vol. 51, Nos. 11/12, pp. 709-178.

In the case of Bulgaria, Roma children are partly separated from the mainstream school system and study in separate schools or classes; this often leads to an exclusion from sports activities. This also exemplifies how socio-economic exclusion intersects with other forms of discrimination, in this case anti-Gypsism.

*"Roma are certainly prevented from equal access to sports due to their economic situation. For instance, ice hockey is financially almost unavailable for Roma." (Interview with a former Roma football player, Slovakia)*

### Cultural explanations

In most Member States, *clubs* or *member associations* are still the prevalent models of organising (amateur) sport. This raises the question if the under-representation of ethnic minorities and migrants on different levels of these organisations should be more attributed to a lack of tradition and knowledge on the part of migrants in adapting to the culture of clubs and popular national sports in their host countries, or if the clubs, associations and federations are partly 'unapproachable' for migrants and ethnic minorities due to their unwritten rules ('cultural codes') or their lack of knowledge of how to communicate with some ethnic minority groups.

The first position is taken by some researchers with respect to the under-representation of migrant and ethnic minority girls and women in sport. For instance, a Danish study identifies four main barriers to women's participation: (1) gender roles that confine women to the household, (2) 'cultural resistance towards sports clubs where women can be watched by men they do not know', (3) resistance to certain aspects of (male) mainstream sports club culture, such as alcohol consumption, and (4) a lack of interest and understanding of existing national sports cultures and their organisational models.<sup>(297)</sup>

This last point was also stressed with regard to the general under-representation of ethnic minorities and migrants in specific national sports in different Member States, such as Alpine Skiing, Ice Hockey or the Gaelic Games, where stakeholders from the federations or other representatives of the majority population saw a 'lack of knowledge' or 'lack of tradition' on part of immigrant communities.<sup>(298)</sup>

According to a representative of the Roma Public Policy Institute (RPPI), similar arguments were used with regard

to the under-representation of Roma, with reference to an 'absence of sports tradition in Roma culture'.

However, instead of over-emphasising explanations based on the perceived attitudes or traditions of migrant communities, much academic research puts an emphasis on explanations that focus more on exclusion mechanisms in current European sports organisations and culture. Thus, in some contexts, racism and prejudice within the sports organisations make it less desirable for ethnic minorities and migrants to engage in organised sports activities.

More often mechanisms of exclusion will be more subtle and based on unwritten laws and specific institutional cultures. For instance, the under-representation of Muslim women and girls in amateur sport could be partly attributed to the failure of sports clubs that have not yet 'adapted to the new requirements of an increasingly multi-ethnic and multi-religious clientele'.<sup>(299)</sup> In a number of Member States public debates have arisen around the permission to use headgear or 'burkinis' in sport by religious Muslim women. Taken together, unwritten laws and norms of sports clubs often make it difficult for ethnic minority women and girls to engage in sports club activities.<sup>(300)</sup>

Another issue in some Member States seems to be a 'filter' between the participation of ethnic minorities – especially second-generation youth – on the youth and amateur level of some sports and their lower rate of representation in professional sport. This points to 'ethnised' selection mechanisms on the passage from youth sport to professional sport.<sup>(301)</sup>

With regard to the participation of ethnic minority youth in sport and to the noticeable differences between different sports (e.g. the over-representation of ethnic minority boys in football or combat sports in some Member States), Dutch research has produced very valuable insights into processes exclusion and marginalisation in sports:

According to Agnes Elling, the choices of young people of whether to participate in sport or not – and if so,

<sup>(297)</sup> Dahl and Jakobsen (2005) *Køn, etnicitet og barrierer for integration – focus på uddannelse, arbejde og foreningsliv*, (Gender, ethnicity and barriers to integration – focus on education, work and associations) SFI København.

<sup>(298)</sup> 'Skisport in der Mausefalle', in: *Die Presse*, 23 January 2009, available at: <http://diepresse.com/home/sport/wintersport/446615/index.do?from=suche.intern.portal>; C. Imlinger (2009) 'Haben eine Generation Skifahrer verloren', in: *Die Presse*, 23 January 2009, available at: <http://diepresse.com/home/sport/wintersport/446576/index.do?from=suche.intern.portal>.

<sup>(299)</sup> Germany/Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration (2007) Sieber Bericht der Beauftragten der Bundesregierung für Migration, Flüchtlinge und Integration über die Lage der Ausländerinnen und Ausländer in Deutschland , p. 124; Boos-Nünning and Karakasoglu (2004) 'Mädchen mit Migrationshintergrund und sportliches Engagement', available at: [www.bmfsfj.de/bmfsfj/generator/RedaktionBMFSFJ/Abteilung5/Pdf-Anlagen/maedchen-migrantinnen-sport,property=pdf,ber\\_eich=bmfsfj,sprache=de,rwb=true.pdf](http://www.bmfsfj.de/bmfsfj/generator/RedaktionBMFSFJ/Abteilung5/Pdf-Anlagen/maedchen-migrantinnen-sport,property=pdf,ber_eich=bmfsfj,sprache=de,rwb=true.pdf) (10.03.2009).

<sup>(300)</sup> LG Insight (2007) *Etniske minoriteter i foreningslivet under Friluftsrådet* (Ethnic minorities in associations under the Danish Outdoor Council), p. 7.

<sup>(301)</sup> See for example: K. Fonoudi: *Hvornår kommer Brøndbys 2. gér?* (When does Brøndbys 2.G arrive?), in *Tipsbladet*, 16 September 2008; on the Austrian case, where this phenomenon could be observed in football until recently see: B. Liegl, G. Spitaler (2008) *Legionäre am Ball. Migration im österreichischen Fußball nach 1945*, Vienna: Braumüller, pp. 82-92.

which specific sport – are influenced by “factors of power and social norms surrounding sport, ethnicity and gender”.<sup>(302)</sup>

“The fundamental question is whether (young) people are free to choose to participate in any sport they want to or whether they are hindered in their choice by implicit exclusionary mechanisms” (and “anticipative self-exclusion”).<sup>(303)</sup>

Sports culture includes “hegemonic (that is, sanctioned by majority and higher status groups) traditions, regulations, standards, and norms that are often viewed as neutral and objective by the dominant group”:<sup>(304)</sup>

“This can refer to practical points such as driving one’s children to competitions (difficult for low-income families without access to a car); or to the general atmosphere, including aspects such as the acceptability of racist jokes. These norms remain unchallenged due to the skewed distribution of power in sports clubs, where ethnic minorities might be participating equally as sportsmen and coaches, but are hardly seen in decision-making positions”.<sup>(305)</sup>

With regard to gender, it can be argued that constructed images of sport identities also include (differing) norms and expectations about ‘appropriate’ choices for migrant boys and girls when choosing a specific sport. Specific sports might thus be associated with specific (ethnic) groups, as a result of which people get unconsciously pushed into specific choices.

Regarding the under-representation of ethnic minorities and migrants among *club officials* and in *leadership positions*, Patrick Mignon points to “the strength of social networks” and the tendency of sport organisations to select “members based on their similarities to those already in charge”, as well as recruitment “from among the social networks of old acquaintances where information circulates.” Moreover, he identifies specific values in sport that “make it difficult to acknowledge the problem: there is the idea of the purity of sport and the

<sup>(302)</sup> A. Elling (2007) *Het voordeel van thuis spelen. Sociale betekenis en in- en uitsluitingsprocessen in sportloopbanen*, Den Bosch/Nieuwegein: W.J.H. Mulier Instituut/Arko Sports Media; A. Elling, I. Clarinbould (2005) ‘Inclusionary and exclusionary mechanisms in the Dutch sports landscape: who can and wants to belong?’, in: *Sociology of Sport Journal*, Vol. 22, pp. 498-515; A. Elling, A. Knoppers (2005) ‘Sport, Gender and Ethnicity: Practices of Symbolic Inclusion/Exclusion’, in: *Journal of Youth and Adolescence*, Vol. 34, pp. 257-268.

<sup>(303)</sup> A. Elling (2007) *Het voordeel van thuis spelen. Sociale betekenis en in- en uitsluitingsprocessen in sportloopbanen*, Den Bosch/Nieuwegein: W.J.H. Mulier Instituut/Arko Sports Media, p. 17.

<sup>(304)</sup> A. Elling, I. Clarinbould (2005) ‘Inclusionary and exclusionary mechanisms in the Dutch sports landscape: who can and wants to belong?’, in: *Sociology of Sport Journal*, Vol. 22, p. 509.

<sup>(305)</sup> A. Elling (2007) *Het voordeel van thuis spelen. Sociale betekenis en in- en uitsluitingsprocessen in sportloopbanen*, Den Bosch/Nieuwegein: W.J.H. Mulier Instituut/Arko Sports Media, p. 17.

strength of merit; there is an apolitical attitude which prevents discussion of issues which seem political.”<sup>(306)</sup>

In some Member States, there have been discussions about the role of *ethnic minority clubs* (mainly in football) where a majority of officials and athletes comes from ethnic minority communities. Within discourse by some political actors and the media, these clubs are sometimes seen as an obstacle to integration and a sign of an emerging ‘parallel society’. However it can be argued that the engagement in official leagues – where ethnic minority clubs often play – can in fact be seen as an act of social participation, and that ethnic minority clubs are ‘part of the journey’ for immigrants in the host society. For its members they offer in many cases a way to gain social capital and knowledge about the host society and about the national sport culture and the functioning of sports associations. According to Dutch research, there is ‘a positive influence on the situation of migrants and their participation in the rest of society if they are members of football clubs with a large majority of members from their own ethnic community’:<sup>(307)</sup> This conclusion is based on the concept of ‘bonding and bridging’<sup>(308)</sup> and the assumption that minorities need ‘to first construct a strong (ethnic) identity before they can build up sustainable relationships with other minority or majority groups.’<sup>(309)</sup>

### **The case of national sports: exclusion from the symbolic images of the nation**

In the course of the 19th and 20th centuries, national states have developed specific ‘sport spaces’ that contain a limited number of ‘national sports’: sports that are particularly popular in certain countries and as professional sports, engage large audiences as spectators – many of whom may also be actively practicing them as amateurs. These sports are culturally and medially

<sup>(306)</sup> P. Mignon (2007) ‘Racisme et discrimination dans le sport’, in: *La Lutte contre le racisme, l’antisémitisme et la xénophobie, Rapport de l’année 2006*, Commission nationale consultative des droits de l’homme, Paris: La Documentation française, pp. 197-241; P. Mignon (2008) ‘Quelques hypothèses sur l’inégale participation des femmes aux positions techniques et politiques dans le sport’, in: *Sport de haut niveau au féminin*, Paris: INSEP ; A. Lamberbourg, M. Paupardin (2008) ‘Enquête nationale sur les conseillers techniques et sportifs féminins’, in: *Sport de haut niveau au féminin*, Paris: Institut national du sport et de l’éducation physique (INSEP).

<sup>(307)</sup> S.R. Ramsahai 2008: *Thuiswedstrijd in een vreemd land: Een sociaal wetenschappelijke analyse van voetbal in eigen kring*; Oisterwijk: Boxpress; Verweel, P., Janssens, J. and Roques, C. (2005) ‘Kleurrijke Zuilen. Over de ontwikkeling van sociaal kapitaal door allochtonen in eigen en gemengde sportverenigingen’ in *Vrijjetijdstudies*, Vol. 4, pp. 7-21.

<sup>(308)</sup> See: I. P. Henry (2005) *Sport and multiculturalism: a European perspective*, Barcelona: Centre d’Estudis Olímpics UAB, available at: [http://olympicstudies.uab.es/pdf/wp102\\_eng.pdf](http://olympicstudies.uab.es/pdf/wp102_eng.pdf), p. 13 (20 September 2009).

<sup>(309)</sup> S.R. Ramsahai (2008) *Thuiswedstrijd in een vreemd land: Een sociaal wetenschappelijke analyse van voetbal in eigen kring*; Oisterwijk: Boxpress; P. Verweel, J. Janssens, C. Roques (2005) ‘Kleurrijke Zuilen. Over de ontwikkeling van sociaal kapitaal door allochtonen in eigen en gemengde sportverenigingen’, in: *Vrijjetijdstudies*, Vol. 4, pp. 7-21.

significant, playing a particular role in the symbolic construction of national/ethnic identities.<sup>(310)</sup>

The significant under-representation or sometimes even absence of ethnic minorities or migrants from these sports contributes to the symbolic exclusion of ethnic minorities from certain popular images of the nation. Whereas this seems to be less prevalent in football, where the line-ups of many national teams today mirror the diversity of European societies, this can be observed for a number of 'second' national sports that are often perceived as representing a 'pure' image of national identity.

A paradigmatic example is given by the Alpine countries Austria and Slovenia, where Alpine skiing is culturally constructed as a field of play for 'real Slovenians' and 'real Austrians' – athletes that represent Alpine 'authenticity',<sup>(311)</sup> linked to notions of national character. In Austria, in contrast to football, ethnic minorities are absent from Alpine skiing and most athletes come from the Alpine parts of the country. In Slovenia, Alpine skiing is seen as 'a national sport par excellence, involving hardworking sportswomen/men, reflecting the Slovenian national character' – diligence, discipline, honesty and friendship.<sup>(312)</sup> Alpine Skiing is perceived as a cultural marker that distinguishes Slovenia from the other former provinces of Yugoslavia.<sup>(313)</sup> In both Member States, media images of the sport do not mirror the possible hybridity of the countries.

This tendency to symbolically defend an alleged 'purity' of the nation through sports might also be reflected by the following quote of a Lithuanian Basketball Federation representative who, when asked about quota systems for foreign athletes in his sport, stated:

'We have to keep our identity as a nation, as a state. If we opened up, if we invited ten or twelve American players in our clubs like Polish or Belgians, then we would wither as a nation. [...] Basketball is declared as a national value, like sacral arts or folklore, therefore we must protect it.'

<sup>(310)</sup> See: A. S. Markovits, S. L. Hellerman (2001) *Offside: Soccer and American Exceptionalism*, Princeton/Oxford: Princeton University Press.

<sup>(311)</sup> G. Spitaler (2005) *Authentischer Sport – inszenierte Politik? Zum Verhältnis von Mediensport, Symbolischer Politik und Populismus in Österreich*, Frankfurt a. Main: Peter Lang.

<sup>(312)</sup> G. Starc (2006) 'Sport kot socialna arena nacije v Sloveniji', in: *Razprave in gradivo*, No. 50-51, pp. 272-284, available at: [http://www.inv.si/DocDir/Publikacije-PDF/arhiv/RIG%2050\\_51/17starc.pdf](http://www.inv.si/DocDir/Publikacije-PDF/arhiv/RIG%2050_51/17starc.pdf); See also: G. Starc (2004) *Power Struggle in the Black Box of Sport: Sport as the Arena of Slovenian Nationalism*, Ljubljana: Fakulteta za podiplomski humanistični študij (PhD thesis).

<sup>(313)</sup> P. Stanković (2002) 'Sport and nationalism: the shifting meanings of soccer in Slovenia', in: *Balcanis*, Vol. 2, No. 4, pp. 66-73, available online at: <http://eurozine.com/pdf/2003-03-12-stankovic-en.pdf>.

## 2.3. Legal and administrative barriers to equal participation in sports

The Council of Europe European Commission against Racism and Intolerance (ECRI) refers in its General Policy Recommendation No.12 on combating racism and racial discrimination in the field of sport to the existence of "legal and administrative barriers to the participation of non-citizens in local and national sports competitions [in some countries]. 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".<sup>(314)</sup> In this context, ECRI raises the concern "that this can cause problems for young immigrants, whose feelings of rejection might seriously hamper their integration into the host society".<sup>(315)</sup>

In the following section, the issue of legal and administrative barriers to the participation of non-citizens in local and national sports competitions is examined in a twofold way.

From a strict legal perspective, some national regulations in sports on the participation of non-nationals can be seen as being in potential conflict with European Union law and the rulings of the Court of Justice of the European Union (CJEU, previously the European Court of Justice (ECJ), see section 1.3).

However, in a broader sense and from a social science perspective, national sports regulations that are legally unproblematic can still hamper the participation of migrants and persons with a migrant background in sports, especially in amateur sports. This includes, for instance, the equal participation in sports of persons with a permanent residence status but without citizenship of the respective EU Member State. If sport is to contribute to social participation or integration of migrants and persons belonging to minorities, such regulations seem counter-productive.

### Public authorities

In all of the EU Member States professional non-national athletes have to comply with the country's general immigration and employment laws. In some cases, however, national laws or regulations – in combination with regulations in sport – have a restricting effect on the participation of ethnic minorities or immigrants in professional and amateur sport.

In Denmark, Estonia and Italy, citizenship laws pose problems for the participation of second-generation

<sup>(314)</sup> Council of Europe, European Commission against Racism and Intolerance (ECRI), General Policy Recommendation No.12 on combating racism and racial discrimination in the field of sport, Strasbourg 2009, p. 12.

<sup>(315)</sup> *Ibid.*

immigrants in professional sport at national level. For instance, in Denmark, the immigration laws do not allow young residents with a migrant background to become Danish citizens before the age of 18 years. As a result, these young people cannot join under-18 national teams. (316)

In Estonia, the large Russian minority was not automatically granted citizenship after the country regained independence in 1991. Therefore, an apparently neutral citizenship criterion for accessing certain types of championships disproportionately affects members of minority groups, while about half of all minority members do not have Estonian citizenship. As a result, ethnic Russian top-level athletes in Estonia encounter difficulties to receive financial support from public funds or to be nominated to represent Estonia in international competitions.

In Italy, the situation is similar to that in Denmark since children of foreign parents cannot become Italian citizens before the age of 18 years. According to a representative of the Italian Panafrica Association, due to restrictions on the participation of third-country nationals in amateur football, young amateur footballers with a migrant background may have difficulties to register with a football club. Moreover, according to Immigration Law No. 139 of 30 June 2002 (Article 27[5bis]), the Italian Ministry of Sports, on the proposal of the National Olympic Committee (NOC), determines an annual quota for third-country nationals who are allowed to enter the country as professional athletes. This quota has also been applied on young second-generation athletes who want to participate in amateur football. (317)

Apart from laws or regulations that limit the participation of ethnic minority or migrant athletes, there is the case of Latvia where language provisions indirectly restrict the employment of non-national sports persons. (318) The Latvian regulations on state language skills required for professional purposes and on the procedure of testing language skills require the highest level of language skills in the state language of Latvian for sports coaches and referees. This provision was applied in five cases where youth sport school coaches were fined for not using the state language Latvian "in sufficient amount" according to a letter by the Latvian State Language Centre (Nr. 20.1-7/44) on 4 March 2009. In a similar way, the statutes of the Estonian Football Association declare Estonian to be

(316) S. Olsen, 'Fodbold genvej til dansk pas' [Football – short cut to a Danish passport], in: *Politiken*, Sportssection, 22 February 2009, p.11.

(317) On the quota regulations in Italy, see: M. Valeri (2005) *La razza in campo. Per una storia della Rivoluzione Nera nel calcio*, Rome: Edup, p. 629; D. Puccini (2006) *Fenomenologia del rapporto tra sport professionistico e diritto alla concorrenza*, Graduate thesis; Faculty of Law, University of Pisa, pp. 189-190, available online at: <http://www.rdes.it/newsletter/2006/9/index.html>.

(318) On the potentially discriminatory effect of language requirements see FRA (2010), *Respect and protection of persons belonging to minorities*, Vienna: FRA (forthcoming).

the official language of the association. (319) This might limit the possibilities of ethnic Russians or other language minorities to participate as officials in the Estonian Football Federation.

## Sports federations

Regarding leadership positions within sports federations, barriers to equal participation have been set up in some EU Member States, in particular in relation to professional sport at national level. For instance, in Italy the statutes of the Basketball Federation stipulate that "in order to stand for a seat [...] in any of the governing bodies within the different sports federations, one must be [an Italian] citizen". (320) In Luxembourg, officials in the National Cycling Federation have to be citizens of Luxembourg. In Greece, the Association of Hellenic Professional Basketball Players does not accept third-country nationals as their members. (321) Again, some of these mechanisms can prove problematic in terms of EU law.

Among the sports examined in this research, restrictive regulations on the participation of non-national athletes in professional or amateur sport teams are more common.

## Football

In football, one third of all EU Member States' football federations have regulations in place that, at least partly, limit the access of citizens of other EU countries to the professional sport.

Similar to the UEFA regulation in European matches, the Football Federation of Cyprus is avoiding direct reference to nationality and has introduced the home-grown players' system in professional football. (322) In Portugal, a minimum number of registered 'home-grown players' is required. In Austria, the league has switched to a financial bonus system in the two professional football leagues, which reserves television revenues for clubs that field a certain proportion of players who are eligible for the national team. (323) In Greece, no non-national players are allowed in the fourth men's league (with

(319) Estonian Football Association, *Põhikiri*, Section 3.

(320) Statute of the Basketball Federation (FIP), Article 2 'Eligibility', available online at: [www.fip.it](http://www.fip.it).

(321) Statute of the Panhellenic Association of Remunerated Basketball Players, <http://www.psak.gr/index.php?id=14,0,0,1,0,0>

(322) UEFA defines 'home-grown-players' as "players who have been registered for three seasons/years with the respective club between the ages of 15 and 21", see: <http://www.uefa.com/uefa/footballfirst/protectingthegame/youngplayers/index.html>.

(323) The presidential conference of the Austrian Football league introduced in 2004-2005 a so-called 'Austrian-Pot' ('Österreicher-Topf') with money that is only paid to football clubs that list a certain number of Austrian players on the score sheet. Since 2008-2009, only those football clubs receive a share of 5 million Euro which have nominated a minimum of 12 Austrian players for the respective match. See: [http://www.bundesliga.at/news/index.php?sub1=1&sub2=1\\_33137](http://www.bundesliga.at/news/index.php?sub1=1&sub2=1_33137).

some exceptions); in the second and third men's league, each team has to include six and eight Greek players, respectively.<sup>(324)</sup> In Latvia, there is a limit of five non-national players in the men's 'LMT Higher League'<sup>(325)</sup> and three players per team per game in the first league.<sup>(326)</sup> In Lithuania, up to five non-national players can play in a given team per match in the premier league of men's professional football.<sup>(327)</sup> In Malta, there is a limit of three non-national players per team per game in the Premier League,<sup>(328)</sup> and in Poland a minimum of eight Polish players is required per team per game.<sup>(329)</sup>

In Slovakian professional football, no limit exists for citizens of other EU Member States; however, up to a maximum of five third-country nationals are allowed to play in a given team per game.<sup>(330)</sup>

In amateur football, many countries have introduced exceptions for 'naturalised' young players; in adult amateur football, however, restrictions for citizens of other EU Member States and/or third-country nationals remain in place, ranging from one to five 'foreign players' per team per game who are allowed to participate. The football federations in a number of EU Member States, such as Austria<sup>(331)</sup>, Malta<sup>(332)</sup>,

Greece<sup>(333)</sup>, Luxembourg<sup>(334)</sup>, Portugal<sup>(335)</sup> and Spain<sup>(336)</sup>, do not differentiate between citizens of other EU countries and third-country nationals in amateur football. In Estonia, only four third-country nationals are allowed per team per game (so-called alien's passport holders, i.e. stateless citizens of the former Soviet Union are not included).<sup>(337)</sup> In Italy, third-country nationals are only allowed to participate in amateur football under specific conditions.<sup>(338)</sup> In Germany, only three third-country nationals are allowed per team per game in the Third League and Regional League (with some exceptions).<sup>(339)</sup> In Hungary, only three third-country nationals are allowed per team per game.<sup>(340)</sup> In Poland, in the fourth league and below, one third-country national per team per game can play in amateur football.<sup>(341)</sup> In Romania, there is the limit of a maximum of five third-country nationals in the first women's league, three in the second league, two in the third league and five in indoor football (analogous to men's professional football).<sup>(342)</sup> In Slovakia, five third-country nationals are allowed per team per game.<sup>(343)</sup> In Slovenia, there is a limit of one third-country national per team per game in lower leagues and youth competitions.<sup>(344)</sup>

One of the problems encountered relates to the unspecific definition of 'amateur' in European football. While some

<sup>(324)</sup> According to the new Regulation of Football Matches (Κανονισμός Αγώνων Ποδοσφαίρου – ΚΑΠ) of August 2008, the participation of foreign football players in matches of the fourth National Amateur Division is forbidden (Article19c). See: Κανονισμός Αγώνων Ποδοσφαίρου ΚΑΠ Εραστηνικών Πρωταθλημάτων, available online at: [http://www.epo.gr/kanonismoi/pdf/08\\_09/KAP\\_ERASITEXNIKON\\_PROTA8LHMATON.pdf](http://www.epo.gr/kanonismoi/pdf/08_09/KAP_ERASITEXNIKON_PROTA8LHMATON.pdf). There is an exception for clubs which have been demoted from third division; these clubs are allowed to keep in their roster two players who are EU Member State citizens for a maximum period of one year. The condition is that there is a contract in force and that the athlete accepts to change from a professional to an amateur status. Same exception is provided for amateur teams promoted to the fourth division, who have had in their roster a maximum of two foreign players for at least three years.

<sup>(325)</sup> Regulations for the LMT Upper League of the Latvian football championship are available online at the website of the Latvian Football Federation: [http://www.lff.lv/dokumenti-2008/LMT\\_Virsligas\\_2008\\_reglaments\\_un\\_pieteikums.doc](http://www.lff.lv/dokumenti-2008/LMT_Virsligas_2008_reglaments_un_pieteikums.doc).

<sup>(326)</sup> *Ibid.*

<sup>(327)</sup> The Lithuanian Football Federation limits the number of professional non-national players in the premier league – not more than five non-national players are allowed to play on the field during the games of *Lietuvos futbolo lyga* [Lithuanian Football League]. These regulations apply only to premier league; no limits apply to other leagues. The regulations limiting participation of non-citizens in the league apply equally to EU-citizens and third-country nationals.

<sup>(328)</sup> Maltafootball.com (2004) 'News archive, June 2004', 7 June 2004, available online at: <http://www.maltafootball.com/archive/news/2004-06.shtml>.

<sup>(329)</sup> Polski Związek Piłki Nożnej, Resolution no. III/39 of 14 July 2006 of the PFA Board, available at: [http://www.pzpn.pl/a/status\\_zawodnikow\\_072008.pdf](http://www.pzpn.pl/a/status_zawodnikow_072008.pdf).

<sup>(330)</sup> See statutes of the SFA: <http://www.futbalsfz.sk/normy-sfz/>.

<sup>(331)</sup> In Austria, eight players per team per game have to be eligible for the national team, either as Austrian citizens or equal to Austrian citizens ('naturalised' players), in men's and women's amateur football; exceptions are made for 'ethnic minority' ['Volksgruppen'] teams, these clubs are allowed to nominate an unlimited number of foreign nationals but not more than three Austrian citizens. See Österreichischer Fußballbund (2008) *Meisterschaftsregeln*, Article 23, paragraph 3 and Article 5 paragraph 3, available online at: [http://www.oefb.at/\\_uploads/\\_elements/1845\\_file1.pdf](http://www.oefb.at/_uploads/_elements/1845_file1.pdf).

<sup>(332)</sup> Nine players are required per game per team who are eligible for the national team in amateur and youth leagues.

<sup>(333)</sup> In Greece, no non-national players are allowed in the fourth men's league (with some exceptions), see Κανονισμός Αγώνων Ποδοσφαίρου ΚΑΠ Εραστηνικών Πρωταθλημάτων July 2010, available online at: [http://www.epo.gr/kanonismoi/pdf/08\\_09/KAP\\_ERASITEXNIKON\\_PROTA8LHMATON.pdf](http://www.epo.gr/kanonismoi/pdf/08_09/KAP_ERASITEXNIKON_PROTA8LHMATON.pdf).

<sup>(334)</sup> The Luxembourg Football Federation (FLF) introduced in 2005 a clause stating that local teams have to present seven out of 16 players with either Luxembourg nationality or their first license issued by the FLF, for all national competitions.

<sup>(335)</sup> No limit for players on the field but minimum number of registered local players per team required. Ponto 3 do "Artigo 104.04 do Regulamento de Provas Oficiais da FPF".

<sup>(336)</sup> Limit of two non-national players per team per game, see Reglamento de la Real Federación Española de Fútbol, available online at: <http://www.rfef.es>.

<sup>(337)</sup> Estonia/Estonian Football Association, *Eesti 2009.a.MV-te juhend madalametele liigadele*, Section 5.12.

<sup>(338)</sup> On 13 May 2010, the Court of Justice of Lodi admitted the claim filed by a Togolese football player and two associations (ASGI and *Lodi per Mostar*) and ordered the Italian Federation of Football to register him in the National Amateur League. The Court declared that the rule which provides that players who are non-EU citizens can apply to be registered with a club belonging to the National Amateur League, on condition that they provide evidence showing that they have a stay permit valid until the end of the season, is discriminatory and a violation of Legislative Decree no. 215/2003. Italy / Tribunale di Lodi / Ordinanza N.R.G. 898/2010 (13.05.2010), available at: [http://www.asgi.it/public/parser\\_download/save/tribunale\\_lodi\\_ordinanza898\\_2010\\_13052010.pdf](http://www.asgi.it/public/parser_download/save/tribunale_lodi_ordinanza898_2010_13052010.pdf) (07.07.2010)

<sup>(339)</sup> DFB Spielordnung, Sec. 10, par. 3.1; DFB Spielordnung, Sec.12a, par. 5.

<sup>(340)</sup> See the Championship Regulation of the Hungarian Football Federation regarding the men's amateur league [172/2008. (2008.07.03.)], Article 6.

<sup>(341)</sup> Polski Związek Piłki Nożnej, Resolution No. III/39 of 14 July 2006 of the PFA Board.

<sup>(342)</sup> Romania/ Federația Română de Fotbal (2008) *Regulament de Organizare a Activității Fotbalistice/ Regulation for Organizing the Football Activity*, Article 47, 7.2.

<sup>(343)</sup> Decision by the Slovak Football Association of 26 June 2008.

<sup>(344)</sup> Nogometna zveza Slovenije (2007) *Sklepi za tekmovanja v organizaciji NZS v članski kategoriji*, available online at: [http://www.nzs.si/resources/files/doc/dokumenti/sklepi\\_clani\\_NZS.pdf](http://www.nzs.si/resources/files/doc/dokumenti/sklepi_clani_NZS.pdf).

provisions are aimed at regulating a field of employment, they do impact on the possibility of people with a migrant background to participate in sports at amateur level.

Participation in amateur football is also difficult for groups with precarious residence status such as refugees, who, in some countries, will need a residence permit – which they might not have – to participate in league football. (345)

## Athletics

As an individual sport, the setting in athletics differs from that in football and, in many countries, competitions in athletics are considered amateur events. In general, national championships are mostly confined to athletes holding the citizenship of the respective country; in some Member States, however, restrictions on the participation of non-nationals or third-country nationals are in place in club competitions. Some of the national athletics federations do not differentiate between citizens of other EU Member States and third-country nationals, as is the case, for example, in Belgium (346), the Czech Republic (347), Estonia (348), France (349), Slovenia (350) and Spain (351). In other Member States such as Greece (352),

(345) As regards the German example, see: F. Kalter (2003) *Chancen, Fouls und Abschaffungen. Migranten im deutschen Ligefußball*, Wiesbaden: Westdeutscher Verlag. In Belgium, some sports clubs now accept a school ID instead (in the case of undocumented children) of an official document, see: [http://www.openstadion.be/Nederlands/Clubs/Club-nieuws/page.aspx?357xd\\_itemId=112&xd\\_catId=13](http://www.openstadion.be/Nederlands/Clubs/Club-nieuws/page.aspx?357xd_itemId=112&xd_catId=13).

(346) Only Belgian nationals can compete for the title of Champion of Belgium or can represent Belgium in international competitions. Participation of foreign athletes in inter-clubs competitions is regulated, as well as participation of foreign athletes in the Belgian Championship. Foreign athletes can be allowed to take part in the Belgian Championship by the Belgian athletics federation if they can prove that they belong to the top-3 of the Belgian athletes.

(347) In the Czech Republic, there is a quota of non-national athletes per competition: A club can only be represented by six non-nationals. The Czech Athletic Federation applies a rule resulting from the Directive on Registered Foreigners. According to the directive, participation of foreigners is limited at championships on track (participation is not limited off track).

(348) In Estonia, non-citizens must have applied for Estonian citizenship if they want to participate in national championships. According to the General Rules of Estonian Athletic Championships, the following people can take part in the national championships: citizens of Estonia; non-citizens of age groups B, A, J (in 2009: boys and girls born in 1990-1995) if they have permanent residence permit in Estonia; stateless persons if they have resided in Estonia at least one year and applied for Estonian citizenship; citizens of foreign states if they have resided in Estonia at least one year.

(349) In France, only four non-national athletes are allowed per club in inter-club competitions, see: Règlements Generaux de la Federation Francaise d'Athletisme, available online at: [http://www.athle.com/asp.net/main.pdf/pdf.aspx?path=/Reglement/Reglements\\_Generaux\\_\(2010-06-12\).pdf](http://www.athle.com/asp.net/main.pdf/pdf.aspx?path=/Reglement/Reglements_Generaux_(2010-06-12).pdf).

(350) In Slovenia, non-national athletes without a permanent resident permit are excluded from certain competitions. Atletska zveza Slovenije (2008) *Razpis tekmovanja in merila za nastope v letu 2009*, available at: [http://www.atletska-zveza.si/files/\\_2\\_Spolne%20dolocbe.pdf](http://www.atletska-zveza.si/files/_2_Spolne%20dolocbe.pdf).

(351) In Spain, non-national athletes are not allowed to obtain medals and/or prizes in official competitions, see Reglamento de Licencias federativas de la Real Federación Española de Atletismo, available online at: <http://www.rfea.es/normas/pdf/licencias2009nuevo.pdf>. There is also a quota for non-national athletes in certain competitions, see Normas Generales de la Real federación Española de Atletismo 2008-2009, available online at: <http://www.rfea.es/normas/pdf/normas.pdf>.

(352) In Greece, there is a limit on third-country nationals in certain competitions, see Σύνδεσμος Ελληνικών Γυμναστικών και Αθλητικών Σωματείων [Hellenic Association of Amateur Athletics], 'Enrolment of repatriated and foreign

Italy (353) and Portugal (354), restrictions on equal participation concern third-country nationals only, both in professional and amateur competitions.

## Popular national sports under examination

Most of the sports that were analysed at national level are team sports. In this regard, the situation of these sports is comparable to that of football. National federations in seven EU Member States have regulations in place that limit the participation of both citizens of other EU countries and third-country nationals in these sports at professional level, including Basketball (Finland, Greece, Lithuania), Ice Hockey (Czech Republic, Slovakia), Handball (Portugal) and – partly – Speedway (Poland (355)). Some countries – the Czech Republic, (356) Lithuania (357) and Slovakia (358) – have introduced quota regulations regarding the participation of citizens of other EU Member States and third-country nationals in the professional sports teams. In other EU Member States, such as Finland, (359) Greece (360) and Portugal, (361) professional leagues

athletes in athletic clubs and their participation in Greek championships and cups'.

(353) In Italy, there is a limit on third-country nationals in certain competitions. The Italian Athletics Federation (FIDAL) establishes an annual regulation on affiliations, registrations and transfers between member organisations; this document defines the conditions and numbers of non-EU citizens who can register and are allowed to practise in a given discipline, see [http://www.podistidoc.it/articoli/3191/normativa\\_federale\\_per\\_la\\_partecipazione\\_a\\_manifestazioni\\_di\\_atletica.htm](http://www.podistidoc.it/articoli/3191/normativa_federale_per_la_partecipazione_a_manifestazioni_di_atletica.htm).

(354) In Portugal, a quota is in place for third-country nationals per club who can score in certain club competitions. See the regulations of the Portuguese Federation of Athletics (FPA) on 'Foreign Athletes' (Federação Portuguesa de Atletismo, *Regulamento Geral de Competições*).

(355) In junior teams, at least three Polish speedway riders are required, according to Section 6(2) of the Speedway regulations, see Polski Związek Motorowy, *Regulamin przyznawania i pozbawiania licencji uprawniającej do udziału we współzawodnictwie sportowym w sporcie żużlowym dla klubów Ekstraligi Żużlowej* [Regulation on Granting and Deprival of a License Entitling to Participate in a Competition in Speedway Racing for the clubs of Ekstraliga], available online at: [http://www.pzm.pl/userfiles/file/aktualnosci/zuzel/RegulaminLicencje\\_Ekstraliga\\_27\\_09\\_08.pdf](http://www.pzm.pl/userfiles/file/aktualnosci/zuzel/RegulaminLicencje_Ekstraliga_27_09_08.pdf). The chairman of the Chief Speedway Racing Commission adds for the clubs competing in the first and second league that a club taking part in championships has to have a team of at least three riders holding Polish citizenship.

(356) Three non-national athletes per team in men's professional ice hockey (Extraleague and first league), and five non-national players in the second league per club per game.

(357) According to a representative of the Lithuanian Basketball Federation, there is a quota per club per game on non-national players in first and second division Basketball, no non-national players allowed in third division.

(358) Quota for non-national players per club per game in the second highest ice hockey league, according to the SIHF Transfer Code, <http://media.szh.ski/pdf/smernice2008-2009/05-prestupovy-poriadok.pdf>.

(359) There is a 'Gentlemen's agreement' in the national league: three non-national players per club per game, see <http://www.mtv3.fi/urheilu/arkisto.shtml/arkistol/muutlajit/2008/02/611668>.

(360) According to a representative of the Hellenic Basketball Federation [Ελληνική Ομοσπονδία Καλαθοσφαίρισης – EOK], there is a 'Gentlemen's agreement' in the Basketball Top League on a quota system allowing for up to two US players and four citizens of other EU Member States per team per game.

(361) According to a representative of the Portuguese Federation of Handball, there is a 'Gentlemen's agreement' in handball: only two to three non-national players per club per game.

or sport federations have established non-binding 'gentlemen agreements' on the participation of non-national athletes at professional level.

For some of the popular national sports examined in this research, restrictions are also in place regarding the equal participation of citizens of other EU Member States or third-country nationals at amateur level. This is, for example, the case for Tennis (France),<sup>(362)</sup> Basketball (Greece<sup>(363)</sup> and Malta<sup>(364)</sup>), Handball (Portugal<sup>(365)</sup> and Romania<sup>(366)</sup>), Ice Hockey (Slovakia)<sup>(367)</sup> and Alpine Skiing (Slovenia).<sup>(368)</sup>

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<sup>(362)</sup> Only one third-country national allowed per club in team competitions.

According to the Centre d'Études des Discriminations, du Racisme et de l'Antisémitisme (CEDRA), for nationals from countries which have cooperation or association agreements with the European Union and those who signed the Cotonou agreement (African, Pacific and Caribbean countries), there is a distinction between those who are paid by tennis clubs and those who are not: those who are paid are considered like EU or EEE nationals and come into the categories of 'qualified' or 'newly qualified'; if they are not paid, they are considered as foreign players: in this case, a team can only include one foreign player in team competitions.

<sup>(363)</sup> No non-national players allowed. Greece/YA 12794/23.05.2000 (ΦΕΚ 689/B/02.06.2000), Article 1, paragraph 2 to 5 and article 2, paragraph 1.

<sup>(364)</sup> The Maltese Basketball League is an amateur league, accepting only one non-national player per team per game; however, an exception is made for 'home-grown players'. The rule is that those who have played basketball in Malta since a certain category (cadets, starting from 13 years and upwards) can play as if they were Maltese, without any restriction regarding nationality.

<sup>(365)</sup> One third-country national per team per game, according to Article 14, section 'On the registration of foreign players', according to the Regulamento Geral da Federação de Andebol de Portugal e Associações.

<sup>(366)</sup> Quota for third-country nationals per team per game: three in men's and four in women's handball, according to a decision of the Administrative Council of 18 June 2008 of the Romanian Handball Federation (Federația Română de Handbal, *Decizii ale Consiliului Administrativ din data de 18 iunie 2008*), available online at: <http://www.frh.ro>.

<sup>(367)</sup> Quota for non-national players per club and game in lower and youth leagues, according to the SIHF Transfer Code, <http://media.szlh.sk/pdf/smernice2008-2009/05-prestupovy-poriadok.pdf>.

<sup>(368)</sup> Only nationals in national youth competitions, including some exceptions regarding Bosnians, Croats and Serbs, see [http://www.sloski.si/pic/pdf/alpsko-smucanje/08-09/Bilten109\\_Priloga\\_TS.doc](http://www.sloski.si/pic/pdf/alpsko-smucanje/08-09/Bilten109_Priloga_TS.doc).

## Conclusions

### Regulations and measures at EU level

Racism and ethnic discrimination have increasingly become a public issue in European sport over the past decades, although the focus has been almost solely on football. In the late 1980s, research already highlighted the problem of racism in football, as a result of which fan organisations and NGOs became increasingly active in this field during the course of the 1990s. However, it took until the late 1990s for concentrated actions against racism by political actors and football's governing bodies to start.

Since then, awareness of racism and ethnic discrimination in sport has changed at the European level, at least in football. The governing bodies in football, such as UEFA and FIFA, as well as political institutions of the European Union have acknowledged problems of racism and ethnic discrimination in sport, and support or cooperate with national and European civil society actors active in this field (such as the FARE network).

With some notable exceptions the focus still seems to be predominantly on addressing racist incidents, mainly attributed to spectators and mostly in professional sports, with less emphasis on various other forms of discrimination.

The level of awareness of European and international federations governing the different national sports that have been examined in this research varies as regards the exclusion and discrimination of minorities and people with a migrant background. For some sports, ECRI's assessment of the current situation seems to be appropriate: "[there exists] 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".<sup>(369)</sup>

An analysis of the statutes and regulations of the European federations of the sports under examination showed that racial and religious discrimination are mentioned in almost all of the federations' documents. However, detailed disciplinary regulations penalising racist behaviour are only in place in football and cricket.

The governing bodies in football have recently introduced or discussed new models regarding restrictions on the participation of non-nationals or third-country nationals in professional and amateur sport. These new regulations seek to support and foster local talent, regardless of origin. When it comes to the international and European level of professional football, UEFA's current home-grown players' rule has been accepted by the European

Commission and supported by the European Parliament. FIFA's planned '6+5' rule, on the other hand, requires that each club must field at least six players eligible to play for the national team of the country in which the club is domiciled. It is important to ensure that any quota does not lead to discrimination on the basis of ethnicity.

### Regulations and measures at national level

#### Equality Bodies

The research found that so far only 16 National Equality Bodies or similar entities have been active with regard to cases of racism or ethnic discrimination in sport or have registered such cases. Some of these dealt with a very limited number of incidents from sport (ranging from one to five cases); notable exceptions include the Belgian Equality Body (Centre for Equal Opportunities and Opposition to Racism), which has been specifically active in sport.

Only eight Equality Bodies have intervened against denied access to services in sport, and again in a very limited number of cases. Legal action was taken only in three Member States (Belgium, Ireland, Sweden).

In at least four Member States (Estonia, Finland, Italy and the United Kingdom), courts or employment tribunals decided on cases involving claims of discrimination in sport (related to the allocation of funding, refused enrolment in a dance sport club, quota regulations of a football federation and the refusal of reappointing a referee of Asian ethnic origin).

#### Sports federations

With regard to regulations implemented by national sports governing bodies in statutes or constitutions, there is a wide range of what is considered as anti-racism provisions, ranging from subsuming racist and related behaviour under the heading of 'fair play' to more explicit and detailed provisions that refer to prohibitions of different forms of discrimination.

In athletics, only the federations in Romania and the United Kingdom have adopted anti-racist regulations. The picture in the popular national sports analysed is mixed, but the situation in football differs from most of the other sports. Here, all national Federations have anti-racism regulations in place. This coincides with increased awareness, which might be partly attributed to awareness raising campaigns by NGOs and the pressure of UEFA and FIFA in recent years to implement strict and explicit regulations. Still there are some football federations that refer to racism within their official documents only in a very general way or that refrain from consequent

<sup>(369)</sup> ECRI General Policy Recommendation No.12 on Combating racism and racial discrimination in the field of sport CRI(2009)5 (19 December 2008).

enforcement of their own negative sanctions. In other federations, a variety of problems were identified, such as, for example, that internal reporting systems may not be working efficiently, referees may not be trained to react properly when it comes to racism on the ranks or on the pitch, disciplinary committees may penalise inconsequentially, negative sanctions may not conform to the regulations (lower sanctions applied), and racist incidents may be ignored and not penalised.

On the other hand, there are football federations that do penalise racist incidents quite consequentially like those in Belgium, Finland and Germany.

With regard to the under-representation of ethnic minorities on different levels of sport, some existing anti-discrimination regulations or action plans by national sport federations (mainly in football) might be applicable but have yet to lead to any negative sanctions; no compulsive measures of affirmative action have yet been imposed in any Member State.

### **Sport and exclusion: main problems**

#### **Lack of awareness**

There is a recognisable lack of awareness with regard to racism in sport among some national sport governing bodies revealing a defensive instead of a proactive attitude. Some blame the media for 'exaggerating' racist incidents, while others simply argue that the situation in other countries is worse. Several football federations deny the existence of racism in their sport and refer to racist incidents as isolated cases.

#### **Racist incidents**

Most available data on racist incidents are related to football. This data provide a sufficient basis to assess the situation on the professional level throughout Europe, but for some Member States there is a considerable lack of data, especially where monitoring systems are very limited or do not exist. There are some gaps with regard to the penalising of racist incidents in football.

Better monitoring and research is needed to assess the situation in amateur football. In a number of Member States, evidence points to the existence of 'everyday racism', but data availability is limited to isolated incidents in most cases. Studies carried out in Germany, Finland and the United Kingdom identified racist abuse in amateur football especially amongst players.

For athletics, no sound data are available. For the national focus sports a few incidents have been reported, mainly in basketball. Throughout the EU a number of incidents regarding children's and youth sport have been identified. Almost no data were available for women's amateur and professional sport.

The prevailing form of racist incidents is racist abuse of players or athletes. Anti-Semitic incidents are also common. Members of migrant communities and ethnic minorities are victims of racist abuse in many Member States, especially in amateur football. In relation to anti-Gypsyism incidents are reported in a number of Member States with large Roma populations.

Member States with official or unofficial monitoring systems have recorded a higher number of racist incidents. Most incidents involved fans and spectators as perpetrators of racist abuse – especially in men's professional football and in almost all of the reported cases of the national focus sports. Reported incidents in amateur football tend to involve mainly racist abuse among players on the pitch. It seems that perpetrators of racist and discriminatory abuse are not only fans and spectators, but also players, referees, and even sports officials.

There is also some information about the relationship between some organised fan groups with right-wing extremist organisations and movements, which seek to infiltrate fan scenes to recruit members.

#### **Under-representation**

There is little information available on the (under-)representation of ethnic minorities in the sports analysed. On the basis of the available evidence it seems that many areas of sport, with the exceptions of men's football and, in some Member States, of athletics, are characterised by an under-representation of ethnic minorities, be it as athletes, fans, and most notably in leadership positions or as sports journalists. Especially those sports that are seen by the respective countries as 'national sports' (again, with the exception of football) can be labelled as 'problem sports', with a nearly complete absence of ethnic minorities in some Member States. Notably, the group most affected by under-representation are ethnic minority girls and women.

The research also found that in a number of Member States sport premises are unequally allocated. There are cases reported of ethnic minority clubs (mainly in football) that face difficulties in gaining access to training facilities and football fields. In some Member States, the lack of sport facilities in under-developed regions and the social exclusion of disadvantaged ethnic minorities, especially Roma, who tend to live in these areas, limit their chances to participate in sporting activities.

Many national sports federations have imposed quota restrictions limiting the access of non-nationals to professional and amateur sports leagues and competitions. Particularly in combination with restrictive citizenship and immigration laws these quota restrictions may have negative effects on the participation of non-nationals – also those with permanent residence status – in both amateur and professional sports.

European Union Agency for Fundamental Rights

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Racism and ethnic discrimination in sport have increasingly become a public issue in European sport over the past decades. This report examines the occurrence and different forms of racism, ethnic discrimination and exclusionary practices in sports, focusing on different sports and levels of practice in the EU. Despite significant progress made in past years, sport continues to face a number of challenges related to racism and ethnic discrimination, incidences of which affect sport at professional as well as at amateur level.

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