

RACISM IN EUROPEAN FOOTBALL¹

by *Ivan Bykovskiy*

Terminology of racism

In general terms the word or the phenomenon “racism” could be defined as set of institutional conditions of group inequality and an ideology of racial domination, in which the latter is characterized by a set of beliefs holding that the subordinate racial group is biologically or culturally inferior to the dominant racial group. These beliefs, in turn, are deployed to prescribe and legitimize society's discriminatory treatment of the subordinate group and to justify their lower status.² This article has as a main goal to show how the work on the fight against racism and other discrimination is realised now in the world of modern football, show organizations, which take necessary steps in such struggle and to reveal several interesting cases happened in legal field of presented subject.

Documentary framework and organizational basis.

First essential step in the struggle of governing bodies in football versus racism is without any doubts establishing of a legal framework, providing all other persons with definition of racism, reasoning of it inadmissibility and sanctions in case of infringements. Thus, two main governing bodies of football world – FIFA and UEFA – have enshrined in their Statutes and Disciplinary Regulations above-mentioned matters.

First things first – football is a huge sphere of people’s life and of course it is affected by social problems, racism is not an exception. And as other spheres of modern society prohibit any kind of discrimination, football also stands on similar grounds. Football governing bodies have established pillars necessary to start struggle against racism and any other forms of discrimination and defend the principle of equality of every person under their jurisdiction and in order to get rid of this remnant of the past times.

Article 2 of UEFA Statutes specifies among others:

“The objectives of UEFA shall be to:

b) promote football in Europe in a spirit of peace, understanding and fair play, without any discrimination on account of politics, 1gender, religion, race or any other reason;”

Article 7 bis of UEFA Statutes says more concretely about racism and any other form of discrimination:

“Member Associations shall implement an effective policy aimed at eradicating racism and any other forms of discrimination from football and apply a regulatory framework providing that any such behaviour is strictly sanctioned, including, in particular, by means of serious suspensions for players and officials, as well as partial and full stadium closures if supporters engage in racist behaviour.”

UEFA Disciplinary Code provides sanctions in relation to racism issues in article 14:

“Racism, other discriminatory conduct and propaganda

1 Any person [...] who insults the human dignity of a person or group of persons on whatever grounds, including skin colour, race, religion or ethnic origin, incurs a suspension lasting at least ten matches or a specified period of time, or any other appropriate sanction.

2 If one or more of a member association or club’s supporters engage in the behaviour described in paragraph 1, the member association or club responsible is punished with a minimum of a partial stadium closure.

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² Social Psychology Quarterly, Vol. 66, No. 4, Special Issue: Race, Racism, and Discrimination (Dec., 2003), pp. 319-332, Lawrence D. Bobo and Cybelle Fox

3 The following disciplinary measures apply in the event of recidivism: a) a second offence is punished with one match played behind closed doors and a fine of € 50,000; b) any subsequent offence is punished with more than one match behind closed doors, a stadium closure, the forfeiting of a match, the deduction of points or disqualification from the competition.

4 If the circumstances of the case require it, the competent disciplinary body may impose additional disciplinary measures on the member association or club responsible, such as the playing of one or more matches behind closed doors, a stadium closure, the forfeiting of a match, the deduction of points or disqualification from the competition.

5 If the match is suspended by the referee because of racist and/or discriminatory conduct, the match may be declared forfeit.

6 The above disciplinary measures may be combined with specific directives aimed at tackling such conduct.

7 All forms of ideological, political and religious propaganda are forbidden. If this provision is breached, paragraphs 1 to 6 above apply by analogy.”

Back in 2009, UEFA has presented its **eleven values**, one of them being **respect**:

Respect is a key principle of football. Respect for the game, integrity, diversity, dignity, players' health, rules, the referee, opponents and supporters. Our message is clear: zero tolerance against racism, violence and doping. Football unites people and transcends differences. The colour of the skin is invisible under the jersey and, for UEFA, this will always be so. Racism and any other forms of discrimination will never be tolerated. UEFA will not tolerate violence either on the pitch or in the stands. Football must set an example.³

As it is clearly seen, UEFA has policy which can be characterised in the following: total non-comprehension and non-admission of racism or any other kind of discrimination on the field committed wither by players, supporters or officials. And sanctions definitely are as severe as possible for this kind of infractions.

The fight against racism is a high priority of UEFA who has a policy of zero tolerance towards racism and discrimination on the pitch and in the stands. All racist misbehaviours shall be considered as serious offences against disciplinary regulations and shall be punished regarding the circumstances and the previous records of every particular team or a person with the outmost severe sanctions.

But UEFA is not alone in this fight against racism and discrimination. Organisation named FARE (Football Against Racism in Europe) also has committed to tackle discrimination through football's inclusive power based on the principle that the game, as the most popular sport in the world, belongs to everyone and can propel social cohesion.

Fare combats all forms of discrimination, including racism, far-right nationalism, sexism, trans- and homophobia and discrimination against disabled people.⁴

FARE is an umbrella group of more than 100 NGOs (Non-governmental organizations), fan groups, migrant and ethnic minority organizations, individuals and members of the football family, including former players and representatives of professional clubs and players' unions, with representatives in around 40 countries around Europe.

Before each season, FARE presents to UEFA a work program detailing activities it has planned throughout the season. UEFA admits that FARE does not report incidents unless they have been directly observed by one of its neutral observers appointed and present at the match in question. However, UEFA does not leave to FARE to legally qualify the facts reported and does not necessarily feel bound by its assessment of them. And to sum up with this, FARE reports sent to UEFA are not considered by the latter as official report in the sense of article 37 of UEFA Disciplinary Regulations, but as Jurisdictional bodies of UEFA can use full variety of evidence, they have full right to consider FARE reports as essential evidence in the matter of racist or any other discriminatory behaviour.

FIFA also has implemented some measures in order to prohibit racism and other forms of discrimination in football field. Thus, FIFA Statutes contain following provision in the article 3:

³ <http://www.uefa.org/about-uefa/eleven-values/index.html>

⁴ Official FARE web-site <http://www.farenet.org/>

“Discrimination of any kind against a Country, private person or group of people on account of race, skin colour, ethnic, national or social origin, gender, language, religion, political opinion or any other opinion, wealth, birth or any other status, sexual orientation or any other reason is strictly prohibited and punishable by suspension or expulsion.”

Provisions of FIFA Disciplinary Code about sanctions for discrimination follow this as well.

Article 58 of FIFA Disciplinary Code:

“Discrimination

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 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 relegation 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.”

Last but not least, in recent FIFA circular no. 1369 dated 8 July 2013 FIFA also pronounced the way organization wants sanctions for racism and discrimination to be applied on national level:

“[...] we wish to emphasise that the member associations are requested to take the appropriate steps to include in their own regulations in the near future the two-stage approach foreseen by the resolution:

- For a first or minor offence, the sanctions of a warning, a fine and/or the playing of a match behind closed doors shall be applied.*
- For reoffenders or for serious incidents, sanctions such as point deductions, expulsion from a competition or relegation should be applied.”*

Therefore, even in the case that FIFA considers such infringement as “minor” (such characteristic is doubtful if we are speaking about racism and discrimination) the sanction for it is strict, as for repeated infringement – no excuses to the person committed and the most severe sanctions applied to the club or team involved.

Although it is important to understand that both FIFA and UEFA now are trying to take their first steps in the fight against discrimination – measures which are most important and crucial. However these organizations already realized that sanctions for infringements should not be the main way of this fight, as they only penalize violator, but have less preventive effect. With the “Respect” company UEFA tries to implement the idea of racial, ethical and universal equality of everyone in the football field and outside of it. However, the task of influencing the mind of people in the way of total inadmissibility of discrimination is without any doubt more difficult than just sanctioning for violations and takes more time to become perpetuated and accepted by people.

Governmental framework

Football organizations are not alone in their fight against racism and discrimination. United Nations has elaborated and adopted International Convention on the Elimination of All Forms of Racial Discrimination which entered into force in 1969. Almost every country in the world has signed and ratified this convention. The impact of this convention was significant and led to elaboration of laws and other internal legal instruments not only in the fight of governments

with different forms of discrimination on racial base, but also in the matters of prevention of such discrimination. The convention promotes understanding among all races and demands governments to penalize any form of racial discrimination.

It is logical that by means of only sports organizations powers it would be almost impossible to fight racism and discrimination in football and both FIFA and UEFA strongly need support of governments. And adoption of any legal instrument in this matter facilitates the task of these football governing bodies. And it is clearly undisputed that the governments and non-governmental structures as FIFA and UEFA shall reunite their forces and act together.

And of course FIFA and UEFA, being governing bodies for the world of football, shall influence their members – national football associations – through the mechanisms of regulatory framework, circulars, guidelines, workgroups, the worldwide spread of the same principles, values and ideals which are founded on people equality and total inadmissibility of any form of discrimination.

Particular cases of racism and discrimination in European football:

In the following paragraphs we will discuss several cases happened in a last few years in European football that concerned racism and discrimination. However, it should be admitted that although FIFA and UEFA do their best to struggle these infractions, cases on racism are not very rare and happen from time to time.

Atletico Madrid vs Olympique Marseille case

Olympique Marseille lodged an official complaint with European football's ruling body after Atletico fans targeted several of their players during their match in Madrid on 1st of October 2008. Monkey chants were aimed at the French club's players, while the Marseille team bus was attacked after the match.

UEFA said Atletico must play their next two European matches, the first of which will be against Liverpool on October 22, at a stadium at least 300km away from Madrid. As a result, Spanish club was not very happy with such sanction and appealed the decision of UEFA to Court of Arbitration for Sport (CAS).

And CAS overturned a suspended second match behind closed doors and reduced a UEFA fine of €150,000 by half because it said there was not enough evidence to support allegations that Atletico fans made racist chants.

Having examined the arguments and evidence submitted by the parties, the CAS Panel, concluded that Atletico Madrid committed several serious security breaches during the match against Olympique Marseille which allowed the incidents to occur,” the court said in a statement.

CAS has pronounced that “in light of the fact that the racist acts alleged by UEFA could not be established with certainty” they had reduced the fine in half.

This case shows that UEFA follows the principle of strict liability of supporters while sanctioning the team, and especially for racist behaviour. This responsibility is given for offences committed by any person supporting the team before, during or after the match, irrespective of the fault of the club or association in question. However, this example also demonstrates that UEFA sometimes overreacts to offences of supporters.

Tavecchio case

Loud case has happened in Italy last year, whose FA president Carlo Tavecchio has been barred from holding any position with FIFA for six months over an alleged racist comment he made in August.

UEFA has imposed a similar sanction on the President of Italian FA; FIFA decision was another embarrassment for the FA, whose own investigation had cleared Tavecchio of any wrongdoing. Tavecchio's comment about a fictitious African player he named Opti Poba “eating bananas” during the campaign for the presidency made quite a noisy reaction.

He was addressing the subject of the lack of opportunities for young Italian players at professional clubs, and said: "In England, they identify the players coming in and, if they are professional, they are allowed to play. Here instead we get 'Opti Poba', who previously ate bananas and then suddenly becomes a first-team player with Lazio."

FIFA pronounced that Tavecchio would be "ineligible for any position as a FIFA official for a period of six months starting from October 7, 2014.

However, Mr. Tavecchio said: "It makes no practical difference to me. I haven't missed out on anything because of the ban." Not a very acceptable reaction when one is convicted in racist behaviour. But this also shows how FIFA and UEFA both were helpless as the case concerned a man with powers.

Dinamo Zagreb and "Cigani"

Rather interesting case happened in the match between Dinamo Zagreb and Cs Fola Esch on 23 July 2013 when the supporters of Dinamo were shouting at their own Club's chairman racist chants contained word 'cigani' (i.e. gypsy). UEFA has opened disciplinary proceedings against Dinamo.

However, the Club argued the terminology of the word "gypsy" which in the opinion of the Club was not discriminatory at all and in a language of Roman people even meant "good man" and calling the person of this ethnic group a gypsy could not be in any case considered as discriminatory.

But UEFA Disciplinary bodies were not satisfied with this argumentation. The appeal of Dinamo on these grounds was rejected. For UEFA it was clear enough that even given the historical and social context to the word "gypsy", attacking a person by calling him a gypsy demonstrates a derogatory and discriminatory attitude. This word was definitely not a neutral as they were trying to assault a person with such chants. Thus, UEFA concluded that usage of this word remains a sign of intolerant behaviour, which cannot be accepted in the world of football, and as a consequence, sanctions imposed were upheld.

Conclusion

Football is a complex sphere of everyday life. It unites people from different countries, races, social groups, religions. Like any other social phenomenon, football is capable of influencing people, their ideals and thoughts. For every stakeholder in the world of football, being major organizations like FIFA or UEFA, or national football associations or clubs it is essential to educate people of such basic values like equality and inadmissibility of discrimination. Having elaborated legal basis and framework of sanctions for any improper conduct, these organizations made first step in the difficult fight against different forms of discrimination. But they should not stop only on this, as more valuable will be prevention of such discrimination and not only struggle with its consequences. Football authorities should not act alone in this matter and governments should help them. The simplest examples which come to our mind are educational aspect where state has influence or propaganda in mass media – through these means the goal of elimination of discrimination problem could be if not resolved but at least reduced. First steps already taken, but there is still a lot to do.