

### General overview

■ Football matches and other sporting events attract and bring together large numbers of people in a specific stadium or venue. This contributes to the formation of large crowds of spectators, often galvanised by the high stakes and enthusiasm of sporting events, which in turn increases the risk to human rights.

■ In order to prevent and combat any infringement of the fundamental rights and freedoms of all participants in sports events, the Saint-Denis Convention contains provisions in this regard.

■ In parallel, the European Court of Human Rights (ECHR) has in recent years issued several decisions on issues related to the field of human rights in sport. Some of these cases focus more specifically on issues relating to safety, security and non-discrimination at sports events.

### The challenges of protecting human rights in sport

■ In the context of the organisation of major sporting events, human rights issues deserve particular attention. It is essential that human rights considerations are an integral part of the whole process of

thinking about and implementing the sports event, from the bidding and planning phase to the final evaluation of the event.

■ In recent years, governments and civil society have expressed concern that the hosting of major international sporting events can give a semblance of respectability to States with poor human rights records. On the contrary, the organisation of major sporting events by some of these States can contribute to worsening the situation in the country, whether in terms of workers' rights, discrimination, transnational organised crime, minority rights, or freedom of the press and freedom of association.

” The Saint-Denis Convention aims to protect and promote respect for the human rights of all participants in sports events, including the right to life, liberty and security



A diverse public is a condition for a safer, more secure and welcoming sports event

## Human rights in the preamble of the Saint-Denis Convention

■ The preamble to the Saint-Denis Convention affirms the "right of individuals to physical integrity and their legitimate aspiration to attend football matches and other sports events without fear of violence, disturbance of the peace or other criminal activities".

■ It also specifies "the need to preserve the rule of law in sports venues", but also in the vicinity of stadium access roads, and in any other places frequented by several thousand spectators.

■ Finally, it is recalled that "sport, as well as all bodies and stakeholders involved in the organisation and management of a football match or other sporting event, must uphold the fundamental values of the Council of Europe, such as social cohesion, tolerance, respect and non-discrimination".

” The organisation of a sporting event must be based on and oriented towards the protection of the fundamental rights and freedoms of all participants

## The human rights provisions of the Convention

■ The general philosophy of the Saint-Denis Convention, as well as that of Recommendation T-S4 Rec(2021)1 of the Saint-Denis Committee, is to prevent human rights violations. The implementation of "safety measures", the main purpose of which is to protect the health and well-being of all persons attending a sports event, as well as security measures, the main purpose of which is to prevent, reduce the risk of, and/or deal with, any act of violence on the occasion of a sports event, are paramount to ensuring respect for human rights.



Authorities must ensure accessibility for all people to sports events



Gender equality should streamline all publics at sports venues, including stewards

■ The sanctions to be applied, whether of a penal, administrative or civil (sporting) nature, must be appropriate, individualised and proportionate, applied in good time and publicised as far as possible, so that they can be perceived by the whole community as fair and have a general and special preventive effect.

■ Public and sports authorities should co-ordinate to develop a comprehensive strategy and effective measures to prevent and combat racism, hate speech and other discrimination in sport and at sports events. Sport must be based on and oriented towards human rights and fundamental human values. Sport should be seen as a powerful tool to promote and reinforce these rights and values.

■ Public and sports authorities must guarantee all conditions to ensure access to sports events for all persons. Sport should promote inclusiveness, pluralism and diversity, including among safety and security personnel in sports venues and among spectators. Accessibility is a fundamental right and therefore the responsible authorities must ensure and guarantee adapted infrastructures and inclusive sports venues.

## The Saint-Denis Convention and the European Court of Human Rights

■ All the rights upheld by the European Court of Human Rights can, in one way or another, be linked to the sporting context. There are many examples of human rights issues relating to doping, the manipulation of sports competitions, the functioning and governance of sports organisations, the training and working conditions of athletes, the organisation of sports competitions, the protection of the rights of safety and security personnel in sports venues, the management of fan behaviour, interference with the private lives of individuals and discrimination in sport.

” Sport is a powerful tool for promoting fundamental values, but it is also the context that can facilitate acts and behaviours that undermine human rights

■ In recent years, several cases related to the areas of safety, security and non-discrimination at sports venues have been decided by the European Court of Human Rights. The Court's decisions concern various articles of the European Convention on Human Rights, which, in the field of sport, are particularly important and relevant. Among these are the following articles:

- ▶ Article 2: Right to life
- ▶ Article 3: Prohibition of torture
- ▶ Article 5: Right to liberty and security
- ▶ Article 10: Freedom of expression
- ▶ Article 11: Freedom of assembly and association
- ▶ Article 14: Prohibition of discrimination
- ▶ Article 4 of Protocol No. 7: right not to be tried or punished twice [Cf. the cases of *Velkov v. Bulgaria*<sup>1</sup>, or *Serazin v. Croatia*<sup>2</sup>].



The freedom of expression is a fundamental right of spectators

” The European Court of Human Rights already has a substantial body of case-law on human rights in sport, particularly in relation to safety and security at sporting events

## Examples of judgements

■ In recent years, several cases related to incidents before or during football matches have come before the European Court of Human Rights. Below are three decisions rendered by the ECHR following appeals brought by supporters' associations or individuals against their respective States. These three judgements are quite significant in terms of the balance to be found between the respect of the freedoms of the individuals at fault and the need to put in place appropriate, proportionate and individualised sanctions in order to guarantee safety and security at sports events.

### Case concerning Article 10 of the European Convention on Human Rights: freedom of expression

**Šimunić v. Croatia, 22 January 2019** (decision on admissibility)

The applicant, a football player, had been convicted of a minor offence of sending messages to spectators at a football match which expressed or incited hatred on grounds of race, nationality and religion. In particular, he claimed that his right to freedom of expression had been violated.

The Court declared the applicant's complaint under Article 10 (freedom of expression) of the Convention inadmissible as manifestly ill-founded, holding that the interference with his exercise of his right to freedom of expression had been based on relevant and sufficient grounds and that, given the relatively small fine imposed on him and the context in which he had shouted the words in question, the Croatian authorities had struck a fair balance between, on the one hand, the applicant's interest in enjoying freedom of expression and, on the other, society's interest in promoting tolerance and fairness, the Croatian authorities had struck a fair balance between, on the one hand, the applicant's interest in enjoying freedom of expression and, on the other, society's interest in promoting tolerance and mutual respect at sporting events and in combating discrimination through sport, and had thus acted within their margin of appreciation. The Court observed in particular that the applicant, who was a famous footballer and role model for many fans, should have been aware of the negative impact that the use of a provocative slogan could have on the behaviour of spectators and should have refrained from such conduct.

1. <https://hudoc.echr.coe.int/eng-press?i=003-6751669-9010520>  
2. <https://hudoc.echr.coe.int/eng-press?i=003-6244410-8122823>



**Case concerning Article 11 of the European Convention on Human Rights: freedom of assembly and association**

**"Les Authentiks" v. France and "Supras Auteuil 91" v. France, 27 October 2016**

The case concerned the dissolution of two associations of supporters of the Paris-Saint-Germain football team following scuffles in which some of their members had taken part on 28 February 2010 and which ended in the death of a supporter. The applicants argued in particular that their dissolution had constituted a disproportionate interference with their right to freedom of assembly and association.

The Court found no violation of Article 11 (freedom of assembly and association) of the Convention. Having regard in particular to the context in which the measures at issue had been taken, the Court accepted that the national authorities had been able to consider that there was a "pressing social need" to impose drastic restrictions on supporters' groups, as the measures at issue in the present case were. The dissolution measures were therefore necessary, in a democratic society, for the preservation of order and the prevention of crime. The Court also stressed that associations whose official purpose is to promote a football club do not have the same importance for a democracy as a political party. Moreover, it recognised that the scope of the margin of appreciation in respect of incitement to violence is particularly wide. In this respect, and taking into account the context, the Court found that the dissolution measures could be considered proportionate to the aim pursued. The Court also found no violation of Article 6 (right to a fair trial) of the Convention in this case.

**Case concerning the article of 5th the European Convention on Human Rights: the right to liberty and security**

**S., V. and A. v. Denmark (Application Nos. 35553/12, 36678/12 and 36711/12), 22 October 2018 (Grand Chamber)**

The applicants had been deprived of their liberty in October 2009 for more than seven hours while in Copenhagen to attend a football match between Denmark and Sweden, after the authorities had arrested them to rule out the risk of hooligan violence. They subsequently brought an unsuccessful claim for compensation before the Danish courts. In particular, they argued that their deprivation of liberty had been unlawful because it had lasted longer than the maximum period provided for under domestic law.

The Court found no violation of Article 5 § 1 (right to liberty and security) of the Convention, holding that the Danish courts had struck a fair balance between the applicants' right to liberty and the importance of preventing hooliganism. In particular, it observed that the courts had carefully examined the strategy applied by the police to avoid clashes on that day and had reached the following conclusions the police had taken into account the fact that national law limited the duration of preventive detention to six hours, even though this limit had been slightly exceeded; they had begun by engaging in dialogue with the supporters before resorting to more drastic measures such as deprivation of liberty; they had endeavoured to arrest only those individuals, such as the applicants, whom they considered to pose a risk to public safety; and they had carefully assessed the situation in order to be able to release the applicants as soon as calm had returned. Moreover, the authorities had produced concrete evidence as to the time, place and potential victims of the hooliganism offence in which the applicants would in all likelihood have participated had they not been prevented from doing so by their detention. In reasoning that the applicants' deprivation of liberty was permissible under the Convention, the Court applied a flexible approach so as not to make it impossible in practice for the police to detain an individual briefly for the purpose of protecting the public. In particular, it has clarified and developed its case-law on Article 5 § 1 (c) of the Convention: it holds that the second limb of this provision, which refers to cases where "there are reasonable grounds for believing that it is necessary to prevent [the arrested individual] from committing an offence", can be regarded as a separate ground for deprivation of liberty, applicable outside the framework of criminal proceedings.



Authorities must prevent and tackle discrimination, namely against disabled people



” The Saint-Denis Convention is the only legally-binding international instrument on safety, security and service at sports events

### The Saint-Denis Convention

The Council of Europe Convention on an integrated approach to safety, security and service at football matches and other sports events was opened for signature on 3 July 2016 in Saint-Denis (France), on the occasion of the UEFA EURO 2016 championship. It entered into force on 1st November 2017 after 3 ratifications – France, Monaco and Poland – and now has a large number of [States Parties](#).

It promotes an integrated multi-agency approach, covering three complementary and interdependent pillars: safety, security and service. It is the only legally-binding international instrument establishing institutional co-operation between all relevant stakeholders to make football matches and other sports events safer, more secure and more welcoming.

### Useful links

1. [Saint-Denis Convention](https://www.coe.int/en/web/sport/safety-security-and-service-approach-convention)  
<https://www.coe.int/en/web/sport/safety-security-and-service-approach-convention>
2. Recommendations T-S4:
  - i. Rec(2021)1: Recommended good practices on safety, security and service
  - ii. Rec(2022)1: Model structure of a national strategy on safety, security and service
  - iii. Rec(2022)2: Model national legislative and regulatory framework on safety, security and service<https://www.coe.int/en/web/sport/t-s4-recommendations>
3. To learn more about the Convention and Recommendation Rec(2021)1, you can register for the following open online courses:
  - i. MOOC on Human Rights in Sport (available in English, Russian, Slovak and Spanish)  
<http://help.elearning.ext.coe.int/course/index.php?categoryid=590>
  - ii. MOOC on Safety, Security and Service at Sports Events (available in English, Polish and Portuguese)  
<https://pjp-eu.coe.int/en/web/security-safety-sport/pros4-e-learning-enrolment-form>

